

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
Vs.)	Civil No: 2:15-cv-368-MHT
)	
STATE OF ALABAMA AND)	
ALABAMA DEPARTMENT OF)	
CORRECTIONS,)	
)	
Defendants.)	

NOTICE OF FILING
TUTWILER PRISON FOR WOMEN
“MONITOR’S THIRD COMPLIANCE REPORT”

Defendants, by counsel, hereby give notice of the filing of the “Monitor’s Third Compliance Report” in the above styled case. This Report is being filed pursuant to Section VIII(C), subpart 4, at page 40, of the Settlement Agreement executed and filed May 28, 2015 [Dkt No. 2], and approved by Order of this Court dated June 18, 2015 [Dkt No. 12].

A true and correct copy of the Report is attached and submitted herewith.

Respectfully submitted,

s/s Anne A. Hill
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s/s Bart G. Harmon
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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will provide notice of such filing to all registered parties.

s/s Anne A. Hill
ANNE ADAMS HILL
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GENERAL POLICIES AND PROCEDURES									
III.A. ADOC and Tutwiler shall DEVELOP and IMPLEMENT gender-responsive policies, procedures and practices to ensure that inmates at Tutwiler are protected from harm due to sexual abuse and harassment.									
					Policy	Develop Policy	Implement Policy		
1. ADOC and Tutwiler shall comply with all provisions of PREA. ADOC and Tutwiler shall continue to comply with the ADOC's written policies and procedures mandating zero tolerance toward all forms of sexual abuse and sexual harassment. This agreement takes precedence over any ADOC and/or Tutwiler policy governing the operation of Tutwiler that may conflict with this agreement.				III.A.1	SOP 8-12 AR 454	May 28, 2015	May 28, 2015 AND February 28, 2016		
REQUIREMENTS				Policy Developed		Staff Trained	Policy Implemented		
Comply with PREA				Y	N N/A	Y N N/A	Y N N/A		
Comply with ADOC Policies				Y	N N/A	Y N N/A	Y N N/A		
This agreement takes precedence over any ADOC and/or Tutwiler policy governing the operation of Tutwiler that may conflict with this agreement				Y	N N/A	Y N N/A	Y N N/A		

MONITOR'S MEASURES OF COMPLIANCE									
<ol style="list-style-type: none"> ADOC 454 agency PREA policy and Tutwiler Standard Operating Procedure (SOP) 8-12, <i>Inmate Sexual Abuse and Harassment</i>. Current PREA staff training curriculum. Revised PREA staff training curriculum for annual refresher training. PREA training rosters for required staff at Tutwiler. Interviews with Tutwiler leadership: Warden Wright, Lt. Young, Captain McClain, Lt. Coleman, Ms. Greer, Dr. Holmes, Ms. Love, Ms. Westry. ADOC interviews: Commissioner Dunn, Deputy Commissioner Williams, Deputy Commissioner Brand, Associate Commissioner Naglich, Dr. Tytell, Mr. Mercado, Ms. T. Jackson, Ms. Vincent. Inmate focus groups. Individual inmate interviews. Inmate correspondence received by the Monitor. Review of grievances: June-December 2016. 									

11. Staff interviews.
12. Tutwiler PREA Incident Review Committee monthly meeting notes.
13. PREA Audit Report: June 2016.
14. Review of ADOC's Investigations and Intelligence (I & I) PREA investigations: June-December 2016.
15. The Monitor may request additional documents through the next reporting period.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • Tutwiler SOP 8-12 <i>Inmate Sexual Abuse and Harassment Policy</i> • PREA training curriculum • PREA staff training rosters • PREA Incident Review Committee reports: June-December 2016 • PREA investigations conducted by ADOC's Investigations & Intelligence Unit ((I&I) • Randomly selected inmate grievances: June-December 2016 • Review of inmate correspondence received by Monitor: June-December 2016 	<ul style="list-style-type: none"> • Deputy Commissioner Williams • Warden Wright • ADOC PREA Coordinator-Ms. Christy Vincent • ADOC Director of Investigations and Intelligence (I+I), Arnaldo Mercado • ADOC Commissioner Jefferson Dunn • ADOC Associate Commissioner Ruth Naglich, Health Services • Tutwiler Institutional PREA Compliance Manager, (IPCM) Lt. Young • Tutwiler Grievance Coordinator, Lt. Coleman • Tutwiler Settlement Coordinator Captain McClain • Tutwiler Corizon Site Administrator Ms. Love • MHM Site Administrator Ms. Greer • Tutwiler Psychological Associate Dr. Holmes 	Compliance Visit: December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit.

The ADOC and Tutwiler have addressed all recommendations made by the Monitor during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:

DATE:

December 31, 2016

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION

DATE:

December 31, 2016

The Alabama Department of Corrections (ADOC) and Tutwiler Prison for Women (Tutwiler) continue to maintain written policies to comply with the provisions of PREA. The current policy in place at Tutwiler that contains PREA provisions is Standard Operating Procedure (SOP) 8-12, *Inmate Sexual Abuse and Sexual Harassment*.

An official PREA audit was conducted at Tutwiler on May 9-11, 2016, by Mr. William Boehnemann of PREA Auditors of America, LLC. The final audit report and certificate of successful completion was dated June 8, 2016. Mr. Boehnemann is a DOJ-certified PREA Auditor and his credentials may be verified on the PREA Resource Center list of Certified Auditors.

Annual refresher training on PREA began in November, 2016. The Tutwiler Training Team received refresher specialized facilitator training on PREA in September, 2016. The training team was trained by the agency's PREA consultant (The Moss Group, Inc.).

Fifteen (15) investigators received specialized training in October 2016 as required by PREA. This training was provided by The Moss Group, Inc.

Tutwiler continues to conduct PREA education sessions for newly admitted inmates.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT

DATE:

December 31, 2016

Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.

The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit and again in December 2016. To date, ADOC and Tutwiler have sustained "Substantial Compliance" with ADOC's written policies and procedures mandating zero tolerance toward all forms of sexual abuse and sexual harassment. As previously mentioned, SOP 8-12 includes the PREA standards plus provisions from the Agreement.

The Monitor determined the rating of "Substantial Compliance" based upon the following observations:

- Tutwiler staff continues to be trained annually on PREA, and specifically SOP 8-12. The Monitor reviewed documentation of this training, including attendance rosters and post tests.
- Specialized training is being provided to investigators and medical staff as required by PREA. The Monitor reviewed attendance rosters.
- Inmates continue to be provided PREA education in the inmate orientation program. The Monitor observed a session and reviewed the curriculum.
- The Monitor's review of randomly selected investigations, grievances demonstrate ADOC's and Tutwiler's continued compliance with ADOC AR 454 and SOP 8-12.
- The Monitor's review of PREA Incident Review Committee reports and Risk Management System reports also reflected ADOC and Tutwiler's continued compliance with this provision.
- In both individually scheduled interviews and in spontaneous communications with the Monitor, staff consistently demonstrate knowledge of their roles and responsible to maintain sexual safety.
- In both formally convened inmate focus groups and in spontaneous communications with the Monitor, inmates expressed confidence in the Tutwiler leadership's commitment to the inmates' sexual safety and acknowledge the positive changes made to date at Tutwiler.
- The Monitor reviewed the results of the inmate survey, which documents the inmates' overall positive perceptions of ADOC and Tutwiler's compliance.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

GENERAL POLICIES AND PROCEDURES									
III.A. ADOC and Tutwiler shall DEVELOP and IMPLEMENT gender-responsive policies, procedures and practices to ensure that inmates at Tutwiler are protected from harm due to sexual abuse and harassment									
	Policy			Develop Policy			Implement Policy		
2. Shall develop, submit to the Monitor and DOJ for review consistent with III.A.6, and Implement policies and procedures regarding the management of lesbian, gay, bisexual, transgender, intersex, and gender nonconforming inmates. The policy shall emphasize the rights of lesbian, gay, bisexual, transgender, intersex, gender nonconforming and gender dysphoric inmates to a safe, non-discriminatory and respectful environment.	III.A.2 (III.H.5 III.H.4 see below)	AR 454 SOP 8-12 SOP 8-29		February 28, 2016			February 28, 2016		
REQUIREMENTS	Policy Developed			Staff Trained			Policy Implemented		
Policy emphasizes the rights of lesbian, gay, bisexual, transgender, intersex, gender nonconforming and gender dysphoric inmates to a safe, non-discriminatory and respectful environment	Y	N	N/A	Y	N	N/A	Y	N	N/A
Qualified mental health practitioner: -Has experience in recognizing and diagnosing co-existing mental health concerns and distinguishing these from gender dysphoria; knowledge about gender non-conforming identities and expressions; and the assessment and treatment of gender dysphoria; and -Is assigned inmates with gender non-conforming identities, including gender dysphoria	Y	N	N/A	Y	N	N/A	Y	N	N/A
Inmates diagnosed with gender dysphoria should be offered appropriate non-surgical treatment as determined by a qualified health care practitioner	Y	N	N/A	Y	N	N/A	Y	N	N/A
Provide ADOC-issued clothing and hygiene items and facilities appropriate to the needs to transgender and gender dysphoric inmates	Y	N	N/A	Y	N	N/A	Y	N	N/A
Transgender and intersex inmates are given the opportunity to shower separately from other inmates. (III.H.5)	Y	N	N/A	Y	N	N/A	Y	N	N/A
Transgender or intersex inmates are not searched or physically examined for the sole purpose of determining the inmate’s genital status. If the inmate’s genital status is unknown, it may be determined during conversations with the inmate or by a qualified medical practitioner reviewing the medical records or, if necessary, by learning that information during the intake physical exam conducted in private by a medical practitioner. (III.H.4)	Y	N	N/A	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment* and 8-29 *LGBTI Inmate Population* and 7-7 *Searches*.
2. 2016 training records for staff attendance at LGBTI training and PREA training.
2. Documentation on any transgender, intersex or gender dysphoric inmates who have been admitted during the reporting period and their management.
3. Review any relevant documents generated and maintained by Lt. Young.
4. Review of inmate grievances: June-December 2016.
5. Inmate correspondence received by Monitor: June-December 2016.
6. Interviews with Warden Wright, Lt. Young, Lt. Coleman, Associate Commissioner Naglich, and Dr. Tytell.
7. Inmate focus groups.
8. Individual inmate interviews.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • Tutwiler SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • Tutwiler SOP 8-29 <i>LGBTI Inmate Population</i> • Tutwiler SOP 7-7 <i>Searches</i> • 2016 training records for staff LGBTI training • Review of random grievances monthly: June-December 2016 • Review of inmate correspondence received by Monitor 	<ul style="list-style-type: none"> • Associate Commissioner Ruth Naglich • ADOC Chief Psychologist David Tytell • Warden Wright • Lt. Young • Lt. Coleman 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be ‘Substantially Compliant’ with this provision during the June 2016 Compliance Visit.

ADOC and Tutwiler addressed all recommendations made by the Monitor during the June 2016 Compliance Visit.

NOTE: THIS SECTION INCLUDES III.A.2, III.H.4, and III.H.5. Please provide separate findings, discussion, and recommendations for all provisions.

DATE:
December 31, 2016

MONITOR’S FINDINGS:

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>The current policy in place at Tutwiler that contains provisions / rights of LGBTI inmates is SOP 8-29, <i>LGBTI Inmate Population</i>. All provisions outlined in this section are part of this policy, and continue to guide practice at Tutwiler.</p> <p>ADOC licensed Chief Psychologist, Dr. David Tytell, and Tutwiler Psychological Associate, Dr. Scott Holmes continue to chair the ADOC Gender Identity Disorder and Treatment Team as outlined in AR 637 <i>Gender Identity Disorder</i> (currently under revision) in addition to MHM's Statewide Medical Director. Upon the recommendation of the Monitor, Warden Wright was added to this team in September, 2016.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June 2016 Compliance Visit. As of December 31, 2016, ADOC and Tutwiler continue to be in "Substantial Compliance" with this provision.</p> <p>The Monitor determined the rating of "Substantial Compliance" based upon the following observations:</p> <ul style="list-style-type: none"> • Tutwiler SOP 8-29, <i>LGBTI Inmate Population</i>, emphasizes the rights of lesbian, gay, bisexual, transgender, intersex, gender nonconforming and gender dysphoric inmates to a safe, non-discriminatory and respectful environment. • ADOC and Tutwiler have qualified mental health practitioners with experience in recognizing and diagnosing co-existing mental health concerns and distinguishing these from gender dysphoria; these practitioners have knowledge about gender non-conforming identities and expressions; and the assessment and treatment of gender dysphoria; and are assigned inmates with gender non-conforming identities, including gender dysphoria. • ADOC and Tutwiler policy indicates that inmates diagnosed with gender dysphoria shall be offered appropriate non-surgical treatment as determined by a qualified health care practitioner. • Tutwiler policy contains provisions to issue clothing and hygiene items and facilities appropriate to the needs of transgender and gender dysphoric inmates, to include the opportunity to shower separately from other inmates. • Tutwiler policy includes provisions that transgender or intersex inmates are not searched or physically examined for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate or by a qualified medical practitioner reviewing the medical records or, if necessary, by learning that information during the intake process. • Monthly review of inmate grievances did not reveal any that concerned the hygiene item issue. • Inmate correspondence received by the Monitor did not have any complaints about hygiene items. Inmate focus group and individual inmate interviews did not surface any complaints about hygiene or laundry. • While on tour, the Monitor observed the abundance of hygiene items available in inmate bathrooms. 	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
<ol style="list-style-type: none"> 1. Corizon and MHM, Tutwiler's contracted health care providers, to ensure their policies reflect terminology used in the current Diagnostic Statistical Manual regarding gender dysphoria. 2. The Monitor received correspondence from inmate #802 during this reporting period. During the December 2016 Compliance Visit, the Monitor discussed inmate #802 concerns regarding a delay experienced in receiving male hygiene and boxer briefs previously approved for the inmate's retention. The Monitor confirmed that these items were not part of the routine facility inventory and required a special order. That order had been placed and the inmate had received the items. Recommend monitoring on-hand inventory supplies needed for inmate #802 to ensure an adequate supply. 	<p>May 1, 2017</p> <p>Ongoing</p>

GENERAL POLICIES AND PROCEDURES										
III.A. ADOC and Tutwiler shall DEVELOP and IMPLEMENT gender-responsive policies, procedures and practices to ensure that inmates at Tutwiler are protected from harm due to sexual abuse and harassment										
	Policy						Develop Policy		Implement Policy	
3. Continue to comply with ensuring women receive essential supplies, including hygiene and feminine hygiene products, tampons and pads; linens; and uniforms by making them available on a monthly basis or more frequently as needed. The policy will continue to require the tracking and distribution of these products. ADOC and Tutwiler will continue to ensure that both tampons and sanitary pads are readily available, free of charge, to Tutwiler inmates.	III.A.3		SOP 8-27 SOP 5.00 for all housing units				May 28, 2015		May 28, 2015	
REQUIREMENTS	Policy Developed			Staff Trained				Policy Implemented		
Supplies: hygiene; tampons <i>and</i> pads; linens; uniforms.	Y	N	N/A	Y	N	N/A	Y	N	n/a	
Availability: Readily; monthly; more frequently as needed.	Y	N	N/A	Y	N	N/A	Y	N	n/a	
Track distribution of these products.	Y	N	N/A	Y	N	N/A	Y	N	n/a	
Both tampons and sanitary pads are readily available, free of charge, to Tutwiler inmates.	Y	N	N/A	Y	N	N/A	Y	N	n/a	

MONITOR'S MEASURES OF COMPLIANCE
<ol style="list-style-type: none"> 1. SOP 8-27 <i>Hygiene Item Issuance</i> and SOP 5-00 <i>Dormitory Security</i> for all housing areas. 2. Interviews with Lt. Young, Lt. Coleman, Warden Wright, staff who manage the hygiene supply program. 3. Review documentation for ordering. 4. Inmate focus groups. 5. Individual inmate interviews. 6. Inmate correspondence received by Monitor. 7. Review of inmate grievances: June-December 2016. 8. Observations during tour of facility.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
<ul style="list-style-type: none"> SOP 8-12, <i>Inmate Sexual Abuse and Harassment</i> SOP 8-27 <i>Hygiene Item Issuance</i> Review of monthly grievances, June-December 2016 	<ul style="list-style-type: none"> Warden Wright Lt. Young Lt. Coleman Inmate focus groups Individual inmate interviews Review of grievances: June-December 2016 Inmate correspondence received by the Monitor 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016 Tour of dorm bathrooms

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
<p>None.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit.</p> <p>The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.</p>

MONITOR'S FINDINGS:	DATE: December 31, 2016
<input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>The current policy at Tutwiler that contains provisions on hygiene supplies is SOP 8-27, <i>Hygiene Item Issuance</i>. A Housekeeping Officer has been assigned to track the distribution of these products.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the January and June 2016 Compliance Visits and December 2016. To date, ADOC and Tutwiler have sustained "Substantial Compliance".</p> <p>If linens are worn they are replaced upon the inmate bringing it to staff attention or completing a laundry request. The items are also checked on a weekly basis during dormitory inspection. On December 14, 2016, all inmates at Tutwiler Annex received new sheets and pillow cases. Tutwiler Main Camp received new sheets and pillow cases on December 28, 2016.</p> <p>A newly assigned kitchen worker wrote to the Monitor because she had not received new uniforms. Inmates assigned to the kitchen receive two additional uniforms in accordance with Administrative Regulation 338; however, the uniforms are not brand new. While not brand new, these additional uniforms are</p>	

clean and are stenciled with the inmate's laundry number.

The Monitor observed the ready availability of feminine hygiene products in inmate bathrooms.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
<p>1. During this reporting period, the Monitor received correspondence from inmates describing a shortfall in inventory supplies of bras and underpants. The Monitor also reviewed inmate grievances on the same issue. Lt. Coleman provided the Monitor a report explaining a temporary shortfall in inventory supplies as a result of the vendor having the items on backorder. There was a shortage of undergarments sizes 5-8. As a result, some inmates were issued underwear in larger than needed sizes. A shipment of panties was received on December 4, 2016. Recommend increasing purchase orders levels to ensure adequate supplies of bras and underpants in the most frequently called for sizes.</p>	Ongoing

GENERAL POLICIES AND PROCEDURES									
III.A. ADOC and Tutwiler shall DEVELOP and IMPLEMENT gender-responsive policies, procedures and practices to ensure that inmates at Tutwiler are protected from harm due to sexual abuse and harassment									
				Policy		Develop Policy	Implement Policy		
4. Shall develop and implement policies and procedures that incorporate gender-responsive strategies, including policies and procedures governing the use of force against women inmates and discipline of women inmates				III.A.4	SOP7-8	February 28, 2016	February 28, 2016		
REQUIREMENTS				Policy Developed		Staff Trained	Policy Implemented		
Governing use of force against women inmates				Y	N	N/A	Y	N	N/A
Governing discipline of women inmates				Y	N	N/A	Y	N	N/A
ADOC submitted 63 draft policies for review and comment by the Monitor and DOJ. ADOC and Tutwiler completed a total of 65 new/revised SOP's. Attachment B to this report documents the names of these SOP's.				Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE
<ol style="list-style-type: none"> SOP 8-12., <i>Inmate Sexual Abuse and Harassment</i>, SOP 7-8 <i>Use of Force</i>. ADOC spreadsheet of 68 of the policies drafted (by Monitor's count) that received a gender responsive review for appropriate inclusion of gender responsive principles. These policies were reviewed subsequently by the Monitor and DOJ, who submitted comments/suggestions back to ADOC. Then ADOC and Tutwiler reviewed the comments and made changes/revisions they determined were appropriate. The final executive review occurred and the policies were published, staff trained and implemented into daily operations at Tutwiler. Review of the disciplinary segregation logs for June- December 2016. Discuss appropriate policies with the staff member primarily responsible for implementation. Training documentation for implementation of the SOP's. Inmate focus groups. Individual inmate interviews. Inmate correspondence received by the Monitor. Review Use of Force incidents on the ADOC incident form: June-December 2016.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
<ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> SOP 7-8 <i>Use of Force</i> SOP 8-23 <i>Administrative Segregation</i> Draft SOP 8-30 <i>Gender Responsive Discipline and Sanctions</i> Draft SOP 8-24 <i>Disciplinary Segregation</i> ADOC spreadsheet for new or revised policies and SOP's for Tutwiler. There are 64 that have been submitted in draft form to the Monitor and DOJ for their comment and suggestions. Documentation of staff training/orientation for new policies Tutwiler disciplinary hearing / sanction log: June-December 2016 Review of Use of Force reports: June-December 2016 	<ul style="list-style-type: none"> Deputy Commissioner Williams Warden Wright Captain McClain Lt. Young Staff interviews 	Compliance Visit December 5 -9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
<p>The Monitor found ADOC and Tutwiler to be 'Partially Compliant' with this provision during the June 2016 Compliance Visit.</p> <p>The ADOC and Tutwiler have addressed all recommendations made by the Monitor during the June 2016 Compliance Visit.</p> <p><i>SOP 8-30, Gender-Responsive Discipline and Sanctions</i> and <i>SOP 8-24 Disciplinary Segregation</i> are currently under development.</p>

MONITOR'S FINDINGS:	DATE: December 31, 2016
<p><input type="checkbox"/> Substantial Compliance</p> <p><input checked="" type="checkbox"/> Partial Compliance</p> <p><input type="checkbox"/> Non-compliance</p> <p><input type="checkbox"/> n/a no assessment due until _____</p>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>The current policy at Tutwiler that contains provisions governing the use of force is SOP 7-8, <i>Use of Force</i>. This revised SOP 7-8 (modified to add gender-responsive and trauma-informed procedures) was reviewed by DOJ and the Monitor, and was published on May 3, 2016. The implementation of this revised policy immediately followed, and all Tutwiler staff were trained by May 20, 2016. In November, 2016, the Tutwiler Training Team provided additional training on gender-responsive and trauma-informed use of force.</p> <p>Tutwiler SOP 8-30, <i>Gender Responsive Discipline and Sanctions</i>, has been drafted and is under final review at the agency level. The implementation and training on this policy will follow, once the policy is published. The training on this SOP will be conducted by the Tutwiler Training Team.</p> <p>SOP 8-24, <i>Disciplinary Segregation</i>, is being finalized presently and will be sent to the DOJ and Monitor for review in early 2017. This is the last of the SOPs remaining to be finalized and published in accordance with this provision.</p> <p>An updated schedule for the implementation of the classification plan was provided to the Monitor and DOJ on October 11, 2016 by ADOC.</p> <p>ADOC and Tutwiler will conduct a staff polling survey in March 2017 to receive feedback on a number of operational issues, specifically work schedules, overtime, etc. This survey also solicited suggestions about the current practices of training staff on new policies.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The ADOC and Tutwiler are in " Partial Compliance" with this provision. "Substantial compliance" is expected in early 2017 when the two remaining, required policies are published, and staff is trained, and the policies are implemented.</p> <p>SOP 8-30, <i>Gender-Responsive Discipline and Sanctions</i>, is being finalized by ADOC. Once work is completed on this SOP, work on SOP 8-24 <i>Disciplinary Segregation</i> can also be finalized. All other 63 SOPs and Post Orders have been implemented, to include staff training.</p>	

MONITOR'S RECOMMENDATIONS: (for at least the next 6 months)	DATE DUE:
<ol style="list-style-type: none"> 1. The Monitor will receive and review the curriculum developed to provide staff training on the SOP 8-30 <i>Gender Responsive Discipline and Sanctions</i> and SOP 8-24 <i>Disciplinary Segregation</i>. 2. The Monitor will receive documentation of the completed training on the SOP 8-30 <i>Gender Responsive Discipline and Sanctions</i> and SOP 8-24 <i>Disciplinary Segregation</i>. 3. Provide Monitor with the plan for the implementation of the new SOP 8-30 <i>Gender Responsive Discipline and Sanctions</i>. 4. Provide the Monitor with the results of the March 2017 staff polling survey activity. 	<p>As completed</p> <p>As completed</p> <p>As completed</p> <p>As completed</p>

GENERAL POLICIES AND PROCEDURES				
III.A. ADOC and Tutwiler shall DEVELOP and IMPLEMENT gender-responsive policies, procedures and practices to ensure that inmates at Tutwiler are protected from harm due to sexual abuse and harassment				
	Policy		Develop Policy	Implement Policy
5. Shall continue to develop , submit to the Monitor and DOJ for review consistent with III.A.6, and implement facility-specific policies and operational practices specific to Tutwiler's population regarding the supervision and monitoring necessary to prevent inmates from being exposed to unreasonable risk of harm from sexual abuse and harassment.	III.A.5	SOP 5.00 SOP 8-12	May 28, 2015 AND February 28, 2016	May 28, 2015 AND February 28, 2016
REQUIREMENTS	Policy Developed	Staff Trained		Policy Implemented
Specific to Tutwiler's population;	Y N N/A	Y N N/A	Y N N/A	Y N N/A
Post orders for first-line supervision of corrections staff for each housing unit in accordance with the operational practices developed;	Y N N/A	Y N N/A	Y N N/A	Y N N/A
Procedures regarding communication to and from corrections staff assigned to housing units;	Y N N/A	Y N N/A	Y N N/A	Y N N/A
The continued requirement of supervision by corrections staff assigned to all housing areas and dormitory settings including:	Y N N/A	Y N N/A	Y N N/A	Y N N/A
1. Direct supervision of Dorm A, if that unit continues to be used for intake	Y N N/A	Y N N/A	Y N N/A	Y N N/A
2. Administration of adequate rounds by corrections staff and security supervisors in all areas of prison, including dormitories	Y N N/A	Y N N/A	Y N N/A	Y N N/A
3. Such rounds shall occur unannounced, at least every hour, inside each general population housing unit	Y N N/A	Y N N/A	Y N N/A	Y N N/A
4. Such rounds shall occur at least once every 30 minute period for special management inmates, or more often if necessary.	Y N N/A	Y N N/A	Y N N/A	Y N N/A
Video surveillance may be used to supplement, but must not be used to replace rounds by correctional officers;	Y N N/A	Y N N/A	Y N N/A	Y N N/A
The continued requirement that intermediate level or higher-level supervisors conduct and document unannounced rounds during both the day and night shifts to identify and deter staff sexual abuse and sexual harassment;	Y N N/A	Y N N/A	Y N N/A	Y N N/A
1. Other staff members should not be alerted that these rounds are occurring;				
The continued requirement to document all security rounds on forms or logs that do not contain pre-printed rounding times	Y N N/A	Y N N/A	Y N N/A	Y N N/A

MONITOR'S MEASURES OF COMPLIANCE

1. Review of all SOP 5.00 policies for each housing area. The Monitor and DOJ have reviewed all of these.
2. SOP 8-12 *Inmate Sexual Abuse and Harassment*.
3. Review of shift logs in the dorms for randomly selected dates. Looking for the unannounced rounds by higher-level supervisors and the required security rounds by the officer and supervisors; signatures, notations, times. Monitor may review some on tour.
4. Review of the notebook maintained by Lt. Young for the unannounced rounds by facility management.
5. Review of video camera system operation.
6. Staff interviews.
7. Inmate focus groups.
8. Individual inmate interviews.
9. Inmate correspondence received by the Monitor.
10. Review of inmate grievances: June-December 2016.
11. Review of PREA incidents investigated by ADOC Investigations & Intelligence Unit.
12. Review of shift duty rosters for each housing area for randomly selected dates.
13. Tour of facility.
14. Training documentation for staff on 5.00 policies.
15. Discuss and review Risk Management documentation and any reports generated by this process. Interviews with Warden Wright, Lt. Young, shift commanders, Lt. Coleman.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
<ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • Tutwiler SOP's 5.00 for each individual housing unit at Tutwiler • Shift logs for A and B rotation for each housing area for randomly selected dates • Review of notebook for unannounced rounds, maintained by Lt. Young • Review of video camera system operation/monitors • Review of monthly grievances: June-December 2016 • Review of PREA investigations completed by ADOC Investigations & Intelligence Unit. 	<ul style="list-style-type: none"> • Warden Wright • Lt. Young • Captain McClain • Lt. Coleman • Staff interviews • Inmate focus groups • Individual inmate interviews • Inmate correspondence received by Monitor 	<ul style="list-style-type: none"> • Compliance tour December 5-9, 2016 • Tour of camera room and monitors at Tutwiler

- Review of randomly selected shift duty rosters for June-December 2016
- Review of annual camera assessment meeting minutes
- Documentation of the Tutwiler Risk Management system records

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be “Substantially Compliant” with this provision during the June 2016 Compliance Visit.

The ADOC and Tutwiler have addressed all recommendations made by the Monitor during the June 2016 Compliance Visit.

MONITOR’S FINDINGS:

DATE:
December 31, 2016

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

MONITOR’S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION

DATE:
December 31, 2016

All Dormitory Post Orders were previously revised, reviewed by DOJ and the Monitor, and published. All provisions outlined in this section are noted in each post order. Staff has been trained in these Post Orders.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>The Monitor determined the rating of "Substantial Compliance" based upon the following observations:</p> <ul style="list-style-type: none"> • The Monitor reviewed the previously developed and implemented SOP 5-0 <i>Dormitory Security</i>. • The Monitor reviewed the required documentation of unannounced rounds in each unit's logs. • The Monitor reviewed the required documentation for unannounced rounds by upper management, maintained by Lt. Young, on the ADOC authorized log form 454-G. Monitor reviewed documentation for June-December 2016. It was in order. • Monitor reviewed the operation of the camera room during the tour and the logs maintained in the camera room. The cameras are used to appropriately supplement the supervision capabilities in the dorms and other locations in the facility and annex. • Dorm A post order contains the requirement for continual direct supervision. The Monitor visited Dorm A during the tour, talked with a number of inmates and observed the officer and supervisors doing their jobs. • There are portions of SOP 5.0 that require data to be aggregated in the Risk Management System. This process began after SOP 11-1 <i>Data Collection and Quality Improvement</i> was implemented. 	
MONITOR'S RECOMMENDATIONS: (for at least the next 6 months)	DATE DUE:
<ol style="list-style-type: none"> 1. Review the feedback about ideas on enhanced supervision techniques in the dorms from the March 2017 staff survey. 2. Track grievances to follow any unusual patterns of complaints regarding staff adherence to the dorm post orders. 	<p>May 15, 2017</p> <p>Ongoing</p>

CAMERA MANAGEMENT

III.B. The ADOC has implemented a state-of-the-art camera system at Tutwiler, and contracted with an expert who has conducted a review of the ADOC's Camera Plan, including a review of each camera's placement. As a result of that review, cameras are strategically placed to maximize supervision while protecting privacy. Policies directing the appropriate use of cameras and periodic staff training to ensure sustainability and effective operation of the camera system will remain as standard operational practice.

	Policy		Develop Policy	Implement Policy
1. Camera management policies and procedures will remain in effect at Tutwiler	III.B.1	SOP 5-24	May 28, 2015	May 28, 2015
REQUIREMENTS	Policy Developed	Staff Trained	Policy Implemented	
Camera management policies	Y N N/A	Y N N/A	Y N N/A	
Camera management procedures	Y N N/A	Y N N/A	Y N N/A	

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 5-24 *Camera Management*.
2. Monthly maintenance records for camera system.
3. Camera room logs for visitors, requests for video.
4. Interviews with camera operators.
5. Review of ADOC Investigations & Intelligence Unit PREA investigations.
6. Observation of camera operations.
7. Staff interviews.
8. Interviews with Warden Wright, Lt. Young.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
<ul style="list-style-type: none"> SOP 5-24 <i>Camera Management</i> Monthly maintenance records for camera: June-December 2016 Camera room logs for requests to view/receive camera footage Camera room surveillance logs Review PREA investigations: June-December 2016 Review Tutwiler PREA Incident Review Committee reports 	<ul style="list-style-type: none"> Warden Wright Lt. Young ADOC Investigations & Intelligence Unit investigator for Tutwiler, Ms. Kelley Smith Staff interviews Inmate focus group Individual Inmate interviews 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016 Tour of camera room operation during Compliance Visit

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit. As of December 31, 2016, ADOC and Tutwiler continue to be in "Substantial Compliance" with this provision.

The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:

DATE:

December 31, 2016

☒ Substantial Compliance☐ Partial Compliance☐ Non-compliance☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
The current Tutwiler camera management policies and procedures remain in effect. Tutwiler SOP 5-24, <i>Video Surveillance</i> , was published on November 20, 2014, and remains in effect to date. Compliance with all provisions is on-going.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the January and June 2016 Compliance Visits. As of December 31, 2016, ADOC and Tutwiler continue to be in "Substantial Compliance" with this provision.</p> <p>The Monitor determined the rating of "Substantial Compliance" based upon the following observations:</p> <ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i>. • SOP 8-24 <i>Camera Management</i>. • Monitor read the minutes from the annual review of the Camera System held on November 16, 2016. The Monitor reviewed the findings of this review. The camera operation review recommended three follow-up action items. • The Monitor reviewed the daily logs maintained in the camera room for June-December 2016. These logs were maintained according to the SOP directives. • These logs make a specific notation when a supervisor requests to review specific camera footage, and then any request to export the footage for use in an investigation. • Monitor interviewed ADOC investigator Kelly Smith, assigned to Tutwiler, and asked her about her use of the camera during her PREA investigations. She routinely uses this footage, if available. The PREA investigations reviewed by the Monitor showed an appropriate use of the cameras, where appropriate. • The Monitor visited the camera room during the December 2016 Compliance Visit and viewed the monitor operations and interviewed the officer present. 	

MONITOR'S RECOMMENDATIONS: (for at least the next 6 months)	DATE DUE:
None.	N/A

CAMERA MANAGEMENT

III.B. The ADOC has implemented a state-of-the-art camera system at Tutwiler, and contracted with an expert who has conducted a review of the ADOC's Camera Plan, including a review of each camera's placement. As a result of that review, cameras are strategically placed to maximize supervision while protecting privacy. Policies directing the appropriate use of cameras and periodic staff training to ensure sustainability and effective operation of the camera system will remain as standard operational practice.

	Policy			Develop Policy	Implement Policy	
2. Camera management policies and procedures, including the locations where cameras have been placed, will be reviewed at least annually to ensure they are serving their goal of maximum supervision.	III.B.2	SOP 5-24		May 28, 2015	May 28, 2016	
REQUIREMENTS	Policy Developed		Staff Trained		Policy Implemented	
Ensure that cameras are serving their goal of maximum supervision.	Y	N	N/A	Y	N	N/A
To the extent that any changes to the Camera Management policies and procedures, or to a camera location, need to be made they will be made within 30 days of the completion of the annual review.	Y	N	N/A	Y	N	N/A
If a change cannot be made within 30 days, the reason for exceeding 30 days will be documented.	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. Report from Annual Camera Review Meeting: November 2016.
2. Review of Warden Wright's Annual Camera Action Plan Update which lists action plan items resulting from the annual camera assessment and the status of each.
3. Monitor's observations of camera room operations.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
<ul style="list-style-type: none"> SOP 5-24 <i>Camera Management</i> November 2016 annual review of the camera room monitors and facility cameras 	<ul style="list-style-type: none"> Warden Wright Lt. Young ADOC Investigations & Intelligence Unit Investigator for Tutwiler, Ms. Kelley Smith 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016 Tour of camera room operation during Compliance Visit

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit.

ADOC and Tutwiler addressed the recommendation made by the Monitor during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:

DATE:

December 31, 2016

☒ Substantial Compliance☐ Partial Compliance☐ Non-compliance☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>Meeting attendees were selected and included:</p> <ul style="list-style-type: none"> • Warden Wright • Chris Wilson, Tutwiler's Maintenance Supervisor • Lt. Young, Intuition PREA Compliance Manager • Lt. Coleman, Grievance Coordinator • Ms. Kelley Smith, Investigator • Ms. Christy Vincent, ADOC PREA Coordinator • David Courson, Network Engine, ADOC Information Systems • Harlin Day, ADOC Engineer • Mike Wetherill, ADOC Engineer • Johnny Rush, ADOC Engineer Project Director • Patrick Skipper, MTS-Vice-President 	
MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visits. As of December 31, 2016, ADOC and Tutwiler continue to be in "Substantial Compliance "with this provision.</p> <p>The Monitor determined the rating of "Substantial Compliance" based upon the following observations:</p> <ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i>. • SOP 8-24 <i>Camera Management</i>. • The Monitor reviewed the daily logs maintained in the camera room for June-December 2016. These logs were maintained according to the SOP directives. • These logs make a specific notation when a supervisor requests to review specific camera footage, and then any request to export the footage for use in an investigation. • Monitor interviewed ADOC investigator Kelly Smith, assigned to Tutwiler, and asked her about her use of the camera during her PREA investigations. She 	

routinely uses this footage, if available. The PREA investigations reviewed by the Monitor showed an appropriate use of the cameras, where appropriate.

- The Monitor visited the camera room during the December 2016 Compliance Visit and viewed the monitor operations and interviewed the officer present.
- The annual camera assessment was conducted in November 16, 2016 and a report was generated documenting three outstanding action items. The Monitor reviewed the minutes from the annual review meeting as well as the findings.
- The Monitor received a written update on the action items determined during the annual review and their current status.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

STAFFING				
III.C In order to address low staffing levels and the need for more women officers, ADOC and Tutwiler shall ensure that correctional staffing and supervision is sufficient to adequately supervise inmates and staff and allow for the safe operation of Tutwiler.				
	Policy		Develop Policy	Implement Policy
1. (i) ADOC and Tutwiler shall continue to develop , submit to the Monitor and DOJ to assess for compliance with this agreement and implement its plan to recruit women correctional officers at Tutwiler	III.C.1	SOP 5-24	ADOC May 28, 2015	May 28, 2015 AND November 28, 2015
REQUIREMENTS	Policy Developed	Staff Trained		Policy Implemented
Continue to work with the Alabama Peace Officer Standards and Training Commission (APOSTC) in screening, selecting, or hiring applicants for the entry-level corrections officer positions until such standards, or any other physical test employed, are:	Y N N/A	Y N N/A		Y N N/A
1. validated for a corrections environment; and	Y N N/A	Y N N/A		Y N N/A
2. examined for the necessity of gender-norming certain components	Y N N/A	Y N N/A		Y N N/A
Continue to conduct physical fitness assessments on all correctional office trainees, to include the provision of training recommendations to meet APOSTC physical training requirements	Y N N/A	Y N N/A		Y N N/A
Examine workplace practices such as mandatory overtime and shift length to assess whether any of those practices may negatively impact hiring and retaining women candidates	Y N N/A	Y N N/A		Y N N/A
Continue the practice of allowing officers from other ADOC facilities to serve overtime or otherwise be temporarily assigned at Tutwiler only after those officers have been trained as required by this agreement	Y N N/A	Y N N/A		Y N N/A
By November 28, 2015 and every six months thereafter, provide to the Monitor and DOJ the numbers of men and women who have taken any required entry-level physical examination(s) and the results of any such tests broken down by gender for each test administration	Y N N/A	Y N N/A		Y N N/A
ADOC shall continue to employ an upper-level, Department-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee its efforts to	Y N N/A	Y N N/A		Y N N/A

comply with the PREA standards at Tutwiler and all of its facilities			
Designate a full-time (40 hours/week) PREA Compliance Manager who:			
1. has no other duties within ADOC or Tutwiler and who is assigned to oversee PREA compliance at Tutwiler.	Y	N	N/A
2. works closely with the PREA Compliance Managers at Montgomery Women's Facility and Birmingham Work Release for consistency in women's services	Y	N	N/A
3. monitors any other facility that is built to house women inmates on PREA-related matters			
4. has sufficient authority to coordinate Tutwiler's efforts to comply with the PREA standards			
ADOC and Tutwiler shall ensure that Tutwiler's PREA Compliance Manager reports directly to the Warden or the Department-wide PREA Coordinator	Y	N	N/A
Develop, in policy, a job description for Tutwiler's PREA Compliance Manager with expected responsibilities and submit the policy to the Monitor and DOJ for review	Y	N	N/A
Provide training to the Tutwiler PREA Compliance Manager necessary to fulfill his or her duties	Y	N	N/A
Document the Tutwiler PREA Compliance Manager's activities	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*, SOP 9-6 *Staffing Plan*, and SOP 9-5 *Mandatory Overtime*.
2. ADOC spreadsheet for the six-month physical assessment tests results, by gender, for June-December 2016.
3. Documents for any meetings or correspondence with APOSTC by Deputy Commissioner Brand or any other ADOC staff.
4. Review of pre-training physical fitness assessment logs with Correction Officer trainees for June-December 2016.
5. Review June-December 2016 staff monthly gender breakdown at Tutwiler for security staff.
6. Review June-December 2016 assignment of overtime staff, including a monthly summary of the names of staff and days worked. Rosters are available on site to review the assignment of overtime staff.
7. PREA training records of staff working overtime.
8. Review of any data generated or collected by ADOC and Tutwiler regarding the pass/fail rates for male/female applicants and trainees.
9. Interviews with ADOC PREA Coordinator Vincent and Institutional PREA Compliance Manager Young at Tutwiler to discuss their duties per job descriptions.
10. Documentation for any training Lt. Young received.
11. Interviews with Deputy Commissioner Brand, Commissioner Dunn, Deputy Commissioner Williams, and Personnel Director Lawley.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
<ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> SOP 9-6 <i>Staffing Plan</i> SOP 9-5 <i>Mandatory Overtime</i> ADOC physical fitness assessments for Correction Officer Trainees Documents for any APOSTC meetings with Deputy Commissioner Brand Documents listing authorized overtime staff available and working Documentation for training received by Lt. Young in 2016 Tutwiler staff rosters ADOC reports for staff physical fitness exam results, from the academy, broken down by gender 	<ul style="list-style-type: none"> ADOC PREA Coordinator Vincent Commissioner Dunn Deputy Commissioner Brand Deputy Commissioner Williams William Lawley, ADOC Personnel Director Warden Wright Lt. Young 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
<p>None.</p> <p>The Monitor found ADOC and Tutwiler to be in "Partial Compliance" with this provision during the June 2016 Compliance Visit.</p> <p>ADOC and Tutwiler addressed all recommendations made by the Monitor during the June 2016 Compliance Visit.</p>

MONITOR'S FINDINGS:	DATE: December 31, 2016
<input type="checkbox"/> Substantial Compliance <input checked="" type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>ADOC continues to work with the APOSTC on the screening, selecting, or hiring of applicants for the entry-level correction officer positions. Documentation was forwarded to the DOJ and Monitor on October 17, 2016, to document an APOSTC approved modification to the Physical Agility Ability requirement at the Basic Training Academy. Deputy Commissioner Matt Brand (Training and Development) continues to assess the correctional officer training hiring processes, in addition to the physical fitness screening processes.</p> <p>The ADOC continues to conduct physical fitness assessments on all correction officer trainees, to include the provision of training recommendations to meet APOSTC physical training requirements.</p> <p>Tutwiler leadership continues to periodically examine workplace practices such as mandatory overtime and shift length to assess whether any of those practices may negatively impact hiring and retaining women candidates. This is completed in routine staff meetings, individual employee conferences conducted with the Warden, and exit interviews with departing staff. A staff survey will be administered in March 2017 and shift satisfaction will be a topic on the survey.</p> <p>ADOC continues the practice of allowing officers from other ADOC facilities to work overtime or otherwise be temporarily assigned at Tutwiler only after those officers have been trained as required by the Agreement. This is documented in SOP 9-5, <i>Overtime</i>.</p> <p>Since November 28, 2015, ADOC and Tutwiler have provided to the Monitor and DOJ the numbers of men and women who have taken any required entry-level physical examination(s) and the results of any such tests broken down by gender for each test administration. This information has been tracked since May 28, 2015.</p>	

ADOC continues to employ an upper-level, Department-wide PREA Coordinator (Ms. Christy Vincent) with sufficient time and authority to develop, implement, and oversee its efforts to comply with the PREA standards at Tutwiler and all ADOC facilities. This is documented in agency policy AR 454.

Tutwiler continues to designate a full-time (40 hours/week) PREA Compliance Manager, Lt. Yvette Young, who 1) has no other duties within ADOC or Tutwiler and who is assigned to oversee PREA compliance at Tutwiler, 2) works closely with the PREA Compliance Managers at Montgomery Women's Facility and Birmingham Work Release for consistency in women's services, 3) monitors any other facility that is built to house women inmates on PREA-related matters, and 4) has sufficient authority to coordinate Tutwiler's efforts to comply with the PREA standards. These provisions are documented in SOP 9-16, *Institutional PREA Compliance Manager*.

Tutwiler continues to ensure that Tutwiler's PREA Compliance Manager reports directly to the Warden, Deidra Wright. This provision is documented in SOP 9-16 *Institutional PREA Compliance Manager* as well.

Tutwiler developed, in policy, a job description with expected responsibilities for Tutwiler's PREA Compliance Manager. This is documented in SOP 9-16.

Lt. Young will be attending annual Institutional PREA Compliance Manager (IPCM) training conducted by the Agency PREA Coordinator in January, 2017. The requirement for continued IPCM training is documented in SOP 9-16. The Monitor reviewed the curriculum Ms. Vincent will be using for this training session.

SOP 9-16 requires documentation of the Tutwiler PREA Compliance Manager's activities. Lt. Young continues to maintain this documentation and the Monitor reviewed it during her interview with Ms. Young.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be in "Partial Compliance" with this provision during the June 2016 Compliance Visit. As of December 31, 2016, ADOC and Tutwiler continue to be in "Partial Compliance" with this provision.</p> <p>The Monitor determined the rating of "Partial Compliance" based upon the following observations.</p> <p>While much has been done, more work still remains, mostly due to the standards employed by APOSTC in screening, selecting, or hiring applicants for entry-level corrections officer positions. The standards employed have yet to be validated for a corrections environment. APOSTC's standards have not been examined for the necessity of gender-norming certain components. ADOC continues to work with the APOSTC in screening, selecting, or hiring applicants for the entry-level corrections officer positions. The physical fitness standards appear to be a bar to women being employed as officers. APOSTC is in the process of conducting a validation study of their standards. Until such time as the validation of these standards is addressed, the Monitor determines "partial compliance" with this provision.</p>	

The Monitor notes the requirement in this provision to "examine workplace practices such as mandatory overtime and shift length to assess whether any of these practices may negatively impact the hiring and retaining of female candidates. The Monitor was advised by the Warden that they continue to "review" the use of overtime and its impact on employment practices with women. The leadership also shared their challenges in providing the best security staffing patterns required at Tutwiler, acknowledging their vacancies. They began the mandatory overtime practices in an effort to provide "predictable staffing" for the safety and security of the inmates and staff.

The Monitor believes that the current impact of the mandatory overtime requires formal evaluative efforts by ADOC and Tutwiler. The Tutwiler leadership team needs to continue to routinely review and evaluate the overtime practices impacting female employees, and all staff during the next reporting period. The staff survey can be a helpful tool and should be expanded in scope, through assistance provided by HR and the consultants. The Monitor recommends that ADOC and Tutwiler work with their Human Resource professionals and their consultants, to develop tools, surveys and any other processes to more fully and formally evaluate the impacts of the current overtime policies on the hiring and retention of female employees.

It is noted that the draft staffing analysis, required in III. C.2 is under development and extensive comments were made in review by the Monitor and DOJ. This analysis addressed the operational issues related to the large number of vacancies, prompting Tutwiler to use overtime practices extensively.

As stated, much work has been done. ADOC continues to conduct physical fitness assessments of all correction office trainees, to include the provision of training. Tutwiler continues to examine workplace practices such as mandatory overtime and shift length to assess whether any of those practices may negatively impact hiring and retaining women candidates. A staff survey will be conducted in March 2017 and the Monitor looks forward to seeing the feedback from staff on these key staffing challenges. Based upon interviews with staff, it is the Monitor's understanding that mandatory overtime and shift length have an effect on retention of staff, including women staff. Based upon staff interviews, the Monitor understands that 12-hour shifts are especially problematic to young mothers who may not be able to place their children in daycare for twelve hour periods.

Tutwiler continues the practice of allowing officers from other ADOC facilities to serve overtime or otherwise be temporarily assigned at Tutwiler only after those officers have been trained as required by this agreement.

ADOC continues to provide to the Monitor and DOJ the numbers of men and women who have taken any required entry-level physical examination(s) and the results of any such tests broken down by gender for each test administration.

ADOC continues to employ an upper-level, Department-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee its efforts to comply with the PREA standards at Tutwiler and all of its facilities.

Tutwiler continues to designate a full-time (40 hours/week) PREA Compliance Manager with all duties outlined in Section III.C.1. ADOC and Tutwiler continue to ensure that Tutwiler's PREA Compliance Manager reports directly to the Warden. A job description for Tutwiler's PREA Compliance Manager is outlined in SOP 9-16, IPCM. ADOC and Tutwiler continue to provide training to the Tutwiler PREA Compliance Manager necessary to fulfill his or her duties. Tutwiler continues to document the Tutwiler PREA Compliance Manager's activities.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
<ol style="list-style-type: none"> 1. The Monitor will receive notification of any actions taken by APOSTC, regarding ADOC recommendations. 2. The Monitor will be informed of any specific actions taken by ADOC to enhance recruiting efforts, specifically, for Tutwiler. 3. ADOC will provide the Monitor with a report on feedback obtained from staff regarding recruitment, mandatory overtime and shift length obtained during the staff survey to be conducted March 2017. 	<p>As soon as completed</p> <p>As soon as completed</p> <p>As soon as completed</p>

STAFFING				
III.C In order to address low staffing levels and the need for more women officers, ADOC and Tutwiler shall ensure that correctional staffing and supervision is sufficient to adequately supervise inmates and staff and allow for the safe operation of Tutwiler.				
	Policy			
		AR 454 SOP 8-12 SOP 9-6		
REQUIREMENTS	Policy Developed	Staff Trained	Policy Implemented	
<p>III.C.2.i – III.C.2.x (Consent Decree p. 34-44 Doc # 11).</p> <p>ADOC and Tutwiler shall develop, document, and implement a staffing plan, based on gender-responsive principles and PREA requirements, that provides for adequate staffing levels and, where, applicable, video monitoring to protect inmates against sexual abuse and sexual harassment. This staffing plan shall be provided to the Monitor and DOJ and shall include the following:</p> <ol style="list-style-type: none"> 1. Identification of all posts and positions at Tutwiler, including any gender-specific posts required for the safe operation of the facility; 2. Shift relief factor for Tutwiler; 3. Policies and procedures for reviewing and amending Tutwiler’s staffing plan. <p>In calculating adequate staffing levels, ADOC and Tutwiler shall, as part of a staffing analysis, consider:</p> <ol style="list-style-type: none"> 1. Generally accepted detention and correctional practices; 2. ADOC and Tutwiler’s determination of which necessary duties will be handled by Tutwiler staff, ADOC staff, or outside agencies; 3. Any findings of inadequacy from any investigative agencies within ADOC 4. Any findings of inadequacy from internal or external oversight bodies 5. The Camera Management Plan and all components of the facility’s physical plan; 6. The composition of the inmate population 7. The number and placement of supervisory staff; 8. Institution programming and options for supervision of inmates; 9. A Tutwiler specific shift relief-factor; 10. Any applicable state or local laws, regulations, or standards; and 11. The prevalence of substantiated and unsubstantiated incidents of sexual abuse and sexual harassment. <p>Within nine months of the effective date, ADOC and Tutwiler shall submit this staffing plan and staffing</p>	NA	NA	NA	

analysis to the Monitor and DOJ for review and comment, and shall maintain the underlying data utilized in conducting the staffing analysis and plan and provide this data to DOJ or the Monitor if requested.

Within one year of the Effective Date, ADOC and Tutwiler shall adopt the results of the staffing plan consistent with PREA standards.

ADOC and Tutwiler, in consultation with the Department-wide PREA Coordinator and Tutwiler's PREA Compliance Manager, shall assess, determine, and document via a Staffing Update and Staffing Report, whether adjustments are needed to the staffing plan, and –taking into account available resources– implement such adjustments.

The Staffing Update shall be provided to the Monitor and DOJ quarterly and shall include the following information:

1. A listing of staff hired at Tutwiler, by gender and positions filled; and
2. A listing of staff who ended their employment at Tutwiler, including gender, position, and reason for separation.

The Staffing Report shall be provided to the Monitor and DOJ every six months in the first year after the Effective Date and yearly thereafter until termination of this Agreement. Each Staffing Report will include the following information:

1. An evaluation of existing staffing levels and need for adjustments;
2. A listing of each post and position needed;
3. The number of hours needed for each post and position;
4. A listing of staff, by gender, working overtime at Tutwiler and the amount of overtime worked by each staff member;
5. A listing of supervisors by gender working overtime at Tutwiler; and
6. Tutwiler's assessment of its ability to comply with the staffing plan.

To the extent such policy does not already exist, the ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section III.A.6., and implement a policy that includes:

1. That ADOC and Tutwiler not hire or promote, or enlist the services of anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates at Tutwiler, who: (1) has engaged in sexual abuse or sexual harassment in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; (2) has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or, (3) has been civilly or administratively adjudicated to have engaged in the activity described in this section. To this end, ADOC and Tutwiler shall:

- a. Follow ADOC policy that requires that all new employees be asked about

<p>previous misconduct, as defined above in Subsection 1. This can be in written application or documented as part of an interview. ADOC policy shall be amended to state the same in regards to promotions.</p> <ul style="list-style-type: none"> b. Perform a criminal background records check; and c. Contact all prior institutional employers for information on substantiated allegations of sexual abuse and sexual harassment or any resignation during a pending investigation of an allegation of sexual abuse and sexual harassment. <p>3. ADOC and Tutwiler shall conduct criminal background records checks at least once every five years for current employees and respond to any relevant results of those checks as described in Section III.K below.</p> <p>4. ADOC and Tutwiler shall conduct criminal background records checks at least once every five years for contractors who may have contact with inmates. For any current ADOC staff temporarily assigned to Tutwiler for regular or overtime duty, Tutwiler will create a system to manage and track any allegations of sexual harassment or sexual abuse made against them at the ADOC facility they are assigned to. Consistent with ADOC policy, employees have an affirmative duty to disclose any previous sexual abuse and sexual harassment, as described in Subsection 1. above. Material omissions of such information shall be grounds for termination.</p> <p>5. ADOC and Tutwiler will conduct an initial criminal records check on all Tutwiler volunteers. Any volunteer with a background that includes engaging in sexual abuse may not be utilized as a volunteer. At least every five years, Tutwiler and ADOC will perform an additional criminal background check on all current volunteers.</p> <p>When ADOC or any other governmental entity responsible for collective bargaining on ADOC's behalf contracts for services with individuals, private agencies or other entities, including other government agencies, they shall include in any new contracts or contract renewals the entity's obligation to adopt and comply with Tutwiler's policies and procedures governing sexual abuse and sexual harassment.</p> <p>ADOC and/or Tutwiler policies and procedures require that contractors and volunteers who have contact with inmates but are not directly supervised by ADOC or Tutwiler employees comply with Tutwiler's sexual abuse and sexual harassment policies and procedures.</p>			
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MONITOR'S MEASURES OF COMPLIANCE

1. Review the draft staffing analysis completed by consultants and comments made by Monitor and DOJ.
2. Interviews with Deputy Commissioner Brand, Personnel Director Lawley and Deputy Commissioner Williams.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • Draft staffing plan completed by consultants In June 2016 • Previously offered comments made by Monitor and DOJ 	<ul style="list-style-type: none"> • Commissioner Dunn • ADOC PREA Coordinator Vincent • Deputy Commissioner Brand • Deputy Commissioner Williams • Warden Wright • Lt. Young 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

The Monitor found ADOC and Tutwiler to be 'Partially Compliant' with this provision during the June 2016 Compliance Visit.

ADOC and Tutwiler addressed all recommendations made by the Monitor during the June 2016 Compliance Visit.

Initially, Monitor Lancaster was asked to review the schedule for the Phase II Staffing section due to its complexity, multiple requirements, and need for a tremendous amount of data from ADOC and Tutwiler. Monitor Lancaster provided recommendations in the first court report and noted concerns about the timeframes established in the settlement for the completion of the analysis and the implementation of the staffing plan. The Monitor strongly recommended revisions to the schedule.

The Monitor received a request on February 23, 2016 from ADOC for an extension for 30 days initially. Subsequently, both parties agreed that ADOC should request a 60-day extension to complete the staffing analysis and implementation plan. The Monitor granted a second extension, for 60 days, on March 29, 2016. ADOC submitted the draft staffing analysis on June 6, 2016. DOJ and Monitor Lancaster offered comments on this draft. ADOC sought clarification regarding some of the feedback. Upon assuming her role, Monitor Dennehy also provided extensive feedback and comment on the draft staffing plan. ADOC has requested another extension, which Monitor Dennehy fully supports and has approved. The due date for this provision is extended to June 1, 2017.

MONITOR'S FINDINGS:	DATE: December 31, 2016
<p><input type="checkbox"/> Substantial Compliance</p> <p><input checked="" type="checkbox"/> Partial Compliance</p> <p><input type="checkbox"/> Non-compliance</p> <p><input type="checkbox"/> n/a no assessment due until _____</p>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>ADOC had a staffing analysis conducted by nationally recognized consultants to research and develop a gender-responsive staffing plan for Tutwiler. The draft staffing plan is informed by gender-responsive principles identified by the National Institute of Corrections (NIC), Prison Rape Elimination Act (PREA) requirements, U.S. Department of Justice (DOJ) settlement agreement requirements, and emerging correctional practice that serve as the foundation for staffing plan development. ADOC asked for and received clarification from DOJ about comments previously provided. Monitor Dennehy also provided extensive feedback on the draft. The Monitor expects that ADOC and their consultants will review all these comments and that ADOC will provide a response to both the Monitor and DOJ.</p> <p>Section III.C.2.vi, requires Tutwiler to provide a staffing update to the Monitor and DOJ quarterly. This report was forwarded to the DOJ and Monitor on October 24, 2016, for May 27 – August 23, 2016.</p> <p>Section III.C.2.vii, requires Tutwiler to provide to the Monitor and DOJ, every six months in the first year after the effective date, and yearly thereafter, a staffing report. This report is contingent upon the completion of the staffing analysis.</p> <p>Section III.C.2.viii, requires ADOC and Tutwiler to develop a policy to implement the provisions outlined in this section of the Agreement. AR 454 and SOP 8-12 outline these provisions in policy.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9.</p> <p>The Monitor found ADOC and Tutwiler to be 'Partially Compliant' with this provision during the June 2016 Compliance Visit. As of December 31, 2016, ADOC and Tutwiler continue to be in "Partial Compliance" with this provision.</p> <p>The Monitor determined the rating of "Partial Compliance" based upon the following.</p> <p>ADOC and Tutwiler had a Staffing Analysis conducted at Tutwiler by nationally recognized experts to research and develop a gender-responsive staffing plan for Tutwiler. The staffing plan is informed by gender-responsive principles identified by the National Institute of Corrections (NIC), Prison Rape Elimination Act (PREA) requirements, U.S. Department of Justice (DOJ) settlement agreement requirements, and emerging correctional practice that serve as the foundation for staffing plan development.</p> <p>That report was forwarded to the DOJ and Monitor for review on May 28, 2016. Comments were received from the Monitor on May 29, 2016. DOJ provided comments on July 15, 2016. Upon review of the detailed comments provided by DOJ, ADOC asked DOJ (on August 14, 2016) for clarification. Both DOJ and Monitor provided extensive feedback on this draft. The final version is in process.</p> <p>Section III.C.2.vi, requires Tutwiler to provide a staffing update to the Monitor and DOJ quarterly. This report was forwarded to the DOJ and Monitor on October 24, 2016, for May 27 – August 23, 2016. The Staffing Update is provided to the Monitor and DOJ quarterly, and includes the following information: (a) a listing of staff hired at Tutwiler, by gender and positions filled; and, (b) a listing of staff who ended their employment at Tutwiler, including gender, position, and reason for separation.</p> <p>Section III.C.2.vii, requires Tutwiler to provide to the Monitor and DOJ, every six months in the first year after the effective date, and yearly thereafter, a staffing report. This report is contingent upon the completion of the staffing analysis. The first staffing report was issued November 28, 2016.</p> <p>Section III.C.2.viii, requires ADOC and Tutwiler to develop a policy to implement the provisions outlined in this section of the Agreement. AR454 and SOP 8-12 outline these provisions in policy.</p> <p>ADOC and Tutwiler have implemented policy (AR 454, SOP 8-12) that includes: (a) that ADOC and Tutwiler not hire or promote, or enlist the services of anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates at Tutwiler, who: (1) has engaged in sexual abuse or sexual harassment in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; (2) has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or, (3) has been civilly or administratively adjudicated to</p>	

have engaged in the activity described in this section.

Effective May 20, 2016, ADOC began asking all new employees about previous misconduct. This is documented as part of an interview. ADOC policy has been amended to state the same in regards to promotions.

ADOC and Tutwiler continue to perform a criminal background records check on all new employees and those being considered for promotion.

ADOC and Tutwiler continue to contact all prior institutional employers for information on substantiated allegations of sexual abuse and sexual harassment or any resignation during a pending investigation of an allegation of sexual abuse and sexual harassment. ADOC and Tutwiler continue to conduct criminal background records checks at least once every five years for current employees and respond to any relevant results of those checks as described in Section III.K below. ADOC and Tutwiler continue to conduct criminal background records checks at least once every five years for contractors who may have contact with inmates. For all current ADOC staff temporarily assigned to Tutwiler for regular or overtime duty, Tutwiler has created a system to manage and track any allegations of sexual harassment or sexual abuse made against them at the ADOC facility they are assigned to.

Consistent with ADOC policy, employees have an affirmative duty to disclose any previous sexual abuse and sexual harassment, as described in Subsection 1 above. Material omissions of such information shall be grounds for termination.

ADOC and Tutwiler continue to conduct an initial criminal records check on all Tutwiler volunteers. Any volunteer with a background that includes engaging in sexual abuse may not be utilized as a volunteer. At least every five years, Tutwiler and ADOC will perform an additional criminal background check on all current volunteers.

When ADOC or any other governmental entity responsible for collective bargaining on ADOC's behalf contracts for services with individuals, private agencies or other entities, including other government agencies, they will continue to include in any new contracts or contract renewals the entity's obligation to adopt and comply with Tutwiler's policies and procedures governing sexual abuse and sexual harassment.

ADOC and/or Tutwiler policies and procedures continue to require that contractors and volunteers who have contact with inmates but are not directly supervised by ADOC or Tutwiler employees comply with Tutwiler's sexual abuse and sexual harassment policies and procedures.

MONITOR'S RECOMMENDATIONS:	DATE DUE :
<i>(for at least the next 6 months)</i>	
1. ADOC continues to work with the Monitor regarding a final approved "staffing analysis" to ensure it effectively incorporates gender responsive principles, as required in the Agreement.	June 1, 2016

TRAINING									
III.D ADOC and Tutwiler shall ensure that all staff have the adequate knowledge, skill, and ability to prevent, detect, and respond to sexual abuse and sexual harassment at Tutwiler, and to manage, interact, and communicate appropriately with women inmates and lesbian, gay, bisexual, transgender, and gender nonconforming inmates.									
	Policy			Develop Policy			Implement Policy		
1. ADOC and Tutwiler shall train all staff who may have contact with inmates with the following:	III.D.1		SOP 8-12	Before November 28, 2015 (Monitor/ADOC must draft/revise training; E.4)			November 28, 2015 (within 6 months of Effective Date; E.2)		
REQUIREMENTS	Policy Developed			Staff Trained			Policy Implemented		
Zero-Tolerance policy for sexual abuse and sexual harassment	Y	N	N/A	Y	N	N/A	Y	N	N/A
How to fulfill its responsibilities under its sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.	Y	N	N/A	Y	N	N/A	Y	N	N/A
Inmates’ right to be free from sexual abuse and sexual harassment;	Y	N	N/A	Y	N	N/A	Y	N	N/A
The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;	Y	N	N/A	Y	N	N/A	Y	N	N/A
The dynamics of sexual abuse and sexual harassment in confinement;	Y	N	N/A	Y	N	N/A	Y	N	N/A
The common reactions of sexual abuse and sexual harassment victims;	Y	N	N/A	Y	N	N/A	Y	N	N/A
How to detect and respond to signs of threatened and actual sexual abuse;	Y	N	N/A	Y	N	N/A	Y	N	N/A
How to respond to sexual abuse and sexual harassment, including:	Y	N	N/A	Y	N	N/A	Y	N	N/A
1. How to respond effectively and professionally to victims of sexual abuse and sexual harassment;	Y	N	N/A	Y	N	N/A	Y	N	N/A
2. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment;	Y	N	N/A	Y	N	N/A	Y	N	N/A
3. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and	Y	N	N/A	Y	N	N/A	Y	N	N/A

4. How to preserve physical evidence of sexual abuse (this provision does not apply to volunteers)	Y	N	N/A	Y	N	N/A	Y	N	N/A
How to avoid inappropriate relationships with inmates;	Y	N	N/A	Y	N	N/A	Y	N	N/A
Gender-responsive principles, including those applicable to the use of force against women inmates (the provision regarding use of force does not apply to volunteers);	Y	N	N/A	Y	N	N/A	Y	N	N/A
How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex and gender nonconforming inmates:									
1. Including the use of appropriate name and pronoun for an inmate's gender presentation and identity	Y	N	N/A	Y	N	N/A	Y	N	N/A
2. This training shall emphasize that verbal abuse- including name calling and the use of racially insensitive or offensive, profane or vulgar language – will not be tolerated.	Y	N	N/A	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*.
2. Revised PREA curriculum used for required training.
3. Rosters for training attendance for all required staff.
4. Certification letter from Deputy Commissioner Williams for the completion of all Tutwiler staff training, per the standards in D. 1 and D. 2.
5. Interviews with Deputy Commissioner Williams and Warden Wright.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> policy PREA training curriculum Staff training attendance rosters to complete this requirement Letter from Deputy Commissioner Williams certifying all required Tutwiler staff training Review all anonymous PREA training evaluations by staff 	<ul style="list-style-type: none"> Deputy Commissioner Williams Warden Wright Captain McClain Lt. Young Staff interviews 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June 2016 Compliance Visit. The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:	DATE: December 31, 2016
<p><input checked="" type="checkbox"/> Substantial Compliance</p> <p><input type="checkbox"/> Partial Compliance</p> <p><input type="checkbox"/> Non-compliance</p> <p><input type="checkbox"/> n/a no assessment due until _____</p>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>Tutwiler's Training Team previously accomplished the Gender-Responsive and PREA Training described in this provision. Annual Refresher Training on this topic began in early 2017.</p> <p>The Refresher PREA training curriculum was developed during this review period, and was reviewed by DOJ and the Monitor.</p> <p>As of December 31, 2016 all staff working at Tutwiler, to include staff working overtime at Tutwiler from other facilities, have completed both PREA and Gender- Responsive training.</p> <p>Cpt. Lagreta McClain continues to oversee the staff training and maintains Excel spreadsheets of all training completed and pending.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the previous reporting period in the Monitor's Second Compliance Report. As of December 31, 2016 ADOC and Tutwiler have sustained compliance.</p> <p>The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations:</p> <p>The PREA curriculum includes all of the specified requirements for inclusion in this agreement provision, to be presented in an 8-hour block of instruction. Tutwiler trained all eligible overtime staff in PREA that may work at Tutwiler by February 28, 2016. Monitor Dennehy spent considerable time cross referencing staff overtime and training records to verify that overtime security employees have met the training requirements. The Monitor also reviewed training attendance records for the required training in PREA and Gender Responsive Principles for all Tutwiler employees.</p> <p>The Monitor reviewed randomly selected training evaluations, for PREA and Gender Responsive Principles, completed anonymously by the staff attendees. The evaluations were positive. During individual interviews with the Monitor, all staff reported having been trained and feeling positive about their training experience.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

TRAINING									
III.D ADOC and Tutwiler shall ensure that all staff have the adequate knowledge, skill, and ability to prevent, detect, and respond to sexual abuse and sexual harassment at Tutwiler, and to manage, interact, and communicate appropriately with women inmates and lesbian, gay, bisexual, transgender, and gender nonconforming inmates									
				Policy			Develop Policy	Implement Policy	
2. Within six months of the Effective Date, all staff shall have received training as set out in Section III.D.1				III.D.2		SOP 8-12 SOP 8-29		February 28, 2016	
REQUIREMENTS				Policy Developed		Staff Trained		Policy Implemented	
Train all Staff:				Y	N	N/A	Y	N	N/A
1. Corrections Staff				Y	N	N/A	Y	N	N/A
2. Medical Practitioners -Corizon				Y	N	N/A	Y	N	N/A
3. Mental Health Practitioners -MHM and ADOC,				Y	N	N/A	Y	N	N/A
4. Employees of any State agency				Y	N	N/A	Y	N	N/A
5. Contractors				Y	N	N/A	Y	N	N/A
6. Volunteers				Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE
<ol style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> and SOP 8-29 <i>LGBTI Inmate Population</i>. PREA training curriculum. Training documentation for staff training LGBTI policy for 2016 as specified in D. 2 provision. Need verification from Corizon (contracted inmate medical provider) and MHM (contracted inmate mental health provider) of the dates, attendees and subject of the training for 2016. Review any documented "feedback" from staff on their LGBTI and Gender Responsiveness training. Staff interviews. Interviews with Deputy Commissioner Williams, Warden Wright, Lt. Young, and Associate Commissioner Naglich.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS <i>(for each member of monitoring team)</i>		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> SOP 8-28 <i>LGBTI Inmate Population</i> PREA staff training curriculum Training rosters for Corizon and MHM staff training in SOP 8-28. Training evaluations completed anonymously by staff for PREA and Gender Responsiveness training sessions Staff interviews 	<ul style="list-style-type: none"> Deputy Commissioner Williams Warden Wright Captain McClain Lt. Young 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June 2016 Compliance Visit.

ADOC and Tutwiler addressed all recommendations made by the Monitor during the June 2016 Compliance Visit.

The Monitor had previously suggested soliciting staff feedback on training needs via the staff survey to be conducted in March 2017. The Monitor looks forward to reviewing the results of this survey activity.

MONITOR'S FINDINGS:	DATE: December 31, 2016
<p><input checked="" type="checkbox"/> Substantial Compliance</p> <p><input type="checkbox"/> Partial Compliance</p> <p><input type="checkbox"/> Non-compliance</p> <p><input type="checkbox"/> n/a no assessment due until _____</p>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<ul style="list-style-type: none"> • The following staff groups received the required training by February 28, 2016: <ul style="list-style-type: none"> • Corrections staff- 8 hrs. PREA, 16 hrs. Gender Responsiveness (GR) • Medical staff - 8 hrs. PREA, 16 hrs GR • Mental health practitioners - MHM and ADOC, 8 hrs. PREA, 16 hrs. GR • Employees of any state agency - 8 hrs. PREA, 16 hrs. GP • Contractors - 8 hrs. PREA, 16 hrs. GR • Tutwiler volunteers - 2.5 hrs. PREA/G • The Monitor reviewed training rosters and staff signatures for these required training sessions. • A curriculum was designed specifically for community volunteers. 	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<ul style="list-style-type: none"> • ADOC and Tutwiler's substantial compliance with the requirements of this provision is documented in the Monitor's Second Compliance Report after the Compliance Visit of June 2016. As of December 31, 2016, ADOC and Tutwiler have sustained "Substantial Compliance". • The Monitor reviewed training rosters and staff signatures for these required training sessions. • The Monitor reviewed the training curriculum for they required training sessions. 	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
1. The Monitor looks forward to reviewing staff feedback on training obtained via the staff survey to be conducted in March 2017.	As soon as the data are compiled

TRAINING									
III.D ADOC and Tutwiler shall ensure that all staff have the adequate knowledge, skill, and ability to prevent, detect, and respond to sexual abuse and sexual harassment at Tutwiler, and to manage, interact, and communicate appropriately with women inmates and lesbian, gay, bisexual, transgender, and gender nonconforming inmates									
				Policy			Develop Policy	Implement Policy	
3. ADOC and Tutwiler shall provide annual refresher training to all staff				III.D.3			SOP 8-9 SOP 8-12	February 28, 2016	February 28, 2016
REQUIREMENTS				Policy Developed			Staff Trained		Policy Implemented
Ensure that all staff know current sexual abuse and sexual harassment policies and procedures				Y	N	N/A	Y	N	N/A
If staff cannot successfully demonstrate knowledge of these policies and procedures, they shall not be permitted to have any contact with inmates until such time as they can demonstrate proficiency				Y	N	N/A	Y	N	N/A
Have and implement policies and procedures setting forth the levels of discipline, up to and including termination, for any staff member who cannot perform his or her job duties due to a failure to demonstrate proficiency in these policies and procedures.				Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE									
<ol style="list-style-type: none"> Curriculum for refresher course. Rosters for staff attendance in annual refresher training. Staff interviews. Interview with Deputy Commissioner Williams, Warden Wright, Captain McClain, Lt. Young. Results of the staff proficiency tests, post training, after attending refresher training. SOP 9-9 <i>Employee Standards of Conduct and Discipline</i>. SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i>. 									

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> Curriculum for staff annual refresher training SOP 9-9 <i>Standards of Conduct and Discipline for Staff</i> 	<ul style="list-style-type: none"> Deputy Commissioner Williams Lt. Young Captain McClain Staff interviews 	<ul style="list-style-type: none"> Compliance Visit June 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
<p>The Monitor found ADOC and Tutwiler to be in "Partial Compliance" with this provision during the June 2016 Compliance Visit.</p> <p>ADOC discussed with the Monitor and DOJ the date for compliance with D.3-annual refresher training. The discussion recognized that the Monitor had granted an extension of three-months for the completion of the required PREA and Gender Responsive training in D.1. The new compliance date for D.1., PREA 8 hour training, was February 28, 2016. It was agreed by all parties that the annual refresher training required in this provision, D.3, should be moved forward also. So the Monitor agreed to extend the date for developing the required refresher training curriculum in this provision until September 2016.</p>

MONITOR'S FINDINGS:	DATE: December 31, 2016
<p><input type="checkbox"/> Substantial Compliance</p> <p><input checked="" type="checkbox"/> Partial Compliance</p> <p><input type="checkbox"/> Non-compliance</p> <p><input type="checkbox"/> n/a no assessment due until May 28, 2017</p>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>A refresher curriculum was developed and forwarded to the DOJ and Monitor for review and comment.</p> <p>Staff continues to demonstrate knowledge of the policies and procedures on the job, as discussed and learned during the previous training provided. With the refresher training, all staff will again be expected to demonstrate proficiency through a post-testing process. The requirement to demonstrate proficiency was placed in SOP 8-12, <i>Inmate Sexual Abuse and Harassment</i>, and levels of discipline for failure to comply have been outlined in SOP 9-9 <i>Employee Standards of Conduct and Discipline</i>.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>The Monitor previously granted a three month extension for the development and completion of the annual refresher training curriculum until September 2016. For this reason, during the June 2016 Compliance Visit, the Monitor found ADOC and Tutwiler to be in "Partial Compliance" with the provisions of this requirement.</p> <p>The Monitor believes, and documented in III.A.1, that the Tutwiler staff have knowledge of their PREA responsibilities and the PREA policy in their daily work performance. Knowledge of staff on PREA policy is one of the requirements of this provision.</p> <p>The Tutwiler Training Team began providing Annual Refresher Training in January, 2017.</p> <p>Tutwiler has implemented policies and procedures setting forth the levels of discipline, up to and including termination, for any staff member who cannot perform his or her job duties due to a failure to demonstrate proficiency in these policies and procedures.</p> <p>Once the first refresher training cycle is completed the Monitor expects a finding of "Substantial Compliance" at that time.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
ADOC and Tutwiler to submit certification of completion of the annual refresher training to Monitor.	Upon completion of training

TRAINING				
III.D ADOC and Tutwiler shall ensure that all staff have the adequate knowledge, skill, and ability to prevent, detect, and respond to sexual abuse and sexual harassment at Tutwiler, and to manage, interact, and communicate appropriately with women inmates and lesbian, gay, bisexual, transgender, and gender nonconforming inmates				
	Policy		Develop Policy	Implement Policy
4. The Monitor will work with ADOC and Tutwiler in drafting new training materials and/or revising current training materials set out in III.D.1 and III.D.3	III.D.4	SOP 8-12	May 28, 2015 Aug.28, 2016	May 28, 2015 August 28, 2016
REQUIREMENTS	Policy Developed		Staff Trained	Policy Implemented
Draft/Revise training materials for staff (all persons assigned to work at Tutwiler; corrections staff; medical and mental health practitioners; employees of any state agency; contractors; and volunteers) (III.D.1)	Y	N N/A	Y N N/A	Y N N/A
Draft/Revise training materials for annual refresher training (III.D.3)	Y	N N/A	Y N N/A	Y N N/A

MONITOR'S MEASURES OF COMPLIANCE
<ol style="list-style-type: none"> 1. Monitor and DOJ review of revised SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i>. 2. Monitor and DOJ review of revised PREA training curriculum. 3. Review of Corizon and MHM training materials for their staff. 4. Monitor and DOJ review of the PREA curriculum for volunteers. 5. Interviews with Deputy Commissioner Williams, Associate Commissioner Naglich, Ms. Greer, Ms. Love, Warden Wright. 6. Monitor and DOJ review of revised SOP's for gender responsiveness principles.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> Revised SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> PREA training curriculum Corizon and MHM training materials/curriculum PREA training curriculum for Tutwiler volunteers New/revised Tutwiler SOPS for the incorporation of Gender Responsive principles Training evaluations completed by staff Randomly selected trainee post test results 	<ul style="list-style-type: none"> Deputy Commissioner Williams Associate Commissioner Naglich Warden Wright Captain McClain Lt. Young 	Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
<p>The Monitor granted an extension of 90 days for compliance with D.1, PREA training for all Tutwiler staff. The new date was established as February 28, 2016. Due to this extension, the parties agreed that an extension was also required for this provision's requirement for refresher staff training, as its revision and implementation is sequential to the completion of the PREA curriculum and training.</p>

MONITOR'S FINDINGS:	DATE: December 31, 2016
<input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
ADOC drafted/revised training materials for staff (all persons assigned to work at Tutwiler; corrections staff; medical and mental health practitioners; employees of any state agency; contractors; and volunteers), and those materials were reviewed by the DOJ and Monitor. Refresher training began in January 2017.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>The Monitor granted an extension of 90 days for compliance with D.1, PREA training for all Tutwiler staff. The new date was established as February 28, 2016. Due to this extension, the parties agreed that an extension was also required for this provision's requirement for refresher staff training, as its revision and implementation is sequential to the completion of the PREA curriculum and training. As such, the Monitor found partial compliance with the requirements of this provision during the June 2016 Compliance Visit.</p> <p>ADOC drafted revised training materials for staff and the Refresher training began in January 2017. The Monitor reviewed the curriculum. For these reasons, the Monitor has determined ADOC and Tutwiler are in "Substantial Compliance" with the requirements of this provision.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

TRAINING										
III.D ADOC and Tutwiler shall ensure that all staff have the adequate knowledge, skill, and ability to prevent, detect, and respond to sexual abuse and sexual harassment at Tutwiler, and to manage, interact, and communicate appropriately with women inmates and lesbian, gay, bisexual, transgender, and gender nonconforming inmates										
					Policy			Develop Policy	Implement Policy	
5. ADOC shall certify and document to Tutwiler’s PREA Compliance Manager, the Department-wide PREA Coordinator, the Monitor, and DOJ, that all staff have been trained					III.D.5			November 28, 2015	November 28, 2015	
REQUIREMENTS					Policy Developed			Staff Trained		Policy Implemented
Certify that all staff have been trained					Y	N	N/A	Y	N	N/A
1. Corrections Staff					Y	N	N/A	Y	N	N/A
2. Medical Practitioners --Corizon					Y	N	N/A	Y	N	N/A
3. Mental Health Practitioners -ADOC and MHM					Y	N	N/A	Y	N	N/A
4. Employees of any State agency					Y	N	N/A	Y	N	N/A
5. Contractors					Y	N	N/A	Y	N	N/A
6. Volunteers					Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE									
<ol style="list-style-type: none"> ADOC certification letter to Monitor and DOJ for all required staff training by February 28, 2016. Interview with Deputy Commissioner Williams. Review of attendance rosters for staff at required training. 									

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • ADOC letter from Dr. Williams certifying the completion of all required staff PREA training by February 28, 2016 • Review of attendance rosters for staff at required training 	<ul style="list-style-type: none"> • Deputy Commissioner Williams 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June 2016 Compliance Visit. The Monitor made no recommendations during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:	DATE: December 31, 2016
<input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
The Tutwiler Training Team began training on September 5, 2015, and successfully completed all staff training by February 28, 2016. The completion of staff training was certified, documented, and reported to the Tutwiler IPCM, the Department-wide PREA Coordinator, the Monitor, and DOJ on May 15, 2016.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the December 2016 Compliance Visit.</p> <p>The Monitor found ADOC and Tutwiler to be ‘Substantially Compliant’ with this provision during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>On May 15, 2016, the Deputy Commissioner for Women’s Services certified that the following staff had been trained by February 28, 2016: corrections staff, medical practitioners, mental health practitioners, employees of any state agency, contractors, and volunteers. The training was the 8-hour PREA training and the 16 hours Gender Responsive training.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

INMATE EDUCATION														
III.E ADOC and Tutwiler shall effectively and meaningfully communicate to all inmates their right to be free from sexual abuse and harassment and the protections in place at Tutwiler to ensure that such abuse and harassment does not occur or, if it does occur, is reported so it can be responded to promptly, appropriately, and without retaliation.														
						Policy		Develop Policy	Implement Policy					
(Inmate Education: Intake) 1.ADOC and Tutwiler shall ensure that, during the intake process, all inmates receive information regarding the following <i>(listed below)</i> : 3.Current Tutwiler inmates will receive the information and education described in III.E.1 within three months of the Effective Date <i>(by August 28, 2015)</i> . 6. Consistent with current policy , ADOC and Tutwiler shall ensure that the information outlined in III.E.1 is conveyed and made available in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to inmates who have limited reading skills. 7. ADOC and Tutwiler shall provide the Monitor and DOJ for their review consistent with Section III.A.6 any materials or curriculum utilized to satisfy the requirements of III.E.1						III.E.1	AR 454 SOP 8-12	May 28, 2015 AND Before August 28, 2015	Current inmates: May 28, 2015 AND Before August 28, 2015					
						III.E.3								
						III.E.6								
						III.E.7								
						REQUIREMENTS						Policy Developed		Staff Trained
Intake information includes: 1. ADOC’s Zero-Tolerance Policy regarding sexual abuse and harassment; 2. Definitions of sexual abuse and sexual harassment; 3. The right to be free from sexual abuse and sexual harassment and from retaliation for reporting such incidents; 4. The right to be free from verbal abuse, including name calling, racially insensitive or offensive language, and profane or vulgar language; 5. How to report incidents or suspicions of sexual abuse and harassment, including the availability of non-inmate interpreters; 6. The process of accessing medical and mental health care.						Y	N	N/A	Y	N	N/A	Y	N	N/A
						Y	N	N/A	Y	N	N/A	Y	N	N/A
						Y	N	N/A	Y	N	N/A	Y	N	N/A
						Y	N	N/A	Y	N	N/A	Y	N	N/A
						Y	N	N/A	Y	N	N/A	Y	N	N/A
Current Tutwiler inmates received the information and education by August 28, 2015.						Y	N	N/A	Y	N	N/A	Y	N	N/A
This information must be conveyed and made available in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to inmates who have limited reading skills.						Y	N	N/A	Y	N	N/A	Y	N	N/A
ADOC and Tutwiler have provided the materials or curriculum to the Monitor and DOJ for their review.						Y	N	N/A	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*.
2. Curriculum for inmate education module.
3. Review contract with Alabama Institute with the Deaf and Blind for provision of interpreter services for inmates needing this service.
4. Review results of inmate survey process.
5. Interviews with Warden Wright, Lt. Young, Ms. Love, Dr. Holmes.
6. Staff interviews.
7. Inmate focus groups.
8. Individual inmate interviews.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • Review contract with the Alabama institute with the Deaf and Blind • Review results of inmate survey • Review inmate education curriculum • Review of monthly grievances: June-December 2016 • Review of inmate correspondence received by Monitor June-December 2016 	<ul style="list-style-type: none"> • Warden Wright • Lt. Young • Dr. Holmes • Staff interviews • Inmate focus groups • Individual inmate interviews 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit.

ADOC and Tutwiler addressed all recommendations made by the Monitor regarding this provision during the June 2016 Compliance Visit.

NOTE: THIS SECTION INCLUDES III.E.21, III.E.6, and III.E.7. Please provide separate findings for each provision.	DATE:
MONITOR'S FINDINGS:	December 31, 2016
<div data-bbox="86 300 630 552"> <input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____ </div>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE:
	December 31, 2016
<p>The Tutwiler Intake information provided to inmates includes the following:</p> <ol style="list-style-type: none"> 1. ADOC's Zero-Tolerance Policy regarding sexual abuse and harassment; 2. Definitions of sexual abuse and sexual harassment; 3. The right to be free from sexual abuse and sexual harassment and from retaliation for reporting such incidents; 4. The right to be free from verbal abuse, including name calling, racially insensitive or offensive language, and profane or vulgar language; 5. How to report incidents or suspicions of sexual abuse and harassment, including the availability of non-inmate interpreters; 6. The process of accessing medical and mental health care. <p>This information is conveyed and made available in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to inmates who have limited reading skills.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the previous reporting period in the Monitor's Second Compliance Report. The Monitor determined the rating of "Substantial Compliance" and confirmed ADOC and Tutwiler's to date continued compliance In December 2016 by attending an inmate orientation session led by Lt. Young, reviewing the inmate education curriculum and receiving positive feedback during individual inmate interviews.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

INMATE EDUCATION

III.E ADOC and Tutwiler shall effectively and meaningfully communicate to all the inmates their right to be free from sexual abuse and harassment and the protections in place at Tutwiler to ensure that such abuse and harassment does not occur or, if it does occur, is reported so it can be responded to promptly, appropriately, and without retaliation.

	Policy		Develop Policy	Implement Policy
<p>(Inmate Education: Comprehensive)</p> <p>2. Within 14 days of intake, ADOC and Tutwiler shall provide comprehensive orientation education to inmates either conducted in-person or through a video presented by an in-person facilitator regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding their policies and procedures for responding to such incidents.</p> <p>3. Current Tutwiler inmates will receive the information and education described in III.E.2 within three months of the Effective Date (by August 28, 2015).</p> <p>4. ADOC and Tutwiler shall ensure that the individual conducting or facilitating the comprehensive inmate educational orientation is trained on Tutwiler's and ADOC's policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and this Agreement.</p> <p>5. The individual conducting or facilitating the comprehensive inmate orientation education shall remain in the room during the entire orientation and shall monitor the inmates for reactions to and understanding of the information. A mental health practitioner will serve as an advisor to the orientation process and services will be available during the orientation process if indicated.</p> <p>6. Consistent with current policy, ADOC and Tutwiler shall ensure that the information outlined in III.E.2 is conveyed and made available in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to inmates who have limited reading skills.</p> <p>7. ADOC and Tutwiler shall provide the Monitor and DOJ for their review consistent with Section III.A.6 any materials or curriculum utilized to satisfy the requirements of III.E.1</p> <p>8. ADOC and Tutwiler shall maintain documentation of inmate participation in the education sessions required by III.E.2.</p>	III.E.2 III.E.3 III.E.4 III.E.5 III.E.6 III.E.7 III.E.8	AR 454 SOP 8-12	May 28, 2015 AND Before August 28, 2015	Current inmates: May 28, 2015 AND Before August 28, 2015
REQUIREMENTS	Policy Developed		Staff Trained	Policy Implemented
Comprehensive inmate education:				
1. Includes inmates' rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents;	Y	N N/A	Y N N/A	Y N N/A
2. ADOC's policies and procedures for responding to such incidents;	Y	N N/A	Y N N/A	Y N N/A
Education is conducted in-person or through a video presented by an in-person facilitator.				
1. The individual conducting or facilitating the comprehensive inmate educational orientation is trained on Tutwiler's and ADOC's policies and procedures related to sexual abuse and sexual	Y	N N/A	Y N N/A	Y N N/A

harassment, the PREA standards, and this Agreement.						
2. The individual conducting or facilitating the comprehensive inmate orientation education shall remain in the room during the entire orientation and shall monitor the inmates for reactions to and understanding of the information.	Y	N	N/A	Y	N	N/A
A mental health practitioner will serve as an advisor to the orientation process and services will be available during the orientation process if indicated.	Y	N	N/A	Y	N	N/A
The information is conveyed and made available in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to inmates who have limited reading skills.	Y	N	N/A	Y	N	N/A
Materials and curriculum have been provided to the Monitor and DOJ for their review	Y	N	N/A	Y	N	N/A
Documentation is maintained of inmate participation in the education sessions.	Y	N	N/A	Y	N	N/A
<u>Current Tutwiler inmates</u> have received this information and education by August 28, 2015.	Y	N	N/A	Y	N	N/A
<u>Incoming Tutwiler inmates</u> receive the comprehensive orientation education within 14 days of intake.	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*.
2. Documentation of the inmate education sessions, as maintained by Lt. Young.
3. Interviews with Lt. Young and Dr. Holmes.
4. Observation of inmate orientation session during compliance tour.
5. Review of revised inmate education module curriculum.
6. Inmate focus groups and individual interviews.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> Contract with the Alabama Institute with the Deaf and Blind Documents regarding the inmate survey Revised inmate education curriculum Monthly inmate grievances: June-December 2016 Inmate correspondence received by Monitor: June-December 2016 	<ul style="list-style-type: none"> Lt. Young Inmate focus groups Individual inmate interviews Lt. Coleman Dr. Holmes 	Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the January and June 2016 Compliance Visits. ADOC and Tutwiler addressed the one recommendation made by the Monitor regarding this provision during the June 2016 Compliance Visit.

<p>NOTE: THIS SECTION INCLUDES III.E.2, III.E.3, III.E.4, III.E.5, III.E.6, III.E.7 and III.E.8. Please provide separate findings for each provision</p> <p>MONITOR'S FINDINGS:</p>	<p>DATE: December 31, 2016</p>
<p><input checked="" type="checkbox"/> Substantial Compliance</p> <p><input type="checkbox"/> Partial Compliance</p> <p><input type="checkbox"/> Non-compliance</p> <p><input type="checkbox"/> n/a no assessment due until _____</p>	

<p>MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION</p>	<p>DATE: December 31, 2016</p>
<p>The comprehensive inmate education utilized at Tutwiler includes: 1) inmates' rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents; and 2) ADOC's policies and procedures for responding to such incidents. Inmate education is conducted in-person by Lt. Yvette Young (IPCM). Lt. Young is trained on Tutwiler's and ADOC's policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and this Agreement. Lt. Young remains in the room during the entire orientation and monitors the inmates for reactions to and understanding of the information.</p> <p>A mental health practitioner serves as an advisor to the orientation process and services is available during the orientation process if indicated. The information covered is conveyed and made available in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to inmates who have limited reading skills. Documentation is maintained by Lt. Young of inmate participation in the education sessions.</p> <p>The original Tutwiler inmates received this information and education in July, 2015. Incoming Tutwiler inmates receive the comprehensive orientation education within 14 days of intake.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the January and June 2016 Compliance Visits.. To date, ADOC and Tutwiler have sustained substantial compliance with the requirements of this provision. The Monitor confirmed ADOC and Tutwiler's continued compliance for this reporting period by reviewing the inmate education curriculum, feedback received during staff and inmate interviews, and observations made during the Compliance Visit December 2016.</p> <p>ADOC submitted their draft revised curriculum for the Inmate Education program in June 2016 for review and comment by the Monitor and DOJ. The parties submitted their comments the last week in June. The revised curriculum was published in December 2016. These revisions are inclusive of the published SOP 8-12 SOP 8-22 <i>Inmate Grievance</i> program.</p> <p>The Monitor conducted two inmate focus group and numerous individual inmate interviews during the December 2016 Compliance Visit. The inmates acknowledged their awareness of the PREA and grievance procedures at Tutwiler.</p> <p>The Monitor reviewed the ADOC contract with the Alabama Institute for the Deaf and Blind for the compliance requirement that Tutwiler have expert services available for the deaf, visually impaired or otherwise disabled. It is responsive to these requirements.</p> <p>The Monitor previously recommended that Tutwiler provide a feedback method for inmates on their experience with the Inmate Education Program. Tutwiler started the formal inmate survey/polling process in July 2016. This area of inquiry was included.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

GENDER-RESPONSIVE CLASSIFICATION									
III.F Consistent with constitutional standards, ADOC and Tutwiler shall develop and implement a classification process including custody classification, and risk/need assessment, and screening for risk of vulnerability or perpetration of sexual abuse or sexual harassment and use that information to inform housing, bed, work, education, and program assignments with the goal of maximizing safety.									
				Policy			Develop Policy	Implement Policy	
1. Within two months of the Effective Date , ADOC and Tutwiler shall convene a working group to evaluate methods to decrease or eliminate Tutwiler's use of Dorm A for a period of time that exceeds 48 hours while screenings are completed, including an examination of the necessity of PAP test and/or other medical, mental health, or intellectual test results prior to classification and failures to provide adequate continuity in medical and mental health care to Dorm A residents				III.F.1			N/A.	Convene Working Group by July 28, 2015	
REQUIREMENTS				Policy Developed		Staff Trained		Policy Implemented	
Working Group Convened				Y	N	N/A	Y	N	N/A
Evaluate methods to decrease or eliminate use of Dorm A for a period that exceeds 48 hours				Y	N	N/A	Y	N	N/A
Examine necessity of receiving PAP test and/or other medical, mental health, or intellectual test results prior to classification				Y	N	N/A	Y	N	N/A
Examine any failures to provide adequate continuity in medical and mental health care to Dorm A residents				Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE									
<ol style="list-style-type: none"> 1. Review Tutwiler Inmate Receiving Log for Dorm A. 2. Review inmate dorm movement sheets out of Dorm A from June-December 2016. 3. Review Tutwiler Bed Count Rosters for randomly selected dates. 4. Review Dorm A Workgroup Quarterly meeting minutes. 5. Review Dorm Representatives Meeting minutes. 6. Interview Lt. Young. 7. Inmate focus groups. 8. Individual inmate interviews. 9. Tour of Dorm A during Compliance Visit December 2016. 									

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> Tutwiler Inmate Receiving Log (Dorm A) Inmate dorm movement sheets out of dorm A from June-December 2016 Tutwiler Bed Count Rosters for randomly selected dates Dorm A Workgroup Quarterly meeting minutes Dorm Representatives Meeting minutes 	<ul style="list-style-type: none"> Deputy Commissioner Williams Staff interviews Inmate focus groups Individual inmate interviews 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016 Monitor's observations visiting unit during Compliance Visit December 2016 Monitor's discussions with housing unit officer while touring unit Monitor's discussions with inmates while touring unit

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit. The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:	DATE: December 31, 2016
<input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>On July 10, 2015, the Deputy Commissioner for Women's Services convened a work group to evaluate methods to decrease or eliminate Tutwiler's use of Dorm A for a period of time that exceeds 48 hours while screenings are completed, including an examination of the necessity of PAP test and/or other medical, mental health, or intellectual test results prior to classification and any failures to provide adequate continuity in medical and mental health care to Dorm A residents.</p> <p>This group continues to meet quarterly, and the meeting notes are forwarded to the Deputy Commissioner for Women's Services.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the Compliance Visit of December 5-9, 2016.</p> <p>ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the previous reporting period in the Monitor's Second Compliance Report. As of December 31, 2016 ADOC and Tutwiler have sustained compliance with this provision.</p> <p>The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations.</p> <p>Ongoing efforts to evaluate methods to decrease or eliminate use of Dorm A for a period that exceeds 48 hours have been successful as demonstrated by both an overall reduced unit count and overall shorter length of stays in the unit. On December 5, 2016 while the Monitor was touring the unit, only 19 of the unit's 80 beds were filled.</p> <p>The Monitor reviewed Dorm A Workgroup Meeting and Dorm A's Receiving Log. The average stay in the intake Dorm 'A' has decreased to the target time period of 72 hours. The Monitor identified only two outliers whose length of stay in the unit varied significantly from the target goal of 72-hours. The Monitor made inquiry about these two women and the reasons for the length of time they spent in Dorm A.</p> <p>As reported during the December 2016 Compliance Tour, this target goal had been achieved for the preceding 6 weeks. It was reported by staff that the inmates are now being processed through Dorm-'A' on time, due to the decrease in general population inmates. The Alabama Parole Board has recently made significant advancements in their ability to parole a large number of female inmates and this has had a positive impact on the daily population count at Tutwiler. The number of empty beds reported at Tutwiler, as of 11/22/16, was 65 at the main campus and 42 beds available at the annex campus. The medical and mental health staff continue to process every new inmate in a timely manner. Classification staff believe the introduction of the new Needs & Risk Assessments (WARNA) is helping classification to properly place the inmate in the appropriate setting at a faster rate thereby reducing the time a prisoner stays in Dorm A.</p>	

During a tour of Dorm A, the only issue inmates discussed with the Monitor was temperature control in the unit. Inmates complained of being cold and staff made extra blankets available to them as needed.

The required medical health assessments continue to be completed in a timely manner for inmates in Dorm A.

MONITOR’S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

GENDER-RESPONSIVE CLASSIFICATION									
III.F Consistent with constitutional standards, ADOC and Tutwiler shall develop and implement a classification process including custody classification, and risk/need assessment, and screening for risk of vulnerability or perpetration of sexual abuse or sexual harassment and use that information to inform housing, bed, work, education, and program assignments with the goal of maximizing safety.									
				Policy			Develop Policy	Implement Policy	
2. Within six months of convening of the working group, ADOC and Tutwiler shall retain an expert in gender responsive assessment and classification.				III.F.2				Retain expert by January 28, 2016	
REQUIREMENTS				Policy Developed			Staff Trained		Policy Implemented
The retained expert develops and submits for review to the Workgroup and Monitor a summary of recommendations and proposed deliverables that outline a plan for implementation and validation of an objective and internal classification system specific to the women inmates at Tutwiler.				Y	N	N/A	Y	N	N/A
The classification system incorporates gender responsive principles and addresses the needs of women inmates at Tutwiler including housing safety, mental health (depression/anxiety/psychosis), abuse and trauma, family conflict, relationship dysfunction, and parental stress.				Y	N	N/A	Y	N	N/A
The system focuses on strength and resiliency factors including educational assets, family support, and self-efficacy				Y	N	N/A	Y	N	N/A
The proposed plan examines the designation of "restricted status" for inmates at Tutwiler to determine the appropriateness of the designation as it relates to classification, housing, programming, and community custody.				Y	N	N/A	Y	N	N/A
The proposed plan is based on expert review and addresses adjustments to the classification system, adequate data collection and analysis, and appropriate ongoing testing for effectiveness.				Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. Review of draft gender responsive classification plan, strategy for implementation and implementation plan -by Monitor and DOJ.
2. Interviews with Deputy C Commissioner Williams, Warden Wright.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • Draft gender responsive classification plan • Implementation plan for classification system 	<ul style="list-style-type: none"> • Deputy Commissioner Williams • Warden Wright • Ms. Westry-Tutwiler classification supervisor 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit.

The Monitor addressed all recommendations made by the Monitor regarding this provision during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:	DATE: December 31, 2016
<p><input checked="" type="checkbox"/> Substantial Compliance</p> <p><input type="checkbox"/> Partial Compliance</p> <p><input type="checkbox"/> Non-compliance</p> <p><input type="checkbox"/> n/a no assessment due until _____</p>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>Dr. Van Voorhis was retained on contract and she developed a summary of recommendations and proposed deliverables. ADOC forwarded the proposal to the Monitor and DOJ for review in May, 2016. The proposal was finalized in August, 2016. The new classification system incorporates gender-responsive principles and addresses the needs of women inmates at Tutwiler including housing safety, mental health (depression/anxiety/psychosis), abuse and trauma, family conflict, relationship dysfunction, and parental stress. The system focuses on strength and resiliency factors including educational assets, family support, and self-efficacy.</p> <p>The use of "restricted status" for female inmates was abolished in September, 2016 in accordance with the new classification system.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the Compliance Visits of January and June 2106. As of December 31, 2016 ADOC and Tutwiler have sustained substantial compliance.</p> <p>The Monitor confirmed ADOC and Tutwiler's continued compliance by the review of the draft Gender Responsive Assessment and Classification plan, as submitted by Dr. Van Voorhis.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
<p>1. The plan recommends and requires additional staff for full implementation. Tutwiler's request for additional staffing has been approved. The Monitor requests a tracking update on the number of new positions authorized, the number of new hires and the date of hire for each additional staff.</p> <p>2. Provide the Monitor with an update on the progress of the implementation on May 15, 2017. Provide any data accumulated regarding the administration of the risk/needs assessment of the inmates.</p>	<p>May 15,2017</p> <p>May 15,2017</p>

GENDER-RESPONSIVE CLASSIFICATION									
III.F Consistent with constitutional standards, ADOC and Tutwiler shall develop and implement a classification process including custody classification, and risk/need assessment, and screening for risk of vulnerability or perpetration of sexual abuse or sexual harassment and use that information to inform housing, bed, work, education, and program assignments with the goal of maximizing safety.									
						Policy		Develop Manual/ Implement WRNA	WRNA Validated
3. The approved plan for implementation of the classification system shall be managed by an implementation workgroup and completed within two years of the approval of plan. 4. The system shall provide programs that incorporate gender responsive principles and address the needs of women inmates at Tutwiler, including those addressing sexual abuse, sexual harassment, and trauma; domestic violence; dating violence; and medical and mental health care.						III.F.3 III.F.4		Note: ADOC and DOJ Need to discuss dates	September 28, 2016 () (March 28,2019)
REQUIREMENTS						Policy Developed		Staff Trained	Policy Implemented
Managed by an implementation workgroup						Y N N/A		Y N N/A	Y N N/A
Completed within 2 years of approval						Y N N/A		Y N N/A	Y N N/A
System provides programs that address the needs of women inmates at Tutwiler, including:						Y N N/A		Y N N/A	Y N N/A
1. Gender responsive programming addressing sexual abuse/harassment and trauma						Y N N/A		Y N N/A	Y N N/A
2. Gender responsive programming addressing domestic violence and dating violence						Y N N/A		Y N N/A	Y N N/A
3. Gender responsive programming addressing medical care						Y N N/A		Y N N/A	Y N N/A
4. Gender responsive programming addressing mental health care						Y N N/A		Y N N/A	Y N N/A
MONITOR’S MEASURES OF COMPLIANCE									
1. Review of draft gender responsive classification plan. 2. Interviews with Ms. Westry and other members of the required classification plan workgroup. 3. Interviews with Deputy Commissioner Williams, Warden Wright, and Lt. Young. 4. Minutes to Implementation Workgroup Meetings									

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> Draft gender responsive classification plan Implementation Workgroup meeting minutes 	<ul style="list-style-type: none"> Deputy Commissioner Williams Warden Wright Lt. Young Ms. Westry 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
This provision is not due for a compliance determination until March 2019.

NOTE: THIS SECTION INCLUDES III.F.3 and III.F.4. Please provide separate findings, discussion, and recommendations for all provisions.	DATE: December 31, 2016
MONITOR'S FINDINGS:	
<input type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input checked="" type="checkbox"/> n/a no assessment due until March 28,2019	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
An implementation workgroup was created by Dr. Van Voorhis, and includes the following stakeholders: Cassandra Conway–Classification Director; Angie Baggett -Asst. Classification Director; Chitema Westry – Tutwiler Classification Supervisor; Jessica Simmons – ADOC IT; Dr. Scott Holmes – Tutwiler Psychologist; and Rosalind Williams – IT Project Manager.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>The Monitor has determined a rating of N/ A is appropriate as no assessment is due until March 28, 2019. A workgroup as previously described has been identified to manage implementation. The due date for the development of the manual and the WRNA was September 28, 2016.</p> <p>Piloting and validation of the WRNA for Alabama is planned as previously described.</p> <p>The proposed system provides for programs that address the needs of women inmates at Tutwiler, including: 1) cognitive skills or general cognitive behavioral programs, 2) anger and aggression, 3) abuse and trauma, 4) substance abuse, 5) healthy relationships, 6) self-efficacy / empowerment, and 7) parenting programs.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE
<p>1. ADOC to provide updates to the Monitor, when appropriate, on their efforts to move forward on the following issues:</p> <ul style="list-style-type: none"> • Efforts to fill additional staff positions authorized to support WRNA implementation. • Efforts to provide the types of programming, via the classification plan. • Documentation of any formal/informal training that is provided to staff or inmates on the new classification system. 	As appropriate

RISK ASSESSMENT										
III.G Risk Assessment					Policy			Develop Policy	Implement Policy	
1. ADOC and Tutwiler shall continue to utilize a risk assessment instrument to screen for risk of victimization and abusiveness					III.G.1	AR 454 SOP 8-12		May 28, 2015	May 28, 2015	
REQUIREMENTS					Policy Developed			Staff Trained	Policy Implemented	
Initiate and document communication with facility from which the inmate is received to learn about their incarceration, adjustment issues, disciplinary history, and any other factors relevant to identification of potential predators and victims including pregnancy status.					Y	N	N/A	Y	N	N/A
If an inmate arrives at Tutwiler from another custodial institution, including a county jail, work release placement, or halfway house, the transferring facility is notified that if it is suspected, as a result of either the inmate’s self-reporting or after the initial medical evaluation, that sexual abuse in a custodial setting could have caused the pregnancy.					Y	N	N/A	Y	N	N/A
All inmates are assessed during an intake screening within 72 hours of arrival. The screening includes an assessment of an inmate’s risk of being sexually abused by other inmates or sexually abusive toward other inmates.					Y	N	N/A	Y	N	N/A
1. In assessing inmates for risk of being sexually abusive, the initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence and/or sexual abuse					Y	N	N/A	Y	N	N/A
2. If the screening indicates that an inmate has experienced prior sexual victimization or perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff ensure that the inmate is offered a follow-up with a medical or mental health practitioner within 14 days of the intake screening.					Y	N	N/A	Y	N	N/A
The intake screening includes: Whether the inmate has a mental, physical, or developmental disability; the age of the inmate; the physical build of the inmate; whether the inmate has previously been incarcerated; whether the inmate has a history of substance abuse and/or alcohol dependency; whether the inmate has a history of self injurious behavior and/or suicidal ideation; whether the inmate’s criminal history is exclusively nonviolent; whether the inmate has prior convictions for sex offenses against an adult or child; whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; whether the inmate has previously experienced sexual victimization; the inmate’s own perception of vulnerability; and any other factors that have been selected for Tutwiler.					Y	N	N/A	Y	N	N/A
					Y	N	N/A	Y	N	N/A

Within 30 days of an inmate's arrival at Tutwiler, Tutwiler reassesses the inmate's risk of victimization or abusiveness based upon a trauma screening and assessment developed under III.F2 and any additional, relevant information received by Tutwiler since the intake screening.	Y	N	N/A	Y	N	N/A	Y	N	N/A
An inmate's risk level is reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness	Y	N	N/A	Y	N	N/A	Y	N	N/A
ADOC and Tutwiler use information from the risk screening to make an individualized and safety-based determination of prisoners' housing, bed, work, education, and program assignments	Y	N	N/A	Y	N	N/A	Y	N	N/A
Placement and programming assignments for inmates at high risk of sexual victimization are reassessed at least twice each year to review any threats to safety experienced by the inmate and such inmate's own views with respect to her own safety are given serious consideration.	Y	N	N/A	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*-requirement for Tutwiler to notify other facilities of any inmate allegation of sexual abuse/harassment, once received at Tutwiler.
2. Review PREA Risk Factors Checklist, ADOC form 454: June-December 2016.
3. Review randomly selected checklists that have a positive response to any of the questions, warranting an interview with Dr. Holmes or other MH staff.
4. Documentation maintained by Ms. Westry and classification staff for these same referrals.
5. Documentation from Dr. Holmes, mental health staff, regarding results of their interview with these inmates. Review documentation of Dr. Holmes' referrals for formal mental health evaluation interview.
6. Review copies of any correspondence from Warden Wright and/or Lt. Young to another facility regarding a new admission's allegation of sexual abuse/harassment.
7. Review of randomly selected inmate re-assessments.
8. Documentation used/created by Lt. Young and Dr. Holmes of their review of the ADOC checklist 454-C, for inmates who may be at risk of victimization or predatory behavior.
9. Inmate focus groups.
10. Individual inmate interviews.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Review of: <ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> PREA classification risk factors checklist (ADOC 454-C): June-December 2016 Classification section logs for tracking the PREA checklist Randomly selected initial mental health review-by Dr. Holmes/staff-of submitted PREA checklists Correspondence from Warden Wright/Lt. Young to other confinement units Classification spreadsheets tracking the required reassessments MHM mental health initial assessments due to risk factors in checklist factors in checklist 	Deputy Commissioner Williams <ul style="list-style-type: none"> Associate Commissioner Naglich ADOC Chief Psychologist Dr. Tytell Warden Wright Dr. Holmes Ms. Greer Lynn Brown, OHS Regional Supervisor Lt. Young Ms. Westry Inmate focus groups Individual inmate interviews 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit. ADOC and Tutwiler have addressed all recommendations made by the Monitor regarding this provision during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:	DATE: December 31, 2016
<p><input checked="" type="checkbox"/> Substantial Compliance</p> <p><input type="checkbox"/> Partial Compliance</p> <p><input type="checkbox"/> Non-compliance</p> <p><input type="checkbox"/> n/a no assessment due until _____</p>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>Tutwiler began using ADOC Form 454-C, PREA Risk Factors Checklist, in July, 2014 to screen all inmates entering Tutwiler for risk of victimization or abusiveness. This form was created in May 2014, by the ADOC Office of Health Services (OHS). The OHS consulted with several other states to get input on risk factor checklists in use. In January 2016, Tutwiler began conducting a reassessment within 30 days of an inmate's arrival using Form 454-C.</p> <p>AR 454 (<i>Inmate Sexual Abuse & Harassment</i>) was revised and published in January, 2016, and ADOC Form 454-C, PREA Risk Factors Checklist, became an official part of that policy. Tutwiler's SOP 8-12 (<i>Inmate Sexual Abuse & Sexual Harassment</i>), also includes the use of this form. This form is used for both initial screenings and reassessments.</p> <p>During this review period, draft revisions to fine tune ADOC Form 454-C were submitted to the Monitor and DOJ for review and comments and the revised form was published August 1, 2016. The form and process address elements required by this provision. At present there is no national model for a gender-responsive PREA risk factor tool. The tool currently being used is in SOP 8-12. A revised Tutwiler tool contains the same factors that are being used in male facilities with a few revisions. The tool will continue to evolve to incorporate gender responsive principles and may hold potential for becoming a national model.</p> <p>Staff have been trained in the use of ADOC Form 454-C.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the December 2016 Compliance Visit.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations.</p> <p>Tutwiler classification specialists review inmate records from the county jail of origin, and may initiate communication with the facility from which the inmate is received to learn more about their incarceration, adjustment issues, disciplinary history, and any other factors relevant to identification of potential predators and victims including pregnancy status, if this information is not available in transcripts or other documents received from the county. The sending facility may not always respond to requests for additional information. This provision is included in Tutwiler SOP 8-12.</p> <p>When an inmate arrives at Tutwiler from another custodial institution, including a county jail, work release placement, or halfway house, the transferring facility is notified by the Warden if it is suspected, as a result of either the inmate's self-reporting or after the initial medical evaluation, that sexual abuse in a custodial setting could have caused the pregnancy. This provision is in ADOC and Tutwiler policy (AR 454 and SOP 8-12).</p> <p>All inmates are assessed during an intake screening within 72 hours of arrival, for factors listed in Section III.G.1.iii of the Agreement. The assessment is conducted by Classification staff. The screening includes an assessment of an inmate's risk of being sexually abused by other inmates or sexually abusive toward other inmates. In assessing inmates for risk of being sexually abusive, the initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence and/or sexual abuse.</p> <p>If the screening indicates that an inmate has experienced prior sexual victimization or perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff ensure that the inmate is offered a follow-up with a medical or mental health practitioner within 14 days of the intake screening. If an inmate is assessed to be at risk of victimization or sexually abusive toward other inmates, a mental health referral is completed by the Classification Specialist, and that inmate is interviewed by a mental health practitioner that same day. This provision is in ADOC and Tutwiler policy (AR 454 and SOP 8-12).</p> <p>The intake screening includes: Whether the inmate has a mental, physical, or developmental disability; the age of the inmate; the physical build of the inmate; whether the inmate has previously been incarcerated; whether the inmate has a history of substance abuse and/or alcohol dependency; whether the inmate has a history of self-injurious behavior and/or suicidal ideation; whether the inmate's criminal history is exclusively nonviolent; whether the inmate has prior convictions for sex offenses against an adult or child; whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; whether the inmate has previously experienced sexual victimization; the inmate's own perception of vulnerability. This requirement is documented in SOP 8-12.</p>	

Within 30 days of an inmate's arrival at Tutwiler, Tutwiler reassesses the inmate's risk of victimization or abusiveness based upon a trauma screening and assessment developed under III.F2 and any additional, relevant information received by Tutwiler since the intake screening. Tutwiler is currently using the ADOC Form 454-C to conduct these reassessments. This requirement is documented in ADOC and Tutwiler policy (AR 454 and SOP 8-12). An inmate's risk level is reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. This provision is in ADOC and Tutwiler policy (AR 454 and SOP 8-12). Tutwiler is formally using information from the risk screening to make individualized and safety-based determination of prisoners' housing, bed, work, education, and program assignments. Tutwiler Classification staff is currently sending the Tutwiler IPCM (Lt. Yvette Young) a copy of the Risk Factors Checklist, as well as ADOC Psychological Associate, Dr. Scott Holmes. Lt. Young and Dr. Holmes actively following up with any inmates who present at risk of being sexually abused or sexually aggressive towards inmates. They monitor these inmates, and consideration is given to the respective inmates' housing, bed, work, education, and program assignments. This provision is in ADOC and Tutwiler policy (AR 454 and SOP 8-12) Placement and programming assignments for inmates at high-risk of sexual victimization (transgender and intersex inmates) will be reassessed at least twice each year to review any threats to safety experienced by the inmate. The inmate's own views with respect to personal safety are given serious consideration. This provision was added to Tutwiler SOP 8-12.

Staff have been trained in the policy and process.

The Monitor's review of both classification and mental health staff checklist that track initial screenings and reassessments support that policy has been implemented. Interviews with staff confirm that Lt. Young and Dr. Holmes actively follow up with any inmates who present at risk of being sexually abused or sexually aggressive towards inmates. They monitor these inmates, and consideration is given to the respective inmates' housing, bed, work, education, and program assignments

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

RISK ASSESSMENT													
III.G Risk Assessment					Policy			Develop Policy	Implement Policy				
2. Inmates at high risk for sexual victimization shall not be placed in involuntary segregation housing due to their high risk of victimization unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. Such an assessment and determination shall be documented, explain the basis for Tutwiler’s concern for the inmate’s safety and the reason why no alternative means of separation can be arranged. A review of such determination must be afforded each inmate at least every 30 days to determine whether there is a continuing need for separation from the general population.					III.G.2	AR 454 SOP 8-12		February 28, 2016	February 28, 2016				
					III.G.3								
REQUIREMENTS					Policy Developed		Staff Trained		Policy Implemented				
Inmates at high risk for sexual victimization are not placed in involuntary segregated housing due to their high risk of victimization unless: 1. An assessment of all available alternatives has been made, and 2. A determination has been made that there is no available means of separation from likely abusers The assessment and determination is documented and explains the basis for Tutwiler’s concern for the inmate’s safety and the reason why no alternative means of separation can be arranged. Each inmate is afforded a review of a segregation determination at least every 30 days to determine whether there is a continuing need for separation from the general population. Inmates placed in segregated housing due to potential victimization shall, to the extent possible, have full access to programs, privileges, education, and work opportunities as inmates in general population housing.					Y	N	N/A	Y	N	N/A	Y	N	N/A
					Y	N	N/A	Y	N	N/A	Y	N	N/A
					Y	N	N/A	Y	N	N/A	Y	N	N/A
					Y	N	N/A	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12, *Inmate Sexual Abuse and Harassment*.
2. ADOC form 302-A incident reports for any inmate segregated related to this policy requirement.
3. Excel spreadsheet maintained by Lt. Young -for inmate placement on involuntary segregation status.
4. Interviews with Warden Wright, Lt. Young.
5. Staff interviews.
6. Inmate focus groups.
7. Individual inmate interviews.
8. Inmate correspondence received by Monitor.
9. If Monitor is notified of an inmate placement in segregation, additional information will be requested.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • ADOC 302-A: incident reports, for and Tutwiler inmate confined in involuntary segregation • Review of any records maintained by Lt. Young of involuntary segregation placements • Review of monthly grievances • Review of inmate correspondence received by Monitor 	<ul style="list-style-type: none"> • Warden Wright • Lt. Young • Staff interviews • Inmate focus groups • Individual inmate interviews 	<ul style="list-style-type: none"> • Compliance Visit of December 5-9, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be 'Substantially Compliant" with this provision during the June 2016 Compliance Visit.

The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:

DATE:
December 31, 2016

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>ADOC and Tutwiler policy (AR 454 & SOP 8-12) currently include policy on Section III.G.2 & 3, and this policy has been in practice at Tutwiler since February 2014. Staff has been trained on this policy and the policy has been implemented since February 2014. Should an inmate ever be placed in involuntary segregation housing due to her high risk of victimization, that causal incident would be documented on ADOC Form 302A.</p> <p>Lt. Yvette Young (IPCM) is responsible for tracking the number of inmates who are held in or assigned to involuntary segregation because of a risk of sexual victimization for a period longer than 24 hours. She maintains an Excel spreadsheet to track this information, and ADOC began reporting this data in August 2016.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>Inmates at high risk for sexual victimization are not placed in involuntary segregated housing due to their high risk of victimization unless:</p> <ul style="list-style-type: none"> • An assessment of all available alternatives has been made, and • A determination has been made that there is no available means of separation from likely abusers <p>When justified, the assessment and determination will be documented and explain the basis for Tutwiler's concern for the inmate's safety and the reason why no alternative means of separation can be arranged.</p> <p>Each inmate will be afforded a review of a segregation determination at least every 30 days to determine whether there is a continuing need for separation from the general population.</p> <p>Inmates placed in segregated housing due to potential victimization shall, to the extent possible, would have full access to programs, privileges, education, and work opportunities as inmates in general population housing.</p> <p>All the aforementioned provisions are documented in Tutwiler SOP 8-12. In the interview with Lt. Young, it was reported that there has not been an incident involving the placement of an inmate in this particular segregation status since the initiation of the settlement agreement in 2015.</p>	

NOTE: THIS SECTION INCLUDES III.G.2 and III.G.3. Please provide separate findings, discussion, and recommendations for all provisions. MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

INMATES' RIGHT TO PRIVACY									
III.H ADOC and Tutwiler shall prevent officers from unnecessarily viewing inmates who are naked or performing bodily functions									
	Policy						Develop Policy	Implement Policy	
1. Cross-Gender Searches : ADOC and Tutwiler shall continue to comply with its policy regarding cross-gender pat and strip searches	III.H.1.	AR 454 SOP 8-12 SOP 7-7 SOP 9-6				May 28, 2015	May 28, 2015		
REQUIREMENTS	Policy Developed			Staff Trained			Policy Implemented		
i. ADOC and Tutwiler shall comply with its policy regarding cross gender pat and strip searches and shall ensure that appropriate modifications to the policy are made and implemented to include, at a minimum, the items specified in III.H.1.ii to III.H.1.v	Y	N	N/A	Y	N	N/A	Y	N	N/A
ii. Tutwiler will continue to not conduct cross-gender strip searches or visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners	Y	N	N/A	Y	N	N/A	Y	N	N/A
iii. Tutwiler will continue to prohibit cross-gender pat-down searches of women inmates, absent exigent circumstances. Inmates' access to regularly available programming or other out-of-cell opportunities shall not be restricted in order to comply with this provision.	Y	N	N/A	Y	N	N/A	Y	N	N/A
iv. Tutwiler shall document all cross-gender strip searches, cross-gender visual body cavity searches, and cross gender pat-down searches of women inmates, and shall document the exigent circumstances that warranted the search. To the extent that any such searches were conducted, Tutwiler shall provide this documentation to the Monitor and DOJ on a quarterly basis	Y	N	N/A	Y	N	N/A	Y	N	N/A
v. ADOC and Tutwiler shall train security staff in how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates, when required, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs	Y	N	N/A	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment* and SOP 7-7 *Searches*.
2. Review of any incident reports and use of force reports involving cross gender strip and pat searches.
3. Interviews with Warden Wright, Lt. Young.
4. Staff interviews.
5. Inmate focus groups.
6. Individual interviews with inmates.
7. Inmate correspondence received by Monitor.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • SOP 7-7 <i>Searches</i> • Any incident reports for cross gender searches: June-December 2016 • Inmate correspondence received by Monitor 	<ul style="list-style-type: none"> • Warden Wright • Lt. Young • Staff interviews • Inmate focus groups • Individual inmate interviews 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit.

The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:	DATE: December 31, 2016
<input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>ADOC and Tutwiler policy (AR 454 & SOP 8-12) includes policy on Section III.H.1 and this policy has been in practice at Tutwiler since February 2014. Staff has been trained on this policy and the policy has been implemented since February 2014. Should a search (as described in Section III.H.1) ever have to be conducted, that incident would be documented on ADOC Form 302A. Tutwiler security staff was trained in how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates, during 2015 ADOC In-Service Training. This training curriculum has already been provided to the Monitor and DOJ.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the January and June 2016 Compliance Visits. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>The Monitor reviewed this SOP 7-7 <i>Searches</i> to confirm it prohibits the cross gender pat and strip searches, with the exception of exigent circumstances.</p> <p>The Monitor reviewed randomly selected inmate grievances for the period June-December 2016 and did not find one that alleged a violation of this policy.</p>	

The Monitor received letters from eight women during the reporting period of June-December and there were no allegations of a violation of this policy.

The Monitor conducted two inmate focus groups during the Compliance Visit and the women offered no observations or reports that this policy has been violated.

The Monitor interviewed staff and all agreed that this prohibition is accepted policy and they had not observed any violation of this policy.

This provision requires that an incident report, 302-A, be completed if cross gender searches occurs. The Monitor has a standing request to receive this report immediately after one is filed, if such a search occurs. During this reporting period, there have been no reported incidents of either cross gender pat or strip searches.

MONITOR'S RECOMMENDATIONS:

(for at least the next 6 months)

DATE DUE:

None.

N/A

INMATES’ RIGHT TO PRIVACY											
III.H ADOC and Tutwiler shall prevent officers from unnecessarily viewing inmates who are naked or performing bodily functions											
						Policy		Develop Policy	Implement Policy		
2.i Cross- Gender Viewing: ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section A.III.6, and implement policies and procedures that enable inmates to perform bodily functions – such as showering, bathing, and using the toilet – and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances of when such viewing is incidental to routine cell checks						III.H.2.i	AR 454 SOP 8-12 SOP 5-0		February 28, 2016	February 28, 2016	
						III.H.2.ii					
REQUIREMENTS						Policy Developed		Staff trained		Policy Implemented	
Inmates can perform bodily functions – such as showering, bathing, and using the toilet – and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia						Y	N	N/A	Y	N	N/A
1. Except in exigent circumstances or											
2. When such viewing is incidental to routine cell checks											
Male staff is required to announce their presence before entering an inmate housing unit and again before entering the shower or toilet areas.						Y	N	N/A	Y	N	N/A
Inmate movement during count is limited						Y	N	N/A	Y	N	N/A
Conducting inmate counts while inmates are likely to be in the shower and toilet areas is prohibited						Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP's 8-12 *Inmate Sexual Abuse and Harassment*, SOP 7-9, *Inmate Count Procedures* and SOP 5.0 *Dormitory Security*.
2. Random review of dorm shift logs.
3. Dormitory Post Orders.
4. Review of inmate grievances.
5. Staff interviews.
6. Inmate focus groups.
7. Individual inmate interviews.
8. Inmate correspondence to Monitor.
9. Review of the Risk Management System to see any incidents of staff failure to follow these directives.
10. Tour of housing areas during Compliance Visit December 5-9, 2016.
11. Interviews with Warden Wright and Lt. Young, Lt. Coleman.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • SOP 7-9 <i>Inmate Count Procedures</i> • SOP's 5.0 <i>Dormitory Security</i> • Random selection, by Monitor, of shift logs maintained in the dorms Risk Management System to see if employees have violated these provisions • Inmate correspondence received by Monitor during this reporting period • Monthly grievances: June-December 2016 	<ul style="list-style-type: none"> • Warden Wright • Lt Young • Captain McClain • Lt. Coleman • Staff interviews • Inmate focus groups • Individual inmate interviews 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be ‘Substantially Compliant’ with this provision during the June 2016 Compliance Visit.

The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.

MONITOR’S FINDINGS:

DATE:
December 31, 2016

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

MONITOR’S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION

DATE:
December 31, 2016

ADOC and Tutwiler policy (AR 454&SOP 8-12) include policy on Section III.H.2 and this policy has been in practice at Tutwiler since February 2014. Staff has been trained on this policy and the policy has been implemented since February 2014. In addition, SOP 5-0 (Dormitory Security) was recently revised and published in March 2016, to include the provisions in Section III.H.2.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision in during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>Inmates can perform bodily functions – such as showering, bathing, and using the toilet – and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia:</p> <ul style="list-style-type: none"> • Except in exigent circumstances or • When such viewing is incidental to routine cell checks <p>Male staff is required to announce their presence before entering an inmate housing unit and again before entering the shower or toilet areas. Inmate movement during count is limited.</p> <p>Conducting inmate counts while inmates are likely to be in the shower and toilet areas is prohibited by policy.</p> <p>All the aforementioned provisions are included in Tutwiler dorm Post Orders and SOP 5-00, Dormitory Security. While touring the facility during the Compliance Visit, the Monitor witnessed male staff making the required announcements.</p> <p>The Monitor reviewed monthly grievances for June-December 2016 and did not see a grievance complaining about the count procedures or violations of the privacy issues in the dorms.</p> <p>The Monitor received letters from 8 inmates during June-December 2016 and did not receive complaints about the count procedures or the violations of dorm privacy.</p> <p>The Monitor conducted two inmate focus groups of women randomly selected by the Monitor, and did not receive any complaints about the count procedures related to privacy concerns or the violations of dorm privacy.</p> <p>The Monitor reviewed the employee Risk Management System for this reporting period. There were no notations of any active discipline for an employee for violating the privacy requirements of this provision from June-December 2016.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

INMATES' RIGHT TO PRIVACY									
III.H ADOC and Tutwiler shall prevent officers from unnecessarily viewing inmates who are naked or performing bodily functions									
				Policy		Develop Policy		Implement Policy	
3. ADOC and Tutwiler shall continue to implement its plan to address the architectural features that contribute to a lack of privacy for inmates while showering or using the toilet				III.H.3		SOP 5.00		May 28, 2015	
REQUIREMENTS				Policy Developed		Staff Trained		Policy Implemented	
Continue to implement plan to address the architectural features that contribute to a lack of privacy for inmates while showering or using the toilet.				Y	N	N/A	Y	N	N/A
MONITOR'S MEASURES OF COMPLIANCE									
<ol style="list-style-type: none"> 1. SOP 5.00 <i>Dormitory Security</i>. 2. Review of any maintenance works logs for reporting period related to dorm privacy issues. 3. Interviews with Wardens Wright, Lt. Young. 4. Staff interviews. 5. Inmate focus groups. 6. Individual inmate interviews. 7. Inmate correspondence received by Monitor. 8. Monitor's tour observations. 									

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> Facility maintenance work orders related to privacy issues Inmate grievances: June-December 2016 Inmate correspondence received by Monitor 	<ul style="list-style-type: none"> Deputy Commissioner Williams Warden Wright Lt. Young Inmate focus groups Individual inmate interviews 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016 Tour of trailer renovated for the separate housing of any youthful offender held at Tutwiler. Tour of dorm bathrooms and inspection of curtains and privacy barriers Tour of Dorm A Tour of Annex Tour of death row housing Tour of segregation housing

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June 2016 Compliance Visit.

The Monitor addressed the one recommendation the Monitor made regarding this provision during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:DATE:
December 31, 2016☒ Substantial Compliance☐ Partial Compliance☐ Non-compliance☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>ADOC and Tutwiler policy (AR 454&SOP 8-12) include policy on Section III.H.2 and this policy has been in practice at Tutwiler since February 2014. Staff has been trained on this policy and the policy has been implemented since February, 2014.</p> <p>In addition, SOP 5-0 (<i>Dormitory Security</i>) was revised and published in March 2016, to include the provisions in Section III.H.2.</p> <p>SOP 7-7 <i>Inmate Count Procedures</i> include policy on Section III.H.2.ii and this policy is in practice at Tutwiler.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the previous reporting period in the Monitor's Second Compliance Report. As of December 31, 2016 ADOC and Tutwiler have sustained compliance.</p> <p>The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations:</p> <p>The Settlement requires the total separation in housing for youthful offenders, if admitted to Tutwiler. Although the youthful offender trailer is ready for occupancy, the Monitor notes that Tutwiler has not received a youthful offender requiring placement in this trailer during this reporting period.</p> <p>The Monitor discussed the challenges of addressing maintenance issues in an old, overcrowded prison with maintenance staff. Line maintenance workers appear hardworking and creative as they address many plumbing issues at Tutwiler. No maintenance issues involving privacy concerns surfaced to the Monitor during these discussions with maintenance staff.</p> <p>The Monitor visited Dorm A in the evening hours. The women voiced no complaints regarding privacy issues, but did complain about the temperature in the unit and some requested and received additional blankets.</p> <p>The Monitor also visited segregation housing and spoke to each woman on the unit. These women voiced no concerns regarding privacy issues.</p> <p>The Monitor stopped by the death row unit, but did not spend time touring that unit as she had spent considerable time in this unit during her orientation tour in September 2016. The women did not express any concerns regarding privacy issues.</p> <p>The Monitor did not visit the Annex during the December 2016 Compliance Visit as she had spent considerable time in this unit during her orientation tour in</p>	

September 2016. The women did not express any concerns regarding privacy units.

On several occasions during the Monitor's tours during the Compliance Visit, she witnessed the limitations on inmate movement during count time.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

REPORTING ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT

III.I In order to adequately identify and respond to all instances of sexual abuse and sexual harassment at Tutwiler, ADOC and Tutwiler shall ensure that all inmates, staff, and third-parties have multiple unimpeded methods to report incidents of sexual abuse and sexual harassment free from retaliation

	Policy		Develop Policy	Implement Policy
1. ADOC and Tutwiler shall continue to comply with its policy on reporting allegations of sexual abuse and sexual harassment. Any modification of that policy shall be submitted to DOJ and the Monitor for review consistent with Section III.A.6. ADOC and Tutwiler shall provide multiple internal methods, including a grievance process and at least one confidential method, for inmates to report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.	III.I.1	AR 454 SOP 8-12 SOP 8-22	May 28, 2015	May 28, 2015
REQUIREMENTS	Policy Developed		Staff Trained	Policy Implemented
Inmates have multiple internal methods, including a grievance process and at least one confidential method, to report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.	Y	N N/A	Y N N/A	Y N N/A
Reports are accepted verbally, in writing, anonymously, and from third parties including other inmates, Tutwiler staff, and the inmate's friends and family, advocates or legal representation.	Y	N N/A	Y N N/A	Y N N/A
Staff promptly document verbal reports in writing.	Y	N N/A	Y N N/A	Y N N/A
Information on how to report sexual abuse or sexual harassment on behalf of an inmate is distributed publicly.	Y	N N/A	Y N N/A	Y N N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment* and 8-22 *Inmate Grievance Procedures*.
2. Documentation of PREA hotline calls made from Tutwiler.
3. Review of grievances: June-December 2016.
4. Review of the Memoranda of Understanding (MOU) between ADOC and the Alabama Dept. Of Economic and Community Affairs (ADECA). Documentation for any calls made to ADECA. Documentation of the procedures for inmate use and how was it published for the inmates.
5. Observation of PREA presentation during inmate orientation.
6. Interview with ADOC PREA Compliance Manager to review any third party reports or ADOC website reports for PREA incidents.
7. Inmate focus groups.
8. Individual inmate interviews.
9. Correspondence received by the Monitor.
10. Interview with Warden and Wright, Lt. Young, Lt. Coleman, Ms. Vincent, Ms. Tamara Jackson.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • SOP 8-22 <i>Inmate Grievance Policy</i> • Log of Tutwiler PREA hotline calls: June-December 2016. • MOU between ADOC and Alabama Department of Economic And Community Affairs (ADECA) • Calls received by ADECA and forwarded to Tutwiler by ADOC • Logs for hotline calls and ADEC calls maintained by Lt. Young • Curriculum for Inmate orientation • Any third party PREA reports • PREA dorm posters documenting the various phone call processes to report allegations • Inmate correspondence received by the Monitor • Staff training records 	<ul style="list-style-type: none"> • ADOC PREA Coordinator Vincent • ADOC Grievance Appeal Manager Ms. Jackson • Warden Wright • Lt. Young • Lt. Coleman • Staff interviews • Inmate focus groups • Individual inmate interviews 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be “Substantially Compliant” with this provision during the June 2016 Compliance Visit.

ADOC and Tutwiler addressed all recommendations made by the Monitor regarding this provision during the June 2016 Compliance Visit.

MONITOR’S FINDINGS:

DATE:
December 31, 2016

- ☒ Substantial Compliance
- ☐ Partial Compliance
- ☐ Non-compliance
- ☐ n/a no assessment due until _____

MONITOR’S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION

DATE:
December 31, 2016

ADOC and Tutwiler policy (AR 454 & SOP 8-12) include policy on Section III.I.1. and this policy has been in practice at Tutwiler since February 2014. Staff have been trained on this policy and the policy has been implemented since February, 2014. The multiple methods of reporting sexual abuse or harassment include:

- 1) Inmates may report the incident to an ADOC employee, verbally or in writing,
- 2) Inmates may place a call to a public entity (Alabama Department of Economic and Community Affairs – ADECA) by dialing #66, and this can also be done confidentially,
- 3) Inmates may report the incident to the Institutional PREA Compliance Manager, Lt. Yvette Young, verbally or in writing,
- 4) Inmates may use the pre-addressed I&I envelope, make a report to an I&I Division Investigator (box is in the law library), this can also be done confidentially,
- 5) A third party, including fellow inmates, family members, friends, attorneys, contracted agency employees, or outside advocates can make the report for an inmate(s),

- 6) Inmates may file an emergency grievance using the Inmate Grievance Process, and,
- 7) Inmates may call the Alabama Coalition Against Rape (ACAR) using a toll-free number, for emotional support services related to sexual abuse.

Also, external methods of reporting include third party reports from outside can be made by accessing the ADOC website, at the bottom of the homepage.

In August 2016, ADOC notified the Monitor and DOJ of their decision to discontinue the use of the ADOC 91 Hotline effective October 1, 2016. Given the existence of two other hotlines, a third was duplicative and all agreed this additional line was not making best use of ADOC's limited resources. The Monitor assisted Tutwiler in the development of a communication plan to advise the women of this change. Announcements were posted on dormitory bulletin boards, and Lt. Young held discussions with inmates about the change in her weekly random inmate meetings and dormitory visits.

ADOC and Tutwiler policy require staff to promptly report and document reports of sexual abuse and harassment.

Posters are prominently displayed throughout the facility that remind inmates of how to report incidents of sexual abuse and sexual harassment.

Monitor Lancaster had previously recommended the development of a staff intervention plan regarding the requirements for using professional language addressing inmates. The Warden developed and implemented a plan and submitted it to the Monitor and DOJ on October 31, 2016.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE:
	December 31, 2016

Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.

ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the previous reporting period in the Monitor's Second Compliance Report. As of December 31, 2016 ADOC and Tutwiler have sustained compliance.

The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations:

Inmates have multiple internal methods, including a grievance process and at least one confidential method, to report sexual abuse and sexual harassment and retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. This is documented in SOP 8-12.

Reports are accepted verbally, in writing, anonymously, and from third parties including other inmates, Tutwiler staff, and the inmates' friends and family, advocates or legal representation. This is documented in SOP 8-12.

Staff promptly document verbal reports in writing. This is documented in SOP 8-12.

Information on how to report sexual abuse or sexual harassment on behalf of an inmate is distributed publicly. This is documented in SOP 8-12.

In interviews with the Monitor, inmates their access to multiple internal and external reporting mechanisms. In particular, most expressed their trust in Lt. Young and belief that she would be responsive to their needs.

During the tour of the facility, the Monitor observed the wide spread posting of information advising inmates of the many reporting avenues and methods. The posters contain all of the contact information for the PREA hotline, ADECA and the ACAR.

The Monitor reviewed the MOU between ADOC and the Alabama Department of Economic and Community Affairs (ADECA). It has been operational, and receiving calls, since MOU signed, April 29, 2016.

The Monitor reviewed inmate grievances filed during this reporting period. Inmates are using the grievance system appropriately. Several involved staff language that the inmates' felt was unprofessional. This issue was also raised by women in inmate focus groups and during individual discussions with the Monitor. The Monitor discussed this issue at length with Warden Wright. The Warden has taken hands on approach to this issue and is personally involved in the review of allegations and staff interventions. Her intervention plan is in place and she and her management team model the behavior expected of all staff at Tutwiler. The Monitor witnessed this on several occasions.

During the December 2016 Compliance Visit the Monitor randomly selected inmate grievances for deeper inspection of Lt Coleman's comprehensive records and determined the grievance system is effective and fair. After the tour, the Monitor made inquiries about additional grievances and in each instance, Lt Coleman prepared a timely response to the Monitor's inquiries.

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

The Monitor had an opportunity to interview death row inmates during her orientation tour in September 2016 and they acknowledged knowing how to make reports in a variety of ways. The inmates were familiar with Lt. Young, as she stops by their cells regularly. They also know how to file a grievance. There is an official notice about the grievance process in the entry space to their cells.

The Monitor reviewed the logs for the 91 PREA hotline calls and the responses made by Lt. Young.

Monitor received information regarding another method for inmate reporting, or third party, through the Alabama Coalition Against Rape (ACAR) The inmates can use a toll free number to call them. The agreement between ACAR and ADOC is that all calls are confidential, per ACAR policy. ACAR agreed to suggest/encourage the inmate to use the ADOC and Tutwiler methods of reporting, if their call was regarding a PREA allegation. There is no requirement for ACAR to report to ADOC.

This is the data for the actual numbers of the various reporting methods, used by the inmates, from June-December 2016

- a. Inmates grievances reporting a PREA allegation - filed 4
- b. PREA hotline calls (prior to its disconnection) reporting a PREA allegation - 0
- c. Calls made to ADECA reporting a PREA allegation - 0
- d. Calls made to the Alabama Coalition Against Rape- not known –not reported to ADOC by ACAR

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
ADOC should continue to maintain a summary sheet, on a monthly basis, of the usage of the calls to ADECA. This sheet should be sent to the Monitor on a monthly basis. The Monitor may request more specific information on any of these reports prior to the June 2017 Compliance Visit.	Ongoing

REPORTING ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT

III.I In order to adequately identify and respond to all instances of sexual abuse and sexual harassment at Tutwiler, ADOC and Tutwiler shall ensure that all inmates, staff, and third-parties have multiple unimpeded methods to report incidents of sexual abuse and sexual harassment free from retaliation

	Policy			Develop Policy	Implement Policy	
2. ADOC and Tutwiler shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. The method provided should be through a toll-free number or other method as agreed to by the Monitor and DOJ.	III.I.2	AR454 SOP 8-12		February 28, 2016	February 28, 2016	
3. ADOC and Tutwiler shall provide a method for staff to confidentially report sexual abuse and sexual harassment of inmates	III.I.3					
REQUIREMENTS	Policy Developed			Staff Trained	Policy Implemented	
Inmates have at least one way to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials	Y	N	N/A	Y	N	N/A
An inmate may remain anonymous upon request when making such a report	Y	N	N/A	Y	N	N/A
The method provided should be through a toll-free number or other method as agreed	Y	N	N/A	Y	N	N/A
Staff have a method to confidentially report sexual abuse and sexual harassment of inmates	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*.
2. Review the agreement between ADOC and the Alabama Dept. of Economic and Community Affairs (ADECA) to provide the required external public method for inmates to report sexual abuse/harassment.
3. Review any phone calls processed by ADECA and documentation by ADOC of their response and processing of the information.
4. Interview Warden Wright, Lt. Young, Director Mercado, Ms. Vincent about any staff reporting a confidential allegation of sexual abuse by the ADOC website, Investigations & Intelligence receipt of any staff written allegation.
5. Staff interviews.
6. Inmate focus groups.
7. Individual inmate interviews.

8. Inmate correspondence received by the Monitor.
9. Review the ADOC website link available for family, friends and others to report a PREA allegation.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS

(for each member of monitoring team)

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> Agreement between ADOC and ADECA Documentation of calls made to ADECA ADOC website link for public reports of PREA allegations monthly inmate grievances: June-December 2016 Inmate correspondence received by Monitor 	<ul style="list-style-type: none"> ADOC PREA Coordinator Vincent ADOC I & I Director Mercado Deputy Commissioner Williams Warden Wright Lt. Young Staff interviews Inmate focus groups Individual inmate interviews 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit.

The ADOC and Tutwiler addressed the one recommendation made by the Monitor during the June 2016 Compliance Visit.

NOTE: THIS SECTION INCLUDES III.I.2 and III.I.3. Please provide separate findings, discussion, and recommendations for all provisions.	DATE:
MONITOR'S FINDINGS:	December 31, 2016
<div data-bbox="86 289 630 544"> <input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____ </div>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE:
	December 31, 2016
<p>The ADOC entered into an agreement with a public entity, ADECA, in April, 2016. ADECA provides a way for inmates to report abuse or harassment to an entity not part of the ADOC, using a toll-free number. Notices of this availability were placed and are maintained on inmate bulletin boards throughout the facility.</p> <p>ADOC and Tutwiler staff can confidentially report sexual abuse and sexual harassment of inmates by 1) using the ADOC website to make the report anonymously, or 2) using a confidential envelope available at the facility that is placed in the I & I box in the Law Library.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>Inmates have at least one way to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials. This is accomplished with the MOU in place between ADECA and ADOC. The Monitor reviewed this MOU, which was effective March 1, 2016. During inmate focus groups and in individual inmate interviews with the Monitor, the women demonstrated awareness of this resource. During her tour, the Monitor personally observed information about this reporting method on inmate bulletin boards and she also observed Lt. Young's PREA presentation during inmate orientation. Lt Young discussed the variety of options inmates have to report anonymously, and the ADECA is one of them.</p> <p>An inmate may remain anonymous upon request when making such a report. This condition is addressed in the recorded message inmates hear. This provision is also included in Tutwiler's SOP 8-12.</p> <p>The method provided should be through a toll-free number or other method as agreed. The method used by ADECA is a toll-free number.</p> <p>Staff have a method to confidentially report sexual abuse and sexual harassment of inmates. Staff may utilize the ADOC website as a method for making confidential reports of sexual abuse and sexual harassment. Staff may also write the I & I Division, anonymously, to make allegations. Lt. Young has educated staff about the availability of this option.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
ADOC to continue to provide Monitor a monthly summary of the number of calls made on the ADECA.	Ongoing

REPORTING ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT

III.I In order to adequately identify and respond to all instances of sexual abuse and sexual harassment at Tutwiler, ADOC and Tutwiler shall ensure that all inmates, staff, and third-parties have multiple unimpeded methods to report incidents of sexual abuse and sexual harassment free from retaliation

	Policy		Develop Policy	Implement Policy
4. Third parties shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and sexual harassment, and shall also be permitted to file such requests on behalf of inmates	III.I.4	AR 454 SOP 8-12	February 28, 2016	February 28, 2016
5. All third party reports of sexual abuse and sexual harassment shall be forwarded immediately to the Departmental PREA Coordinator and be investigated and processed in accordance with Policy. As part of this process, the Departmental PREA Coordinator will inform Tutwiler’s PREA Compliance Manager of all third party reports received.	III.I.5			
REQUIREMENTS	Policy Developed		Staff Trained	Policy Implemented
Third parties can assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and sexual harassment	Y	N N/A	Y N N/A	Y N N/A
Third parties can file requests for administrative remedies relating to allegations of sexual abuse and sexual harassment on behalf of inmates	Y	N N/A	Y N N/A	Y N N/A
All third party reports of sexual abuse and sexual harassment are forwarded immediately to the Departmental PREA Coordinator and are investigated and processed in accordance with Policy.	Y	N N/A	Y N N/A	Y N N/A
The Departmental PREA Coordinator informs Tutwiler’s PREA Compliance Manager of all third party reports received	Y	N N/A	Y N N/A	Y N N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment* and 8-22 *Inmate Grievance Procedures*.
2. Review of inmate grievances: June-December 2016.
3. Interviews with Ms. Vincent, ADOC PREA Coordinator, and Lt. Young about any third party reports directly to ADOC. Review documentation of any reports and the processing of the allegations.
4. Interview with Lt. Coleman about third party assistance in filing administrative remedies through the grievance process.
5. Observe inmate orientation and the presentation of information about PREA and grievances.
6. Inmate focus groups.
7. Individual inmate interviews.
8. Inmate Correspondence received by the Monitor.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • SOP 8-22 <i>Inmate Grievance Procedures</i> • Inmate orientation presentation by Lt Young and Lt Coleman • Monthly inmate grievances: June-December 2016 • Inmate correspondence received by the Monitor • Any third party reports received by the ADOC or Tutwiler 	<ul style="list-style-type: none"> • ADOC PREA Coordinator Vincent • Deputy Commissioner Williams • Warden Wright • Lt. Young • Lt. Coleman • Staff interviews • Inmate focus groups • Individual inmate interviews 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016 • Monitor's observation of inmate orientation and the presentation by Lt Young and Lt Colema • ADOC website link for PREA reporting

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be "Substantially Complaint" with this provision during the June 2016 Compliance Visit.

The Monitor made no recommendations during the June 2016 Compliance Visit.

NOTE: THIS SECTION INCLUDES III.I.4 and III.I.5. Please provide separate findings, discussion, and recommendations for all provisions.

DATE:

MONITOR'S FINDINGS:

December 31, 2016

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION

DATE:

December 31, 2016

All provisions in Section III.I.4 & 5 of the Agreement are in practice at Tutwiler, and are addressed in ADOC or Tutwiler policy. AR 454 and SOP 8-12 include these provisions. Staff has been trained and is aware of these provisions as demonstrated in interviews and discussions with the Monitor.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>Third parties may assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and sexual harassment.</p> <p>Third parties may file requests for administrative remedies relating to allegations of sexual abuse and sexual harassment on behalf of inmates. Lt. Coleman's inmate orientation presentation includes this information.</p> <p>All third party reports of sexual abuse and sexual harassment are forwarded immediately to the Department PREA Coordinator and are investigated and processed in accordance with policy.</p> <p>The Departmental PREA Coordinator informs Tutwiler's PREA Compliance Manager of all third party reports received.</p> <p>The aforementioned provisions are incorporated into policy and inmates have been made aware of them during inmate orientation. In one -on-one discussions with the Monitor, inmates demonstrated a clear awareness of the procedures.</p> <p>Staff has been trained in the provisions of the policy.</p> <p>No third party filings were received in this reporting period.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

REPORTING ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT

III.I In order to adequately identify and respond to all instances of sexual abuse and sexual harassment at Tutwiler, ADOC and Tutwiler shall ensure that all inmates, staff, and third-parties have multiple unimpeded methods to report incidents of sexual abuse and sexual harassment free from retaliation

	Policy		Develop Policy	Implement Policy
6. Grievances: ADOC and Tutwiler shall continue to develop and submit policies and procedures for an inmate Grievance System to the Monitor and DOJ for review within three months of the effective date and, within four months of the effective date , implement the inmate Grievance System. This policy shall clearly prohibit retaliatory practices by staff against inmates who file a grievance and should include the requirements listed in III.I.6.ii-ix	III.I.6	AR 319 SOP 8-22	August 28, 2015 TO DOJ	September 28, 2015
6.viii ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section III.A.6, and implement policies and procedures for the filing of an emergency grievance where an inmate is subject to a substantial risk of imminent sexual or physical abuse	III.I.6.viii			
REQUIREMENTS	Policy Developed		Staff Trained	Policy Implemented
All inmates receive orientation on the Grievance system during orientation	Y	N N/A	Y N N/A	Y N N/A
ADOC will offer quarterly education on the Grievance System throughout the first year of implementation. Inmates will be required to attend at least once. [Dec 2015, Mar 2016, June 2016, Sep 2016]	Y	N N/A	Y N N/A	Y N N/A
ADOC and Tutwiler shall ensure that all staff receive training on the Grievance System upon implementation and through annual in-service training	Y	N N/A	Y N N/A	Y N N/A
Grievance forms are available on all units	Y	N N/A	Y N N/A	Y N N/A
ADOC and Tutwiler assist inmates who are limited English proficient, visually impaired, have a mental health impairment, are otherwise disabled, or who have limited reading or writing skills in accessing the grievance system	Y	N N/A	Y N N/A	Y N N/A
An inmate who alleges sexual abuse or sexual harassment, or any other verbal or physical abuse by staff, may submit a complaint without submitting it to a staff member who is the subject of the complaint, and such complaint is not referred to a staff member who is the subject of the complaint	Y	N N/A	Y N N/A	Y N N/A
An inmate is not required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse, sexual harassment, or any other verbal or physical abuse by staff	Y	N N/A	Y N N/A	Y N N/A

A final decision on the merits of any portion of a complaint alleging sexual abuse, sexual harassment, or any other verbal or physical abuse by staff is issued within 30 days of the initial filing of the complaint, with the option of an extension of up to an additional 30 days, approved and documented by facility designee, with written notice of status provided to inmate	Y	N	N/A	Y	N	N/A	Y	N	N/A
Emergency Grievances: After receiving an emergency oral or written complaint alleging an inmate is subject to a substantial risk of imminent sexual or physical abuse, ADOC and Tutwiler shall:	Y	N	N/A	Y	N	N/A	Y	N	N/A
1. Immediately forward the Grievance (or any portion that alleges the substantial risk of imminent sexual or physical abuse) to a level of review at which immediate corrective action may be taken	Y	N	N/A	Y	N	N/A	Y	N	N/A
2. Provide an initial response within 48 hours	Y	N	N/A	Y	N	N/A	Y	N	N/A
3. And issue a final decision within five calendar days	Y	N	N/A	Y	N	N/A	Y	N	N/A
4. The initial response and final agency decision documents the ADOC's and/or Tutwiler's determination whether the inmate is in substantial risk of imminent sexual or physical abuse and the action taken in response to the emergency grievance	Y	N	N/A	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. AR 319 and SOP 8-22 *Inmate Grievance Procedures*.
2. Review the revised inmate orientation/education curriculum that includes the 8-12 *Inmate Sexual Abuse Harassment* and 8-22 *Inmate Grievances* policies.
3. Documentation of inmate participation in the required quarterly education session on grievances for 2016.
4. Schedule for staff in-service training and documentation of their training on SOP 8-22 *Inmate Grievance Procedures*.
5. Compliance tour and observations of the placement of grievance boxes.
6. Interview with Dr. Holmes regarding any inmate needing interpreter services for filing grievances. See documentation if that has occurred during the reporting period.
7. Monitor review of random grievances for the months of June-December 2016.
8. Interviews with Lt. Coleman, Warden Wright, Lt. Young.
9. Review documentation of any emergency grievance that was PROCESSED as an emergency grievance during this reporting period.
10. Interview with Ms. Tamara Jackson, ADOC PREA Coordinator and agency appeal authority.
11. Staff interviews.
12. Inmate focus groups.
13. Individual inmate interviews.
14. Inmate correspondence received by the Monitor.
15. Monitor's on site observation in grievance presentation in inmate orientation.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS <i>(for each member of monitoring team)</i>		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> SOP 8-22 <i>Inmate Grievance Policy</i> Curriculum for inmate education program Documentation for inmate participation in quarterly education sessions Staff in-service training on grievance system Inmate grievances: June-December 2016 Inmate correspondence received by Monitor 	<ul style="list-style-type: none"> Deputy Commissioner Williams Warden Wright Lt. Coleman Lt. Young Staff interviews Inmate focus groups Individual inmate interviews Ms. Jackson, ADOC Grievance Coordinator (appeal coordinator) 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016 Observation of grievance presentation inmate orientation Tour of Tutwiler and observation of grievance boxes in housing units Observation of inmate grievance information posted in dorms Observation of inmate grievance mail boxes located in facility.

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
<p>None.</p> <p>The Monitor found ADOC and Tutwiler to be "Substantially Complaint" with this provision during the June 2016 Compliance Visit.</p> <p>The ADOC and Tutwiler have addressed all recommendations made by the Monitor during the June 2016 Compliance Visit.</p>

MONITOR'S FINDINGS:	DATE: December 31, 2016
<p><input checked="" type="checkbox"/> Substantial Compliance</p> <p><input type="checkbox"/> Partial Compliance</p> <p><input type="checkbox"/> Non-compliance</p> <p><input type="checkbox"/> n/a no assessment due until _____</p>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>Tutwiler SOP 8-22 <i>Inmate Grievance Procedures</i>, was revised, reviewed by the Monitor and DOJ, and published in March, 2016. Lt. Brian Coleman continues to be Tutwiler's Grievance Officer.</p> <p>The comprehensive offender education / orientation curriculum used to inform inmates at Tutwiler of the grievance procedures was revised in May 2016 and sent to the DOJ and Monitor for review and comment. The final draft of the curriculum has been completed. All inmates at Tutwiler have participated in a two-hour education program that included education on the Inmate Grievance Procedures. All new inmates receive orientation including information about the grievance program, upon intake. The Inmate Grievance Process officially began on August 31, 2015.</p> <p>ADOC continues to offer quarterly education on the Grievance System to inmates. This provision is documented in SOP 8-22 <i>Inmate Grievance Procedures</i>,</p> <p>Tutwiler staff received training on the Inmate Grievance System during staff meetings conducted in August, 2015. Staff also received training on the revised SOP 8-22 in March 2016. This provision is documented in SOP 8-22.</p> <p>Grievance forms are available in all housing units, and this provision is documented in SOP 8-22.</p> <p>SOP 8-22 outlines that Tutwiler Psychological Associate staff (Dr. Holmes and his team) will assist in providing inmates who are limited English proficient, visually impaired, have mental health impairment, are otherwise disabled, or who have limited reading or writing skills in accessing the grievance system. This is accomplished through the Memorandum of Understanding established with Alabama Industry for the Deaf and Blind (AIDB) and / or through the use of Google Translation.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT

DATE:

December 31, 2016

Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.

ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the previous reporting period in the Monitor's Second Compliance Report. As of December 31, 2016 ADOC and Tutwiler have sustained compliance.

The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations.

The Monitor interviewed Ms. Jackson, ADOC grievance appeal manager. The Monitor reviewed her log of all appeals received from June-December 2016. Inmates the Monitor interviewed are aware of Ms Jackson's role as the appeal coordinator.

SOP 8-22 contains all of the requirements listed in this provision.

The Monitor reviewed randomly selected grievances from June-December 2016. The review of these grievances demonstrated that inmates are using the grievance system appropriately and the system is functioning as designed and implemented. The most repeated staff complaint involved the staff use of language that inmates felt was unprofessional and harassing, not sexual harassment. Warden Wright has developed a plan for staff intervention when these complaints surface.

The Monitor saw grievances, in her monthly reviews, which prompted remedies by Tutwiler. These remedies, in the opinion of the Monitor, were appropriate actions. It is noted that DOJ received all of the grievances that the Monitor received during the reporting period.

In total, 874 grievances were filed between June 25 and Dec. 31, 2017. This represents a significant inmate use of the grievance system at Tutwiler. The Monitor reviewed the Grievance Log for June-December 2016 maintained by Lt Coleman.

All Tutwiler inmates received orientation on the grievance system during July, 2015 and all inmates arriving to Tutwiler after that date continue to receive the orientation. The Monitor has reviewed the inmate education materials and observed an inmate orientation. The Monitor discussed the use of the grievance system in discussions with individual inmate during the December 2016 Compliance Visit. The Monitor observed grievance boxes located throughout the facility.

Inmate correspondence from received by the Monitor from two inmates during this reporting period referenced grievances the women had filed. Each complained about an inventory shortfall of underwear. The Monitor brought this issue to Deputy Commissioner Williams's attention and she and Lt. Coleman provided an update about a short term issue with purchase orders that had already been addressed.

ADOC continues to offer quarterly education on the grievance system. Inmates have been required to attend at least once [Dec 2015, Mar2016, June 2016, Sep

2016]. All inmates were aware of the system.

ADOC and Tutwiler continue to ensure that all staff receives training on the grievance system through annual in-service training. All staff was trained in July, 2015 and again when the SOP was revised in 2016. Staff training records reflect this attendance. Grievance forms continue to be available on all units and were quite visible to the Monitor during her December 2016 Compliance Visit.

ADOC and Tutwiler assist inmates who are limited English proficient, visually impaired, have mental health impairment, are otherwise disabled, or who have limited reading or writing skills in accessing the grievance system. This is accomplished through the Memorandum of Agreement in place with the AIDB or through Google Translation.

An inmate who alleges sexual abuse or sexual harassment, or any other verbal or physical abuse by staff, may submit a complaint without submitting it to a staff member who is the subject of the complaint, and such complaint is not referred to a staff member who is the subject of the complaint. This provision is in SOP 8-22, and SOP 8-12.

An inmate is not required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse, sexual harassment, or any other verbal or physical abuse by staff. This is noted in SOP 8-22, and SOP 8-12.

The Monitor interviewed Ms. Jackson, ADOC grievance appeal manager. The Monitor reviewed her log of all appeals received from June-December 2016. Inmates the Monitor interviewed are aware of Ms. Jackson's role as the appeal coordinator.

MONITOR'S RECOMMENDATIONS:	DATE DUE:
<i>(for at least the next 6 months)</i>	Ongoing

ADOC and Tutwiler are to continue to provide the Monitor with a list of monthly inmate grievances. The Monitor will randomly select grievances for detailed review.

REPORTING ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT				
III.I In order to adequately identify and respond to all instances of sexual abuse and sexual harassment at Tutwiler, ADOC and Tutwiler shall ensure that inmates, staff, and third-parties have multiple unimpeded methods to report incidents of sexual abuse and sexual harassment free from retaliation.				
	Policy		Develop Policy	Implement Policy
7.ADOC and Tutwiler shall require all employees to report immediately: Any knowledge, suspicion, or information regarding an incident or alleged incident of sexual abuse or sexual harassment that occurred in Tutwiler, in transport vehicles, or in any off-site facilities under the control and supervision of ADOC or Tutwiler; Retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.	III.I.7	AR454 SOP 8-12	February 28, 2016	February 28, 2016
8.Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse or sexual harassment report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.	III.I.8			
9.ADOC and Tutwiler shall report all allegations of sexual abuse and sexual harassment, including third party reports, anonymous reports, and inmate grievances, to Tutwiler's or ADOC's designated investigator,	III.I.9			
REQUIREMENTS	Policy Developed	Staff Trained	Policy Implemented	
Employees are required to report immediately:				
1. Any knowledge, suspicion, or information regarding an incident or alleged incident of sexual abuse or sexual harassment that occurred in Tutwiler, in transport vehicles, or in any off-site facilities under the control and supervision of ADOC or Tutwiler;	Y N N/A	Y N N/A	Y N N/A	
2. Retaliation against inmates or staff who reported such an incident; and	Y N N/A	Y N N/A	Y N N/A	
3. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.	Y N N/A	Y N N/A	Y N N/A	
Staff do not reveal any information related to a sexual abuse or sexual harassment report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions, apart from reporting to designated supervisors or officials.	Y N N/A	Y N N/A	Y N N/A	
ADOC and Tutwiler report all allegations of sexual abuse and sexual harassment, including third party reports, anonymous reports, and inmate grievances, to Tutwiler's or ADOC's designated investigator	Y N N/A	Y N N/A	Y N N/A	

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*, 8-3 *Inmate Transports*, 9-7 *Private Transportation Security Agents*.
2. Review any written Memorandum of Understanding or contract ADOC or Tutwiler has with the private transportation company that provides transport of women inmates. Looking for references to PREA responsibilities.
3. Staff interviews.
4. Inmate focus groups.
5. Individual inmate interviews.
6. Inmate correspondence received by the Monitor.
7. Interviews with Warden Wright and Lt. Young.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • Contract with private transportation provider - specifically for a PREA training requirement. • Monthly inmate grievances: June-December 2016 • Inmate correspondence received by the Monitor. • PREA allegation investigations. 	<ul style="list-style-type: none"> • Deputy Commissioner Williams • Warden Wright • Lt .Young • Staff interviews 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be "Substantially Complaint" with this provision during the June 2016 Compliance Visit.

The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.

NOTE: THIS SECTION INCLUDES III.I.7, III.I.8, and III.I.9. Please provide separate findings, discussion, and recommendations for all provisions. MONITOR'S FINDINGS:	DATE: December 31, 2016
<div data-bbox="86 337 634 589"> <input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____ </div>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>All portions of Section III.I.7, 8, and 9 are in ADOC and Tutwiler policy. In Section III.I.7, the Agreement adds "in transport vehicles, or in any off-site facilities under the control and supervision of ADOC or Tutwiler." This addition is reflected in the revised SOP 8-12. All other portions of this section have been in ADOC and Tutwiler policy since February 2014. Staff has been trained, and those policies are currently in effect.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the previous reporting period in the Monitor's Second Compliance Report. As of December 31, 2016 ADOC and Tutwiler have sustained compliance.</p> <p>The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations:</p> <p>Employees are required to report immediately (as documented in SOP 8-12).</p>	

- a) Any knowledge, suspicion, or information regarding an incident or alleged incident of sexual abuse or sexual harassment that occurred in Tutwiler, in transport vehicles, or in any off-site facilities under the control and supervision of ADOC or Tutwiler;
- b) Retaliation against inmates or staff who reported such an incident; and
- c) Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

As outlined in SOP 8-12, staff must not reveal any information related to a sexual abuse or sexual harassment report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions, apart from reporting to designated supervisors or officials.

In accordance with SOP 8-12, Tutwiler reports all allegations of sexual abuse and sexual harassment, including third party reports, anonymous reports, and inmate grievances, to Tutwiler's IPCM.

Staff have been trained in PREA and in interviews and discussions with the Monitor, they demonstrate their knowledge of PREA policy and their responsibilities and obligations pursuant to the policy. All staff were aware of the duty to report, the methods for inmates to report and the requirement for confidentially maintaining the information they receive from the inmates.

A review of allegations that were investigated indicates that staff is aware of their duty to report any PREA allegation immediately to Lt. Young or to their shift commander.

The Monitor reviewed inmate grievances filed in June-December 2016 and did not see a complaint about any of the requirements noted in this provision. The Monitor received correspondence from eight inmates during this reporting period. These inmates did not make a complaint about any requirements in this section.

The Monitor reviewed the Risk Management System spreadsheet for the period June-December 2016. There were no instances of employees being disciplined for violations June-December 2016.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

REPORTING ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT				
III.I In order to adequately identify and respond to all instances of sexual abuse and sexual harassment at Tutwiler, ADOC and Tutwiler shall ensure that inmates, staff, and third-parties have multiple unimpeded methods to report incidents of sexual abuse and sexual harassment free from retaliation.				
	Policy		Develop Policy	Implement Policy
<p>10. Protecting Inmates and Staff from Retaliation:</p> <p>i. Consistent with ADOC policies, ADOC and Tutwiler shall protect all inmates and staff who report allegations of sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate Tutwiler's PREA Compliance Manager with monitoring allegations of retaliation concerning inmates. Allegations of retaliation against employees will be investigated and processed in accordance with ADOC personnel policy.</p> <p><i>(III.I.10 1-v listed below)</i></p>	III.I.10	AR 454 SOP 8-12	May 28, 2015 <i>AND</i> February 28, 2016	May 28, 2015 <i>AND</i> February 28, 2016
REQUIREMENTS	Policy Developed		Staff Trained	Policy Implemented
Inmates and staff who report allegations of sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations are protected from retaliation by other inmates or staff. <i>[May 28, 2015]</i>	Y	N N/A	Y N N/A	Y N N/A
Tutwiler's PREA Compliance Manager monitors allegations of retaliation concerning inmates. <i>[May 28, 2015]</i>	Y	N N/A	Y N N/A	Y N N/A
Allegations of retaliation against employees are investigated and processed in accordance with ADOC personnel policy. <i>[May 28, 2015]</i>	Y	N N/A	Y N N/A	Y N N/A
----- <i>[provisions below due February 28, 2016]</i> -----				
ADOC and Tutwiler use multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.	Y	N N/A	Y N N/A	Y N N/A
ADOC and Tutwiler ensure that any Tutwiler staff who is alleged to have engaged in sexual abuse or sexual harassment are immediately removed from positions of inmate contact at Tutwiler until an investigation is concluded.	Y	N N/A	Y N N/A	Y N N/A
ADOC and Tutwiler monitor all inmates and staff who report sexual abuse or sexual harassment and				

III.I.10

<p>inmates who have been reported to have suffered or cooperated with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff for at least 90 days following a report of sexual abuse or sexual harassment, to see if there are changes that may suggest possible retaliation by inmates or staff, including inmate disciplinary reports, housing or program changes, and negative performance reviews or reassignments, and shall act promptly to remedy any such retaliation.</p> <p>-such monitoring is continued beyond 90 days if the initial monitoring indicates a continuing need.</p> <p>-monitoring also includes periodic status checks for inmates</p> <p>ADOC and Tutwiler take appropriate measures to protect from retaliation any other individual who cooperates with an investigation and expresses a fear of retaliation.</p>	Y	N	N/A	Y	N	N/A	Y	N	N/A
	Y	N	N/A	Y	N	N/A	Y	N	N/A
	Y	N	N/A	Y	N	N/A	Y	N	N/A
	Y	N	N/A	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment* 9-16 PREA Institutional PREA Compliance Manager.
2. Interview with ADOC PREA Director Ms. Christy Vincent.
3. Review of inmate grievances: June-December 2016.
4. Inmate focus groups.
5. Individual inmate interviews.
6. Inmate correspondence received by the Monitor.
7. Review any Tutwiler investigation into allegations of retaliation in this reporting period.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS <i>(for each member of monitoring team)</i>		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> SOP 9-16 Job Description for Tutwiler's Institutional PREA Compliance Manager ADOC forms for reporting and tracking reports of retaliation Monthly inmate grievances: June – December 2016 Inmate correspondence received by the Monitor The tracking spreadsheet maintained by Lt. Young. 	<ul style="list-style-type: none"> Warden Wright Lt. Young ADOC PREA Coordinator Vincent 	<ul style="list-style-type: none"> Compliance Visit in December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June 2016. Compliance Visit. A finding of "Partial Compliance" was made during the January 2016 Compliance Visit. The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:	DATE: December 31, 2016
<input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>All portions of Section III.I.10.i. are in ADOC and Tutwiler policy (AR 445 & SOP 8-12), and these procedures are currently in practice at Tutwiler.</p> <p>Sections III.I.10.v is in ADOC and Tutwiler policy, staff has been trained, and the revised policy implemented in March 2016.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the previous reporting period in the Monitor's Second Compliance Report. As of December 31, 2016 ADOC and Tutwiler have sustained substantial compliance.</p> <p>The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations.</p> <p>Inmates and staff who report allegations of sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations are protected from retaliation by other inmates or staff. This is documented in SOP 8-12.</p> <p>Tutwiler's PREA Compliance Manager monitors allegations of retaliation concerning inmates. Lt. Young uses the ADOC PREA Form E to track and documents any inmate or staff alleging retaliation for reporting sexual abuse and for inmates who are the alleged victim of sexual abuse. She maintains a spreadsheet for logging these allegations. This is documented in SOP 8-12. During this reporting period, there were no reports, from inmates or staff alleging retaliation and no inmate alleged sexual abuse during this reporting period</p> <p>Allegations of retaliation against employees are investigated and processed in accordance with ADOC personnel policy. This is documented in SOP 8-12.</p> <p>Tutwiler uses multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. This is also documented in SOP 8-12.</p> <p>Tutwiler ensures that any staff who is alleged to have engaged in sexual abuse or sexual harassment are immediately removed from positions of inmate contact at Tutwiler until an investigation is concluded. This is also documented in SOP 8-12.</p>	

Tutwiler monitors all inmates and staff who report sexual abuse or sexual harassment and inmates who have been reported to have suffered or cooperated with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff for at least 90 days following a report of sexual abuse or sexual harassment, to see if there are changes that may suggest possible retaliation by inmates or staff, including inmate disciplinary reports, housing or program changes, and negative performance reviews or reassignments, and shall act promptly to remedy any such retaliation. Lt. Young specifically has this responsibility, but all staff are educated on what to monitor for as well. Such monitoring is continued beyond 90 days if the initial monitoring indicates a continuing need.) Lt. Young's monitoring also includes periodic status checks for inmates. ADOC and Tutwiler take appropriate measures to protect from retaliation any other individual who cooperates with an investigation and expresses a fear of retaliation. This is documented in agency policy as well as SOP 8-12.

All Tutwiler staff has been trained in SOP 8-12.

The Monitor randomly selected monthly inmate grievances during the reporting period of June-December 2016 for review and did not see a complaint about any of the requirements in this provision.

The Monitor received correspondence from eight inmates during this reporting period. The inmates did not make a complaint about any of the requirements in this section.

The Monitor conducted two inmate focus groups and spoke informally with many inmates during the tour and there were no complaints about any of the requirements of this provision.

The Monitor reviewed the Risk Management spreadsheet for the reporting period. There were no instances of employees being disciplined for violations of any of the section requirements.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

OFFICIAL RESPONSE TO AN ALLEGATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT				
III.J ADOC and Tutwiler shall ensure that all alleged victims of sexual abuse and sexual harassment are offered timely, unimpeded access to medical treatment and crisis intervention services as appropriate and that staff appropriately respond to and counsel the alleged victim while taking steps to preserve evidence.				
	Policy		Develop Policy	Implement Policy
1. When ADOC or Tutwiler learns that an inmate may be subject to a substantial risk of imminent sexual abuse, ADOC or Tutwiler shall take immediate action to protect the inmate.	III.J.1	AR 454 SOP 8-12	February 28, 2016	February 28, 2016
REQUIREMENTS	Policy Developed	Staff Trained	Policy Implemented	
Immediate action is taken immediate to protect an inmate when ADOC or Tutwiler learns that the inmate may be subject to a substantial risk of imminent sexual abuse.	Y N N/A	Y N N/A	Y N N/A	
MONITOR'S MEASURES OF COMPLIANCE				
<ol style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i>. Interviews with Warden Wright, Lt. Young, Ms. Greer, Ms. Love. Staff interviews. Review of inmate grievances: June-December 2016. 				

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual abuse and Harassment</i> Monthly inmate grievances: June-December 2016 Inmate correspondence received by the Monitor PREA incident reports filed June-December 2016 	<ul style="list-style-type: none"> Warden Wright Deputy Commissioner Williams Lt. Young Staff interviews Inmate focus groups Individual inmate interviews 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June 2016 Compliance Visit. The ADOC and Tutwiler addressed the one recommendation made by the Monitor during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:	DATE: December 31, 2016
<input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>Section III.J.1. of the Agreement, is in practice at Tutwiler. Staff has been trained to report incidences such as this, and immediate action is taken when a report is received. This provision is documented in SOP 8-12.</p> <p>Felicia Greer, MHM Site Administrator, is responsible for crisis intervention services at Tutwiler. Ambrea Love, Corizon Site Administrator, is responsible for medical services at Tutwiler.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations.</p> <p>Immediate action is taken to protect an inmate when ADOC or Tutwiler learns that the inmate may subject to a substantial risk of imminent sexual abuse.</p> <p>The SOP 8-12, Inmate Sexual Abuse and Harassment policy, addresses the requirement in J. 1 specifically, as required in this provision. This requirement is in current practice at Tutwiler. Immediate action is taken to protect an inmate when ADOC or Tutwiler learns that the inmate may subject to a substantial risk of imminent sexual abuse.</p> <p>Staff has received the 8-hour PREA required training, in the revised SOP8-12, by February 28, 2016. The Monitor reviewed all of the staff evaluations for these training sessions. They reflected that positive feedback in both content and presentation</p> <p>The Monitor interviewed staff and discussed staff's awareness of their responsibility to take immediate actions to protect an inmate when they learn that an inmate may be subject to a risk of imminent sexual abuse.</p> <p>The Monitor randomly selected grievances during the reporting period for review. There was no grievance filed regarding a violation of the requirement by any Tutwiler staff.</p> <p>The Monitor reviewed inmate correspondence in this reporting period and there were no complaints about a violation of this requirement for themselves, or other inmates.</p> <p>The ADOC reports that there were no incidents of "threats of imminent harm" to any inmate during this reporting period.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
1. ADOC will notify the Monitor of any incident and actions taken by Tutwiler if an inmate is identified as having "imminent threats" in status.	Immediately

OFFICIAL RESPONSE TO AN ALLEGATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT											
III.J ADOC and Tutwiler shall ensure that all alleged victims of sexual abuse and sexual harassment are offered timely, unimpeded access to medical treatment and crisis intervention services as appropriate and that staff appropriately respond to and counsel the alleged victim while taking steps to preserve evidence.											
						Policy		Develop Policy	Implement Policy		
2.ADOC and Tutwiler shall continue to comply with Policy and Tutwiler Standard Operating Procedures to coordinate actions taken in response to an allegation of sexual abuse, among first staff responders, medical and mental health practitioners, investigators, and Tutwiler leadership, including time frames and lists of whom staff should report to in specific situations and guidelines regarding the collection of physical evidence.						III.J.2	AR454 SOP 8-12	May 28, 2015	May 28, 2015		
REQUIREMENTS						Policy Developed		Staff Trained	Policy Implemented		
Actions are coordinated in response to allegations of sexual abuse among first staff responders, medical and mental health practitioners, investigators, and leadership.						Y	N	N/A	Y	N	N/A
Time frames are provided						Y	N	N/A	Y	N	N/A
Lists of whom staff should report to in specific situations and guidelines regarding the collection of physical evidence are provided.						Y	N	N/A	Y	N	N/A
MONITOR’S MEASURES OF COMPLIANCE											
1. SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> , AR 454. 2. Review minutes of the Tutwiler interdisciplinary meeting with medical and mental health staff. 3. Review of Corizon and MHM PREA training. 4. Interviews with Associate Commissioner Naglich, Ms. Greer, Ms. Love, Dr. Holmes, Lt. Young. 5. Staff interviews. 6. Review of health services PREA logs.											

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> Tutwiler PREA Incident Review Committee Reports: June-December 2016 ADOC PREA investigations Staff training curriculum for PREA by Corizon and MHM Minutes of the interdisciplinary meeting with Tutwiler MHM and ADOC staff Training evaluations completed by Tutwiler staff Inmate correspondence received by Monitor Inmate monthly grievances: June-December 2016 	<ul style="list-style-type: none"> Warden Wright Lt .Young, IPCM Associate Commissioner Naglich Ms. Greer, MHM Site Administrator Dr. Holmes Ms. Love, Corizon Site Administrator Staff interviews Inmate focus groups Individual inmate interviews 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
<p>None.</p> <p>The Monitor found ADOC and Tutwiler to be "Substantially Compliance" with this provision during the January and June 2016 Compliance Visits.</p> <p>ADOC, Tutwiler and Corizon have addressed the recommendations made by the Monitor during the June 2016 Compliance Visit.</p>

MONITOR'S FINDINGS:	DATE: December 31, 2016
<p><input checked="" type="checkbox"/> Substantial Compliance</p> <p><input type="checkbox"/> Partial Compliance</p> <p><input type="checkbox"/> Non-compliance</p> <p><input type="checkbox"/> n/a no assessment due until _____</p>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>AR 454 and SOP 8-12 outline the provisions discussed in Section III.J.2. This policy has been in practice since February, 2014 and remains the practice today. AR 454 and SOP 8-12 include this provision.</p> <p>At the suggestion of the Monitor, ADOC and Associate Commissioner Naglich completed some minor revisions/additions to the Corizon orientation curriculum.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the January and June 2016 Compliance Visits. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations.</p> <p>ADOC AR 454 and SOP 8-12 PREA policies have the requirements in III. J. 2 in their procedures. The Monitor reviewed completed investigations and observed that the requirements of this provision were followed at Tutwiler. Allegations were reported immediately to shift commanders, Lt. Young, and the Warden. These allegations were immediately reported to ADOC I+I and were investigated within the allotted time frame. All of the designated times frames in SOP 8-12 were followed at every level, from the initial report by the inmate.</p> <p>The Monitor reviewed the Corizon and MHM orientation/training curricula for their new medical and mental health employees. These curricula contained specific instructions for the role of medical and mental health staff involving an initial PREA allegation at Tutwiler. MHM has a specific policy, #B-04, that addresses Alabama PREA policy and related policies. MHM has a detailed PREA training program for the specific duties prescribed for mental health staff. Corizon has a PREA training presentation for all new employees. It is noted that all medical and mental health employees at Tutwiler are required to complete the 8-hour PREA training and the 16-hour Gender Responsive training. All of the Corizon and MHM staff at Tutwiler has completed the required training. The Monitor reviewed the actual training rosters and some randomly of the training evaluations, including evaluations from staff who identified themselves as medical/mental health, that were positive about the training. Based upon staff interviews, inmate focus groups, and individual inmate interviews, the Monitor believe staff members of all disciplines are aware of their responsibilities and their PREA training.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
1. Interdisciplinary staff meetings continue regularly with staff from Corizon, MHM, and ADOC Psychology. Minutes will be taken and available for review by the Monitor for future compliance visits. The Monitor suggests inviting Lt. Young once a quarter to discuss any PREA incidents, inmates, etc.	Ongoing

OFFICIAL RESPONSE TO AN ALLEGATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT						
III.J ADOC and Tutwiler shall ensure that all alleged victims of sexual abuse and sexual harassment are offered timely, unimpeded access to medical treatment and crisis intervention services as appropriate and that staff appropriately respond to and counsel the alleged victim while taking steps to preserve evidence.						
	Policy		Develop Policy	Implement Policy		
3.ADOC and Tutwiler shall respond to reports of sexual abuse and sexual harassment or threats of sexual abuse or sexual harassment without regard to an inmate's known or perceived sexual orientation or gender identity.	III.J.3	AR 454	February 28, 2016	February 28, 2016		
6.ADOC and Tutwiler shall not place in protective custody an inmate who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of protecting that inmate, unless a determination, documented in writing and reviewed by the PREA Compliance Manager or the warden's designee within 24 hours, has been made that there is no available alternative means of separation from likely abusers.	III.J.6	SOP 8-12				
REQUIREMENTS	Policy Developed		Staff Trained		Policy Implemented	
ADOC and Tutwiler respond to reports of sexual abuse and sexual harassment or threats of sexual abuse or sexual harassment without regard to an inmate's known or perceived sexual orientation or gender identity.	Y	N	N/A	Y	N	N/A
Inmates who are alleged to have suffered sexual abuse or sexual harassment are not placed in protective custody solely for the purpose of protecting that inmate, unless:	Y	N	N/A	Y	N	N/A
1. a determination that there is no available alternative means of separation from likely abusers is documented in writing, and	Y	N	N/A	Y	N	N/A
2. the determination is reviewed by the PREA Compliance Manager or the warden's designee within 24 hours.	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*, AR 454.
2. Review any documentation regarding any inmate subject to these requirements in this provision in 2016-May 31.
3. Interviews with Warden Wright, Lt. Young.
4. Staff interviews.
5. Inmate focus groups.
6. Individual inmate interviews.
7. Inmate correspondence received by the Monitor.
8. Monthly inmate grievances: June-December 2016.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • AR 454 • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • Documentation regarding any inmate subject to these requirements in this provision during reporting period, • Inmate correspondence received by the Monitor 	<ul style="list-style-type: none"> • Warden Wright • Lt. Young • Lt .Coleman • Staff interviews • Inmate focus group • Individual inmate interviews 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be "Substantially Compliance" with this provision during the June 2016 Compliance Visit.

ADOC and Tutwiler addressed the recommendation made by the Monitor during the June 2016 Compliance Visit.

NOTE: THIS SECTION INCLUDES III.J.3 and III.J.6. Please provide separate findings, discussion, and recommendations for all provisions.

DATE:

MONITOR'S FINDINGS:

December 31, 2016

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION

DATE:

December 31, 2016

AR 454 and SOP 8-12 outline the provisions discussed in Section III.J.3 & 6. This policy has been in practice since February, 2014 and remains the practice today. AR 454 and SOP 8-12 include this provision.

Staff has been trained in policy.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision in during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>ADOC and Tutwiler respond to reports of sexual abuse and sexual harassment or threats of sexual abuse or sexual harassment without regard to an inmate's known or perceived sexual orientation or gender identity. This is in SOP 8-12. Monitor's review of inmate grievances and inmate correspondence to the Monitor during this reporting period, did not reveal any inmate comment, question or complaint about an inmate being placed in protective custody. Also, the inmates did not lodge a complaint or comment about the failure of Tutwiler staff to respond to PREA allegations due to the sexual orientation or gender identify of an inmate.</p> <p>In accordance with Tutwiler SOP 8-12, Inmates who are alleged to have suffered sexual abuse or sexual harassment are not placed in protective custody solely for the purpose of protecting that inmate, unless:</p> <ul style="list-style-type: none"> a. a determination that there is no available alternative means of separation from likely abusers is documented in writing, b. and the determination is reviewed by the PREA Compliance Manager or the warden's designee within 24 hours. <p>In response to a previous recommendation by Monitor Lancaster, the Monitor is to be notified immediately if an inmate is placed in protective custody, via this provision. To date, there have been no incidents to report. All staff interviewed agreed that Tutwiler has not placed any inmate in protective custody during this reporting period.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
ADOC and Tutwiler will continue to immediately notify the Monitor if an inmate is placed in protective custody, via this provision	Ongoing

OFFICIAL RESPONSE TO AN ALLEGATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT						
III.J ADOC and Tutwiler shall ensure that all alleged victims of sexual abuse and sexual harassment are offered timely, unimpeded access to medical treatment and crisis intervention services as appropriate and that staff appropriately respond to and counsel the alleged victim while taking steps to preserve evidence.						
	Policy			Develop Policy	Implement Policy	
4.The written institutional plan shall include procedures that address how staff respond upon learning of an allegation that an inmate was sexually abused; described below	III.J.4	AR454 SOP 8-12		February 28, 2016	February 28, 2016	
5. If the first staff responder is not a security staff member, the responder shall be required to request the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.	III.J.5					
REQUIREMENTS	Policy Developed		Staff Trained		Policy Implemented	
The written institutional plan includes procedures that address how staff responds upon learning of an allegation that an inmate was sexually abused.	Y	N	N/A	Y	N	N/A
The first security staff member to respond to the report is required to:						
-Separate the alleged victim and abuser;	Y	N	N/A	Y	N	N/A
-Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; and	Y	N	N/A	Y	N	N/A
-Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating if the abuse occurred within a time period that still allows for the collection of physical evidence.	Y	N	N/A	Y	N	N/A
If the first staff responder is not a security staff member, the responder is required to request the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*, AR 454.
2. Review of ADOC Tutwiler PREA investigations conducted by I+I during reporting period.
3. Interviews with Warden Wright, Lt. Young, Director Mercado, Investigator Kelley Smith.
4. Staff Interviews.
5. Inmate focus groups.
6. Individual inmate interviews.
7. Inmate correspondence received by the Monitor.
8. Review of inmate grievances: June-December 2016.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • AR 454 • Investigations completed during reporting period • Monthly inmate grievances: June-December 2016 • Inmate correspondence received by Monitor • Tutwiler PREA incident Review Committee reports: June-December 2016. 	<ul style="list-style-type: none"> • Warden Wright • Lt. Young • Staff interviews • Inmate focus groups • Individual inmate interviews 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit.

The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.

NOTE: THIS SECTION INCLUDES III.J.4 and III.J.5. Please provide separate findings, discussion, and recommendations for all provisions. MONITOR'S FINDINGS:	DATE: December 31, 2016
<div data-bbox="86 329 634 581"> <input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____ </div>	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>AR 454 and SOP 8-12 outline the provisions discussed in Section III.J.4&5. This policy has been in practice since February 2014 and remains the practice today. AR 454 and SOP 8-12 include these provisions. Staff has been trained on the policy.</p> <p>In July 2016, Director Mercado and all his investigators participated in additional training regarding forensic investigative techniques and evidence collection.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations: The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations:</p>	

The written institutional plan (SOP 8-12) includes procedures that address how staff respond upon learning of an allegation that an inmate was Sexually abused. In accordance with SOP 8-12, the first security staff member to respond to the report is required to:

- a) Separate the alleged victim and abuser;
- b) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; and
- c) Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating if the abuse occurred within a time period that still allows for the collection of physical evidence.

If the first staff responder is not a security staff member, SOP 8-12 requires the responder to request the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

All staff at Tutwiler has been trained in SOP 8-12, as required. The Monitor reviewed training rosters and randomly selected training evaluations and post tests from the training.

Based upon the investigations conducted this reporting period, there has not been a need to preserve a crime scene or to collect physical evidence on the scene, via this provision.

The Monitor reviewed the curriculum for the training program Director Mercado and his investigators attended in June. The Monitor received confirmation from ADOC that this training was completed.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

Inmate victims of sexual abuse or sexual harassment while incarcerated are offered timely information about and timely access to emergency contraception, pregnancy tests, and tests for sexually transmitted infections prophylaxis, where medically appropriate.	Y	N	N/A	Y	N	N/A	Y	N	N/A
If inmate pregnancy results from sexual abuse while incarcerated, such victims receive timely and comprehensive information about and access to all lawful pregnancy-related medical services.	Y	N	N/A	Y	N	N/A	Y	N	N/A
All treatment services in this subsection are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.	Y	N	N/A	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*, AR 454
2. Review ADOC MOU with Alabama Coalition Against Rape (ACAR) for confidential emotional support for victims of sexual abuse and harassment.
3. Observe inmate orientation for PREA during compliance visit in December 2016.
4. Review minutes of the Tutwiler interdisciplinary meeting of medical and mental health staff.
5. Review Corizon and MHM policies regarding these provisions for inmate assessment and treatment.
6. Interviews Associate Commissioner Naglich, Warden Wright, Lt. Young, Ms. Greer, Ms. Love, ADOC PREA Coordinator Ms. Vincent.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS

(for each member of monitoring team)

Documents	Interviews	On-site/Observations / Other
<p>Reviewed:</p> <ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • AR 454 • MOU between ADOC and ACAR • Minutes of Tutwiler Interdisciplinary meeting with MHM and ADOC mental health • Corizon and MHM policies and orientation manual for the inmate treatment provisions and directives • Monthly inmate grievances: June-December 2016 • Inmate correspondence received by the Monitor 	<ul style="list-style-type: none"> • Associate Commissioner Naglich • Warden Wright • Lt. Young • Ms. Greer • Dr. Holmes • Ms. Love • ADOC PREA Coordinator Vincent 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016 • Observe inmate orientation and the PREA presentation by Lt. Young

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

This provision was in "Partial Compliance" In January 2016 because several requirements were not due for compliance until February 29, 2016. The Monitor found ADOC and Tutwiler in "Substantial Compliance" during the June 2016 Compliance Visit.

The ADOC and Tutwiler addressed the recommendations made by the Monitor during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:

DATE:
December 31, 2016

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION

DATE:
December 31, 2016

Section III.J.7 provisions are currently in ADOC and Tutwiler policy (AR 454 and SOP 8-12). AR 454 and SOP 8-12 include these provisions.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision in August, 2016. To date, ADOC and Tutwiler have sustained Substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations.</p> <p>In accordance with SOP 8-12:</p> <ul style="list-style-type: none"> • Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical and mental health care and treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. • If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff and first responders take preliminary steps to protect the victim and immediately notify the appropriate medical and mental health practitioners. • Tutwiler offers further medical and mental health evaluation and, as appropriate, treatment, to all inmates who have been victimized by sexual abuse and/or sexual harassment in any prison, jail, lockup, or juvenile facility. • The evaluation and treatment of such victims includes, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. • Appropriate mental health counseling and emotional support services are made available to victims of sexual abuse and sexual harassment, provided by a qualified staff member or a victim advocate from ACAR since ADOC has an MOU with this a community-based organization to provide services to sexual abuse victims. • ADOC and Tutwiler will maintain an MOU with ACAR to provide inmates with confidential emotional support services related to sexual abuse or sexual harassment. • ADOC and Tutwiler maintain copies of agreements or documentation of attempts. • Inmate victims of sexual abuse or sexual harassment while incarcerated are offered timely information about and timely access to emergency contraception, pregnancy tests, and tests for sexually transmitted infections prophylaxis, where medically appropriate. 	

- If inmate pregnancy results from sexual abuse while incarcerated, such victims receive timely and comprehensive information about and access to all lawful pregnancy-related medical services.
- All treatment services in this above bullets are provided to the victim without financial cost and regardless of whether the victim names abuser or cooperates with any investigation arising out of the incident.
- All Tutwiler staff received an 8-hour block of PREA training. These staff include all of the Corizon medical and MHM mental health staff and their contractors. MHM and Corizon have separate training curriculum for their new employees. Corizon has a separate short presentation module on PREA, using slides. MHM has a separate PREA training curriculum for new employees 4) The Monitor reviewed the MOU between ADOC and The Alabama Coalition Against Rape that provides a confidential phone number for inmates to use and receive emotional support as a result of sexual abuse.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
Tutwiler to continue to hold monthly medical/mental health interdisciplinary meetings and use these meetings to discuss specific PREA responsibilities requiring action by the two disciplines.	Ongoing

REFERRALS AND INVESTIGATIONS									
III.K ADOC and Tutwiler shall ensure that all allegations of sexual abuse and sexual harassment are promptly, thoroughly, and objectively investigated and appropriately referred for prosecutorial review, and that alleged victims are advised of the outcome of their allegations.									
				Policy			Develop Policy	Implement Policy	
1.ADOC investigators shall continue to investigate allegations of sexual abuse or sexual harassment consistent with their authority as criminal investigators and consistent with Policy and Alabama law. Completed investigations of sexual abuse and sexual harassment will be referred to local prosecutors as appropriate. 2. When ADOC conducts its own investigations into allegations of sexual abuse or sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third party and anonymous reports. Administrative investigations shall be completed regardless of the results of any criminal investigations and regardless of the subject’s continued employment by ADOC				III.K.1	AR 454		May 28, 2015	May 28, 2015	
				III.K.2	SOP 8-12				
REQUIREMENTS				Policy Developed		Staff Trained		Policy Implemented	
ADOC investigators investigate allegations of sexual abuse or sexual harassment consistent with their authority.				Y	N	N/A	Y	N	N/A
Completed investigations of sexual abuse and sexual harassment will be referred to local prosecutors as appropriate.				Y	N	N/A	Y	N	N/A
When ADOC conducts its own investigations into allegations of sexual abuse or sexual harassment, it does so promptly, thoroughly, and objectively for all allegations, including third party and anonymous reports.				Y	N	N/A	Y	N	N/A
Administrative investigations are completed regardless of the results of any criminal investigations and regardless of the subject’s continued employment by ADOC.				Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*, AR 454..
2. ADOC AR 300, Investigative Operational Directives.
3. ADOC I+I PREA log.
4. Review of ADOC I+I Tutwiler PREA completed investigations.
5. Review of any written PREA referrals from Director Mercado to District Attorney's in made during reporting period.
6. Interviews with Deputy Commissioner Williams, Director Mercado, Investigator Kelly Smith, Warden Wright, Lt. Young, Ms. Vincent.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • ADOC AR 400-<i>Investigative Operational Directives</i> • ADOC PREA investigations • Tutwiler PREA Incident Committee documents • I&I referrals to the local district attorney by Director Mercado during the reporting period. • Monthly inmate grievances: June-December 2016 • Inmate correspondence received by the Monitor • Inmate on inmate allegations of sexual harassment investigations conducted by Lt Young. 	<ul style="list-style-type: none"> • Deputy Commissioner Williams • ADOC I&I Director Mercado • ADOC Investigator Kelley Smith • ADOC PREA Coordinator Vincent • Warden Wright • Lt. Young 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be “Substantially Compliant” with this provision during the January and June 2016 Compliance Visits.

The Monitor made no recommendations during the June 2016 Compliance Visit.

NOTE: THIS SECTION INCLUDES III.K.1 and III.K.2. Please provide separate findings, discussion, and recommendations for all provisions.

DATE
December 31, 2016

MONITOR’S FINDINGS:

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

MONITOR’S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION

DATE:
December 31, 2016

Section III.K.1 of the Agreement has been ADOC and Tutwiler policy since February 2014 (See AR 454 and SOP 8-12). Section III.K.2 is in practice at Tutwiler by I & I, and is in SOP 8-12 as written in the Agreement.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June 2016 Compliance Visit.</p> <p>ADOC AR 454 and SOP 8-12 PREA policies both provide for all of the requirements in this provision. The Monitor reviewed ADOC AR 300, Investigative Operational Directives. This is the general set of administrative responsibilities, policies and procedures for the Investigations and Intelligence Division (I+I).</p> <p>The Monitor reviewed the SOP, "PREA Sexual Assault Investigations" for I+I. The Monitor reviewed investigations initiated and completed by ADOC I+I in the reporting period. The Monitor found that these investigations followed the directives in this SOP, as well as Tutwiler SOP 8-12 and ADOC AR 454. They were completed in the required time frames allowed. The Monitor found the investigations were thorough, used camera footage when appropriate and multiple interviews with inmates and staff.</p> <p>There were five PREA related incidents referred to the District Attorney during this reporting period. The District Attorney's disposition was no grand jury for any of them.</p> <p>The Monitor notes that ADOC I+I will make a recommendation for a Tutwiler administrative internal review if criminal charges cannot be substantiated. Investigator Smith has stated they will make this recommendation if their investigation can provide relevant facts to support an administrative investigation.</p> <p>The Monitor reviewed grievances filed during the reporting period. The Monitor received letters from 8 inmates during this reporting period. The Monitor did not see any complaints regarding the failure of ADOC I+I to investigate PREA allegations. The inmates in focus groups reported knowing who Ms. Smith is and having general respect for her methods of conducting investigations.</p> <p>Previously, the Monitor noted that Mr. Mercado needed PREA training and that occurred in January and July 2016.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

REFERRALS AND INVESTIGATIONS									
III.K ADOC and Tutwiler shall ensure that all allegations of sexual abuse and sexual harassment are promptly, thoroughly, and objectively investigated and appropriately referred for prosecutorial review, and that alleged victims are advised of the outcome of their allegations.									
				Policy		Develop Policy		Implement Policy	
4.ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section III.A.6., and implement guidelines for the immediate initiation of an investigation and/or review upon learning of an allegation of sexual abuse or sexual harassment and develop a process for monitoring those guidelines. The guidelines shall also ensure that investigations that include any allegations of sexual abuse or sexual harassment are properly labeled as such.				III.K.4	SOP 8-112 SOP 11-1	February 28, 2016		February 28, 2016	
REQUIREMENTS				Policy Developed			Staff Trained		Policy Implemented
Tutwiler has guidelines for immediately initiating an investigation and/or review upon learning of an allegation of sexual abuse or sexual harassment.				Y	N	N/A	Y	N	N/A
1. Tutwiler has a process for monitoring the guidelines.				Y	N	N/A	Y	N	N/A
2. The guidelines shall also ensure that investigations that include any allegations of sexual abuse or sexual harassment are properly labeled as such				Y	N	N/A	Y	N	N/A
MONITOR'S MEASURES OF COMPLIANCE									
<ol style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i>, SOP 11-1 <i>Data Collection and Quality Improvement</i>. Review PREA allegation Tutwiler incident reports. Review inmate grievances: June-December 2016. Interviews with Deputy Commissioner Williams, Warden Wright, Lt. Young Staff interviews. 									

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> SOP 11-1 <i>Data Collection and Quality Improvement Policy</i> PREA allegation incident reports: June-December 2016 Inmate grievances Inmate correspondence received by the Monitor 	<ul style="list-style-type: none"> Deputy Commissioner Williams Warden Wright Lt. Young Staff interviews 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
<p>None.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 Compliance Visit.</p> <p>The ADOC and Tutwiler have addressed all recommendations made by the Monitor during the June 2016 Compliance Visit.</p>

MONITOR'S FINDINGS:	DATE: December 31, 2016
<input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>Tutwiler has documented Section III.K.4 provisions in Tutwiler SOP 8-12.</p> <p>Staff has been trained in SOP 8-12.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be "Substantially Compliance" with this provision during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations.</p> <p>Tutwiler has guidelines (SOP 8-12) for immediately initiating an investigation and/or review upon learning of an allegation of sexual abuse or sexual harassment.</p>	

Tutwiler has a process for monitoring the guidelines (SO 8-12, and SOP 11-1, Data Collection and Quality Improvement).

The guidelines shall also ensure that investigations that include any allegations of sexual abuse or sexual harassment are properly labeled as such (SOP 8-12, and SOP 11-1, Data Collection and Quality Improvement).

The staff has been trained in SOP 8-12.

SOP 11-1, *Data Collection and Quality Improvement*, provides the ability for ADOC/Tutwiler to monitor the various guidelines prescribed in SOP 8-12 and to provide required data information collected at Tutwiler. ADOC and Tutwiler developed a template for a Risk Management system to use at Tutwiler.

SOP 11-1 requires a routine, scheduled polling of a randomly selected group of inmates. The Monitor and DOJ reviewed the draft plan, in detail, for the inmate polling. The first scheduled polling occurred in the week of July 11, 2016. The second took place in October 2016. The third polling event is scheduled for January 2017. Polling information will assist in the confirmation of the inmate awareness of the PREA policy, SOP 8-12, and its directives, as implemented at Tutwiler.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
ADOC to continue to provide to the Monitor, the results of inmate polling after it is administered and the data are collected.	Upon completion and aggregation of results from each poll.

REFERRALS AND INVESTIGATIONS

III.K ADOC and Tutwiler shall ensure that all allegations of sexual abuse and sexual harassment are promptly, thoroughly, and objectively investigated and appropriately referred for prosecutorial review, and that alleged victims are advised of the outcome of their allegations.

	Policy		Develop Policy	Implement Policy
<p>Investigators</p> <p>3. The use of pre-hearing segregation shall be limited to inmates whose continuing behavior is a threat to facility safety, or who will not stop the prohibited behavior. Such pre-hearing segregation shall not be used for more than 72 hours, at which time an inmate must be afforded a disciplinary hearing, or provided a written explanation of why the hearing is postponed and when the hearing will be re-scheduled.</p> <p>5. Where sexual abuse or sexual harassment is alleged, ADOC shall use investigators who have received special training in institutional sexual abuse and sexual harassment investigation. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of <i>Miranda</i> and <i>Garrity</i> warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. ADOC shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. The Department-wide PREA Coordinator and Tutwiler's PREA Compliance Manager shall not serve as investigators for sexual abuse investigations.</p> <p>7. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. ADOC or Tutwiler are prohibited from offering or administering polygraph examinations or other truth-telling devices to an inmate who alleges sexual abuse or sexual harassment.</p> <p>8. ADOC shall issue a written investigative report within 30 days after the conclusion of a sexual abuse or sexual harassment investigation that indicates whether the allegation is substantiated, unsubstantiated, or unfounded. The investigator may request in writing, approved by the facility designee, an extension for cause that identifies the remaining actions necessary to complete the investigation. In no case shall the investigation be unfounded solely due to the expiration of the 30 days. The investigative report shall include an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.</p> <p>9. ADOC shall work with the Monitor on ensuring that an investigative summary sheet that provides an overview of the current status of an investigation is included. The summary information should include, among other things, basic information such as staff name(s), prisoner names(s), location of incident, and the time of day.</p>	III.K.3	AR 454 SOP 8-12 SOP5-9 SOP9-16 SOP (TBD)	February 28, 2016	February 28, 2016
	III.K.5			
	III.K.7			
	III.K.8			
	III.K.9			
	III.K.10			

10. The departure of the alleged perpetrator or victim from the employment or control of ADOC or Tutwiler shall not provide a basis for terminating an investigation.												
REQUIREMENTS				Policy Developed			Staff Trained			Policy Implemented		
Pre-hearing segregation is limited to inmates whose continuing behavior is a threat to facility safety, or who will not stop the prohibited behavior.				Y	N	N/A	Y	N	N/A	Y	N	N/A
Pre-hearing segregation is not used for more than 72 hours, at which time an inmate must be afforded a disciplinary hearing, or provided a written explanation of why the hearing is postponed and when the hearing will be re-scheduled.				Y	N	N/A	Y	N	N/A	Y	N	N/A
Only investigators who have received special training in institutional sexual abuse and harassment investigations are used in such investigations.				Y	N	N/A	Y	N	N/A	Y	N	N/A
1. Specialized training includes techniques for interviewing sexual abuse victims, proper use of <i>Miranda</i> and <i>Garrity</i> warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.				Y	N	N/A	Y	N	N/A	Y	N	N/A
2. ADOC maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.				Y	N	N/A	Y	N	N/A	Y	N	N/A
3. The Department-wide PREA Coordinator and Tutwiler's PREA Compliance Manager do not serve as investigators for sexual abuse investigations.				Y	N	N/A	Y	N	N/A		N	N/A
Investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence, and electronic monitoring data; interview alleged victims, suspected perpetrators and witnesses; and review prior complaints and reports of sexual abuse and sexual harassment involving the suspected perpetrator.				Y	N	N/A	Y	N	N/A	Y	N	N/A
The credibility of an alleged victim, suspect or witness is assessed on an individual basis and shall not be determined by the person's status as inmate or staff.				Y	N	N/A	Y	N	N/A	Y	N	N/A
ADOC and Tutwiler are prohibited from administering polygraph examinations or other truth-telling devices to an inmate who alleges sexual abuse/harassment.				Y	N	N/A	Y	N	N/A	Y	N	N/A
ADOC issues a written investigative report within 30 days after the conclusion of a sexual abuse or				Y	N	N/A	Y	N	N/A	Y	N	N/A

sexual harassment investigation that indicates whether the allegation is substantiated, unsubstantiated, or unfounded.	Y	N	N/A	Y	N	N/A	Y	N	N/A
The investigator may request in writing, approved by the facility designee, an extension for cause that identifies the remaining actions necessary to complete the investigation.	Y	N	N/A	Y	N	N/A	Y	N	N/A
1. In no case shall the investigation be unfounded solely due to the expiration of the 30 days.									
The investigative report includes:	Y	N	N/A	Y	N	N/A	Y	N	N/A
1. an effort to determine whether staff actions or failures to act contributed to the abuse,	Y	N	N/A	Y	N	N/A	Y	N	N/A
2. a description of the physical and testimonial evidence,	Y	N	N/A	Y	N	N/A	Y	N	N/A
3. the reasoning behind credibility assessments,	Y	N	N/A	Y	N	N/A	Y	N	N/A
4. and investigative facts and findings.	Y	N	N/A	Y	N	N/A	Y	N	N/A
ADOC shall work with the Monitor on ensuring that an investigative summary sheet that provides an overview of the current status of an investigation is included. The summary information should include, among other things, basic information such as staff name(s), prisoner names(s), location of incident, and the time of day.	Y	N	N/A	Y	N	N/A	Y	N	N/A
An alleged perpetrator or victim's departure from the employment or control of ADOC or Tutwiler shall not provide a basis for terminating an investigation.	Y	N	N/A	Y	N	N/A	Y	N	N/A/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 Inmate Sexual Abuse and Harassment, AR 454.
2. SOP 5-9 Administrative Segregation.
3. SOP 9-16 Institutional PREA Compliance Manager job description.
4. Review of the administrative segregation log.
5. Review of any extensions of the thirty day requirement, granted by Deputy Commissioner Williams for an I + I PREA investigation.
6. Review of Tutwiler PREA investigations conducted by ADOC I + I.
7. Interviews with Mr. Mercado, Deputy Commissioner Williams, Ms. Vincent, Warden Wright, Lt. Young, Lt. Coleman.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
<ul style="list-style-type: none"> Reviewed: SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> ADOC 454 SOP 5-9 <i>Administrative Segregation</i> SOP 9-16 <i>Job Description for Institutional PREA Compliance Manager</i> (Lt. Young) Pre-hearing segregation log 	<ul style="list-style-type: none"> Deputy Commissioner Williams Director Mercado Investigator Smith Ms. Vincent Warden Wright Lt. Young Lt. Coleman 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
<p>None.</p> <p>The Monitor found ADOC and Tutwiler to be 'Substantially Compliant" with this provision during the June 2016 Compliance Visit.</p> <p>The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.</p>

<p>NOTE: THIS SECTION INCLUDES III.K.3, III.K.5, III.K.7, III.K.8, III.K.9 and III.K.10. Please provide separate findings, discussion, and recommendations for all provisions.</p> <p>MONITOR'S FINDINGS:</p>	<p>DATE December 31, 2016:</p>
<p><input checked="" type="checkbox"/> Substantial Compliance</p> <p><input type="checkbox"/> Partial Compliance</p> <p><input type="checkbox"/> Non-compliance</p> <p><input type="checkbox"/> n/a no assessment due until _____</p>	

<p>MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION</p>	<p>DATE: December 31, 2016</p>
<p>Section III.K.3 of the Agreement has been in practice at Tutwiler since May 28, 2015. SOP 5-9, Administrative Segregation, also includes this provision. Lt. Brian Coleman maintains a spreadsheet on every inmate placed in Administrative Segregation, or 'pre-hearing segregation.'</p> <p>Portions of Section III.K.5. of the Agreement already exist in ADOC and Tutwiler policy (AR 454 & SOP 8-12). Investigators have received specialized training that includes techniques for interviewing sexual abuse victims, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution. This is in ADOC and Tutwiler policy. Investigators have received training on the proper use of <i>Miranda</i> and <i>Garrity</i> warnings, and this provision is also in Tutwiler and ADOC policy.</p> <p>Further, the Department-wide PREA Coordinator and Tutwiler's IPCM do not serve as investigators for sexual abuse investigations. This is in Tutwiler policy. Section III.K.7, is in Tutwiler policy and has actively been in practice since May 28, 2015. This provision is also included in SOP 8-12. Section III.K.8, is in ADOC or Tutwiler policy. This practice was put in place on May 28, 2015, and remains in practice to date. The Deputy Commissioner for Women's Services reviews and approves / disapproves any extension beyond the 30-day requirement for a written investigative report to be issued, as requested by the Director of I & I.</p> <p>Section III.K.9, the Deputy Commissioner for Women's Services reviewed the investigative summary form with the Monitor after the first Compliance Visit. The Monitor was satisfied that the form meets the requirements of the Agreement.</p> <p>Section III.K.10, is in Tutwiler policy, and has been in practice since May 28, 2015.</p>	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT

DATE:

December 31, 2016

Note: The Monitor uses the time frame June 25 - December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the Compliance Visit of December 5-9, 2016.

The Monitor found ADOC and Tutwiler to be in "Substantial Compliance" with this provision during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations:

Several finalized policies are relevant to this provision. They are: ADOC 454, SOP 8-12 *Inmate Sexual Abuse and Harassment*, SOP 5-9. *Administrative Segregation*; and SOP 9-16, *Institutional PREA Compliance Manager*. SOP 8-12 has all the requirements for K.3, 5, 7, 8, 9, and 10 in its procedures. SOP 5-9 also has all the requirements for K.3 in its directives.

Pre-hearing segregation continues to be limited to inmates whose continuing behavior is a threat to facility safety, or who will not stop the prohibited behavior. This is documented in Tutwiler policy and remains in practice. The Monitor reviewed the spreadsheet maintained by Lt. Coleman to document inmates placed in pre-hearing segregation. The spreadsheet has the name, charged violation, and dates of admission and release from pre-hearing segregation.

Pre-hearing segregation is not used for more than 72 hours, and the inmate is afforded a disciplinary hearing, or provided a written explanation of why the hearing is postponed (if warranted) and when the hearing will be re-scheduled. The Monitor reviewed inmate grievances filed during this reporting period and inmate correspondence received by the Monitor during this reporting period and there were no complaints regarding the inappropriate placement of an inmate in pre-hearing segregation.

Only investigators who have received special training in institutional sexual abuse and harassment investigations are approved to conduct such investigations. The requirement regarding training in the Miranda and Garrity warnings is now in ADOC 454 and SOP 8-12. The ADOC and Tutwiler investigators' specialized training has included techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The investigators received specialized training in 2015 that was noted in a previous Monitor's report. Another PREA specialized investigator training was conducted on July 11-13, 2016. Director Mercado was one of the participants. Documentation of this training was provided to the Monitor. ADOC Training Division maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

The Department-wide PREA Coordinator (Ms. Christy Vincent) and Tutwiler's PREA Compliance Manager (Lt. Young) do not serve as investigators for sexual abuse investigations. Lt. Young does investigate inmate-on-inmate sexual harassment investigations.

Investigators continue to gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence, and electronic monitoring data; interview alleged victims, suspected perpetrators and witnesses; and review prior complaints and reports of sexual abuse and sexual harassment involving the suspected perpetrator. The specialized training held for investigators in July 2016 included the topic of forensic evidence collection.

The credibility of an alleged victim, suspect or witness is assessed on an individual basis and shall not be determined by the person's status as inmate or staff.

ADOC and Tutwiler understand the prohibition from administering polygraph examinations or other truth-telling devices to an inmate who alleges sexual abuse/harassment. This has been prohibited and is in SOP 8-12.

ADOC (I&I) continues to issue a written investigative report within 30 days after the conclusion of a sexual abuse or sexual harassment investigation that indicates whether the allegation is substantiated, unsubstantiated, or unfounded.

The investigator, through the Deputy Commissioner for Women's Services, may request in writing, approved by the Director of I&I, an extension for cause that identifies the remaining actions necessary to complete the investigation

In no case are any investigations unfounded solely due to the expiration of the 30 days.

The investigative summary reports include:

- an effort to determine whether staff actions or failures to act contributed to the abuse,
- a description of the physical and testimonial evidence,
- the reasoning behind credibility assessments,
- and investigative facts and findings.

ADOC reviewed the investigative summary sheet with Monitor Lancaster to ensure that it provided an overview of the current status of an investigation. The summary information does include, among other things, basic information such as staff name(s), prisoner names(s), location of incident, and the time of day.

An alleged perpetrator or victim's departure from the employment or control of ADOC or Tutwiler does not provide a basis for terminating an investigation.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

REFERRALS AND INVESTIGATIONS									
III.K ADOC and Tutwiler shall ensure that all allegations of sexual abuse and sexual harassment are promptly, thoroughly, and objectively investigated and appropriately referred for prosecutorial review, and that alleged victims are advised of the outcome of their allegations.									
				Policy		Develop Policy	Implement Policy		
Outside Investigations; Inmate Notification				III.K.11 III.K.12 III.K.13 III.K.14 III.K.15	AR 454 SOP 8-12	February 28, 2016	February 28, 2016		
11.When outside agencies investigate alleged incidents of sexual abuse, ADOC and Tutwiler shall cooperate with outside investigators and shall endeavor to remain informed, to the extent appropriate, about the progress of the investigation.									
12.Following an investigation into an inmate’s allegation that she suffered sexual abuse or sexual harassment in any ADOC facility or while within the physical custody and control of the ADOC, ADOC and Tutwiler shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.									
13.If ADOC or Tutwiler did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.									
14.Following an inmate’s allegation that a staff member has committed sexual abuse or sexual harassment against the inmate, ADOC and Tutwiler shall subsequently inform the inmate whenever: <i>(see below)</i>									
15.All such notifications or attempted notifications shall be documented.									
REQUIREMENTS				Policy Developed		Staff Trained	Policy Implemented		
When outside agencies investigate alleged incidents of sexual abuse, ADOC and Tutwiler cooperate with outside investigators and endeavor to remain informed, to the extent appropriate, about the progress of the investigation.				Y	N	N/A	Y	N	N/A
Following an investigation <i>(external or internal)</i> into an inmate’s allegation that she suffered sexual abuse or sexual harassment in any ADOC facility or while within the physical custody and control of the ADOC, ADOC and Tutwiler informs the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.				Y	N	N/A	Y	N	N/A
If ADOC or Tutwiler did not conduct the investigation, it requests the relevant information from the				Y	N	N/A	Y	N	N/A

investigative agency in order to inform the inmate.						
Following an inmate's allegation that a staff member has committed sexual abuse or sexual harassment against the inmate, ADOC and Tutwiler subsequently inform the inmate whenever:	Y	N	N/A	Y	N	N/A
The staff member is no longer posted within the inmate's unit;						
The staff member is no longer employed at Tutwiler; or						
ADOC and/or Tutwiler learn that the staff member has been indicted or convicted on a charge related to sexual abuse within Tutwiler.	Y	N	N/A	Y	N	N/A
All such notifications or attempted notifications are documented.						

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*.
2. Review of any PREA investigation conducted by external agency.
3. Review any PREA notification forms given to inmates in reporting period.
4. Review the ADOC I+I PREA log for 2016.
5. Tutwiler PREA incident report for reporting period.
6. Interviews with Director Mercado, Deputy Commissioner Williams, Ms. Vincent, Warden Wright, and Lt. Young.
7. ADOC Human Resources documentation of any official employee disciplinary actions, related to PREA investigations, in reporting period.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
<p>Reviewed:</p> <ul style="list-style-type: none"> SOP <i>Inmate Sexual Abuse and Harassment</i> PREA investigation completed by external agency PREA notification forms given to inmates once a PREA investigation has been completed. Tutwiler PREA investigations completed by Lt Young ADOC Human Resources documentation of any personnel action regarding an employee who was named in a substantiated PREA investigation 	<ul style="list-style-type: none"> Deputy Commissioner Williams Director Mercado Warden Wright Lt. Young 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
<p>None.</p> <p>The Monitor found ADOC and Tutwiler to be in "Substantial Compliance" with this provision during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.</p>

<p>NOTE: THIS SECTION INCLUDES III.K.11, III.K.12, III.K.13, III.K.14 and III.K.15. Please provide separate findings, discussion, and recommendations for all provisions.</p> <p>MONITOR'S FINDINGS:</p>	<p>DATE: December 31, 2016</p>
<p><input checked="" type="checkbox"/> Substantial Compliance</p> <p><input type="checkbox"/> Partial Compliance</p> <p><input type="checkbox"/> Non-compliance</p> <p><input type="checkbox"/> n/a no assessment due until _____</p>	

<p>MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION</p>	<p>DATE: December 31, 2016</p>
<p>Sections III.K.11, 12, 13, 14, and 15 were put into practice at Tutwiler and I & I effective May 28, 2015. All portions of the provisions listed are incorporated in Tutwiler SOP 8-12. All staff has been trained in SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i>.</p>	

<p>MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT</p>	<p>DATE: December 31, 2016</p>
<p>The Monitor found ADOC and Tutwiler to be in "Substantial Compliance" with this provision during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations:</p> <p>This provision is included in SOP 8-12 and all staff has received training in this policy.</p> <p>When outside agencies investigate alleged incidents of sexual abuse, ADOC and Tutwiler cooperate with outside investigators and endeavor to remain informed, to the extent appropriate, about the progress of the investigation.</p> <p>Following an investigation (<i>external or internal</i>) into an inmate's allegation that she suffered sexual abuse or sexual harassment in any ADOC facility or</p>	

while within the physical custody and control of the ADOC, ADOC and Tutwiler informs the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. This notification is made in writing by the I & I investigator.

If ADOC or Tutwiler did not conduct the investigation, it requests the relevant information from the investigative agency in order to inform the inmate.

Following an inmate's allegation that a staff member has committed sexual abuse or sexual harassment against the inmate, ADOC and Tutwiler subsequently inform the inmate whenever:

- a) The staff member is no longer posted within the inmate's unit;
- b) The staff member is no longer employed at Tutwiler; or
- c) ADOC and/or Tutwiler learn that the staff member has been indicted or convicted on a charge related to sexual abuse within Tutwiler.
- d) All such notifications or attempted notifications are documented.

There were no PREA investigations conducted by an external agency during this reporting period,.

This provision requires that Tutwiler provide a notification, via these requirements, to an inmate after a PREA investigation for sexual abuse or sexual harassment is completed. This notification is irrespective of the final status of the investigation. It is the responsibility of the IPCM to provide these notifications and keep documentation. Lt. Young maintains this documentation.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

REFERRALS AND INVESTIGATIONS									
III.K ADOC/Tutwiler shall ensure that all allegations of sexual abuse and sexual harassment are promptly, thoroughly, and objectively investigated and appropriately referred for prosecutorial review, and that alleged victims are advised of the outcome of their allegations.									
	Policy						Develop Policy	Implement Policy	
Investigations Review	III.K.16	AR 454				February 28, 2016	February 28, 2016		
16.A review team, including upper-level management officials at Tutwiler, with input from line supervisors, investigators, and medical and mental health practitioners, shall conduct an incident review within 30 days of the conclusion of every investigation of substantiated and unsubstantiated allegations of sexual abuse or staff-on-inmate sexual harassment. The review team shall: <i>(see below)</i>	III.K.17	SOP 8-12							
17.ADOC and Tutwiler shall implement the recommendations for improvement or shall document its reasons for not doing so.									
REQUIREMENTS	Policy Developed			Staff Trained			Policy Implemented		
A review team conducts an incident review within 30 days of the conclusion of every investigation of substantiated and unsubstantiated allegations of sexual abuse or staff-on-inmate sexual harassment.	Y	N	N/A	Y	N	N/A	Y	N	N/A
1. the review team include upper-level management officials at Tutwiler	Y	N	N/A	Y	N	N/A	Y	N	N/A
2. the review team has input from line supervisors, investigators, and medical and mental health practitioners.	Y	N	N/A	Y	N	N/A	Y	N	N/A
The review team:									
1. Considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse or staff-on-inmate sexual harassment;	Y	N	N/A	Y	N	N/A	Y	N	N/A
2. Considers whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at Tutwiler;	Y	N	N/A	Y	N	N/A	Y	N	N/A
3. Examines the area in Tutwiler where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;	Y	N	N/A	Y	N	N/A	Y	N	N/A
4. Assesses the adequacy of staffing levels in that area during different shifts;	Y	N	N/A	Y	N	N/A	Y	N	N/A
5. Includes a review, by a warden or senior management, of the personnel file of any involved employees to assess needs in background screening, training, and/or supervision;	Y	N	N/A	Y	N	N/A	Y	N	N/A
6. Assesses whether monitoring technology should be deployed or augmented to supplement	Y	N	N/A	Y	N	N/A	Y	N	N/A

supervision by staff; and						
7. Prepares a report of its findings and any recommendations for improvement and submits such report to the Monitor, DOJ, the Warden, the Department-wide PREA Coordinator, and Tutwiler's PREA Compliance Manager.	Y	N	N/A	Y	N	N/A
ADOC and Tutwiler implement the recommendations for improvement or document its reasons for not doing so.	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*, AR 454.
2. Review minutes from PREA review committee meetings held during reporting period.
3. Review documentation of any actions taken, as a result of recommendations, from the committee review.
4. Interviews with Warden Wright, Lt. Young, Ms. Greer.
5. Review inmate grievances filed during reporting period.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS

(for each member of monitoring team)

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> • SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> • Tutwiler PREA Incident Review Committee Reports: June-December 2016 • Monthly inmate grievances: June-December 2016 • Inmate correspondence received by Monitor during reporting period. 	<ul style="list-style-type: none"> • Warden Wright • Lt. Young • Review Team members 	<ul style="list-style-type: none"> • Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be in "Substantial Compliance" with this provision during the June 2016 Compliance Visit.

ADOC and Tutwiler have addressed all recommendations made by the Monitor during the June 2016 Compliance Visit.

NOTE: THIS SECTION INCLUDES III.K.16 and III.K.17. Please provide separate findings, discussion, and recommendations for all provisions.

DATE:
December 31, 2016

MONITOR'S FINDINGS:

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION

DATE:
December 31, 2016

Sections III.K.16 and 15 were put into practice at Tutwiler and I&I effective May 28, 2015. All provisions have been added to revised policies which have been reviewed by the DOJ and Monitor. All Tutwiler staff has been trained in the SOP 8-12 *Inmate Sexual Abuse and Harassment*.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>The Monitor found ADOC and Tutwiler to be in "Substantial Compliance" with this provision during the June 2016 Compliance Visit. To date, ADOC and Tutwiler have sustained substantial compliance.</p> <p>The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations.</p> <p>SOP 8-12 contains the requirements and procedures for the Tutwiler PREA Incident Review Committee. The Tutwiler review team conducts an incident review within 30 days of the conclusion of every investigation of substantiated and unsubstantiated allegations of sexual abuse or staff-on-inmate sexual harassment. Lt. Young completes the report for each meeting on the ADOC 454-F form.</p> <p>The review team includes upper-level management officials at Tutwiler and it has input from line supervisors, investigators, and medical and mental health practitioners.</p> <p>The review team:</p> <ul style="list-style-type: none"> • Considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse or staff-on-inmate sexual harassment; • Considers whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at Tutwiler; • Examines the area in Tutwiler where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; • Assesses the adequacy of staffing levels in that area during different shifts; • Includes a review, by a warden or senior management, of the personnel file of any involved employees to assess needs in background screening, training, and/or supervision; • Assesses whether monitoring technology should be deployed or augmented to supplement supervision by staff; and • Prepares a report of its findings and any recommendations for improvement and submits such report to the Monitor, DOJ, the Warden, the Department-wide PREA Coordinator, and Tutwiler's PREA Compliance Manager. <p>ADOC and Tutwiler implement the recommendations for improvement or document its reasons for not doing so.</p> <p>The Monitor reviewed PREA Incident Review Committee meeting reports, occurring from June-December 2016. The committees were comprised of the Warden, ADOC investigator Kelley Smith, Lt. Young, and one or two of the section leaders at Tutwiler, such as Ms. Greer, MHM site administrator and Ms. Love, Corizon site administrator. The Monitor reviewed several reports that had specific actions recommended by the committee and Warden Wright. The Monitor believes this process is effective and critical to improving operations and enhancing inmate sexual safety.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

REFERRALS AND INVESTIGATIONS						
III.K ADOC/Tutwiler shall ensure that all allegations of sexual abuse and sexual harassment are promptly, thoroughly, and objectively investigated and appropriately referred for prosecutorial review, and that alleged victims are advised of the outcome of their allegations.						
	Policy		Develop Policy	Implement Policy		
18. Within 60 days of the Effective Date , ADOC and Tutwiler shall review all pending investigations alleging sexual abuse and sexual harassment to determine whether the investigation was conducted according to the requirements of Section III. K. of this Agreement.	III.K.18		July 28, 2015	July 28, 2015		
Within 120 days of the Effective Date , ADOC and Tutwiler will conduct a similar review of all unfounded allegations of sexual assault and sexual harassment for the past 360 days to determine whether the investigation was conducted according to the requirements of Section III. K. of this Agreement.			September 28, 2015	September 28, 2015		
REQUIREMENTS	Policy Developed		Staff Trained		Policy Implemented	
Within 60 days of the Effective Date, ADOC and Tutwiler shall review all pending investigations alleging sexual abuse and sexual harassment to determine whether the investigation was conducted according to the requirements of Section III. K. of this Agreement.	Y	N	N/A	Y	N	N/A
Within 120 days of the Effective Date, ADOC and Tutwiler will conduct a similar review of all unfounded allegations of sexual assault and sexual harassment for the past 360 days to determine whether the investigation was conducted according to the requirements of Section III. K. of this Agreement.	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE
<ol style="list-style-type: none"> Review any actions / documentation generated by the Tutwiler leadership review of the summary of both reviews of the required PREA reports. Monitor review of all of the new and revised SOP's and policies implemented at Tutwiler in 2016. Interviews with Warden Wright, Lt. Young.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS <i>(for each member of monitoring team)</i>		
Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> Any official personnel actions taken at Tutwiler for employees as a result of a complete PREA investigation Actions taken after the PREA incident review committee Monitor review of all 65 of the new and revised policies at Tutwiler 	<ul style="list-style-type: none"> Deputy Commissioner Williams Warden Wright Lt. Young 	<ul style="list-style-type: none"> Compliance Visit December 5-9-, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
<p>None.</p> <p>The Monitor found ADOC and Tutwiler to be in "Substantial Compliance " during the January and June 2016 Compliance Visits.</p> <p>The Monitor made no recommendations regarding this provision during the June 2016 Compliance Visit.</p>

MONITOR'S FINDINGS:	DATE: December 31, 2016
<input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision in January and June 2016. To date, ADOC and Tutwiler have sustained substantial compliance.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision in January and June 2016. To date, ADOC and Tutwiler have sustained substantial compliance. The requirements for this provision were completed in 2015 and are reflected in the Monitor's first court report.	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

STAFF DISCIPLINARY ACTIONS												
III.L ADOC and Tutwiler shall take appropriate disciplinary action against staff found to have engaged in sexual abuse or sexual harassment or to have violated Tutwiler’s policies and procedures regarding sexual abuse or sexual harassment.												
				Policy			Develop Policy	Implement Policy				
1. ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section III.A.6., and implement policies and procedures that track staff disciplinary actions related to allegations of sexual abuse or sexual harassment, to ensure that the directives in III.L.2-III.L.6 below are met.				III.L.1	SOP 8-12 SOP 9-9 SOP 11-1		February 28, 2016	February 28, 2016				
				III.L.2								
				III.L.3								
				III.L.4								
				III.L.5								
				III.L.6								
REQUIREMENTS				Policy Developed		Staff Trained		Policy Implemented				
ADOC and Tutwiler ensure prompt corrective action following any substantiated finding or recommendation resulting from either an administrative or criminal investigation surrounding an incident of sexual abuse or sexual harassment. This will include, but not be limited to: 1. Documented disciplinary sanctions of staff; and 2. Permanent removal of staff from the post where the incident occurred.				Y	N	N/A	Y	N	N/A	Y	N	N/A
				Y	N	N/A	Y	N	N/A	Y	N	N/A
				Y	N	N/A	Y	N	N/A	Y	N	N/A
Staff is subject to disciplinary sanctions up to and including termination for violating ADOC’s sexual abuse or sexual harassment policies.				Y	N	N/A	Y	N	N/A	Y	N	N/A
Termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse.				Y	N	N/A	Y	N	N/A	Y	N	N/A
Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.				Y	N	N/A	Y	N	N/A	Y	N	N/A
All terminations for violations of ADOC’s and Tutwiler’s sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated for sexual abuse or sexual harassment, if not for their resignation, are reported to local prosecutors, unless the activity was clearly not criminal in conformance with Alabama law, and to any relevant licensing bodies.				Y	N	N/A	Y	N	N/A	Y	N	N/A
				Y	N	N/A	Y	N	N/A	Y	N	N/A
Develop and implement policies (submitted for review) and procedures that track staff disciplinary actions related to allegations of sexual abuse or harassment.												

Ensure prompt corrective action following any substantiated finding or recommendation resulting from either an administrative or criminal investigation surrounding an incident of sexual abuse or harassment including (but not limited to) document disciplinary sanctions and permanent removal of staff from post where incident occurred.	Y	N	N/A	Y	N	N/A	Y	N	N/A
Staff shall be subject to disciplinary sanctions up to and including termination for violating ADOC's sexual abuse or harassment policies.	Y	N	N/A	Y	N	N/A	Y	N	N/A
Terminations for violations of sexual harassment or sexual abuse policies shall be reported to local prosecutors unless the activity was clearly not criminal in conformance with AL law.	Y	N	N/A	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*.
2. SOP 9-9 *Employee Standards of Conduct and Discipline* and SOP 11-1 *Data Collection and Quality Improvement*.
3. Review any ADOC documentation for Tutwiler Human Resources (HR) actions for an employee due to a PREA investigation during the reporting period.
4. Review any written "counseling" sessions held by Warden Wright for staff, related to issues related to PREA.
5. Interviews with Deputy Commissioner Williams, ADOC HR Director Lawley, Warden Wright, Lt. Young and Ms. Vincent.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS

(for each member of monitoring team)

Documents	Interviews	On-site/Observations / Other
<ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> SOP 9-9 <i>Employee Standards of Conduct and Discipline</i> SOP 11-1 <i>Data Collection and Quality Improvement</i> Any official employee discipline action at Tutwiler for a PREA incident during this reporting cycle Tutwiler Risk Management System for this reporting period, managed by Captain McClain Tutwiler employee personnel actions spreadsheet-listing new hires, separations and causes for separations 	<ul style="list-style-type: none"> Deputy Commissioner Williams ADOC Personnel Director Bill Lawley ASOC PREA Coordinator Vincent Warden Wright Lt. Young Captain McClain 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None

1) The Monitor found ADOC and Tutwiler to be 'Substantially Compliant" with this provision during the June 2016 Compliance Visit.

The ADOC and Tutwiler have addressed all recommendations made by the Monitor during the June 2016 Compliance Visit.

NOTE: THIS SECTION INCLUDES III.L.1, III.L.2, III.L.3, III.L.4, III.L.5 and III.L.6. Please provide separate findings, discussion, and recommendations for all provisions.

DATE:
December 31, 2016

MONITOR'S FINDINGS:

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION

DATE:
December 31, 2016

Section III.L of the Agreement was put into practice at Tutwiler effective May 28, 2015. All portions of this provision exist in SOP 8-12, SOP 9-9, or SOP 11-1.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the Compliance Visit of June 2016. To date, ADOC and Tutwiler have sustained substantial compliance. All portions of this provision exist in SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i>, SOP 9-9 <i>Employee Standards of Conduct and Discipline</i>, or SOP 11-1 <i>Data Collection and Quality Improvement</i>.</p> <p>SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> and SOP 9-9, <i>Employee Standards of Conduct & Discipline</i>, have been updated to include these provisions, and have been reviewed by DOJ and the Monitor. Procedures are in place with the Risk Management System (SOP 11-1, Data collection and Quality Improvement) that track staff disciplinary actions related to allegations of sexual abuse or harassment.</p> <p>Specifically, SOP 9-9 <i>Employee Conduct and Discipline</i> was revised to include all of this provisions' requirements, regarding ADOC personnel actions for any employee with substantiated violations of the PREA policy on sexual abuse and sexual harass</p> <p>SOP 11-1, <i>Data Collection and Quality Improvement</i>, has procedures for the required tracking of staff disciplinary actions for allegations of sexual abuse and sexual harassment. The Monitor and DOJ reviewed and commented on the drafts for 11-1 and the template for data, in June.</p> <p>The Monitor reviewed the Risk Management spreadsheet maintained by Tutwiler Captain McClain, for the reporting period. She obtains the information is through a variety of sources on a timely basis. The spreadsheet documents the following information, for staff who engaged or allegedly engaged in the following conduct:</p> <ol style="list-style-type: none"> Sexual abuse and sexual harassment Unprofessional conduct involving inmates, including sexually explicit, vulgar or degrading language Use of Force incidents Retaliation Staff unannounced presence in bathrooms Staff frequently located off posts Inmate grievances, involving any of the previous named conduct <p>This information on the Tutwiler Risk Management System (RMS) is reviewed routinely by Warden Wright and her leadership team. Working closely with Captain McClain, Lt. Young monitors the RMS spreadsheet. This information is also shared with Deputy Commissioner Williams. They are looking for any trends in staff behavior, any patterns that should be addressed immediately by Warden Wright. The Monitor and Warden Wright discussed the Warden's use of this tracking information. The Monitor believes Warden Wright has used this information effectively to track emerging issues and take appropriate action. For example, Warden Wright has personally counseled staff members regarding the need for professional, respectful staff-inmate communication and developed a staff intervention plan responsive to inmates' complaints regarding staff language.</p> <p>There were no substantiated PREA allegations during this reporting period.</p>	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE: As soon as it occurs
1. ADOC will contact the Monitor when a substantiated allegation occurs. This notification will occur within 48 hours of completion of the investigation. 2. ADOC will notify the Monitor and DOJ of any employee's discipline that occurs via these requirements.	As soon as it occurs As soon as it occurs

III.M Limited English Proficient (LEP) Inmates

	Policy		Develop Policy	Implement Policy
ADOC and Tutwiler shall work with the Monitor to develop and implement a policy providing for a method of interpretation services for LEP inmates. This method may be through a language telephone line, if necessary. ADOC and Tutwiler shall not rely on other inmates or non-certified employees to translate and/or interpret for LEP inmates.	III.M	AR 454 SOP8-12	February 28, 2016	February 28, 2016
REQUIREMENTS	Policy Developed		Staff Trained	Policy Implemented
Tutwiler provides for interpretation services for LEP inmates.	Y	N N/A	Y N N/A	Y N N/A
This method may be through a language telephone line, if necessary.	Y	N N/A	Y N N/A	Y N N/A
ADOC and Tutwiler do not rely on other inmates or non-certified employees to translate and/or interpret for LEP inmates.	Y	N N/A	Y N N/A	Y N N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12, *Inmate Sexual Abuse and Harassment* AR 454.
2. Review Memorandum of Understanding (MOU) with ADOC and the Alabama Institute for the Deaf and Blind (AIDB). Interview with Lt. Young.
3. Staff interviews.
4. Inmate focus groups
5. Individual inmate interviews.
6. Inmate correspondence received by Monitor.
7. Review of inmate grievances: June-December 2016.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS*(for each member of monitoring team)*

Documents	Interviews	On-site/Observations / Other
Reviewed: <ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> ADOC AR 454 MOU with ADOC and the Alabama Institute for the Deaf and Blind (AIDB) Inmate correspondence received by the Monitor Inmate grievances: June-December 2016 	<ul style="list-style-type: none"> Warden Wright Lt .Young Inmate focus groups Interviews with individual inmates 	<ul style="list-style-type: none"> Compliance Visit December 5-9, 2016

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be 'Substantially Compliant" with this provision during the June 2016 Compliance Visit.

The Monitor made no recommendations during the June 2016 Compliance Visit.

MONITOR'S FINDINGS:DATE:
December 31, 2016☒ Substantial Compliance☐ Partial Compliance☐ Non-compliance☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: December 31, 2016
<p>ADOC entered into an agreement with the AIDB to provide assistance for inmates who are visually or hearing impaired. Dr. Scott Holmes is the designated point of contact at Tutwiler who coordinates with AIDB when those services are required for an inmate.</p> <p>The ADOC is utilizing Google Translation to provide multi-lingual translation services to translate text, speech, images, or real-time video from one language to another.</p> <p>ADOC and Tutwiler do not rely on other inmates or non-certified employees to translate and/or interpret for LEP inmates.</p> <p>Dr. Scott Holmes, Tutwiler Psychological Associate, has been designated as the LEP Coordinator for Tutwiler.</p>	
MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision in August, 2016. As of December 31, 2016 ADOC and Tutwiler have sustained compliance.</p> <p>The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations.</p> <p>Tutwiler provides for interpretation services for LEP inmates through AIDB and Google Translation. One of the methods is through an online language interpretation service.</p> <p>ADOC and Tutwiler continue to not rely on other inmates or non-certified employees to translate and/or interpret for LEP inmates.</p> <p>SOP8-12 <i>Inmate Sexual Abuse and Harassment</i> includes the requirement for the assistance necessary for identified LEP inmates. Tutwiler staff has been trained in this SOP.</p> <p>The Monitor reviewed the ADOC MOU with the Alabama Institute for the Deaf and Blind, to provide required services for inmates with a visual or hearing impairment. Dr. Scott Holmes is the Tutwiler coordinator for these services. He and Lt. Young work together to identify an inmate with these needs.</p> <p>ADOC is utilizing Google Translation to provide multi-lingual translation services to translate documents, video or images for any inmate needing this assistance. Lt. Young coordinates and facilitates this service for any inmate. Lt. Young can use this service to translate orientation documents and other</p>	

documents needed for review by the inmate.

The Monitor reviewed inmate grievances filed during June-December 2016 and there were no complaints in these materials regarding the failure to provide services for inmates Identified in this provision.

The Monitor received correspondence from eight inmates and there were no complaints in these materials regarding the failure to provide services for inmates Identified in this provision.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
None.	N/A

IV. Quality Improvement and Data Collection												
	Policy						Develop Policy			Implement Policy		
A. Within one year of the Effective Date, ADOC and Tutwiler shall develop and submit to the Monitor and DOJ for review consistent with Section III.A.6., and implement, written quality improvement policies and procedures adequate to identify and address any deficiencies in ADOC and Tutwiler’s prevention, detection and response to sexual abuse and sexual harassment at Tutwiler and to assess and ensure compliance with the terms of this Agreement. B. Within three months of the Effective Date, ADOC shall convene a state-wide working group to evaluate how other state and ADOC entities may contribute to Tutwiler’s compliance with this Agreement. C. ADOC and Tutwiler shall establish a system wherein they routinely poll inmates regarding their perceptions of the implementation of the specific terms of this Agreement including the prevalence of staff sexual abuse and sexual harassment, inmate vulnerability to sexual abuse and sexual harassment, the investigation and discipline of staff accused of sexual abuse and sexual harassment, the efficacy of inmate education regarding sexual abuse and sexual harassment, privacy in the showers and toilets, the appropriateness of inmate classification, the levels of staff supervision, the efficacy of the reporting systems for sexual abuse and sexual harassment including grievances, and official responses to, and retaliation for, allegations of sexual abuse and sexual harassment. D. ADOC and Tutwiler shall develop, implement, and maintain, in consultation with the Monitor, a Risk Management System (“RMS”) that will document and track facility trends related to: (1) sexual abuse or sexual harassment; (2) unprofessional staff conduct involving inmates, including sexually explicit, vulgar, or degrading language; and (3) use of force incidents.	IV.A. IV.B. IV.C. IV.D.		SOP 11-1				May 28, 2016			May 28, 2016		
REQUIREMENTS	Policy Developed			Staff Trained			Policy Implemented					
Within one year of the Effective Date, ADOC and Tutwiler shall develop and submit to the Monitor and DOJ for review consistent with Section III.A.6., and implement, written quality improvement policies and procedures adequate to identify and address any deficiencies in ADOC and Tutwiler’s prevention, detection and response to sexual abuse and sexual harassment at Tutwiler and to assess and ensure compliance with the terms of this Agreement.	Y	N	N/A	Y	N	N/A	Y	N	N/A			
Within three months of the Effective Date, ADOC shall convene a state-wide working group to evaluate how other state and ADOC entities may contribute to Tutwiler’s compliance with this Agreement.	Y	N	N/A	Y	N	N/A	Y	N	N/A			
ADOC and Tutwiler shall establish a system wherein they routinely poll inmates regarding their perceptions of the implementation of the specific terms of this Agreement including the prevalence of staff sexual abuse and	Y	N	N/A	Y	N	N/A	Y	N	N/A			

sexual harassment, inmate vulnerability to sexual abuse and sexual harassment, the investigation and discipline of staff accused of sexual abuse and sexual harassment, the efficacy of inmate education regarding sexual abuse and sexual harassment, privacy in the showers and toilets, the appropriateness of inmate classification, the levels of staff supervision, the efficacy of the reporting systems for sexual abuse and sexual harassment including grievances, and official responses to, and retaliation for, allegations of sexual abuse and sexual harassment.			
ADOC and Tutwiler shall develop, implement, and maintain, in consultation with the Monitor, a Risk Management System ("RMS") that will document and track facility trends related to: (1) sexual abuse or sexual harassment; (2) unprofessional staff conduct involving inmates, including sexually explicit, vulgar, or degrading language; and (3) use of force incidents.	Y N N/A	Y N N/A	Y N N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Harassment*.
2. SOP 11-1 *Data Collection and Quality Improvement*
3. Review Risk Management Reports. Review the inmate polling survey results.
4. Interview Deputy Commissioner Williams regarding the status of the Quality Assurance committee.
5. Interview Captain McClain and review the Tutwiler Risk Management System spreadsheet she maintains for June-December 2016.

STEPS TAKEN BY MONITOR TO ANALYZE CONDITIONS AND ASSESS COMPLIANCE, AND FACTUAL BASIS FOR MONITOR'S FINDINGS (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
<ul style="list-style-type: none"> SOP 8-12 <i>Inmate Sexual Abuse and Harassment</i> SOP 11 <i>Data Collection and Quality Assurance Risk Management Report s</i> Inmate polling survey and policy Inmate polling survey results from July 2016 Tutwiler RSM spreadsheet for June-December 2016 	<ul style="list-style-type: none"> Deputy Commissioner Williams Captain McClain Lt. Young 	<ul style="list-style-type: none"> None

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
<p>The Monitor found ADOC and Tutwiler in "Partial Compliance" with this provision during the June 2016 Compliance Visit.</p> <p>The ADOC and Tutwiler addressed the recommendation made by the Monitor during the June 2016 Compliance Visit.</p>

MONITOR'S FINDINGS:	DATE: December 31, 2016
<input checked="" type="checkbox"/> Substantial Compliance <input type="checkbox"/> Partial Compliance <input type="checkbox"/> Non-compliance <input type="checkbox"/> n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION AND EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: December 31, 2016
<p>The Monitor uses the time frame June 25-December 31, 2016 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during and after the compliance visit of December 5-9, 2016.</p> <p>The Monitor found ADOC and Tutwiler to be "Partially Compliant" with this provision during the June 2016 Compliance Visit.</p> <p>As of December 31, 2016, the Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision. The Monitor determined the rating of "Substantial Compliance" based upon the following observations.</p> <p>SOP 11-1, <i>Data Collection and Quality Improvement</i>, was developed with the assistance of ADOC consultant Wendy Leach, who was at Tutwiler May 18-20 to provide expertise in the development for the groundwork for the data collection and quality improvement process.</p> <p>Tutwiler SOP 11-1, <i>Data Collection and Quality Improvement</i>, was implemented on August 15, 2016. Quality Improvement meetings began in August 2016 and will continue indefinitely.</p> <p>ADOC has properly trained the required staff in SOP 11-1.</p> <p>ADOC and Tutwiler established a system wherein they will routinely poll inmates regarding their perceptions of the implementation of the specific terms of this Agreement including the prevalence of staff sexual abuse and sexual harassment, inmate vulnerability to sexual abuse and sexual harassment, the investigation and discipline of staff accused of sexual abuse and sexual harassment, the efficacy of inmate education regarding sexual abuse and sexual harassment, privacy in the showers and toilets, the appropriateness of inmate classification, the levels of staff supervision, the efficacy of the reporting systems for sexual abuse and sexual harassment including grievances, and official responses to, and retaliation for, allegations of sexual abuse and sexual harassment.</p> <p>Dr. Barbara Owens was selected as an expert consultant to develop the polling instrument, instructions for its use and implementation.</p> <p>The final "Inmate Polling Protocol" was published by ADOC and the electronic survey method for routine polling of inmates began the week of July 11, 2016. The Monitor reviewed the results.</p>	

As agreed upon by the Monitor, DOJ, and the ADOC, The Moss Group, Inc. currently administers the survey quarterly for ADOC. ADOC has informed the parties that it is in dialogue with Auburn University about the possibility of them providing long term assistance with the administration of the survey. This arrangement would institutionalize the inmate polling survey as a valuable tool for ADOC and Tutwiler in the future. The Monitor fully supports this action.

The Risk Management System (RMS), which is maintained by Captain Lagretta McClain and monitored by Warden Wright and Deputy Commissioner Williams for any patterns, red flags or other notable data is now in use at Tutwiler. The RMS is designed to track facility trends related to: (1) sexual abuse or sexual harassment; (2) unprofessional staff conduct involving inmates, including sexually explicit, vulgar, or degrading language; and (3) use of force incidents.

The RMS aggregated data for May 27th to August 23rd, 2016 was shared with DOJ and the Monitor on October 22, 2016 per the Monitor's recommendation made during the June 2016 Compliance Visit.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
1. ADOC provide the Monitor results from each inmate polling, as soon as they are assimilated and reviewed by ADOC and Tutwiler.	1. As soon as compiled

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

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

Monitor’s Third Compliance Report

Table of Contents

Introduction	3
Specific Actions to Evaluate Compliance.....	4
Monitoring Tool.....	6
Executive Summary.....	8
Intent of the Report.....	8
Alabama Department of Correction: Progress, Strengths and Challenges	9
Progress	9
Alabama Strengths	21
Alabama Challenges.....	24
Logistics	29
Compliance Visit.....	29
Monitoring Tool.....	35
Summary of Compliance.....	35
Closing Observations.....	36
Attachment A: List of Documents Used for Compliance Report.....	37
Attachment B: List of Tutwiler’s Standard Operating Procedures (SOPs)	41
Attachment C: Summary of Compliance	43

Introduction

The State of Alabama and the United States Department of Justice entered into a settlement agreement on May 28, 2015. The agreement involves a comprehensive set of provisions regarding the safety and security of the women offenders housed at the Tutwiler Prison for Women (Tutwiler). The purpose for the compliance report is to document the progress of the actions of the Alabama Department of Correction (ADOC) and Tutwiler in response to the specific requirements of the provisions in the settlement. This is the third required court report, due March 28, 2017.

The parties agreed on the initial selection of Jennie Lancaster as an objective settlement monitor to evaluate the ADOC and Tutwiler level of compliance with the requirements detailed in the settlement. Ms. Lancaster began her responsibilities on September 17, 2015. For personal reasons, Ms. Lancaster was unable to continue, and asked to be removed from her role as monitor. By Order of the Court, dated August 26, 2016, the Honorable Myron H. Thompson approved the parties' joint recommendation that Kathleen Dennehy be approved to replace Ms. Lancaster as monitor. The court has the resume of Ms. Dennehy which details her 40 years of experience in the field of adult corrections, including her tenure as both a warden of a state prison for women and as Commissioner of the Massachusetts Department of Correction as well as her most recent work as a Senior Program Specialist for the National PREA Resource Center.

Ms. Lancaster and Ms. Dennehy jointly visited Tutwiler on September 6-8, 2016 to facilitate the transfer of monitoring responsibilities. Ms. Dennehy then conducted a compliance visit December 5-9, 2016. Each monitor had responsibilities

during this evaluation period – June 25, 2016 through December 31, 2016. Accordingly, this report describes the actions taken by each monitor to determine compliance.

The settlement uses four (4) levels to measure compliance: Substantial Compliance, Partial Compliance, Non-Compliance and Not Applicable (N/A). The Summary of Compliance section of this report includes definitions of these terms and a chart summarizing the compliance status for each provision.

Specific Actions to Evaluate Compliance

The monitors took the following specific actions to evaluate compliance:

- 1) Monitor Dennehy conducted a compliance visit with the Alabama Department of Correction (ADOC) and Tutwiler from December 5-9, 2016. Monitor Dennehy interviewed central office ADOC staff, including executive leadership and section managers, who have responsibilities related to the ADOC and Tutwiler compliance with the settlement. Monitor Dennehy also interviewed ADOC staff assigned to Tutwiler, including the facility's top leadership, staff with specific settlement responsibilities, and the Institutional PREA Compliance Manager (IPCM). Monitor Dennehy randomly selected uniform staff from employee rosters for one-on-one interviews. These staff members were diverse in gender and race. The monitor conducted two inmate focus groups. In addition to these formal interviews, the monitor was afforded open access to staff and inmates during the monitoring visit and had many opportunities to question and

engage in private conversations with both staff and inmates in housing and program areas.

- 2) Both monitors reviewed multiple ADOC and Tutwiler documents during this reporting period. These documents included previously promulgated ADOC and Tutwiler policies, training curricula and materials, ADOC and Tutwiler policy drafts, inmate polling results and documents requested by the monitors. Monitor Dennehy requested documents prior to the December compliance visit to prepare for staff and inmate interviews and a tour of the facility. After the compliance visit, the monitor also reviewed these documents to substantiate and assess the progress of the work and actions taken by ADOC and Tutwiler in response to the requirements of each section of the settlement.
- 3) During this reporting period, the monitors received correspondence from seven Tutwiler inmates and one inmate at the Montgomery facility. Tutwiler has a notice posted throughout the facility, with a correspondence address for the monitor, and posted a revised notice to announce the change in monitors and the correspondence address for the new monitor. The monitors reviewed each letter and requested additional information from ADOC officials to better assess the contents of the correspondence and to request follow-up action where appropriate. In each instance, ADOC provided timely and appropriate responses.
- 4) Ms. Dennehy participated in several orientation calls with Ms. Lancaster and appreciated her efforts to facilitate a smooth transfer of monitoring

responsibilities and documents.

- 5) In addition, the monitors had multiple communications with Deputy Commissioner Williams during this reporting period to request investigative summaries, address questions in either inmate correspondence received or inmate grievances reviewed by the monitor. In each instance, the ADOC provided timely and thorough responses for each request made by the monitor.

Monitoring Tool

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

Monitor Dennehy evaluated each section and its specific requirements through interviews with the inmates and ADOC and Tutwiler staff; document review; facility tour; on-site observations (orientation, camera room operations); communication with the parties through calls and emails; and a review of the first and second Compliance

Reports. The monitor documents her findings for each section in the report's "Monitor's Discussion" and chooses the rating corresponding to her assessment of ADOC and Tutwiler's level of compliance. Prior to conducting her first monitoring visit, Monitor Lancaster established the "Measures of Compliance" for each provision and identified the documents and interviews she would use to assess compliance. ADOC submitted the documents prior to the visit, and drafted an interview agenda and touring schedule for the monitoring visit. During the transition of monitoring responsibilities, the new monitor committed to using the same process, measures and documents, but reserves the option to revisit these measures to facilitate monitoring going forward.

Executive Summary

Intent of the Report

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

The monitor completed this report through the following actions:

- 1) Examining the settlement agreement, its provisions, and the specific requirements listed in the monitoring tool.
- 2) Requesting and examining specific documents to identify and assess the extent of the ADOC and Tutwiler actions in response to the agreement requirements. Examples include: ADOC policies and Tutwiler standard operating procedures; training curricula; staff rosters for training; staff reports and spreadsheets to document actions; inmate grievances; and meeting minutes.
- 3) Selecting specific ADOC and Tutwiler staff for compliance interviews based on the individual's overall and direct responsibilities for settlement implementation.
- 4) Conducting interviews with randomly selected line staff to obtain feedback and perspective on Tutwiler activities and practices related to the settlement

terms and requirements.

- 5) Conducting focus groups with randomly selected inmates to obtain feedback and perspective on Tutwiler activities and practices related to the settlement terms and requirements.
- 6) Engaging in spontaneous, private conversations with both staff and inmates in housing and program areas during monitoring visits.
- 7) Reviewing letters submitted confidentially to the monitors from inmates or staff. The monitors received letters from eight inmates and has taken action, as believed appropriate, in response to each.
- 8) Using routine communication with the parties to ask for more information or clarification regarding the settlement, its terms and requirements and determinations of compliance.

Alabama Department of Correction: Progress, Strengths and Challenges

Progress

The definitions of degrees of compliance are addressed in the summary of compliance section of this report. In the first court report the monitor found ADOC and Tutwiler in "substantial compliance" in 12 sections of the audit report. In the second report, the monitor found ADOC and Tutwiler in "substantial compliance" in a total of 37 sections of the agreement.

In this, the third report, the monitor has determined "substantial compliance" in 39 sections and "partial compliance" in 4 sections of the agreement. A determination of Compliance is not applicable to one provision at this time. Attachment C provides a

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

During this reporting period, the monitor observed steady progress by ADOC and Tutwiler towards reaching full compliance with the terms of the settlement agreement.

General Policies and Procedures

The ADOC and Tutwiler continue to maintain written policies to prevent sexual abuse and sexual harassment. The current policy in place at Tutwiler that contains PREA provisions is Standard Operating Procedure (SOP) 8-12, *Inmate Sexual Abuse and Harassment*. This procedure was revised to incorporate Monitor Lancaster's previous recommendations and was submitted to Monitor Dennehy and DOJ for review and comment in February 2017.

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

Only two required SOPs remain outstanding: SOP 8-30 *Gender Responsive Discipline and Sanctions* and SOP-24 *Disciplinary Segregation*. The following steps are employed during the policy development process:

- a. ADOC sends current Tutwiler SOP policies to their consultants for expert guidance on incorporating gender-responsive principles and trauma informed procedures, as applicable.
- b. ADOC and Tutwiler review and revise the drafts upon receipt from their consultants. Deputy Commissioner Williams convenes the wardens and various Tutwiler and ADOC staff to complete their final draft changes.
- c. ADOC submits the drafts to DOJ and the monitor for review and comment.
- d. ADOC and Tutwiler review comments made by the monitor and DOJ and provide a detailed response to them, providing a reason for any exclusions. These responses are attached to the final approved ADOC/Tutwiler SOP, following procedures of III.A.6.

The ADOC Women's Services team attended the National Institute of Correction's Gender Responsive Discipline and Sanctions Policy Improvement session in Colorado in September 2016. This training informed the development of Tutwiler's draft SOP 8-30, *Gender Responsive Discipline and Sanctions*, which is under final review at the agency level. ADOC is reviewing the monitor and DOJ's comments on an earlier draft of this SOP. It is expected the final draft will be confirmed at the agency level and sent to the DOJ and the monitor in early 2017. Upon publication of this SOP, the implementation and training on this policy will follow the review process. Once this

SOP is finalized, ADOC and Tutwiler can complete work on SOP 8-24 *Disciplinary Segregation*, and submit it to the monitor and DOJ for review and comment in early 2017. This is the last of the SOPs remaining to be finalized in accordance with the settlement agreement. All other SOPs and Post Orders have been developed and implemented.

Camera Management

The annual camera assessment was conducted in November 2016 and the monitor reviewed the detailed minutes of this meeting and concurred with the recommendations made and proposed action steps developed by ADOC and Tutwiler staff. Documentation of the implementation of three proposed actions steps was received and reviewed by the monitor.

Staffing

ADOC continues the practice of allowing officers from other ADOC facilities to work overtime or otherwise be temporarily assigned at Tutwiler only after those officers have been trained as required by the settlement agreement. The monitor spent considerable time cross referencing staff training attendance records with the names of officers on overtime rosters to verify this requirement is being fully met.

A staff polling survey was developed to seek staff members' feedback on a number of operational issues, including work schedules, overtime, and shift length. This survey also sought suggestions about the current practices of training staff on new policies. The survey will be administered in March 2017, so the results and analysis are

pending.

ADOC had a staffing analysis conducted by nationally recognized staffing analysis experts to research and develop a staffing plan for Tutwiler that is informed by gender-responsive principles identified by the National Institute of Corrections (NIC), Prison Rape Elimination Act (PREA) requirements, settlement agreement requirements, and emerging correctional practice that serve as the foundation for staffing plan development. ADOC submitted a draft staffing plan to Monitor Lancaster and DOJ for review and comment. Monitor Dennehy has also reviewed the draft and offered feedback recommendations. ADOC is working through these comments and the parties and both monitors agreed that an extension of time is necessary to finalize the staffing plan. Based upon the amount of work and apparent commitment of ADOC and Tutwiler to meeting the full requirements of this provision, the Monitor Dennehy determines a revised rating of "partial compliance" is appropriate for this provision of the settlement at this time. ADOC has requested and the monitor has approved an extension to June 1, 2017 to comply with Section III C.2.iv of the Settlement Agreement. The goal is for ADOC and Tutwiler to adopt staffing plan recommendations within three months of the approval of the final plan.

Training

The Tutwiler training team began initial training on September 5, 2015, and successfully completed all initial staff training by February 28, 2016. The completion of staff training was certified, documented, and reported to the Tutwiler IPCM, the ADOC PREA Coordinator, the monitor, and DOJ on May 15, 2016. Subsequently,

nationally recognized experts on trauma conducted additional staff training on trauma informed principles in August 2016.

As of December 2016, all staff working at Tutwiler, including those working overtime at Tutwiler from other facilities, have completed an initial round of both sexual safety and gender-responsive training. The monitor reviewed the curricula and training materials and was very impressed with the documentation of staff attendance at training maintained by both Captain McClain and Lt. Young. These records are well organized and easily retrievable and demonstrate careful tracking of any pending attendance requirements.

Tutwiler's training team has initiated annual refresher training. The refresher PREA training curriculum was developed during this reporting period, and the facilitator's guide was reviewed and commented upon by DOJ and the monitor, consistent with Section III.A.6 of the Agreement. Annual PREA refresher training began in January 2017. The Tutwiler training team received specialized refresher facilitator training on PREA in September 2016 by the agency's nationally recognized PREA consultant. Additional training on gender-responsive and trauma-informed use of force is also being incorporated into the ongoing refresher training. As part of the refresher training, all staff will again be expected to demonstrate proficiency through a post-testing process.

In October 2016, 15 investigators attended training specific to investigating sexual assault in custodial settings.

Gender Responsive Classification and Programming

Ongoing efforts to evaluate methods to decrease or eliminate use of Dorm A for a period that exceeds 48 hours have been successful as demonstrated by both an overall reduced unit count and overall shorter stays in the unit. During the tour, on December 5, 2016, only 19 of the unit's 80 beds were filled. The monitor requested review of Dorm Meeting minutes and Dorm A's Receiving Log, and identified only two outliers who stayed longer in the unit than other women listed on the roster.

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

An implementation workgroup was created and includes a cross section of key ADOC and Tutwiler staff members. The Women's Risk Needs Assessment (WRNA) and Women's Services Classification Manual were implemented in August 2016. A six-month pilot period was to begin on August 15, 2016. Following this pilot period, a two-year validation assessment will commence. This original timeframe was expected to yield Alabama Women's Risk Need Assessment validation results by March 28, 2019 when an assessment of compliance with the Agreement is due. The pace of implementation may be delayed as a result of two factors.

The two primary reasons for a delay include the 1) lack of software automation to support WRNA, and 2) the time delays in hiring new positions required to assist with the implementation process (total of 12 new positions). After an exhaustive RFP

process, ADOC is now in the process of contracting with a technology company to create the software automation for WRNA. The company has established a deliverable date for WRNA of July 2017. In addition, Tutwiler has 12 new positions allocated and created, and candidates have been hired for half of them. Tutwiler is working now to fill the remaining 5 – 6 positions. Any extension of the pilot period will in turn require a later starting date for the validation process as well.

The new classification system incorporates gender-responsive principles and addresses the needs of women inmates at Tutwiler including housing safety; mental health (depression/anxiety/psychosis); abuse and trauma; family conflict; relationship dysfunction; and parental stress. The system focuses on strength and resiliency factors including educational assets, family support, and self-efficacy. The use of “restricted status” for female inmates was abolished in September 2016 pursuant to the new classification system.

ADOC assessed the impact of these system changes on staffing and requested the addition of eight social service caseworkers. ADOC approval to fill these positions was given in September and an opportunity for lateral transfers to Tutwiler from within ADOC as well as from other state agencies has been announced.

A gender responsive program committee was convened in October 2016. They are focused on identifying and developing evidence-based programs that are gender specific.

Inmate Education

ADOC and Tutwiler completed their review of a revised inmate education curriculum on December 30, 2016 and incorporated feedback from the monitor and DOJ. This two-hour training module addresses PREA, inmate grievance procedures, and access to medical and mental health care. The revised curriculum was scheduled to be implemented in January, 2017.

Additional staff training and inmate education on trauma informed principles was conducted in August and a copy of a Trauma Engagement – Peer Support Manual was provided to all inmates and staff at Tutwiler. The monitor requested and received a copy of the manual for review.

Inmates' Right to Privacy

Work on the youthful offender trailer was completed on October 20, 2017 making it ready for occupancy and providing designated placement for this specialized population. However, Tutwiler did not receive any youthful offenders during this reporting period, so this unit was vacant during the monitor's December, 2016 visit.

Inmate Polling

ADOC and Tutwiler established a system to routinely poll inmates regarding their perceptions of the implementation of the specific terms of the settlement agreement including the prevalence of staff sexual abuse and sexual harassment; inmate vulnerability to sexual abuse and sexual harassment; the investigation and discipline of staff accused of sexual abuse and sexual harassment; the efficacy of inmate education

regarding sexual abuse and sexual harassment; privacy in the showers and toilets; the appropriateness of inmate classification; the levels of staff supervision; the efficacy of the reporting systems for sexual abuse and sexual harassment including grievances; and official responses to and retaliation for, allegations of sexual abuse and sexual harassment. The initial inmate polling was conducted in July 2016. The First Quarter Inmate Polling Results were shared with the monitors and Tutwiler has already made good use of the results as discussed in the next section of this report. The Second Quarter Inmate Polling was conducted the week of October 17, 2016. The monitor anticipates future, deeper sub-analysis of the data sorted by housing unit and other inmate characteristics.

Quality Improvement and Data Collection

Quality Improvement monthly meetings began in August 2016 and will continue indefinitely. Meeting minutes were made available for the monitor's review.

ADOC and Tutwiler developed the Risk Management System (RMS) which is designed to track facility trends related to: (1) sexual abuse or sexual harassment; (2) unprofessional staff conduct involving inmates, including sexually explicit, vulgar, or degrading language; and (3) use of force incidents. The monitor reviewed the RMS reports and can attest that ADOC and Tutwiler staff has already demonstrated good use of RMS data and the results of the inmate polling survey. Both instruments document that some Tutwiler staff use abusive and profane language towards the inmate population that undermines efforts to build a gender responsive and trauma informed environment. In the last court report, the monitor acknowledged complaints from

inmates regarding staff use of unprofessional language. The complaints involve a small number of staff and are not sexual in nature. Recognizing the need for staff interventions regarding the requirements for using professional language while addressing inmates, Warden Wright developed an interim intervention plan to eliminate “the unprofessional staff conduct involving inmates, including sexually explicit, vulgar, degrading, or racially insensitive or offensive language”. Each incident involving an allegation of the use of profane or abusive language is being reviewed, tracked, and appropriate action is being taken. The monitor cross referenced supporting documentation to verify that action had been taken. Due to these efforts, there has been a slight decrease in the number of complaints about verbal abuse. During the first quarter of the RMS, 11 staffers were cited for this. During the second quarter of the RMS tracking, 10 staff members were cited. This represents a slight improvement.

Sexual Abuse/Sexual Harassment Allegations

The monitor reviewed four completed PREA investigations and the related Sexual Abuse Incident Review Team Reports of incidents that occurred during this reporting period. One involved an allegation of staff-on-inmate misconduct and was determined to be unfounded as video evidence, in addition to other evidence, did not support the allegation. The remaining three investigations involved inmate-on-inmate actions. Two were substantiated. One alleged sexual abuse and was referred to the District Attorney for review. The second involved a substantiated allegation of inmate-on-inmate sexual harassment. The final case was unsubstantiated. In each instance, the monitor determined that the investigations had been conducted by properly trained

investigators and in accordance with AR 454 and SOP 8-12, *Inmate Sexual Abuse and Sexual Harassment*. In inmate focus groups and in individual, informal discussions with the monitor, the inmates expressed their confidence in Investigator Kelley Smith and the Institutional PREA Compliance Manager, Lt. Young who conduct the investigations of this nature.

In all cases, the monitor reviewed the facility response to allegations and the management of the reporting inmates and alleged perpetrators. When appropriate, inmate housing and job assignments were adjusted to ensure the safety of all involved. Lt. Young closely documents her monitoring of any possible retaliation of those who report allegations.

The monitor notes there are multiple, effective means of reporting allegations of inmate sexual abuse and sexual harassment, including a grievance process and at least one confidential method. During this reporting period four grievances alleging sexual abuse or sexual harassment were submitted and investigated.

The inmates can use a toll free number to call Alabama Coalition Against Rape (ACAR). The agreement between ACAR and ADOC is that all calls are confidential, per ACAR policy. ACAR agreed to suggest/encourage the inmate to use the ADOC and Tutwiler methods of reporting, if their call was regarding a PREA allegation. There is no requirement for ACAR to report to ADOC, so the number of calls for this reporting period is unknown.

Third parties are permitted to assist inmates in filing requests for administrative remedies for allegations of sexual abuse and are permitted to file such request on behalf of inmates. If a third party files a grievance on behalf of an inmate and it relates to

sexual abuse or harassment, that report will be sent from the Institutional Grievance Officer to the ADOC PREA Director. If the grievance contains allegations of sexual abuse, or staff-on-inmate sexual harassment, the I&I division will investigate the allegations. If the grievance contains allegations of inmate on inmate sexual harassment, the Institutional PREA Compliance Manager will investigate. No third party allegations were received during this reporting period.

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

Information on how to report sexual abuse or sexual harassment is widely posted within the facility. In the Inmate Polling Survey, the women reported being knowledgeable about these reporting options. This knowledge is critically important to establishing and maintaining a facility culture of sexual safety.

Alabama Strengths

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

Leadership from the Alabama Department of Correction

The monitor observed that Commissioner Dunn continues to provide the agency leadership for his staff and Tutwiler, directing and supporting continued successful implementation of the settlement agreement. In particular, ADOC central office

leadership has played an important role working with Alabama's Parole Board to reduce the average daily count at Tutwiler by identifying appropriate candidates for release on parole. In addition, Commissioner Dunn is strategically focused on developing the capacity of agency and facility leadership as a means to sustain and advance the progress made to date.

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

In addition to Commissioner Dunn and Deputy Commissioner Williams, in interviews with the monitor, ADOC central office consistently demonstrated working knowledge of their settlement related responsibilities.

Tutwiler Leadership

The monitor continued to observe outstanding leadership by the facility wardens and the executive team at Tutwiler during this reporting period. The Institution PREA Compliance Manager, Lieutenant Young, performed her responsibilities consistently and documented all of her required responsibilities. Feedback from the inmates about Lieutenant Young's performance was overwhelmingly positive. She has the respect and trust of the inmate population. She has earned a reputation for being professional, holding people accountable and being respectful and responsive to inmates' needs. The

monitor was repeatedly told by inmates that Lt. Young follows up on her interactions with them, which the inmates appreciate, even when they don't receive their desired outcome. The Tutwiler leadership team's actions are well documented throughout this monitoring report.

Warden Barrett retired on July 1, 2016. Prior to his retirement, Deputy Commissioner Williams and Warden Barrett worked closely with Warden Deirdre Wright over several months of a planned transition period to prepare her for the role of interim warden.

During this monitoring visit, Warden Wright participated fully and knowledgeably in the opening presentation to the monitor and in formal and informal interviews and demonstrated her leadership at Tutwiler during observed interactions with staff and inmates.

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

ADOC Consultants

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

ADOC Strategic Planning Committee

ADOC continued to meet and use the previously established Strategic Planning committee to review and guide their efforts for creating sustainability models/practices/tools for their operations, future plans and mission for female offenders in Alabama.

Tutwiler Culture

In the last report to the court, the monitor noted a positive culture for change at Tutwiler. This culture continues in general, amid the staffing challenges. Staff and inmates respect the settlement-related policies and practices and are knowledgeable about them. Most importantly, during formal interviews and informal conversations with the monitor, the women say they "trust" that leadership will act in their behalf if an incident of sexual abuse or sexual harassment occurs.

Alabama Challenges

Tutwiler Facility

The monitor continues to note the challenges that the prison's aging infrastructure presents for leadership. Specifically, options for program space, medical and mental health screening and treatment, housing placements, and the day room areas are severely limited by the old design, aging infrastructure and overcrowding. The physical plant also impacts staffing requirements as it has a direct bearing on operations and the location of officer posts. The physical plant is sprawling and some housing and program areas are isolated, and poorly lit, impacting the number of posts and staff needed to support safe and secure operations. As previously reported, the Governor and

ADOC presented a comprehensive bond proposal for a construction package of prison building reforms, "The Alabama Prison Transformation Initiative" in the last legislative session. The monitor understands the governor and ADOC have re-introduced a modified bond package for the construction of three new large male prisons and a new prison for women to replace Tutwiler in the current 2017 legislative session. Commissioner Dunn is a strong advocate for the positive system changes these prisons will make for ADOC.

Population Capacity

The monitor notes the average daily population count at Tutwiler is nearly double the facility's rated occupancy capacity. This level of chronic population overcrowding presents a continuing challenge. The future plans, and settlement requirement, for a gender based classification system at Tutwiler will be impacted by the overcrowding issues at Tutwiler. Specifically, plans will require the development of various housing options for separating groups of inmates, via the classification review process, that will be difficult to maintain as bed space must be allocated according to new placement criteria. In addition, the classification system will prescribe a number of program offerings that should be available for the inmates, based on a needs assessment. Currently, the space available for inmate programming is very limited.

The population numbers at Tutwiler have decreased due to a parole review currently underway ADOC and Tutwiler executive staff worked closely with the Alabama Board of Pardon and Parole from May through November 2016 creating dockets of female inmates for parole consideration. The bed vacancies occurring as a result of these actions may provide some relief for Tutwiler in housing placement

options and staffing deployments. Between July 1st and December 1st, Tutwiler's population decreased by 53 inmates. This overall population reduction has contributed to reducing Dorm A's average daily census.

Staffing Challenges-Overall Vacancies and Recruitment and Retention of Women

The monitor notes the chronic, ongoing number of staff vacancies at Tutwiler presents an ongoing serious concern for leadership, staff and inmates and impacts the safety and security of the facility. In the first court report, the monitor noted a vacancy rate of almost 50% of authorized, funded positions. The recruitment and retention problems that lead to the high vacancy rate have continued. At the end of calendar year 2016, correction officers were at 41.8% staffing level and correctional supervisors were at 89.1% staffing level. In comparison, the non-uniform staff was at 55.8 % staffing level.

The settlement required the development of a professional staffing analysis (C.2), and for a plan to be presented to ADOC and Tutwiler. The monitor discusses this analysis and draft plan in detail in IIC.2 in the appended summary. The consultant's draft report noted the current vacancy rate impacts their ability to produce a comprehensive gender responsive staffing plan. Both DOJ and the monitor have provided significant feedback on the draft staffing plan to the ADOC.

Overall, recruitment and retention of women correction officer trainees remains a concern. The recruitment and hiring data underscore a system-wide issue with the application of the APOSTC physical standards to women candidates. Commissioner Dunn has taken an important first step in his outreach to the Alabama Peace Officers' Standards and Training Commission (Commission) by requesting them to consider a

request to modify the administration of the Commission's Physical Agility/Ability Test (PAAT) academy training requirements for State Corrections Officer applicants. It is encouraging that the Commission approved the Commissioner's request to modify the administration of the PAAT effective January 2017. More importantly, the monitor notes the Commission is currently contractually engaged with Auburn University at Montgomery (AUM) for the review of the PAAT validation study and test data and understands the AUM representative, along with Commission agents, will be monitoring the academy PAAT testing of State Corrections Officer applicants and will be recording any data deemed necessary by AUM. To the extent the ADOC can help shape AUM's review, they should be encouraged to review the PT standards set for correction officers in other states/jurisdictions and gather information about Academy PAAT testing, broken down by gender, as it relates to bona fide occupational qualifications for correction officers.

Deputy Commissioner Matt Brand (Training and Development) continues to assess the correctional officer training and hiring processes, in addition to the physical fitness screening processes already discussed. Cpt. Mark Loman continues in the role of Recruiting Unit director for ADOC, and he works directly for Deputy Commissioner Brand. The monitor recommends the development of a plan specifically for the recruitment and retention of women.

To ensure adequate staffing, Tutwiler leadership implemented a "mandatory overtime" policy during the last months of the previous reporting period to address critical vacancies and the problem with frequent "calls outs" (staff not reporting for duty). In the last court report, the monitor reported that this policy has caused stress

and concern among the officers interviewed by the monitor during the June 2016 compliance visit. This situation continues to be an area of deep concern for staff, and according to staff interviewed during this monitoring visit, it is adversely impacting staff morale. During many of the monitor's interviews, uniformed security staff expressed concern about the impact overtime and staff scheduling has on staff morale. While some staff members are very pleased with a 12-hour shift schedule, others find it problematic. The monitor was advised that working mothers cannot leave their young children in daycare in the State of Alabama in excess of ten hours a day. The monitor and Deputy Commissioner Williams discussed the negative impact this has on the recruitment and hiring of women. The monitor recommends full exploration of the impact of 12 hour shifts on female candidates and current employees, specifically as it impacts young mothers with child care needs. The monitor urges the ADOC and Tutwiler to review options for a more creative mix of 8 and 12 hour shifts to accommodate various staff needs.

In the interim, uniform staff expressed appreciation for efforts made by some shift sergeants and lieutenants to acknowledge efforts of line staff. For example, some supervisors have purchased pizza for staff with personal funds. The monitor recognizes the toll the staffing situation has on staff and urges leadership to further acknowledge staff contributions.

The monitor discussed these chronic staffing issues with Deputy Commissioner Brand, Deputy Commissioner Williams and Director Lawley. The monitor urged that ADOC explore every available method of enhancing hiring and retention at Tutwiler, even though it is noted that ADOC has continued to use its resources to addressing this

chronic issue statewide in its prisons. The monitor had previously recommended the development of a formal staffing survey to provide ideas for Tutwiler. A staff survey will be conducted in March 2017 and the monitor urges a close analysis of staff feedback and suggestions in this area. ADOC must continue to work with its consultant team to address these staffing issues.

Logistics

Compliance Visit

The monitor conducted a compliance visit on December 5-9, 2016. The purpose of this visit was for the monitor to acquire information and observations to inform the third court compliance report. The monitor and Deputy Commissioner Williams worked together to finalize the tour agenda and interview schedule.

Introductory Meeting /Presentation by Warden Wright

Warden Wright provided a detailed overview of progress made at the facility to the monitor at an opening meeting where the new monitor was introduced to staff and had an opportunity to ask questions of the staff in attendance. Deputy Commissioner Williams, Warden Wright, Warden Givens and key central office and facility staff were in attendance.

Compliance Visit Interviews

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

Alabama Department of Correction

- ADOC Commissioner Jefferson Dunn
- Deputy Commissioner for Women's Services, Dr. Wendy Williams
- Regional Health Director, Lynn Brown
- General Counsel, Anne Hill
- ADOC Counsel Mary Coleman-Butler

Tutwiler Prison for Women

- Warden II Deidra Wright
- Captain LaGreta McClain, Settlement Compliance Manager
- Lieutenant Yvette Young, Institutional PREA Compliance Manager (IPCM)
- Lieutenant Brian Coleman, Grievance Coordinator
- Corizon Site Administrator Love (Corizon-medical contractor)
- Constance Johnson, Administrative Assistant to Ms Love.

Rather than solely meeting each central office and facility staff member individually, the monitor scheduled a mix of some central office and facility staff for joint interviews based upon their organizational roles, reporting relationships and responsibilities under the settlement agreement. The following were interviewed in pairs or groups:

- The ADOC PREA Director Christy Vincent and Lt. Yvette Young the Institutional PREA Compliance Manager
- The ADOC Grievance Coordinator, Ms. Tamara Jackson and Lt. Coleman, the Institutional Grievance Coordinator

- ADOC Investigator Director Arnaldo Mercado and Kelley Smith, Tutwiler's investigator
- Settlement Compliance Manager, Captain LaGreta McClain and Ms. Yvette Young, the Institutional PREA Compliance Manager.
- Ms. Chitema Westry, Tutwiler Classification Supervisor and some of her direct reports
- Ms. Ambrea Love, Corizon (medical contract) Site Administrator , Ms. Greer, MHM Mental Health Site Administrator On-site leadership for OHS, Dr Scott Holmes,
- Deputy Commissioner (Training and Development) Matt Brand and the Personnel Director, Mr. Bill Lawley
- Associate Commissioner (Health Services) Ruth Naglich and Dr. David Tytell (Chief Psychologist)

The monitor also randomly selected line staff members for individual interviews. The staff was from both the A and B, 12 hour shift rotations, day and night shifts. These staff members were diverse in race and gender. In general, the monitor asked about their awareness of the PREA reporting structure, investigations, the inmate grievance system and their recent PREA and gender responsive training, occurring this reporting period. All were interested in discussing staffing challenges and workforce morale. These concerns are addressed in the ADOC challenges section of this report.

The monitor randomly selected 10 inmates, from various housing dorms, for two separate focus groups. The monitor used a set of questions regarding their knowledge of PREA policies, reporting of allegations, the grievance system, staff

/inmate professional relationships, and the availability of reporting allegations through various phone lines. The inmates discussed incidents they observed of unprofessional conduct, their use of the grievance system, impressions of the classification system and their overall feeling of safety at Tutwiler. Their responses are documented in the monitor discussion in various sections of the compliance report. The monitor debriefed this group discussion with the executive leadership group.

Facility Tours

During the tour of the facility on the first day of the compliance visit, the monitor noted improvements to the physical plant. The housing units were painted with pastel shades, a beauty shop had opened in September, 2016 and renovations to the juvenile offender housing unit had been completed in October, 2016. In each housing unit, the monitor noted the prominent posting of notices and information for inmates, including: a PREA Hotline notice, notice of a victim support line, PREA education materials, principles of gender responsive programming for women, and grievance and appeal forms.

Throughout the tour, ADOC and Tutwiler staff afforded the monitor the time, space and many opportunities to engage in private conversations with both staff and inmates in housing and program units. Staff consistently demonstrated knowledge of PREA and their individual roles and responsibilities. Generally, the inmates acknowledged and expressed appreciation for the many positive changes at the facility. Feedback from the long terms, in particular, underscored that many women feel much safer at Tutwiler today.

Appreciating that the institutional climate and culture can be different shift to shift, the monitor and Dr. Williams conducted an unannounced night visit to the facility for the purpose of observing operations during the evening shift when top facility leadership are generally not on site. The monitor witnessed two individual staff-inmate interactions of note. Both occurred in the main corridor. In both instances, staff (one a line officer, one a supervisor) challenged out of place inmates in a respectful manner. In the opinion of the monitor, both skillfully deescalated situations by employing trauma informed practices.

While touring, the monitor also:

- observed the video operations in the camera room and discussed the operation with the operator on duty.
- observed inmate orientation, specifically the PREA presentations, by Lt. Young.
- toured the renovated housing trailer for a youthful offender. There were no inmates in residence during the tour.
- visited dorm A and had individual discussions with many inmates. On December 5, 2016, only 19 of the unit's 80 beds were filled.
- stopped by death row, but did not conduct any in depth interviews as she had an opportunity to meet with these women and discuss their individual awareness of the PREA policy, how to report allegations, and the use of the grievance system during the monitor's introductory tour in September.
- visited the segregation unit and talked with all the inmates housed there.

Document Review

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

The monitor showed various documents to staff during the interviews, for their authentication and comment. The monitor also reviewed multiple documents maintained by Captain McClain, Lt. Young, and Lt. Coleman while interviewing them in their individual offices. The monitor recognizes the time and commitment these individuals expend to maintain the level of detailed documentation required to demonstrate compliance. The ADOC and Tutwiler team continues to maintain impressive records.

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

Exit Debriefing with ADOC Leadership

The monitor conducted an exit meeting with the executive leadership group, regarding the results of the visit and the expected next steps.

Monitoring Tool

- 1) The monitor sent the first draft report to both parties on February 28, 2017. The agreement allows for a two-week period of review by both parties. The monitor received comments from DOJ and ADOC. . The monitor reviewed the comments of both parties, in each section, and took them into consideration in her final revisions to the report sections.
- 2) The monitor will submit the completed set of audit tool report, the narrative summary and attachments, to the court by March 28, 2017.

Summary of Compliance

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

Closing Observations

The monitor appreciates the high level of cooperation she received from all parties during the monitor transition period. The monitor also appreciates the level of cooperation and responsiveness of ADOC and Tutwiler staff during this reporting period. The monitors made numerous requests for documents or information and they were always processed in a thorough and timely manner.

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

Attachment A:
List of Documents Used for Compliance Report

Monitor note: the monitor also reviewed some documents, not listed below, that were received/reviewed for the compilation of the first and second court reports.

- Inmate Survey and Polling Plan
- First Quarter Inmate Survey Results

- Tutwiler PREA Incident Review Committee reports, January-June 2016
- Tutwiler PREA Incident Review Committee reports, July-December 2016
- An Incident Review Committee report for a December, 2016 investigation of unsubstantiated allegations of inmate-on-inmate sexual abuse

- Tutwiler Risk Management System spreadsheet, January-June 2016
- Tutwiler Risk Management System spreadsheet, July- December 2016
- Risk Management System Summary May 27-August 23,2016
- Quarterly Risk Management System Data Review
- Spreadsheet of Staff Identified in Risk Management System -Corrective Action Taken
- Log of unannounced rounds by supervisors

- Monthly Grievances for January-June
- Tutwiler's Institutional Grievance Log
- Monthly Grievances for July- December 2016
- Grievance Appeal Log

- Tutwiler spreadsheets documenting inmate disciplinary infractions , January-June 2016
- Tutwiler spreadsheets documenting inmate disciplinary infractions , July-December 2016

- Gender Responsive Classification Policy
- ADOC Women's Services Classification Instruction Manual (draft)
- Tutwiler PREA risk factors checklists
- Tutwiler "PREA risk re-assessments" checklists(30-day reassessment)
- Tutwiler ADOC mental health referrals to MHM for PREA assessments
- Tutwiler mental health treatment notes for initial PREA assessments
- Spreadsheets/logs for the classification checklists
- Update on progress of the pilot administration of the WRNA and any data collected.
- Validation Committee's agenda, notes, and PPT

- Dorm A inmate movement sheets
 - Dorm A Receiving Log
 - Dorm A quarterly workgroup meeting minutes
 - Dorm Representatives Meeting Minutes
 - Tutwiler Bed Count Roster for December 5,2016
-
- Corizon new Staff Orientation "On-boarding" training
 - Corizon staff training records, including post tests.
 - Corizon new employee orientation Manual
 - MHM new staff training program/curriculum
 - MHM PREA policy
 - Draft Administrative Regulation 637-Gender Dysphoria Disorder
 - Minutes to Gender Identify Committee Review Meeting-August 2016
 - Review of Dr Hunter's summary of an evaluation of a patient fro gender dysphoric disorder and a request for clothing accommodations
 - Medical Grievance Summary July-December, 2016
-
- Tutwiler ADOC and MHM mental health staff meetings minutes -January-June 2016
 - Tutwiler ADOC and MHM mental health staff meetings minutes -July-December 2016
-
- Completed and published PREA audit, May 2016
-
- Communications log maintained by Lt. Young , regarding calls, emails, etc. with ADOC PREA Coordinator Vincent
 - ADOC PREA Coordinator Vincent's communication log
 - Bi-monthly PREA reports from Lt. Young to ADOC PREA Coordinator Vincent
-
- PREA #66 hotline calls log, maintained by Lt. Young , January-June 2016
 - PREA #91 hotline calls log, maintained by Lt. Young , July-October 17,2016 (date of discontinuance of this line)
 - Monthly summaries of calls made to ADECA
 - Notification to inmate population regarding availability of hotline
-
- Copies of Random Inmate Interviews conducted by Lt. Young to monitor reporting culture
-
- Training rosters for Lt. Young in January-July 2016
 - Training rosters for Lt Young in August-December 2016
-
- PREA training documentation for the private transport security staff
 - Training documentation for Tutwiler staff , contractors , volunteers, overtime staff in SOP

- Draft PREA & Gender Responsive Refresher Training Facilitator Guide
- Draft PowerPoint for Ms. Vincent's upcoming PREA staff training program for Institutional PREA Compliance Managers
- Randomly selected training evaluations from Tutwiler staff attending the required PREA (SOP 8-12) and gender responsive training
- Log of Pregnant Inmate Intakes maintained by Institutional PREA Compliance Manager
- Pregnant Inmate Intakes Statements maintained by Institutional PREA Compliance Manager
- Tutwiler "inmate on inmate harassment" allegation investigations, completed by Lt Young, January-June 2016
- Tutwiler "inmate on inmate harassment" allegation investigations, completed by Lt Young July-December 2016
- Tutwiler inmate education session attendance logs
- Final Inmate Orientation Guide
- Certification of completion of inmate education on the new Women's Services Classification Manual
- Engaging Women in Trauma-informed Peer Support: A Guidebook
- Copies of Gender Responsive Women's Programs Work Group agenda, notes and PowerPoint presentation
- Tutwiler camera room surveillance logs, January-June 2016
- Tutwiler camera room surveillance logs, July-December 2016
- Tutwiler annual assessment of the camera operations -November 2016
- Tutwiler Gender Responsive Staffing Analysis and plan, draft
- Tutwiler staffing updates for January-June 2016
- Tutwiler staffing updates for July-December 2016
- Tutwiler staff discipline: January-June 2016
- Tutwiler staff discipline: July-December 2016.
- Abusive and Profane Language Intervention Plan -September 2016
- Tutwiler shift duty rosters(noting overtime staff) for February-April, 2016
- Tutwiler -Duty Rosters for December 5-9, 2016
- Tutwiler list of approved overtime employees

- Periodic Staff Overtime Reports
 - Social Service Caseworker lateral transfer announcement approving the filling of positions
 - Randomly selected Tutwiler shift dorm assignment logs , A and B rotation
-
- Correctional Officer Trainee, "Physical Fitness training "assessments/ reports, January-June 2016
 - ADOC reports for the staff physical fitness exams results, from the academy, for January-June 2016, broken down by gender
 - ADOC reports for the staff physical fitness exams results, from the academy, for July-December 2016, broken down by gender
-
- Inmate correspondence received by the monitor in the reporting period
 - Warden Wright's follow-up reports submitted in response to monitor's questions generated by communication with inmates -December 2016
-
- The 8 PREA investigations, completed by ADOC I+I, from January-June 2016
 - The PREA investigations, completed by ADOC I+I, from July-December 2016
 - Curriculum for the specialized "investigator " training , occurring for ADOC I+I in July 2016

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

This is a listing of all of the ADOC and Tutwiler policies provided to the monitors to date. During the previous reporting period, the initial monitor received and reviewed 63 new and revised SOP's for Tutwiler. The monitor reviewed the drafts, provided comments on each to ADOC and received the final ADOC published copies. During this reporting period, the monitor received a draft SOP 8-30 Gender Responsive Discipline and Sanctions and provided ADOC with feedback and suggestions for their consideration.

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

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

Attachment C: Summary of Compliance

Requirement	Description	Substantial Compliance	Partial Compliance	Non-Compliance	N/A
III.A. GENERAL POLICIES AND PROCEDURES					
	ADOC and Tutwiler shall comply with all provisions of PREA.				
A.1	ADOC and Tutwiler shall continue to comply with the ADOC's written policies and procedures mandating zero tolerance toward all forms of sexual abuse and sexual harassment.	X			
	This agreement takes precedence over any ADOC and/or Tutwiler policy governing the operation of Tutwiler that may conflict with this agreement.				
A.2	Shall develop: submit to the Monitor and DOJ for review consistent with III.A.6; and Implement policies and procedures regarding the management of lesbian, gay, bisexual, transgender, intersex, and gender nonconforming inmates. The policy shall emphasize the rights of lesbian, gay, bisexual, transgender, intersex, gender nonconforming and gender dysphoric inmates to a safe, non-discriminatory and respectful environment.	X			
A.3	Continue to comply with ensuring women receive essential supplies, including hygiene and feminine hygiene products, tampons and pads; linens; and uniforms by making them available on a monthly basis or more frequently as needed. The policy will continue to require the tracking and distribution of these products. ADOC and Tutwiler will continue to ensure that both tampons and sanitary pads are readily available, free of charge, to Tutwiler inmates.	X			
A.4	Shall develop and implement policies and procedures that incorporate gender-responsive strategies, including policies and procedures governing the use of force against women inmates and discipline of women inmates		X		
A.5	Shall continue to develop, submit to the Monitor and DOJ for review consistent with III.A.6, and implement facility-specific policies and operational practices specific to Tutwiler's population regarding the supervision and monitoring necessary to prevent inmates from being exposed to unreasonable risk of harm from sexual abuse and harassment.	X			
III.B. CAMERA MANAGEMENT					
B.1	Camera management policies and procedures will remain in effect at Tutwiler	X			
B.2	Camera management policies and procedures, including the locations where cameras have been placed, will be reviewed at least annually to ensure they are serving their goal of maximum supervision.	X			
III.C. STAFFING					
C.1 (i)	ADOC and Tutwiler shall continue to develop, submit to the monitor and DOJ to assess for compliance with this agreement and implement its plan to recruit women correctional officers at Tutwiler		X		
C.2	In order to address low staffing levels and the need for more women officers, ADOC and Tutwiler shall ensure that correctional staffing and supervision is sufficient to adequately supervise inmates and staff and allow for the safe operation of Tutwiler.		X		
III.D. TRAINING					
D.1	ADOC and Tutwiler shall train all staff who may have contact with inmates with the following:	X			
D.2	Within six months of the Effective Date, all staff shall have received training as set out in Section III.D.1	X			
D.3	ADOC and Tutwiler shall provide annual refresher training to all staff		X		no assessment due until May 28, 2017
D.4	The Monitor will work with ADOC and Tutwiler in drafting new training materials and/or revising current training materials set out in III.D.1 and III.D.3	X			
D.5	ADOC shall certify and document to Tutwiler's PREA Compliance Manager, the Department-wide PREA Coordinator, the Monitor, and DOJ, that all staff have been trained	X			
III.E. INMATE EDUCATION					

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

Requirement	Description	Compliance			
		Substantial Compliance	Partial Compliance	Non-Compliance	N/A
G.2.3	<p>2. Inmates at high risk for sexual victimization shall not be placed in involuntary segregation housing due to their high risk of victimization unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. Such an assessment and determination shall be documented, explain the basis for Tutwiler's concern for the inmate's safety and the reason why no alternative means of separation can be arranged. A review of such determination must be afforded each inmate at least every 30 days to determine whether there is a continuing need for separation from the general population.</p> <p>3. Inmates placed in segregated housing Due to potential victimization shall, to the extent possible, have full access to programs, privileges, education, and work opportunities as inmates in general population housing.</p>	X			
III.H. INMATES' RIGHT TO PRIVACY					
H.1	Cross-Gender Searches : ADOC and Tutwiler shall continue to comply with its policy regarding cross-gender pat and strip searches	X			
H.2	<p>2.i Cross- Gender Viewing: ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section A.III.6, and implement policies and procedures that enable inmates to perform bodily functions – such as showering, bathing, and using the toilet – and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances of when such viewing is incidental to routine cell checks</p> <p>2.ii ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section III.A., and implement policies and procedures regarding the method of conducting inmate counts. This policy and procedure shall limit inmate movement during inmate counts and shall prohibit the practice of conducting inmate counts while inmates are likely to be in the shower and toilet areas</p> <p>ADOC and Tutwiler shall continue to implement its plan to address the architectural features that contribute to a lack of privacy for inmates while showering or using the toilet</p>	X			
III.I. REPORTING ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT					
I.1	ADOC and Tutwiler shall continue to comply with its policy on reporting allegations of sexual abuse and sexual harassment. Any modification of that policy shall be submitted to DOJ and the Monitor for review consistent with Section III.A.6. ADOC and Tutwiler shall provide multiple internal methods, including a grievance process and at least one confidential method, for inmates to report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.	X			
I.2.3	2. ADOC and Tutwiler shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. The method provided should be through a toll-free number or other method as agreed to by the Monitor and DOJ.	X			
I.4.5	<p>3. ADOC and Tutwiler shall provide a method for staff to confidentially report sexual abuse and sexual harassment of inmates</p> <p>4. Third parties shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and sexual harassment, and shall also be permitted to file such requests on behalf of inmates</p> <p>5. All third party reports of sexual abuse and sexual harassment shall be forwarded immediately to the Departmental PREA Coordinator and be investigated and processed in accordance with Policy. As part of this process, the Departmental PREA Coordinator will inform Tutwiler's PREA Compliance Manager of all third party reports received.</p>	X			

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

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

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

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

General Information

Court	United States District Court for the Middle District of Alabama; United States District Court for the Middle District of Alabama
Federal Nature of Suit	Civil Rights - Other[440]
Docket Number	2:15-cv-00368
Status	CLOSED