

# PREA AUDIT: AUDITOR'S SUMMARY REPORT

## ADULT PRISONS & JAILS



**[Following information to be populated automatically from pre-audit questionnaire]**

<b>Name of facility:</b>		Federal Correctional Institution – Miami, Florida	
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<b>Date of facility visit:</b>		July 7-9, 2015	
<b>Facility Information</b>			
<b>Facility mailing address:</b> <i>(if different from above)</i>			
<b>Telephone number:</b>		305-259-2100	
<b>The facility is:</b>	<input type="checkbox"/> Military	<input type="checkbox"/> County	<input checked="" type="checkbox"/> Federal
	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input type="checkbox"/> State
	<input type="checkbox"/> Private not for profit		
<b>Facility Type:</b>	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison	
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<b>Agency Information</b>			
<b>Name of agency:</b>		Federal Bureau of Prisons	
<b>Governing authority or parent agency:</b> <i>(if applicable)</i>		U.S. Department of Justice	
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## AUDIT FINDINGS

### NARRATIVE:

The on-site visit to conduct a Prison Rape Elimination Act (PREA) compliance audit of the Federal Correctional Institution – Miami, Florida was conducted July 7-9, 2015. FCI Miami is a low security Federal Correctional Institution with an adjacent Satellite Prison Camp, which currently houses approximately 1410 inmates. FCI Miami is located in the southwest section of Miami-Dade County, Florida, on 206 acres, 45 of which are inside the secure perimeter fence. Over the past 30 years, they have seen the Miami-Dade community grow up around the institution’s border. The area surrounding the facility is primarily residential with a few other Federal agencies joining the property, with the Miami Metropolitan Zoo being their neighbor.

The standards used for this audit became effective August 20, 2012. The auditor was advised that the Director of the Federal Bureau of Prisons (BOP) ordered all facilities to implement the provisions of the PREA well over one year ago. The National PREA Coordinator for the BOP was interviewed telephonically, as was a designee of the Director of the BOP. As part of the audit, a review of all PREA Policies, and a tour of the facility was completed. Twelve inmates were interviewed. One of the inmates interviewed had made a prior allegation of sexual harassment. There were no inmates that were physically disabled, and no inmates who identified themselves as transgender, Gay, or Bi-sexual. Ten random correctional officers (from all shifts) were interviewed. This included a Special Housing Unit Officer. Nine specialized staff, including one contractor were also interviewed. The specialized staff interviewed included the Warden, Associate Warden/PREA Compliance Manager, the Chief Psychologist, the Camp Administrator/Executive Assistant, the Human Resources Manager, the Health Services Administrator, a case manager, and a Special Investigative Supervisor.

When the auditors first arrived at the facility, an “in-briefing” meeting was held with the Warden, Associate Warden, Executive Assistant/Camp Administrator/ACA Coordinator, Chief Psychologist, Superintendent of Industries, Captain, ACA Auditor, and several representatives from the Program Review Division of the Bureau of Prisons, to explain the audit process. The ACA Intensive Re-accreditation Audit was being conducted at the facility during the same time.

## **DESCRIPTION OF FACILITY CHARACTERISTICS:**

The mission statement of the Federal Bureau of Prisons is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

FCI Miami has faced many changes and challenges since its dedication on March 26, 1976. In 1979, the facility housed INS detainees, pre-trial inmates and sentenced federal inmates. In 1982, a complete mission change established the facility as a Metropolitan Correctional Center where the inmate population grew to almost 1400 inmates. In August of 1992, MCC Miami faced one of its greatest challenges due to the devastation of Hurricane Andrew which resulted in substantial damage and the evacuation of the inmate population. In 1994, they opened the doors to the Satellite Prison Camp which currently houses approximately 400 inmates. In September 2004, FCI Miami faced yet another major challenge as they undertook the pre-emptive evacuation of the facility in the face of four consecutive hurricanes which threatened the Miami area. This evacuation was a joint effort involving United States Marshal Service and Bureau of Prisons staff throughout the country. The seasoned staff successfully accomplished each of these mission changes and challenges with professionalism and dedication to the Bureau of Prisons mission and goals. FCI Miami staff are the foundation of the facility’s stability and security.

There are seven housing units at FCI Miami, designated as follows: Atlantic, Biscayne, Coral, Dolphin, Everglades, Flagler, and Gator. They offer a Residential Drug Abuse Program for inmates with a documented history of substance abuse a year before they committed their current offense. This program began at the satellite camp in 2000 with one Residential Drug Abuse Coordinator and three Drug Treatment Specialists. FCI Miami was selected by the Bureau of Prisons to pilot the first and only Residential Drug Abuse Treatment Program in Spanish for male inmates. The Spanish Residential Drug Abuse Program (SRDAP) is one of two treatment units in FCI Miami dedicated to Re-Entry programming. These programs are residential programs housed in E and F Units, which stand for ENTERING the FUTURE. FCI Miami has been developing this community since September of 2013. They have been able to successfully incorporate the delicate intricacies of culture specific to Hispanic inmates while addressing treatment needs in a Modified Therapeutic Community setting following the Bureau’s CBT evidence based treatment philosophy. The program is managed by one Residential Drug Abuse Coordinator and four Drug Treatment Specialists which are Spanish-Speaking.

The Education Department at FCI, Miami, Florida, is committed to providing its students with a broad comprehensive, competency-based, and individualized curriculum designed to be inclusive of students at different levels and with various learning styles. The education staff at FCI Miami consists of five Teachers, two Education Specialists, one Education Technician, and one Vocational Training Instructor. They are all dedicated to meeting the academic and vocational training needs of the culturally diverse inmate population in regards to preparing inmates for tomorrow’s workforce, as well as meeting the needs of the institution in reducing inmate idleness

by providing a wide range of quality programs. FCI/FPC Miami promotes literacy through the General Equivalency Diploma (GED) program. Other successful programs include the English as a Second Language (ESL) and Special Learning Needs (SLN). Vocational Training courses offered are Custodial Maintenance and HVAC. Apprenticeship Programs offered are Heating / Air-conditioning, Electrical and Plumbing. UNICOR, Federal Prison Industries at FCI Miami is a textile factory consisting of three departments: Production, Quality, and Finance. The factory produces a mix of garments for the Department of Defense and the private sector. UNICOR Miami has undertaken a new mission, manufacturing a new product, Landau Medical Scrubs, in partnership with the private sector. Unicor Miami is also producing orders for FCI Lee County temporarily which is the APFU Coat in the amount of over 3,000 a month.

Psychology Services is a growing department with innovative ideas. The department is made up of psychology services along with the two Residential Drug Abuse Programs (RDAP), and scheduled to expand to a third this year. In addition, the i-CAN program (a reentry initiative) confronts inmates' criminal thinking errors while helping them explore the intra-psychic inclinations and family dynamics that resulted in a life of crime. Psychology has an active practicum program where graduate students in psychology volunteer no less than 16 hours of work for the facility.

Psychology Services offers the following groups to inmates at both the FCI and the FPC: Anger Management, Stress Management, Seven Habits of Highly Effective People, Criminal Thinking Errors, Meditation Group, Self-Directed Motivational Group, Assertiveness Training, Drug Education, Non-Residential Drug Counseling, and Residential Drug Abuse Program (RDAP).

The Recreation Department at FCI/FPC Miami strives to provide structured and unstructured programs during non-working hours in order to promote positive lifestyle changes for the inmate population. Chaplains provide religious worship, education, provide reentry programs such as Threshold and Houses of Healing for community transition, counseling, spiritual direction, support, and crisis intervention to accommodate the diverse religious needs of inmates. In addition to providing services from their own faith traditions, staff chaplains provide individual counseling, spiritual guidance, assistance in emergency situations, and deal with faith-specific issues within the correctional environment. In some situations, pastoral and religious care is also available to staff. The FCI Miami chapel has maintained a high level of pastoral care for the diverse inmate and staff components. The department has effectively ministered to an inmate and staff population composed of many faith groups including: Catholic, Christian, Yoruba, Hindu, Rastafarian, Spanish Christian, Nation of Islam, Muslim, Moorish Science Temple, Buddhist, Native American, Jewish, and Jehovah's Witness. The department has recruited community volunteers for most of the faith groups and is striving to recruit volunteers for all groups.

The Miami Satellite Federal Camp (SPC) was opened in 1993. The Camp has a staff complement of eight, to include a Camp Administrator, a Unit Manager, two Case Managers, two Counselors, and two Secretaries. The inmate complement comprises approximately 400 minimum security male inmates housed in four dormitories. There are two housing units at the satellite camp, I and J. The Camp's primary function is to provide care and custody of inmates with minimum staff supervision. The Camp inmates work on several institutional grounds details. In addition, the Satellite Camp has an Interagency Agreement with the Department of Interior, Everglades National Park Service. Inmates are able to perform maintenance work for the park. The Satellite

Camp offers the inmates the opportunity to enhance their education skills by participating in classes such as Adult Continuing Education Courses, College Correspondence Courses and Computer Based Program. Inmates can earn advanced degrees by participating in these programs. Inmates are afforded Religious services of a variety of faith based groups. The opportunity of participating in worship sessions of their choice, allow the inmates to strengthen their faith and enhances their spirituality while in custody. The Camp has an inmate base committee geared toward the BOP reentry initiative called “24 to the door” created and supervised by the Unit Manager. This committee provides information to inmates approaching their release in order to facilitate a smooth transition from custody to the community. A Residential Drug Abuse Program (RDAP) is offered at the Camp. This is a nine to twelve month residential-based program that employs a “Cognitive Behavioral” approach to treat substance abuse. Upon successful completion of this phase, inmates participate in “Follow Up Treatment” until their transfer to a halfway house. At the halfway house, inmates then complete the “Community Transitional Drug Abuse Treatment Program”. Upon completion of all phases of this program, inmates may be entitled to an early release from custody.

The auditor concluded, through interviews and the examination of policy and documentation, that all staff were very knowledgeable concerning their responsibilities involving PREA. During the interviews, the inmates stated that staff were respectful and that they felt safe at the facility. Staff were able to describe in detail their specific duties and responsibilities, including being a “first responder”, if an allegation of sexual abuse/harassment were made.

## **SUMMARY OF AUDIT FINDINGS:**

When the on-site audit was completed, an “out-brief” meeting was held with the same staff attending the “in-brief”. No final rating was given at that time, however, the overall audit process was discussed. The auditor had been provided extensive and lengthy files of documentation prior to the audit, in an effort to support a conclusion of compliance with the PREA. During the course of the on-site visit, staff were found to be courteous, cooperative, and professional. All areas of the facilities toured were observed to be clean and well maintained. At the conclusion of the audit the auditor thanked the Federal Correctional Institution – Miami, Florida staff for their hard work and commitment to the Prison Rape Elimination Act.

Number of standards exceeded:	7
Number of standards met:	35
Number of standards not met:	0
Not Applicable:	1

### **§115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The agency and the facility exceed the standard with policies and practice. National policy or Program Statement (PS) 5324.11 and local policy MIA 5324.11 clearly exceeds this standard. The facility PREA Plan exceeds zero tolerance as required by the standard. In addition to the facility PREA Compliance Manager, there is a designated National PREA Coordinator and a PREA Compliance manager assigned to each regional office in the agency to ensure adherence to the PREA.

### **§115.12 - Contracting with other entities for the confinement of inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The agency complies with this standard. This was confirmed by a review of documentation submitted requiring other entities contracted with for the confinement of inmates to comply with the PREA. The Agency Contract Administrator was interviewed by phone concerning this standard.

### **§115.13 – Supervision and Monitoring**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 3000.03 addresses this standard. Policy requires each facility within the agency to review their respective staffing plans on an annual basis. Compliance with the PREA and other safety and security issues are always of primary focus when considering and reviewing staffing plans according to the Warden. Quarterly Salary Workforce Utilization Committee meetings are conducted and an Annual Manpower meeting. Federal Correctional Institution – Miami has been provided all necessary resources to support the programs and procedures to ensure compliance with the PREA. The Salary Workforce Utilization Minutes and Annual Manpower meeting minutes were reviewed. The audit included an examination of all video monitoring systems, inmate access to phones, inmate access to an email system, staff

interviews, a review of documentation, and a review of all staffing rosters. Documentation of unannounced rounds that cover all shifts was reviewed. These rounds are conducted by administrative staff on a weekly basis, and they are able to enter the units with no warning to staff. Interviews with inmates and line staff confirmed that weekly visits are conducted by administrative staff to all areas of the institution and camp. Some area of the facility use video cameras in the living units, hallway, program areas, work areas, and entrance/exit areas. Control Room staff can monitor these cameras (which all have recording capabilities), and they are monitored in the office of the Special Investigative Supervisor (SIS). It would be beneficial to have an additional officer assigned to the camp so there would be a minimum of two staff per shift.

### **§115.14 – Youthful Inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Not Applicable – The Federal Correctional Institution – Miami does not house youthful offenders.

### **§115.15 – Limits to Cross-Gender Viewing and Searches**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. Cross-gender strip or body cavity searches are prohibited, except during emergencies, but may be performed by medical staff. There have been no exigent circumstances where cross-gender strip searches or visual body cavity searches have been conducted during this report period. Staff have been trained to conduct cross-gender pat searches in a less-intrusive, respectful, and professional manner. PREA notifications (English and Spanish) are posted in each housing unit of each facility within the complex, the intake units, inmate work areas, and in all inmate program areas. These PREA boards were created by the Chief of Psychology and recognized as a “Best Practice”.

All staff reported that they received cross-gender pat search training (including how to search transgender and intersex inmates) either during institution familiarization training, at the BOP training academy, by watching a mandatory video, and/or during annual refresher training. Officers reported that inmates are always allowed to shower, dress, and use the toilet privately, without being viewed by female staff (facility is all male). Posters advise the inmate population that females may be working in all areas holding inmates, and this message is also made over the facility-wide intercom at the beginning of each shift. Staff were aware that policy prohibits the searching of a transgender or intersex inmate to determine their genital status. All inmates reported that they were aware that female staff worked routinely in

the housing units (posters in the units provided this notification). This announcement was also made over the facility-wide intercom at the beginning of each shift. The inmates stated that they were afforded adequate privacy at all times when showering, changing clothes, and using the toilet.

Some recent modifications to meet the standard include construction of semi-walls in some bathrooms to offer some privacy for inmates and temporary shower curtain for special housing unit inmate when using single shower.

### **§115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses the requirements of this standard. Federal Correctional Institution – Miami takes appropriate steps to ensure inmates with disabilities and inmates with limited English proficiency have an opportunity to participate in and benefit from the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. They use the Language Line Solutions for over-the-phone interpreter when needed. PREA handouts, postings and inmate handbooks (all reviewed by auditor) are in English and Spanish. Staff interviewed were aware that under no circumstance are inmate interpreters or assistants to be used in dealing with any PREA related matter.

### **§115.17 – Hiring and Promotion Decisions**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 3000.03 requires compliance to this standard. The Human Resources Manager was interviewed, and stated that all components of this standard have been met. All employees, contractors, and volunteers have had their criminal background check completed. BOP Regional Office staff conduct background checks before approving a promotion. Policy does state that material omissions or false information submitted by applicants shall be grounds for termination. The agency cannot hire anyone with any background of sexual harassment or abuse. A tracking system is in place to ensure that updated background checks are conducted every five years. Documentation supporting compliance to this standard was reviewed by the auditor.

## §115.18 – Upgrades to Facilities and Technology

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The facility has 64 cameras in place and they have upgraded the existing camera system with better viewing and storage capability. They are in the process of requesting additional cameras for high traffic areas in housing units, vocational, educational, UNICOR and food service.

## §115.21 – Evidence Protocol and Forensic Medical Examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11, MIA-5324.11 and PS 6031.04 address compliance with all aspects of this standard. Medical, psychology and custody staff were interviewed concerning this standard. Medical and correctional staff reported knowledge of the facilities' procedures to obtain usable physical evidence if sexual abuse is alleged. Staff were aware that the Special Investigative Lieutenant or Special Investigative Agent conducts all abuse investigations. Specific actions and clinical decisions are required to determine if an inmate is to be transported to the local Metro-Dade County Rape Treatment Center at the Jackson Memorial Hospital to receive a SAFE exam. No SAFE exams were conducted within the last year. The Prea Compliance Manager with the assistance of the mental health staff have reached out to MUJER, the rape crisis center designed to provide post rape services south of Kendall. MUJER is the sole provider of specially trained therapist and FCI Miami is located in their catchment area. Numerous attempts have been made over the past 16 months to develop a memo of understanding to provide victim services for inmates. They are still working on finalizing an agreement. At the present time the five Psychologists on the staff are available as victim advocates as needed. They have all received specialized advocacy training.

## §115.22 – Policies to Ensure Referrals of Allegations for Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. Administrative or criminal investigations would be completed on all allegations of sexual abuse and sexual harassment. The Special Investigative Agent was interviewed and found to be very knowledgeable concerning his responsibilities

under the PREA. The facility SIS unit completes all administrative investigations. If, during the course of an investigation, evidence surfaces indicating criminal misconduct, the investigation would be referred to the FBI. There were nine allegations of sexual abuse or harassment during the last year. Of the six investigations completed, two were unfounded and four were unsubstantiated. The investigation files were reviewed by the auditor.

### **§115.31 – Employee Training**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS5324.11 addresses all training required by this standard. The BOP provides extensive PREA standards training at the Federal Law Enforcement Training Center (FLETC), which all staff must attend and successfully complete. Contractors and volunteers are provided training relative to their PREA responsibilities. Much of this training is provided by the Chief of Psychology and through an on-line course on PREA provided by the BOP. Annual Refresher Training (ART) with PREA as a topic is also provided to all employees. Staff acknowledge in writing their understanding of the PREA. All staff were issued and carry an embossed reference card detailing their duties and responsibilities related to the PREA. Staff training files were reviewed and contained documentation supporting compliance to this standard. All staff interviewed indicated that they received the required PREA training. Staff advised that all required subjects listed in this standard for instruction have been addressed in training.

### **§115.32– Volunteer and Contractor Training**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 covers this standard. All contractors and volunteers have received training related to their responsibilities concerning the PREA (zero-tolerance, detection, prevention, response, and reporting requirements). All training is documented. Interviews with a contractor and an examination of training files, confirm compliance to this standard.

### **§115.33 – Inmate Education**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses the requirements of this standard. Inmates receive information at the time of intake verbally, in a PREA pamphlet, and there is information provided in the inmate handbook (provided to inmates at the time of intake in English/Spanish). Housing unit meetings between inmates and staff allowing ample opportunity for inmates to ask questions were held with the entire inmate population to discuss PREA. Provisions are in place to meet the needs of all disabled inmates. There are posters throughout the facility, and the “hotline” phone number to call to report abuse or harassment is in each housing unit. Inmates sign an acknowledgement of having received this information at the time of intake. Staff and inmate interviews, and a review of documentation, support compliance to this standard. Inmates stated at the time of arrival, they received information about the PREA, their right to be free from sexual abuse, harassment, retaliation for reporting, and how to report abuse.

### **§115.34 – Specialized Training: Investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. The SIS unit staff and the criminal investigator have received specialized training relevant to PREA. The investigator was interviewed and explained to the auditor in detail the steps to be taken during a PREA-related investigation. The training records reviewed confirmed completion of the required instruction.

### **§115.35 – Specialized training: Medical and mental health care**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The PREA training lesson plan addresses this standard. All mental health and medical staff have received specialized training on victim identification, interviewing, reporting, and required clinical interventions. Annual refresher training is provided, and all training is documented. Training records were reviewed.

### **§115.41 – Screening for Risk of Victimization and Abusiveness**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses the requirements of this standard. All inmates are immediately assessed at intake for their risk of being sexually abused by other inmates or being sexually abusive towards other inmates by the unit management team within their first 72 hours. At

the time of arrival, staff also conduct the screening by reviewing records or other information from another facility or other source which may be relevant to compliance with this standard. Inmates identified as high risk for sexual victimization or at risk of sexually abusing other inmates would be referred to a mental health professional for further assessment within 14 days. Careful housing assignment (placement in a housing unit with additional supervision) or other appropriate action would then be considered to address the inmate's needs. Any information received after intake is immediately considered, and may result in a change in housing or other necessary action. Status reassessments, by policy, will occur within 30 days of arrival. Staff and inmate interviews, a review of documentation, and observations of the intake process confirmed this information. The Chief of Psychology keeps a log of all inmates who need to be tracked and reassessed. Inmates who arrived within the last 12 months stated they were asked if they had been abused, what was their sexual orientation, and could they be in danger for abuse. They were also asked again (within 30 days) if they needed counseling or felt that they were in danger of abuse. A PREA meeting is held with the management team weekly immediately following the Special Housing Unit meeting to review any concerns or needs that relate to PREA issues.

### **§115.42 – Use of Screening Information**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses compliance with this standard. Policy requires the use of a screening form (examined by auditor) to determine housing, bed, work, education, and program assignments with the goal of keeping inmates at high risk of being sexually victimized separate from those who are at a high risk of being sexually abusive. Housing and program assignments are made on a case by case basis for all inmates. There is in place a procedure for providing continued re-assessment and follow-up monitoring if needed. Staff interviews confirm compliance to this standard. FCI-Miami is very pro-active in ensuring inmates with a high risk of being sexually victimized are separated from those at high risk of being sexually abusive.

### **§115.43 – Protective Custody**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. Policy states inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing (SHU) unless 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. Policy states inmates placed in this status

shall be reviewed every 7 days. There have been no inmate placed in this status within the previous reporting year.

### **§115.51 – Inmate Reporting**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS5324.11, the PREA pamphlet, and the inmate handbook address this standard. A review of documentation indicated that there are multiple ways (including verbally, in writing, privately, from a third party, and anonymously) for inmates to report sexual abuse or harassment. The correctional officers interviewed stated staff and inmates may privately report any abuse, harassment, or neglect (which would contribute to abuse) verbally, in writing, anonymously or to a third party. Inmates interviewed also were aware of multiple reporting methods. Staff will immediately document any allegation. Posters and other documents on display throughout the complex (observed by auditor) also explain the reporting procedures.

### **§115.52 – Exhaustion of Administrative Remedies**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 1330.18 and MIA 1330.18 address this standard. Inmates may file a grievance; however, all allegations of abuse or harassment, when received by staff, would immediately result in the opening of a formal investigation (criminal or administrative). This process would not involve staff who may be the subject of the complaint. There have been no grievances involving PREA related issues filed during the previous year.

### **§115.53 – Inmate Access to Outside Confidential Support Services**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 and MIA 5324.11 addresses this standard. The facility has entered into an agreement with the local rape crisis center to provide all services relevant to this standard. Inmates were advised in the Inmate Handbook that there were private services available to provide counseling or treatment for abuse. They stated that they thought there were some addresses available to ask for services. The Prea Compliance Manager with the assistance of the mental health staff have reached out to MUJER, the rape crisis center designed to provide post rape services south of Kendall. MUJER is the sole provider of specially trained therapist

and FCI Miami is located in their catchment area. Numerous documented attempts have been made over the past 16 months to develop a memo of understanding to provide victim services for inmates. They are still working on finalizing an agreement.

### **§115.54 – Third-Party Reporting**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The BOP pamphlet entitled “Sexually Abusive Behavior Prevention and Intervention” addresses the requirements of this standard. Third-parties are informed of reporting procedures on the BOP website and on posters in the Visiting Room. The pamphlet and website were examined by the auditor. Staff and inmate interviews confirm compliance to this standard.

### **§115.61 – Staff and Agency Reporting Duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. Staff interviewed were aware that they must immediately report allegations of abuse, harassment, retaliation, or neglect (which would cause a violation of the PREA) relevant to the PREA. Compliance with all aspects of the standard was verified through a review of the policy and staff interviews.

### **§115.62 – Agency Protection Duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. The officers interviewed stated their duties and responsibilities if they became aware of an inmate being in imminent risk for abuse (first-responder or otherwise), and that certain immediate, mandatory actions to protect the inmate would take effect. Officers produced a card during the interview, issued by the facility, outlining all actions to be taken by a correctional officer who became aware of sexual abuse or harassment. There were no instances in the past 12 months where the facility determined that an inmate was subject to substantial risk of imminent sexual abuse.

### **§115.63 – Reporting to Other Confinement Facilities**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. Policy requires the reporting any PREA related allegation by an inmate that occurred at another facility to the Warden of the facility where the incident is alleged to have occurred, by the Warden of the facility in which the inmate is currently housed. The notification is to occur as soon as possible, but always within 72 hours of receiving the allegation. Policy also requires that an investigation be initiated. There has been one allegations of sexual abuse or harassment that may have occurred at the FMC and reported from another facility. FMC received no allegations that occurred at another facility in the previous year.

### **§115.64 – Staff First Responder Duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. All staff interviewed were very knowledgeable concerning their first responder duties and responsibilities upon learning of a sexual abuse or harassment allegation. The correctional officers interviewed quoted specific actions (such as protection of the victim and preservation of evidence) to be taken, in compliance with PREA. All staff were carrying an embossed card as reference to direct them as to their responsibilities as a first responder to an allegation of a PREA incident. These cards were created by the Chief of Psychology and recognized as a “Best Practice”. There have been no incidents within the previous year requiring first responder actions.

### **§115.65 – Coordinated Response**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

FCC 5324.11 and the MIA Emergency Plan fully describes procedures for all staff to comply with this standard. This documentation was reviewed by the auditor.

### **§115.66 – Preservation of ability to protect inmates from contact with abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The FCI-Miami collective bargaining agreement complies with this standard. The agreement signed 7/21/14 was examined by the auditor.

### **§115.67 – Agency protection against retaliation**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. The policy specifically prohibits any type of retaliation to any staff member or inmate who has reported sexual abuse or sexual harassment, or who has cooperated with such investigations. The Chief of Psychology (interviewed by auditor) is the designated staff member to monitor all possibilities of retaliation, and at a minimum would conduct checks (documented) with an inmate who may have been victimized or reported victimization at least every 30 days for at least 90 days following an allegation. The monitoring is entered into the inmate's electronic notes in their chart. These checks may occur more frequently if indicated. This follow-up may also extend without limit if necessary. There have been no cases of retaliation discovered or reported within the previous year. Staff explained the monitoring process, and a log established to document retaliation was inspected.

### **§115.68 – Post-Allegation Protective Custody**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses compliance with this standard. Interviews with staff and an examination of the facility indicated that there is a viable alternative to placement in involuntary segregated housing (SHU). The staff consider separate housing of victim and predator and transfer of inmates. There have been no inmates placed in this status (post-allegation protective custody) within the previous year.

### **§115.71 – Criminal and Administrative Agency Investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. The SIS unit conducts administrative investigations within the facility. If an allegation appears to be criminal in nature, the SIS Supervisor will refer the incident to the FBI for a criminal investigation. The FBI investigator consults with the Assistant U. S. Attorney to determine if prosecution is to be pursued. If the FBI substantiates the allegation, the case is to be referred to the United States Attorney for prosecution. There were no criminal investigations within the last year. The FBI agent assigned to the facility and SIS investigators were interviewed concerning this standard.

### **§115.72 – Evidentiary Standard for Administrative Investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. The evidence standard is a "preponderance of the evidence" in determining whether allegations of sexual abuse or sexual harassment are substantiated. This is covered in the Investigator PREA training curriculum.

### **§115.73 – Reporting to Inmate**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. There have been six investigations completed during the previous year, resulting in the required notification per this standard. The inmates were notified of the results of those investigations in writing (reviewed by the auditor). This documentation confirms compliance to this standard.

### **§115.76 – Disciplinary sanctions for staff**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 3420.11 addresses this standard. During the previous year, no staff member was disciplined in any manner nor has any resigned for violating agency sexual abuse or sexual harassment policies.

### **§115.77 – Corrective action for contractors and volunteers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 3420.11 addresses this standard. During the previous year there have not been any incidents where a contractor or volunteer was accused or found guilty of sexual abuse or sexual harassment at FMC-Rochester.

### **§115.78 – Disciplinary sanctions for inmates**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. FCI-Miami has not issued any disciplinary sanctions to inmates as a result of sexual conduct with other inmates or staff. There have not been any cases of inmates engaging in sex with staff in the past 12 months, nor have there been substantiated or unsubstantiated cases of inmates engaging in sex with other inmates. Consensual sex of any nature is prohibited. Inmates that sexually abuse or harass staff will be disciplined. The BOP does not discipline inmates who make an allegation in good faith, even if an investigation does not establish evidence sufficient to substantiate the allegation. Interviews with the SIS investigator confirm compliance to this standard.

### **§115.81 – Medical and mental health screenings; history of sexual abuse**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. Through interviews with the Chief of Psychology, medical and specialized staff, the facility has a thorough system for collecting medical and mental health information and has the capacity to provide continued re-assessment and follow-up services if needed. Any inmates admitted to the facility who claim sexual victimization are screened for follow-up treatment. The Chief of Psychology keeps a log of those inmates, re-assessments and the follow-up services received. Inmates who are sexual abusers, as indicated through screening, are also offered a follow-up meeting with a mental

health practitioner. If a case occurred at the facility, staff would process confidential information in full compliance with this standard.

### **§115.82 – Access to emergency medical and mental health services**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 and MIA 5324.11 addresses this standard. FCI-Miami has had no inmates in need of access to emergency medical or mental health treatment relevant to the PREA within the previous year. If a need occurred, the facility would comply with all actions required by this standard (free treatment, documentation of services, information about sexually transmitted disease, confidentially). Staff interviews confirmed this information.

### **§115.83 – Ongoing medical and mental health care for sexual abuse victims and abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. Any inmates admitted to the facility who claim sexual victimization are screened for follow-up treatment. The Chief of Psychology keeps a log of those inmates, re-assessments and the follow-up services received. Inmates who are sexual abusers, as indicated through screening, are also offered a follow-up meeting with a mental health practitioner. These inmates are also offered a follow-up meeting with mental health practitioner. This information was confirmed through interviews with staff.

### **§115.86 – Sexual abuse incident reviews**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 covers this standard. Staff interviews confirmed that at the conclusion of an investigation of sexual abuse there would be a review by the institution Executive Staff of all allegations other than those found to be unfounded, as required by this standard. They hold a PREA Meeting following each weekly Special Housing Unit meeting and all incidents are discussed with the relevant staff. The PREA Compliance Manager keeps a tracking log to ensure all necessary steps are taken. It is recommended that the recommendations for improvements from these meetings be maintained and recorded with the tracking log.

## **§115.87 – Data Collection**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. FCI-Miami will collect accurate uniform data for every allegation of sexual abuse by using a standardized instrument. The report would allow the facility to submit the annual Department of Justice (DOJ) Survey of Sexual Violence in a timely fashion, prepare an annual PREA report, monitor trends, and take corrective action when indicated.

## **§115.88 – Data Review for Corrective Action**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The BOP reviews the data collected to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and to identify problem areas and take corrective action when indicated. The Institution PREA Compliance Manager ensures the data collected on sexual abuse for inmate-on-inmate cases is forwarded to his/her respective Regional PREA Coordinator annually. The National PREA Coordinator ensures the information is provided to facilitate mandatory agency reporting. An annual report is prepared and published on the BOP website.

## **§§115.89 – Data Storage, Publication, and Destruction**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

PS 5324.11 addresses this standard. The National PREA Coordinator reviews data compiled by the Regional PREA Coordinators, from the Information, Policy, and Public Affairs Division of the BOP, from the Office of Internal Affairs (BOP), and issues a report to the Director on an annual basis. The data is securely retained, and that which is disclosable is published on the BOP website. The required reports cover all data noted in this standard, and is retained in a file.

**AUDITOR CERTIFICATION:**

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

*Diane Lee*

07/22/2015

Auditor Signature

Date