

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 FOURTH COMPLIANCE REPORT”

Defendants, by counsel, hereby give notice of the filing of the “Monitor’s Fourth 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,

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CERTIFICATE OF SERVICE

I hereby certify that on August 25, 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.

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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 Fourth Compliance Report

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Introduction

The State of Alabama and the United States Department of Justice (DOJ) entered into a settlement agreement on May 28, 2015. The agreement involves a comprehensive set of provisions regarding the safety and security of the women offenders housed at the Tutwiler Prison for Women (Tutwiler). The purpose of the compliance report is to document the progress of the actions of the Alabama Department of Corrections (ADOC) and Tutwiler in response to the specific requirements of the provisions in the settlement. This is the fourth required court report, due August 28, 2017, submitted by independent Monitor Kathleen Dennehy. This court approved Ms. Dennehy as monitor on August 26, 2016.

Ms. Dennehy conducted a compliance visit June 25-30, 2017. This report describes the actions taken by the monitor to determine compliance, and uses the time frame January 1, 2017 through June 30, 2017 as the "reporting period."

The settlement uses four levels to measure compliance: Substantial Compliance, Partial Compliance, Non-Compliance and Not Applicable (N/A). The Summary of Compliance section of this report at page 48 includes a chart summarizing the compliance status for each provision.

Specific Actions to Evaluate Compliance

The monitor took the following specific actions to evaluate compliance:

- 1) During Monitor Dennehy's June 2017 compliance visit with the Alabama Department of Correction (ADOC) and Tutwiler, she interviewed central

office ADOC staff, including executive leadership and section managers, who have responsibilities related to the ADOC and Tutwiler compliance with the settlement. Monitor Dennehy also interviewed ADOC staff assigned to Tutwiler, including the facility's top leadership, staff with specific settlement responsibilities, and the Institutional PREA Compliance Manager (IPCM). The monitor handpicked as well as 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, one during daytime hours and one during evening hours. 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 conversations with both staff and inmates while touring housing and program areas. In addition, the monitor was provided meeting space to engage in private one-on-one conversations with inmates and staff.

- 2) The monitor reviewed multiple ADOC and Tutwiler documents during this reporting period. These documents included previously promulgated ADOC and Tutwiler policies, training curricula and materials, and ADOC and Tutwiler policy drafts. Prior to the June compliance visit, the monitor requested documents, including staff and inmate polling results, and inmate grievances to prepare for a tour of the facility and staff and inmate interviews. During the tour, the ADOC allowed the monitor access to investigations, training files, staff rosters, and shift reports. The ADOC

provided full access to records maintained by the Institutional PREA Compliance Manager, Lt. Yvette Young; Grievance Coordinator, Lt. Brian Coleman; and Settlement Compliance Manager, Captain Lagreta McClain. After the compliance visit, the monitor requested and received additional documents to substantiate and assess the progress of the work and actions taken by the ADOC and Tutwiler in response to the requirements of each section of the settlement.

- 3) During this reporting period, the monitor received correspondence from six inmates, five from Tutwiler and one from the Montgomery Women's Facility. Tutwiler has a notice posted throughout the facility, with a correspondence address for the monitor. The letters addressed a wide range of allegations, including air quality, staff favoritism, romantic relationships among inmates resulting in false PREA allegations, a delay in medical treatment, and the process for identifying and accommodating the needs of inmates diagnosed with gender dysphoria. The monitor reviewed each letter and requested additional information from ADOC officials to better assess the contents of the correspondence and to request follow-up action where appropriate. In each instance, the ADOC provided timely and appropriate responses. During the compliance tour, the monitor met with five of the women who had written to her.
- 4) The monitor had multiple communications with Deputy Commissioner Wendy Williams during this reporting period to request investigative summaries and to address questions about either inmate correspondence

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.

Executive Summary

Intent of the Report

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

Alabama Department of Corrections: Progress, Strengths and Challenges

Progress

During this reporting period, the monitor observed steady, continuing progress by the ADOC and Tutwiler towards reaching full compliance¹ with the terms of the settlement agreement. In this fourth compliance report, the monitor has determined that Tutwiler and the ADOC have achieved "substantial compliance" with 40 sections, and have achieved "partial compliance" with 3 sections of the agreement.² Attachment C provides a detailed summary of the monitor's compliance determinations.

The compliance ratings in this fourth compliance report illustrate Tutwiler and the

¹ The definitions of degrees of compliance are addressed in the Summary of Compliance section of this report at page 48.

² One settlement agreement provision is not subject for compliance assessment until March 2019.

ADOC's progress under the settlement agreement. In the first court report filed February 24, 2016, the monitor found the ADOC and Tutwiler in "substantial compliance" with 12 sections of the settlement agreement. In the second report filed August 25, 2016, the monitor found the ADOC and Tutwiler in "substantial compliance" with a total of 37 sections of the agreement. In the third report filed March 28, 2017, the monitor determined "substantial compliance" in 39 sections and "partial compliance" in 4 sections of the agreement.

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

General Policies and Procedures

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

In group discussions, formal individual interviews, informal discussions and interactions and observations while touring, staff members consistently demonstrated to the monitor an awareness of their responsibilities regarding reporting allegations of sexual abuse and sexual harassment, safety for inmates and investigative processes. Staff

consistently demonstrated on-the-job knowledge of the policies and procedures on which they had been trained.

Two required, related SOP's remain outstanding: SOP 8-30 *Inmate Disciplinary Policy* and SOP-24 *Disciplinary Segregation*. The ADOC Women's Services team attended the National Institute of Correction's Gender Responsive Discipline and Sanctions Improvement program held in Colorado in September 2016. This ground breaking training continues to inform the development of SOP 8-30 *Inmate Disciplinary Policy*. As of June 30, 2017, the ADOC was making final revisions to the SOP 8-30 *Inmate Disciplinary Policy* and completing responses to the DOJ and monitor's prior comments. The training and implementation on this policy will immediately follow the finalization of the policy. The training curriculum for this policy will also be sent to the DOJ and monitor for review. Once this SOP-30 is finalized, the ADOC and Tutwiler can then finish work on SOP 8-24 *Disciplinary Segregation*. The final version of SOP 8-24 *Disciplinary Segregation* will incorporate changes to the SOP 8-30 following the DOJ and the monitor's reviews. The monitor and the DOJ's responses are to be attached to the final approved ADOC/Tutwiler SOP, following procedures of III.A.6 of the settlement agreement.

These are the last of the SOP's remaining to be finalized in accordance with the settlement agreement. All other SOP's and Post Orders have been developed and implemented.

Camera Management

Both staff and inmates continue to express appreciation of the significant role

cameras play in the prevention of sexual abuse and the important role the camera tapes play in investigations and in holding both staff and inmates accountable.

Staffing

Between March 14 and March 31, 2017 Tutwiler administered a staff survey to obtain staff members' perspectives on a number of operational issues, including work schedules, mandated overtime, and shift length. A total of 106 out of 140 staff members responded. Staff responses suggest that communication between management and line staff is effective. Staff did express concerns about staffing levels, the use of forced overtime, and the need for a new facility for women inmates. Staff also appear appreciative of the training they have received on SOP's and confident they are knowledgeable of Tutwiler's SOP's.

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

For the first court report, Monitor Lancaster was asked to review the schedule for the Phase II Staffing section due to its complexity, multiple requirements, and need for a tremendous amount of data from ADOC and Tutwiler. Monitor Lancaster provided recommendations in the first court report and noted concerns at that time about the timeframes established in the settlement for the completion of the analysis and the

implementation of the staffing plan. Revisions to the schedule were strongly recommended by the Monitor at the beginning, and project extensions were granted.

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

During the December 2016 Compliance Visit, the DOJ asked the new Monitor to review the draft staffing plan and the DOJ's comments in an attempt to clarify all comments for ADOC's review and response. On January 30, 2017, Monitor Dennehy provided ADOC with extensive feedback.

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

The ADOC continued to work with the monitor and DOJ towards developing a

final approved staffing analysis to ensure it effectively incorporates gender responsive principles required in the Settlement Agreement. The Monitor approved an additional extension to September 1, 2017 to allow ADOC sufficient time to review and respond to each recommendation made by the DOJ and the Monitor.

After the Monitor's June 2017 Compliance Visit, but before the filing of this report with the Court, the Deputy Commissioner of Women's Services approved the 84-page staffing plan. On July 26, 2017, ADOC provided the DOJ and the Monitor a copy of the finalized staffing plan and a matrix of every comment and suggestion previously provided to the ADOC by the DOJ and the Monitor, with an explanation for what was modified and what was not included in the final plan approved by the ADOC.

The Monitor will review the staffing plan to carefully review ADOC's documented consideration of the Monitor and the DOJ's recommendations. During the upcoming review period, the Monitor will pay particular attention to those recommendations that were not incorporated into the staffing plan and the rationale behind these decisions. The Monitor will continue to work with ADOC and Tutwiler as they move forward to begin implementation of several key staffing analysis recommendations as documented on pages 36-38 of the staffing plan. The goal is for ADOC and Tutwiler to adopt staffing plan recommendations within three months of the approval of the final plan. ADOC and Tutwiler expect to adopt the new staffing plan by November 2017. ADOC has requested, and the Monitor has approved, an additional three-month extension to November 28, 2017 for the development of an implementation plan which the Monitor will review in conjunction with the staffing plan.

Going forward, the monitor recognizes that the staffing plan is evolving and will

need to be revisited periodically as the facility schedule, programming changes and dorm reconfigurations are made to support critical changes to the gender responsive classification process. For example, the staffing plan should be updated to reflect the newly established eight-hour shifts and the monitor expects the ADOC and Tutwiler will submit these substantive revisions when made to the monitor and the DOJ for review. As such, the monitor also fully expects there may be a need for additional time beyond the current three month implementation phase.

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

Training

Tutwiler's training team began providing the required annual refresher training regarding sexual abuse and sexual harassment in March 2017. The Tutwiler training team are qualified instructors as they had previously received specialized refresher facilitator training on custodial sexual abuse in September 2016 by the agency's nationally recognized consultant. The facilitator's guide for the refresher training curriculum was reviewed and commented upon by the DOJ and the monitor, consistent with Section III.A.6 of the Agreement. Additional training on gender-responsive and trauma-informed use of force has been incorporated into the ongoing refresher training. As part of the refresher training, all staff were again expected to demonstrate proficiency through a

post-testing process.

As of July 29, 2017, Tutwiler staff, volunteers, and contracted employees, had all completed the refresher training. The completion of the annual training was certified by Deputy Commissioner Williams and reported to the monitor and the DOJ on July 29, 2017. The monitor 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.

The ADOC, and ADOC's contracted inmate health care providers, MHM and Corizon, also maintain excellent records documenting their staff's attendance at the required training.

During the June 2017 compliance visit, the monitor met a newly hired central office investigator, who had been hired after training specific to investigating sexual assault in custodial settings had been offered to the investigative staff. To date, however, she has not conducted any investigations at Tutwiler. Plans are in place for this new hire to attend the on-line training for investigators offered by the National Institute of Corrections, until which time she may attend the specialized investigator training.

Dorm A and Overcrowding

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. On June 26, 2017 while the monitor was touring the unit, 27 of the unit's 80 beds were filled. At the end of the day, the Dorm A count reduced to 10, a result of daily movement out of the unit. The monitor

requested review of Dorm A's Receiving Log for the reporting period. During the month of April 2017, for example, the average length of stay in the unit was 7.1 days. The length of stay in the unit ranged from a low of 1 day to a high of 11 days. Of the 108 cases reviewed, only 36 inmates stayed in the unit for longer than 7 days.

The population numbers at Tutwiler have decreased because ADOC and Tutwiler executive staff worked closely with the Alabama Board of Pardon and Parole from May through November 2016 to create dockets of women inmates eligible for parole consideration. The on-going bed vacancies occurring as a result of these actions and the implementation of new parole guidelines have provided some relief for Tutwiler in housing placement options and staffing deployments. An overall population reduction has contributed to reducing Dorm A's average daily census.

Gender Responsive Risk/Needs Assessment, Classification and Programming

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

An implementation workgroup was created and includes a cross section of key ADOC and Tutwiler staff members. The Women's Risk Needs Assessment (WRNA) and Women's Services Classification Manual were implemented on August 15, 2016, with the expectation that during a six month "pilot" program all the women at Tutwiler would have an assessment completed on them. The pilot program period was to end February 15, 2017. Following the pilot period, a 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. As a result of the pace of implementation, the pilot end date had to be extended to August 2017. The pace of implementation was delayed as a result of several factors.

The primary reasons for a delay include the 1) lack of software automation to support WRNA, 2) time delays in hiring new positions required to assist with the implementation process, and 3) slower than expected pace of administering the WRNA to the Tutwiler population. After an exhaustive RFP process, the ADOC contracted with a technology company to create the software automation for WRNA. The company established a deliverable date for WRNA of July 2017. While the monitor was on site for the June 25-30, 2017 compliance visit, the software company was providing the necessary staff training. In addition, Tutwiler had nine new positions allocated and created, and as of June 30, 2017, all the positions had been filled. WRNA training sessions for new staff were conducted on February 21-23, 2017 and again on May 9-11, 2017. The pace of administering the WRNA accelerated under the leadership of the newly named acting classification supervisor. As of mid-July 2017 all the Tutwiler inmates had been classified using the WRNA.

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

status” for female inmates was abolished in September 2016 pursuant to the new classification system.

A gender responsive program committee was convened in October 2016 to research and develop a proposal for review by the Deputy Commissioner for Women's Services and the Associate Commissioner for Plans and Program. The contracted expert facilitated the committee's work. They focused on identifying and developing evidence-based programs that are gender specific and will be responsive to the programming needs identified by the WRNA. That proposal was finalized in April 2017, and forwarded to the DOJ and the monitor for review. The comments and suggestions from both were under review as of June 30, 2017 and the final proposal was forwarded to the monitor and the DOJ on July 31, 2017. Programming was selected based upon which programs addressed the women's identified needs, had research to support their use, and could be implemented within ADOC's facilities. If there were more than one program which fit this criteria, programs were selected based upon cost and ability to acquire any training needed by staff. Implementation of the programs will begin immediately following the finalization of the proposal.

Inmate Education

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

14 days of admission to Tutwiler. The IPCM maintains comprehensive records of inmate attendance at these orientation sessions.

Additional staff training and inmate education on trauma informed principles was conducted in August 2016 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

The monitor received no complaints from inmates of inappropriate cross gender viewing or searching. Appropriate privacy panels and shower curtains were in use in the shower and bathroom areas in inmate housing units. The monitor witnessed several staff announce the presence of a male officer on the unit.

Inmate Polling

The ADOC and Tutwiler established a system to routinely poll inmates regarding their perceptions of the implementation of the specific terms of the settlement agreement including the prevalence of staff sexual abuse and sexual harassment; inmate vulnerability to sexual abuse and sexual harassment; the investigation and discipline of staff accused of sexual abuse and sexual harassment; the efficacy of inmate education regarding sexual abuse and sexual harassment; privacy in the showers and toilets; the appropriateness of inmate classification; the levels of staff supervision; the efficacy of the reporting systems for sexual abuse and sexual harassment including grievances; and official responses to and retaliation for, allegations of sexual abuse and sexual

harassment. The initial inmate polling was conducted in July 2016, the Second Quarter Inmate Polling was held in October 2016, the Third Quarter survey was administered in January 2017 and the Fourth Quarter survey was administered on April 26-28, 2017.

The monitor was provided the Third Quarter Polling results prior to the June 2017 compliance visit. There are several positive developments. The women report positive perceptions of the investigative process and sufficient privacy in the showers and toilets, and there is a significant increase in the number of women who report feeling safe to report incidents. Over all, inmates report feeling safe from staff physical violence. However, there was an increase in the number of women who disagree that there is sufficient staffing for dorm safety. There was also an increase in both the number of women who do not have trust in the grievance system, and those who do not think they are properly classified. While inmates' perceptions of staff verbal abuse had improved compared to earlier surveys, nearly half of the women do not feel safe from staff verbal abuse. A significant number of women felt yelling and disrespectful comments made by staff had increased over the last three months. This observation is supported by the monitor's independent review of inmate grievances against officers who use vulgar, degrading, or racially insensitive or offensive language.

The ADOC and Tutwiler will be providing the monitor with the Fourth Quarter Polling results once compiled. The monitor will focus on reviewing the inmates' feedback about staff's use of abusive language.

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.

The ADOC and Tutwiler developed the Risk Management System (RMS) which is designed to track facility trends related to: (1) sexual abuse or sexual harassment; (2) unprofessional staff conduct involving inmates, including sexually explicit, vulgar, or degrading language; and (3) use of force incidents. The monitor reviewed the RMS reports and can attest that the ADOC and Tutwiler staffs have already demonstrated good use of RMS data and the results of the inmate polling survey. Both instruments document that a small number of Tutwiler staff use abusive and profane language towards the inmate population that undermines efforts to build a gender responsive and trauma informed environment. In the Second and Third Compliance Reports, the monitors recognized 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”. The RMS documents 25 incidents involving abusive/unprofessional language during this reporting period. Each incident involving an allegation of the use of profane or abusive language was reviewed, tracked, and corrective action was taken. The monitor cross referenced supporting documentation to verify that action had been taken. Deputy Commissioner Williams and the monitor have discussed the need for Warden Wright to continue to aggressively investigate these allegations and to hold staff accountable using progressive discipline, increased supervision and re-training.

Data regarding the use of profane or abusive language by staff will be reviewed at upcoming Quality Improvement Meetings and the monitor looks forward to receiving an

update from ADOC and Tutwiler's about their continuing efforts to eliminate the use of offensive and abusive language by staff.

Pursuant to the settlement agreement, on an annual basis, ADOC and Tutwiler shall conduct a documented review of the RMS to ensure that it has been effective in identifying concerns regarding policy, training, or the need for discipline. The RMS has now been in place for one year. ADOC and Tutwiler will be documenting their review and conclusions and providing them to the Monitor and the DOJ.

Sexual Abuse/Sexual Harassment Allegations

The monitor met with Mr. Arnaldo Mercado, Director of the ADOC's Investigation and Intelligence Division (I & I) and reviewed twelve completed sexual abuse and sexual harassment investigations that occurred during this reporting period. Ten cases involved allegations of staff-on-inmate sexual harassment and were determined to be unfounded as evidence did not support the allegation. Two investigations involved allegations of staff-on-inmate sexual abuse. One was determined to be unfounded. As for the remaining case, the portion of the allegation claiming staff-on-inmate sexual harassment was unsubstantiated, but the portion of the allegation involving the staff member contacting a former inmate, who had since been paroled, via social media was substantiated. The matter was referred to Warden Wright and appropriate disciplinary action was taken on the employee.

The monitor reviewed three investigations involving allegations of inmate-on-inmate sexual harassment. Two were unsubstantiated. The third involved a substantiated allegation of inmate-on-inmate sexual harassment, but there was not enough evidence to

support a criminal charge. In each instance, the monitor determined the investigations had been conducted 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 who conducts investigations into allegations of staff-on-inmate sexual abuse and sexual harassment as well as inmate on inmates sexual abuse, and the Institutional PREA Compliance Manager, Lt. Young who conducts investigations into inmate-on-inmate sexual harassment allegations.

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. Both staff and inmates were held accountable for their actions. In addition, 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, a total of 737 grievances were filed. Of these, five grievances alleging sexual abuse or sexual harassment were submitted and investigated.

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

to report to the ADOC, so the number of calls for this reporting period is unknown.

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

Inmates have at least one way to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials. The ADOC entered into an agreement with the Alabama Department of Economic and Community Affairs (ADECA) to take these reports. Inmates may make a report by dialing #66 and this can be done anonymously. The monitor reviewed the call log for the entire reporting period to review the nature of each call and the ADOC's response. A total of 32 calls reporting an allegation of sexual abuse or sexual harassment were made during this reporting period. In each instance, the agency response was appropriate.

During the next compliance visit, the monitor will speak with representatives of

ADECA and ACAR to confirm the full implementation of agreed upon procedures.

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

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

Leadership from the Alabama Department of Correction

The monitor observed that Commissioner Dunn continues to provide the agency leadership for his staff and Tutwiler, directing and supporting successful implementation of the settlement agreement. In particular, ADOC central office leadership has played an important role 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. Tutwiler's leadership team is currently participating in a leadership development program. The monitor was advised by Deputy Commissioner Matt Brand (Training and Development) that a regional training center dedicated for the training of line staff working in the women's facilities is being created in recognition of the gender-specific training agenda and curricula necessary for staff who work with women inmates.

The monitor works closely with Deputy Commissioner Williams who oversees the ADOC's Women's Services Division. Dr. Williams communicates regularly with the monitor regarding any developments of note occurring at Tutwiler relevant to the settlement's requirements. The monitor and the DOJ commend Deputy Commissioner Williams for her consistent and thoughtful leadership, actions taken and support given to the warden and staff at Tutwiler. She is the pivotal leader for the 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 Institutional 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.

During this monitoring visit, Warden Wright provided an opening presentation to

the monitor, toured the facility, participated in both formal and informal discussions with the monitor and demonstrated her leadership at Tutwiler during observed interactions with staff and inmates. During this reporting period, Warden Wright, along with members of her executive staff attended a leadership development program. Warden Wright's professional development was apparent to the monitor as was that of other members of Tutwiler's management team. In addition, the monitor witnessed respectful teamwork among the Tutwiler management team, characterized by mutual respect and the joint commitment to their professional goals.

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

ADOC Consultants

The ADOC and Tutwiler continued to draw on and benefit from consultants' expertise in several specific areas. Specifically, expert consultants have participated with the ADOC in the development of the gender based classification plan, 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

The 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 women 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, former Governor Bentley and ADOC presented a comprehensive bond proposal for a construction package of prison building reforms in the last legislative session. "The Alabama Prison Transformation Initiative" included a request to build a new facility to replace Tutwiler. On April 10, 2017, after Governor Bentley's resignation, then Lt. Governor Ivy assumed the role of Governor. The

legislative initiative is still evolving and the new governor has expressed support of this initiative. Commissioner Dunn is a strong advocate for the construction package. The monitor hopes this initiative will address the needs of the women as well as the male prison population.

Population Capacity

Tutwiler's original design had an operating capacity of 350 and the annex was rated at 128. The daily count has historically been nearly double the facility's original capacity. Currently, the operational capacity is 700 for the main campus and 250 at the annex. On June 26, 2017, Tutwiler's total inmate population count was 823, with 19 additional women out to court. At main Tutwiler, 578 beds were filled and 122 beds were vacant. At Tutwiler's annex, 245 beds were filled and 5 beds were empty. Overall, the population numbers at Tutwiler have decreased due to the parole review previously described and these bed vacancies can provide more options for Tutwiler in inmate housing and staffing deployments.

While the population reduction has provided relief for Dorm A, the overall level of chronic population overcrowding continues to present challenges. 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 staff have been creative and have converted and renovated every space possible to provide additional room for expanded programming.

Staffing Challenges-Overall Vacancies and Recruitment and Retention of Women

The monitor notes that the chronic, ongoing number of staff vacancies at Tutwiler presents a serious concern for leadership, staff and inmates, and 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. As of June 30, 2017, correction officers were at 38% staffing level and supervisors were at 95% staffing level. The non-uniform staff was at 55%. To ensure adequate staff to fill key posts, Tutwiler leadership implemented a mandatory overtime policy at the end of 2016 to address critical vacancies because key posts must be staffed. Tutwiler relies on mandatory overtime to maintain functions. Correction officers, especially single parents, face challenges balancing family obligations with unscheduled, forced overtime demands. This can lead to an increase in staff members "calling out" sick as a means to obtain the needed time off.

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

expressed concern about the impact of staff shortages, overtime and staff scheduling on staff morale. While some staff members like a 12-hour shift schedule, others find it problematic. During the last reporting period, the monitor had been 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, hiring and retention of women. The monitor recommended full exploration of the impact of 12 hour shifts on single parents with child care needs. The monitor urged the ADOC and Tutwiler to review options for a more creative mix of 8 and 12 -hour shifts to accommodate various staff needs.

On April 20, 2017, Warden Wright submitted a proposal to the Deputy Commissioner for Women's Services outlining the justification for transitioning Tutwiler law enforcement staff from 12-hour shifts to 8 hour shifts. The proposal included the justification for the change, the implementation and transition process, and sample schedules for every shift before and after the change to 8-hour shifts. A decision was made to transition to the 8-hour shifts effective June 3, 2017. This change is reportedly having a positive effect on attendance and is also reducing the need for forced overtime. Since changing from twelve hour shifts to eight hours shifts, Warden Wright reports improved staff attendance, fewer "call- outs" , and a reduced need for forced overtime. If this proves to be a trend, this is very a positive development.

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

Overall, recruitment and retention of women correction officer trainees remain a concern. The recruitment and hiring data underscore a system-wide issue with the application of the APOSTC physical standards to women candidates. Commissioner Dunn took 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 which became 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 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 physical training standards set for correction officers in other states/jurisdictions and gather information about Academy training standards, broken down by gender, as it relates to bona fide occupational qualifications for correction officers.

The new APOSTC rules push the last PAAT attempt from the first week of the Academy training to week eight of the program. Because the PAAT has been moved to the end of the Academy, the ADOC has discontinued the physical fitness assessments that were conducted on all correctional officer trainees during their pre-Academy assignment. The basic training academy Class 17-01, which began in February 2017, was

the first class to enter the academy under the new APOSTC rules regarding the physical agility/ability requirements. This change has already produced some June 2017 promising results. The trainees who could not pass the PAAT in week one, including one of the women, all passed the test by week eight and all successfully graduated the Academy in May. This is the first time in recent memory that no one, male or female, was removed from the basic training course for a PAA failure.

The monitor discussed these chronic staffing issues with Deputy Commissioner Brand, Deputy Commissioner Williams and Director Lawley. Deputy Commissioner Matt Brand continues to assess the correctional officer training and hiring processes, in addition to the physical fitness screening processes already discussed. Captain Mark Loman continues in the role of Recruiting Unit director for the ADOC, working directly for Deputy Commissioner Brand. The monitor urged that the ADOC explore every available method of enhancing hiring and retention at Tutwiler, even though it is noted that the ADOC has continued to use its resources addressing this chronic issue statewide in its prisons.

The monitor recommends the development of a plan, specifically for the recruitment and retention of women, that engages ADOC employees as recruiters within their communities.

Logistics

Compliance Visit

The purpose of this June 2017 compliance visit was for the monitor to acquire information and observations to inform the fourth court compliance report. The monitor

and Deputy Commissioner Williams worked together to finalize the tour agenda and interview schedule.

Introductory Meeting /Presentation by Warden Wright

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

Compliance Visit Interviews

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

Alabama Department of Correction

- ADOC Commissioner Jefferson Dunn
- Dr. Wendy Williams, Deputy Commissioner for Women's Services
- Matt Brand, Deputy Commissioner for Training and Development
- William Lawley, ADOC Personnel Director
- Anne Hill, ADOC General Counsel
- Mary Coleman-Butler , ADOC Counsel
- Arnaldo Mercado, Director of ADOC's Investigations and Intelligence Division (I & I)
- Kelley Smith, I&I's Tutwiler investigator

Tutwiler Prison for Women

- Deidra Wright, Warden II

- Adrienne Givens, Warden I
- Captain LaGreta McClain, Settlement Compliance Manager
- Lieutenant Yvette Young, Institutional PREA Compliance Manager
- Lieutenant Brian Coleman, Institutional Grievance Coordinator
- Lynda Jackson, Tutwiler Corizon (medical contract) Director of Nursing
- Constance Johnson, Tutwiler Corizon (medical contract) Health Service Administrator
- Ms. Felicia Greer, Tutwiler MHM Mental Health Site Administrator
- Dr. Scott Holmes, Tutwiler Psychological Associate
- Jeffrey Burt, Acting Classification Supervisor
- Sgt. Emily Abbott, Segregation Supervisor
- Tina Tyler, Equal Opportunity Officer

The monitor also selected line staff members from each shift for individual interviews. 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 selected 15 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 women 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. Four topics were repeatedly raised by several of the women. They complained of a small group of officers using vulgar, degrading, or racially insensitive or offensive language. In contrast, when asked to identify officers they felt were professional, the women could easily name many staff members and expressed appreciation for the manner in which they go about their duties. They also complained about access to medical and dental care and delays in the provision of medical treatment. This feedback was in stark contrast to the opinions of some chronically ill women who live in the Assisted Living Unit located off the infirmary. Many of the residents of that unit offered positive feedback about medical services. In the focus groups, the women expressed a great deal of frustration over the lack of consistency in practice between shift officers, especially in the housing units. The women in the focus groups expressed a perception that racism was an issue and that officers treated inmates differently based upon race. The majority of the prison staff is African American and the majority of the inmate population is Caucasian. The women claim that African American inmates get preferential treatment. The monitor recognizes these issues are deeply embedded in culture. On a positive note, the women acknowledge positive changes at Tutwiler. While touring, one inmate who has historically been very vocal in her criticism of the ADOC and Tutwiler stopped the monitor to enthusiastically acknowledge the progress being made at Tutwiler in many key areas. The monitor debriefed these group discussions 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 management team has creatively repurposed or rehabbed every space possible to be used as program space. As programming options for the women expand, leadership will be challenged to maximize the use of available, appropriate space.

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

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

Appreciating that the institutional climate and culture can be different shift to shift, the monitor and Dr. Williams conducted an unannounced night visit to the facility for the purpose of observing operations during the evening shift when top facility leadership are generally not on site.

During the June site visit, the monitor also visited:

- the Annex
- dorm A, and had individual discussions with many inmates
- various other housing units, including the Mental Health Unit
- death row, and had an opportunity to meet with these women and discuss their individual awareness of policies addressing sexual abuse and sexual harassment how to report allegations, and the use of the grievance system
- the segregation unit and talked with all the inmates housed there
- the stabilization unit and spoke with all the inmates housed there
- housing areas and spoke with inmates housed there
- the infirmary, clinic area and Assisted Living Unit
- shift commander's office
- many administrative offices
- program space and
- observed the video operations in the camera room and discussed the operation with the operator on duty.

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

Document Review

In addition to the interviews and discussions with staff and the tours of Tutwiler,

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

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

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

Exit Debriefing with ADOC Leadership

The monitor and Deputy Commissioner Williams had debriefed each day of the compliance visit, so Deputy Commissioner Williams and the monitor agreed a formal exit meeting was not needed during this visit, as all major issues had already been identified and discussed.

Monitoring Tool

The parties had previously agreed on a "monitoring tool" format for each of the

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

The monitor evaluated each section and its specific requirements through interviews with inmates and ADOC and Tutwiler staff; document review; facility tours; on-site observations (orientation, dorm activities, inmate movement, camera room operations); communication with the parties through calls and emails; and a review of the first, second and third Compliance Reports. The monitor documents her findings for each section in the report's "Monitor's Discussion" and chooses the rating corresponding to her assessment of the ADOC and Tutwiler's level of compliance. Prior to conducting the very first monitoring visit, initial Monitor Jennie Lancaster had established the "Measures of Compliance" for each provision and identified the documents and interviews to be used to assess compliance. The ADOC submitted the documents prior to the visit, and drafted an interview agenda and touring schedule for the monitoring visit. During the transition of monitoring responsibilities from Ms. Lancaster to Ms. Dennehy in August 2016, Monitor Dennehy committed to using the same process, measures and documents,

but reserves the option to revisit and amend these measures to facilitate monitoring going forward.

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

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

- 7) Reviewing letters submitted confidentially to the monitor from inmates and conducting interviews with five inmates to follow-up on issues raised in their correspondence received by the monitor.
- 8) Using routine communication with the parties, prior to, during, and after the visit to ask for more information or clarification regarding the settlement, its terms and requirements and determinations of compliance.
- 9) The monitor sent the first draft report to both parties on July 26, 2017. The agreement allows for a two-week period of review by both parties. The monitor received comments from the DOJ and the ADOC and reviewed the comments of both parties, in each section, and took them into consideration in her final revisions to the report.
- 10) The monitor will submit the completed set of audit tool report, the narrative summary and attachments, to the court by August 28, 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 the ADOC and Tutwiler have achieved material compliance with most or all components of the relevant provision of the settlement agreement. "Partial Compliance" indicates that the ADOC and Tutwiler have achieved material compliance on some of the components of the relevant provision of the settlement agreement, but significant work remains. "Noncompliance" indicates that the ADOC and Tutwiler have not met most or all of the components of the relevant provision

of the settlement agreement. "Material Compliance" requires that, for each provision, the ADOC and Tutwiler have developed and implemented a policy incorporating the requirement, trained relevant personnel on the policy, and relevant personnel are complying with the requirement in actual practice.

Closing Observations

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

The monitor sees continued progress by the ADOC and Tutwiler and is impressed by leadership's 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, second and third court reports.

- Inmate Survey and Polling Plan
- First Quarter Inmate Survey Results
- Second Quarter Inmate survey Results
- Third Quarter Inmate Survey Results
- Tutwiler PREA Incident Review Committee reports, January - June 2017
- An Incident Review Committee report for an April 2017 investigation of unsubstantiated allegations of inmate-on-inmate sexual abuse
- Tutwiler Risk Management System spreadsheet, January - June 2017
- Risk Management System Summary
- 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 2017
- Tutwiler's Institutional Grievance Log for January-June 2017
- Tutwiler spreadsheets documenting inmate disciplinary infractions, January-June 2017
- 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.
- WRNA 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 June 26, 2017

- ADOC's Classification PREA risk referral log
- Corizon new employee orientation Manual
- Corizon new Staff Orientation "On-boarding" training curriculum and manual
- Corizon staff training records, including post tests for oldest and newest employees.
- MHM PREA policy
- MHM staff training records
- MHM's CQI Management Occurrence Report
- MHM's evaluations of sexual abuse allegations.
- MHM's staff meeting minutes
- MHM's PREA sexual assault allegations log
- MHM's PREA inmate evaluation log
- MHM's inmate grievance log, January-June 2017
- Tutwiler ADOC and MHM mental health staff meetings minutes -January to June 2017
- Tutwiler Classification PREA Risk Referral Log
- Draft Administrative Regulation 637-Gender Dysphoria Disorder
- Minutes to Gender Identify Committee Review Meeting
- 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 2017
- Monthly spreadsheet of calls made to ADECA
- Notification to inmate population regarding availability of hotline
- Copies of Random Inmate Interviews conducted by Lt. Young to monitor reporting culture for January-June 2017
- Training rosters maintained by Lt. Young for January-June 2017
- PREA training documentation for the private transport security staff
- Training documentation for Tutwiler staff, contractors, volunteers, overtime staff in SOPs
- Draft PREA & Gender Responsive Refresher Training Facilitator Guide
- PowerPoint for Ms. Vincent's PREA staff training program for Institutional PREA Compliance Managers, January 2017

- 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 2017
- Tutwiler inmate education session attendance logs January-June 2017.
- 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 2017
- Tutwiler annual assessment of the camera operations - November 2016
- Tutwiler Gender Responsive Staffing Analysis and plan, draft
- Tutwiler staffing updates for January-June 2017
- Tutwiler staff discipline: January-June 2017
- Abusive and Profane Language Intervention Plan - September 2016
- Tutwiler shift duty rosters (noting overtime staff) for February - April, 2016
- Tutwiler list of currently approved overtime employees
- Periodic Staff Overtime Reports
- Social Service Caseworker lateral transfer announcement approving the filling of positions
- Randomly selected Tutwiler shift dorm assignment logs
- Correctional Officer Trainee, "Physical Fitness training "assessments/ reports, January-June 2017
- ADOC reports for the staff physical fitness exams results, from the academy, for January-June 2017, broken down by gender

- Inmate correspondence received by the monitor in the reporting period
- The 12 PREA investigations, completed by ADOC I+I, from January-June 2017
- 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.

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 Back Gate Post Order
5-18	Sewing Factory Post Order
5-20	Trade School Security Post Order
5-21	Kitchen Officer and Chief Steward Post Order
5-22	Laundry Post Order
5-23	Gender Specific Posts
6-2	Referrals to Mental Health Services
6-4	Reception Mental Health Screening
6-6	Crisis Intervention
6-9	Mental Health Observation and Suicide Watch Procedures
6-11	Closed Residential Treatment Unit (CRTU)
6-12	Mental Health Unit Dormitory H Stabilization
7-3	Institutional Security, Sanitation, & Safety Inspections

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 Sexual Harassment
8-13	Inmate Control Systems (ICS)
8-14	Inmate Personal Property
8-17	Tutwiler Inmate Photographs
8-18	Inmate Drug Screening
8-19	Youthful Inmates
8-22	Inmate Grievance Procedures
8-23	Administrative Segregation
8-24	Disciplinary Segregation-draft
8-27	Hygiene Item Issuance
8-28	Death Row Unit-M
8-29	LGBTI Inmate Population
8-30	Inmate Disciplinary Policy
8-31	Hair Grooming
9-5	Overtime / Mandatory Overtime Work
9-6	Staffing Plan
9-7	Private Transportation Security Agents
9-9	Employee Standards of Conduct & Discipline
9-16	Institutional PREA Compliance Manager
11-1	Data Collection and Quality Improvement

Attachment C: Summary of Compliance

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

Requirement	Description	Compliance			
		Substantial Compliance	Partial Compliance	Non-Compliance	N/A
E. 1, 3, 6, 7	(Inmate Education: Intake) 1. ADOC and Tutwiler shall ensure that, during the intake process, all inmates receive information regarding the following (listed below): 3. Current Tutwiler inmates will receive the information and education described in III.E.1 within three months of the Effective Date (by August 28, 2015). 6. Consistent with current policy, ADOC and Tutwiler shall ensure that the information outlined in III.E.1 is conveyed and made available in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to inmates who have limited reading skills. 7. ADOC and Tutwiler shall provide the Monitor and DOJ for their review consistent with Section III.A.6 any materials or curriculum utilized to satisfy the requirements of III.E.1	X			
E. 2, 3, 4, 5, 6, 7, 8	(Inmate Education: Comprehensive) 2. Within 14 days of intake, ADOC and Tutwiler shall provide comprehensive orientation education to inmates either conducted in-person or through a video presented by an in-person facilitator regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding their policies and procedures for responding to such incidents. 3. Current Tutwiler inmates will receive the information and education described in III.E.2 within three months of the Effective Date (by August 28, 2015). 4. ADOC and Tutwiler shall ensure that the individual conducting or facilitating the comprehensive inmate educational orientation is trained on Tutwiler's and ADOC's policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and this Agreement. 5. The individual conducting or facilitating the comprehensive inmate orientation education shall remain in the room during the entire orientation and shall monitor the inmates for reactions to and understanding of the information. A mental health practitioner will serve as an advisor to the orientation process and services will be available during the orientation process if indicated. 6. Consistent with current policy, ADOC and Tutwiler shall ensure that the information outlined in III.E.2 is conveyed and made available in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to inmates who have limited reading skills. 7. ADOC and Tutwiler shall provide the Monitor and DOJ for their review consistent with Section III.A.6 any materials or curriculum utilized to satisfy the requirements of III.E.1 8. ADOC and Tutwiler shall maintain documentation of inmate participation in the education sessions required by III.E.2.	X			
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	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. 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.	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	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 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 ADOC and Tutwiler shall continue to implement its plan to address the architectural features that contribute to a lack of privacy for inmates while showering or using the toilet	X			
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	3. ADOC and Tutwiler shall provide a method for staff to confidentially report sexual abuse and sexual harassment of inmates 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 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.	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	Investigators 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			
K. 11, 12, 13, 14, 15	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. 16, 17	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	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 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
Comply with ADOC Policies			Y	N	N/A	Y	N	N/A	Y
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
MONITOR'S MEASURES OF COMPLIANCE									
- ADOC 454 agency PREA policy and Tutwiler Standard Operating Procedure (SOP) 8-12, <i>Inmate Sexual Abuse and Sexual Harassment</i>. - Revised PREA staff training curriculum for annual refresher training. - PREA training rosters for required staff at Tutwiler. - Interviews with Tutwiler leadership: Warden Wright, Warden Givens, Captain McClain, Lt. Young, Lt. Coleman, Ms. Greer, Dr. Holmes, and Ms. Jackson. - ADOC interviews: Commissioner Dunn, Deputy Commissioner Williams, Deputy Commissioner Brand, Mr. Mercado, and Mr. Lawley. - Inmate focus groups. - Individual inmate interviews. - Inmate correspondence received by the Monitor. - Review of grievances: January-June 2017. - Staff interviews. - Tutwiler PREA Incident Review Committee monthly meeting notes: January-June 2017. - PREA Audit Report: June 2016.									

13. Review of ADOC's Investigations and Intelligence (I &I) PREA investigations: January-June 2017.
14. 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: - Tutwiler SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment Policy</i> - PREA training curriculum - PREA staff training rosters - PREA Incident Review Committee reports: January-June 2017 - PREA investigations conducted by ADOC's Investigations & Intelligence Unit ((I&I): January-June 2017 - Randomly selected inmate grievances: January-June 2017 - Review of inmate correspondence received by Monitor: January-June 2017	- Commissioner Jefferson Dunn - Deputy Commissioner Williams - Deputy Commissioner Brand - Mr. William Lawley, ADOC Director of Personnel - Warden Wright - Warden Givens - Mr. Arnaldo Mercado, ADOC Director of Investigations and Intelligence (I+I) - Lt. Young, Tutwiler Institutional PREA Compliance Manager, (IPCM) - Lt. Coleman, Tutwiler Grievance Coordinator - Captain McClain ,Tutwiler Settlement Manager - Ms. Jackson, Corizon Director of Nursing - Ms. Greer, MHM Mental Health Site Administrator - Dr. Holmes, Tutwiler Psychological Associate	Compliance Visit: June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

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

MONITOR'S FINDINGS:

DATE:

June 30, 2017

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

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

DATE:

June 30, 2017

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 a DOJ-certified PREA auditor. The final audit report and certificate of successful completion was dated June 8, 2016. The second official three year PREA audit cycle began in August 2016. ADOC and Tutwiler will schedule a second PREA audit to be completed during the current three-year audit cycle.

Annual refresher training on PREA began in March 2017 and concluded on July 29, 2017. The DOJ and the Monitor reviewed and approved the training curriculum utilized for the refresher training. The Tutwiler Training Team was provided subject matter expertise by the agency's PREA consultant, and subsequently conducted the refresher training.

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: June 30, 2017
Note: The Monitor uses the time frame January 1- June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the Compliance Visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June 2016 and December 2016 Compliance Visits and again in June 2017. As of June 30, 2017 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's review of randomly selected investigations, and 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 responsibilities 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 acknowledged the positive changes made to date at Tutwiler. • The Monitor reviewed the results of the Third Quarter Inmate Polling, which documents the inmates' overall positive perceptions of their sexual safety and ADOC and Tutwiler's continued compliance with this provision.	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
The Fourth Quarter Inmate Polling was conducted on April 26-28, 2017. Those results will be forwarded to the Monitor when that data are compiled.	As completed

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 Sexual Harassment* and 8-29 *LGBTI Inmate Population* and 7-7 *Searches*.
2. Training records for staff attendance at LGBTI training and PREA training.
3. Documentation on any transgender, intersex or gender dysphoric inmates who have been admitted during the reporting period and their management.
4. Review any relevant documents generated and maintained by Lt. Young.
5. Review of inmate grievances: January-June 2017.
6. Inmate correspondence received by Monitor: January-June 2017.
7. Interviews with Warden Wright, Lt. Young, Lt. Coleman, and Dr. Holmes.
8. Staff interviews.
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
Reviewed: • Tutwiler SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> • Tutwiler SOP 8-29 <i>LGBTI Inmate Population</i> • Training records for staff for LGBTI training • Review of randomly selected grievances: January-June 2017 • Review of inmate correspondence received by Monitor: January-June 2017	• Dr. Holmes, Tutwiler Psychological Associate • Warden Wright • Lt. Young, IPCM • Lt. Coleman, Grievance Coordinator • Staff interviews • Inmate focus groups • Individual inmate interviews	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

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

ADOC and Tutwiler addressed the Monitor's previous recommendation regarding the monitoring of on-hand inventory supplies needed for inmate #802 to ensure an adequate supply.

The Monitor had recommended that Corizon and MHM, Tutwiler's contracted health care providers, ensure their policies reflect terminology used in the current Diagnostic Statistical Manual regarding gender dysphoria. To date, the health care providers' policies have not been finalized.

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:
June 30, 2017

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: June 30, 2017
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. ADOC licensed Chief Psychologist, Dr. David Tytell, and Dr. Hunter now chair the ADOC Gender Identity Disorder and Treatment Team as outlined in AR 637 <i>Gender Identity Disorder</i> in addition to MHM's Statewide Medical Director. Upon the recommendation of the Monitor, Warden Wright was added to this team in September, 2016.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017, ADOC and Tutwiler continue to be in "Substantial Compliance" with this provision. The Monitor determined the rating of "Substantial Compliance" based upon the following observations: • 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:
1. Corizon and MHM, Tutwiler's contracted health care providers, should ensure their policies reflect terminology used in the current Diagnostic Statistical Manual regarding gender dysphoria, as initially requested during the December 2016 compliance visit. 2. Prior to the June 2017 monitoring visit, an inmate told the Monitor there was a delay in two gender dysphoric inmates receiving appropriate clothing. The Monitor determined the woman, while not found to be gender dysphoric by the Gender Identity Committee, were approved for appropriate hygiene items and clothing. At the time of the monitoring visit, the Monitor was advised that the women had received their items and clothing. The Monitor reviewed the on-hand inventory and found it sufficient. The Monitor requests Tutwiler track the time a referral is made to the Gender Identify Committee, the date a case is considered at the meeting, and the date the requested items, if approved by the Gender Identify Committee, are provided to the inmate. Tutwiler is to submit this tracking information to the Monitor for the period July 1, 2017- November 30, 2017.	1. December 1, 2017 2. December 1, 2017

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
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, and staff who manage the hygiene supply program. 3. Inmate focus groups. 4. Individual inmate interviews. 5. Inmate correspondence received by Monitor: January-June 2017. 6. Review of inmate grievances: January-June 2017. 7. 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
- SOP 8-12, <i>Inmate Sexual Abuse and Sexual Harassment</i> - SOP 8-27 <i>Hygiene Item Issuance</i> - Review of randomly selected monthly grievances: January-June 2017 - Inmate correspondence received by the Monitor: January-June 2017	- Lt. Young, IPCM - Lt. Coleman, Grievance Coordinator - Inmate focus groups - Individual inmate interviews	- Compliance Visit June 25-30, 2017 - Tour of dorm bathrooms

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant" with this provision during the December 2016 Compliance Visit. ADOC and Tutwiler addressed the Monitor's previous recommendation regarding a temporary shortfall of bras and underpants as a result of the vendor having these items on backorder. Tutwiler has had no issues with receiving undergarments from the vendor that supplies these items since January 2017. The ADOC renewed the contract with this vendor in March 2017. No grievances, request slips, or other complaints about undergarments have been received by Lt. Coleman or the Monitor during this evaluation period.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
The current policy at Tutwiler that contains provisions on hygiene supplies is SOP 8-27, <i>Hygiene Item Issuance</i>. A Housekeeping Officer, CO Devale Hamilton, has been assigned to track the distribution of these products.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the December 2015, June and December 2016 and June 2017 Compliances Visits. As of June 30, 2017 ADOC and Tutwiler continue to be in "Substantial Compliance " with this provision. If linens are worn they are replaced upon the inmate bringing it to staff's 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. 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:
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		
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
1. SOP 8-12., <i>Inmate Sexual Abuse and Sexual Harassment</i>, SOP 7-8 <i>Use of Force</i>. 2. ADOC spreadsheet of all the policies drafted that received a gender responsive review for appropriate inclusion of gender responsive principles. These policies were reviewed subsequently by the Monitor and the 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. 3. Review of the disciplinary segregation logs for January-June 2017. 4. Discuss appropriate policies with the staff member primarily responsible for implementation. 5. Training documentation for implementation of the SOP's. 6. Inmate focus groups. 7. Individual inmate interviews. 8. Inmate correspondence received by the Monitor: January-June 2017. 9. Review Use of Force incidents documented on the ADOC incident form: January-June 2017.

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
- SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> - SOP 7-8 <i>Use of Force</i> - SOP 8-23 <i>Administrative Segregation</i> - Draft SOP 8-30 <i>Inmate Disciplinary Policy</i> - Draft SOP 8-24 <i>Disciplinary Segregation</i> - ADOC spreadsheet for new or revised policies and SOP's for Tutwiler listing those submitted in draft form to Monitor and DOJ for their comment and suggestions. - Documentation of staff training/orientation for new policies - Tutwiler disciplinary hearing / sanction log: January-June 2017 - Review of Use of Force reports: January-June 2017	- Deputy Commissioner Williams - Warden Wright - Captain McClain, Settlement Compliance Manager - Lt. Young, IPCM - Staff interviews	Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
The Monitor found ADOC and Tutwiler to be 'Partially Compliant' with this provision during the December 2016 Compliance Visit. The ADOC and Tutwiler forwarded results of the staff polling survey to the Monitor as requested. SOP 8-30, <i>Inmate Disciplinary Policy</i> and SOP 8-24 <i>Disciplinary Segregation</i> are currently still under development.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☐ Substantial Compliance ☒ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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 the 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. Tutwiler SOP 8-30, <i>Inmate Disciplinary Policy</i>, has been drafted and as of June 30, 2017 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. As of June 30, 2017 SOP 8-24, <i>Disciplinary Segregation</i>, is being finalized and will be sent to the DOJ and the Monitor for review. This is the last of the SOPs remaining to be finalized and published in accordance with this provision. ADOC and Tutwiler conducted 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.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The ADOC and Tutwiler continue to be in " Partial Compliance" with this provision. "Substantial Compliance" is expected in 2017 when the two remaining, required policies are published, and staff is trained, and the policies are implemented. SOP 8-30, <i>Inmate Disciplinary Policy</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 SOPs and Post Orders have been implemented, to include staff training. At the request of the DOJ, the Monitor reviewed one use of force report and related investigation. While the use of force was necessary, the officers inappropriately applied pressure to the inmate's back when she was restrained on the floor. This technique can potentially be lethal, resulting in positional asphyxia. The incident was properly investigated, the officers were disciplined for their actions and counseled regarding the appropriate technique.	

MONITOR'S RECOMMENDATIONS: (for at least the next 6 months)	DATE DUE:
1. Provide the Monitor with the plan for the implementation of the new SOP 8-30 <i>Inmate Disciplinary Policy</i> .	As completed
2. The Monitor and the DOJ will receive and review the curriculum developed to provide staff training on the SOP 8-30 <i>Inmate Disciplinary Policy</i> and SOP 8-24 <i>Disciplinary Segregation</i> .	As completed
3. The Monitor and the DOJ will receive documentation of the completed training on the SOP 8-30 <i>Inmate Disciplinary Policy</i> and SOP 8-24 <i>Disciplinary Segregation</i> .	As completed
4. The Monitor advises Tutwiler to clearly identify the risk factors for positional asphyxia and positional prohibitions (e.g. knee pressure on someone's back, etc.) and address them in both policy and training.	As completed

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 the DOJ have reviewed all of these.
2. SOP 8-12 *Inmate Sexual Abuse and Sexual 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. The 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: January-June 2017.
10. Review of inmate grievances: January-June 2017.
11. Review of PREA incidents investigated by ADOC Investigations & Intelligence Unit: January-June 2017.
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.
16. Interviews with Warden Wright, Captain McClain, Lt. Young, and 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
• SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> • Tutwiler SOP's 5.00 for each individual housing unit at Tutwiler • Shift logs for each housing area for randomly selected dates: January-June 2017 • Review of notebook for unannounced rounds, maintained by Lt. Young • Review of video camera system operation/monitors • Review of monthly grievances: January-June 2017 • Review of PREA investigations completed by ADOC Investigations & Intelligence Unit: January-June 2017	• Warden Wright • Lt. Young, IPCM • Captain McClain, Settlement Compliance Manager • Lt. Coleman, Grievance Coordinator • Staff interviews • Inmate focus groups • Individual inmate interviews • Inmate correspondence received by Monitor	• Compliance tour June 25-30, 2017 • Tour of camera room and observation of monitors at Tutwiler

- Review of randomly selected shift duty rosters for January-June 2017
- Review of annual camera assessment meeting minutes
- Documentation of the Tutwiler Risk Management system records: January-June 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

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

MONITOR'S FINDINGS:

DATE:
June 30, 2017

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

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

DATE:
June 30, 2017

All Dormitory Post Orders were previously revised, reviewed by the DOJ and the Monitor, and published. All Tutwiler Post Orders for first-line supervisors of correctional staff for each housing unit have been revised to include gender-responsive and trauma-informed principles, in accordance with the operational practices developed. 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: June 30, 2017
Note: The Monitor uses the time frame January 1- June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" based upon the following observations: • 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. The Monitor reviewed documentation for January-June 2017. It was in order. • The 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:
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
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. 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: January-June 2017.
6. Observation of camera operations.
7. Staff interviews.
8. Interviews with Warden Wright, and Lt. Young, and Ms. Kelley Smith.

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
- SOP 5-24 <i>Camera Management</i> - Maintenance records for camera operations - Camera room logs for requests to view/receive camera footage - Camera room surveillance logs - Review PREA investigations: January-June 2017 - Review Tutwiler PREA Incident Review Committee reports: January-June 2017	- Warden Wright - Lt. Young, IPCM - Ms. Kelley Smith ,ADOC Investigations & Intelligence Unit investigator - Staff interviews - Inmate focus group - Individual Inmate interviews	- Compliance Visit June 25-30, 2017 - 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 December 2016 Compliance Visit.

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

MONITOR'S FINDINGS:

DATE:
June 30, 2017

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

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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 ongoing.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the December 2015, and June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler continue to be in "Substantial Compliance " with this provision. The Monitor determined the rating of "Substantial Compliance" based upon the following observations: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i>. • SOP 8-24 <i>Camera Management</i>. • The 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 Monitor reviewed the daily logs maintained in the camera room for January-June 2017. 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. • The 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. • The Monitor visited the camera room during the June 2017 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. The 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
- SOP 5-24 <i>Camera Management</i> - November 2016 annual review of the camera room monitors and facility cameras	- Warden Wright - Lt. Young. IPCM - Ms. Kelley Smith, ADOC Investigations & Intelligence Unit Investigator for Tutwiler	- Compliance Visit June 25-30, 2017 - 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 December 2016 Compliance Visit.

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

MONITOR'S FINDINGS:

DATE:
June 30, 2017

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

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
Attendees at the annual camera assessment meeting attendees included: • 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: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the December 2015, and June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler continue to be in "Substantial Compliance" with this provision. The Monitor determined the rating of "Substantial Compliance" based upon the following observations: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i>. • SOP 8-24 <i>Camera Management</i>. • 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. All recommendations were addressed. • The Monitor reviewed the daily logs maintained in the camera room for January-June 2017. 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.

- The 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 June 2017 Compliance Visit and viewed the monitor operations and interviewed the officer present.

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 Sexual 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 January-June 2017.
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 January-June 2017.
5. Review January-June 2017 staff monthly gender breakdown at Tutwiler for security staff.
6. Review January-June 2017 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 Institutional PREA Compliance Manager Lt. Young at Tutwiler to discuss her duties per her job description.
10. Documentation for any training Lt. Young received.
11. Interviews with Deputy Commissioner Brand, Commissioner Dunn, Deputy Commissioner Williams, ADOC Personnel Director Lawley, 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
- SOP 8-12 <i>Inmate Sexual Abuse and Sexual 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 2017 - Tutwiler staff rosters - ADOC reports for staff physical fitness exam results, from the academy, broken down by gender: January-June 2017	- Commissioner Dunn - Deputy Commissioner Brand - Deputy Commissioner Williams - William Lawley, ADOC Personnel Director - Warden Wright - Lt. Young, IPCM	Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be in "Partial Compliance" with this provision during the December 2016 Compliance Visit. All recommendations made by the Monitor during the December 2016 Compliance Visit have been addressed by ADOC and Tutwiler.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☐ Substantial Compliance ☒ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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 the Monitor on October 17, 2016, to document an APOSTC approved modification to the Physical Agility Ability Testing PAAT) requirement at the Basic Training Academy. This change was effective January 1, 2017. Deputy Commissioner Matt Brand (Training and Development) continues to assess the correctional officer training hiring processes, in addition to the physical fitness screening processes. A policy is "not-applicable" to this provision, nor is staff training and policy implementation. Caption Mark Loman continues in his role as Recruiting Director for ADOC and reports directly to Deputy Commissioner Brand. With the recent change to the PAAT being moved to the end of the Academy, the ADOC has discontinued the physical fitness assessments that were conducted on all correctional officer trainees during their pre-Academy assignment. The first basic training academy class in 2017, Class 17-01 which began in February, was the first class to enter the academy under the new APOSTC rules that push the last PAAT attempt from the first week to week eight. This change has already produced some promising results. The trainees that could not pass the PAAT in week one, including one of the females, all passed the test by week eight and all successfully graduated the Academy in May. This is the first time in recent memory that no one, male or female, was removed from the basic training course for a PAAT failure. Elliott Sanders is now the Director of Training, and he maintains this data and reports it to the Deputy Commissioner for Women's Services and the Deputy Commissioner for Training & Development, quarterly. Deputy Commissioner Brand and Director Sanders are the liaisons to APOSTC. A policy is 'not-applicable' to this provision, nor is staff training and policy implementation. 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 was administered in March 2017 and shift satisfaction was a topic on the survey. The survey was open from March 16 thru March 31, 2017, and a total of 106 Tutwiler employees participated in the survey. Of the 106 staff	

who completed the survey, 93 staff responded to the questions concerning 12-hour and 8-hour shift preferences. Sixty-one percent of the respondents indicated they preferred 12-hour shift rotations, while only 37% indicated they preferred the 8-hour shift rotations. Fifty-two percent of the respondents indicated they understood the reasons for the 4-hour mandated overtime increments, while only 37% indicated they understood the reasons for the mandated 12-hour overtime on their days off.

On April 20, 2017, Warden Wright submitted a proposal to the Deputy Commissioner for Women's Services outlining the justification for transition Tutwiler law enforcement staff from 12-hour shifts to 8 hour shifts, effective June 3, 2017. The proposal included the justification for the change, the implementation and transition process, and sample schedules for every shift before and after the change to 8-hour shifts. A decision was made to transition to the 8-hour shifts effective June 3, 2017.

Deputy Commissioner Brand reports a clear uptick in overall recruiting numbers for ADOC over the past several months. ADOC just graduated 24 correctional officers from the basic training academy in early May 2017, and 50 correctional officer trainees began the academy class in early June. Of these, 10 officers are slated for the three women's facilities (nine for Tutwiler). Deputy Commissioner Brand cites several factors leading to this improvement in recruiting. First, the agency has tried to leverage media coverage with positive stories in addition to those stories that report the less than positive incidents. Second, the Alabama Prison Transformation Initiative (APTI) has resulted in some positive media coverage as well. In addition, the ADOC is now well into a social media push, with official department Facebook and Twitter pages running at full throttle, with positive reports and effective outreach efforts being seen by hundreds of followers. ADOC recently graduated a third Sergeants Academy class, and some of the top students in each class have come from Tutwiler and the other women's facilities. These first-line supervisors are sharing their lessons learned with others, and are better leaders as a result of the course, and are an ingredient of the more positive work environment at Tutwiler. This will continue to improve the all-important "word of mouth" recruiting by Tutwiler staff.

ADOC continues to advertise via television, radio and billboard, and also are using the social media improvements mentioned above to attract new recruits. The department conducted a "Facebook Live" event from a job expo in Mobile on May 11th that showcased a couple of female correctional officers, along with recruiting staff.

ADOC 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 the Agreement. This is documented in SOP 9-5, *Overtime*.

Since November 28, 2015, ADOC and Tutwiler have provided to the Monitor and the 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. A policy is "not applicable" to this provision, nor is staff training and policy implementation.

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 attended the 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 previously reviewed the curriculum Ms. Vincent used for this training session and observed documentation of Lt Young's successful completion of the course.

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

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be in "Partial Compliance" with this provision during the December 2015, and June and December 2016 Compliance Visits. As of June 30, 2017 Tutwiler is determined by the Monitor to be in "Partial Compliance " with this provision. The Monitor determined the rating of "Partial Compliance" based upon the following observations. The APOSTC approved modification to the Physical Agility Ability Testing (PAAT) requirement at the Basic Training Academy is significant and greatly enhances the opportunity to recruit women candidates. This change was effective January 1, 2017. Deputy Commissioner Matt Brand (Training and Development) continues to assess the correctional officer training hiring process. With the recent change to the PAAT testing being moved to the end of the Academy, the ADOC has discontinued the physical fitness assessments that were conducted on all correctional officer trainees during their pre-Academy assignment. This change has also had a positive effect on the recruitment and retention of women candidates. Pursuant to this provision, the physical training standards employed by the APOSTC should be validated for all candidates. The standards employed have yet to be validated for a corrections environment and APOSTC's standards have not been examined for the necessity of gender-norming certain components. The Monitor expects the ADOC to continue to work with the APOSTC in screening, selecting, or hiring applicants for entry-level corrections officer positions. While	

the physical fitness standards may be a bar to women being employed as officers, the recent changes have improved the chances of the recruitment and retention of women candidates. The Monitor is advised 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.

Much work has been done. It is the Monitor's understanding that mandatory overtime and shift length had an effect on retention of staff, especially women staff. Based upon previously conducted staff interviews, the Monitor understood that 12-hour shifts were especially problematic to young mothers who were unable to place their children in daycare for twelve hour periods. 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. The recent transition to 8-hour shifts reportedly is having a positive effect on attendance, reducing the need for forced overtime.

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 the 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:

(for at least the next 6 months)

DATE DUE:

1. The Monitor expects the ADOC to continue to work with the APOSTC in screening, selecting, or hiring applicants for entry-level corrections officer positions and to support the APOSTC's reported efforts to have the physical fitness standards validated for a corrections environment and examining the necessity of gender-norming certain components.
2. The Monitor will receive notification of any actions taken by APOTC, regarding ADOC recommendations .
3. The Monitor will be informed of any specific actions taken by ADOC to enhance recruiting efforts, specifically, for Tutwiler.

Ongoing

Ongoing
Ongoing

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
	AR 454 SOP 8-12 SOP 9-6	February 28, 2016	May 28, 2016
REQUIREMENTS	Policy Developed	Staff Trained	Policy Implemented
III.C.2.i – III.C.2.x (Consent Decree p. 34-44 Doc # 11). 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: 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. In calculating adequate staffing levels, ADOC and Tutwiler shall, as part of a staffing analysis, consider: 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.	NA	NA	NA

Within nine months of the effective date, ADOC and Tutwiler shall submit this staffing plan and staffing 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 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.
 - 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.
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.
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.
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.

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.

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.

MONITOR'S MEASURES OF COMPLIANCE

1. Review the draft staffing analysis completed by consultants and comments made by the Monitor and the 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: • Draft staffing plan completed by consultants in June 2016 • Previously offered comments made by Monitor and DOJ	• Commissioner Dunn • Deputy Commissioner Brand • Deputy Commissioner Williams • Warden Wright • Lt. Young, IPCM	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

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

ADOC and Tutwiler addressed the recommendations made by the Monitor during the December 2016 Compliance Visit by providing her a summary of the results of the staff survey and reviewing the flexibility of the increased use of eight hour shifts.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☐ Substantial Compliance ☒ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
ADOC and Tutwiler expended considerable funds to have a Staffing Analysis conducted at Tutwiler by nationally recognized experts to research and develop a gender-responsive staffing plan for Tutwiler. 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. 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. Early on, the Monitor strongly recommended revisions to the schedule and approved project extensions. The Monitor received an initial request from ADOC for an extension on February 23, 2016.. 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 to the DOJ and the Monitor in Spring 2016. The DOJ and Monitor Lancaster offered comments on this draft. On August 16, 2016 ADOC sought clarification regarding some of the DOJ's feedback. During the December 2016 Compliance Visit, the DOJ asked the new Monitor to review the staffing plan and the DOJ's comments in an attempt to clarify all comments for ADOC's review, consideration and response. On January 30, 2017, Monitor Dennehy provided ADOC with extensive feedback. ADOC was working though these comments and the parties agreed that an additional extension of time was necessary to finalize the draft staffing plan. ADOC requested and the Monitor fully supported and approved an extension to June 1, 2017.	

The ADOC continued to work with the Monitor and the DOJ towards developing a final approved staffing analysis to ensure it effectively incorporates gender responsive principles required in the Settlement Agreement. An additional extension to September 1, 2017 was approved by the Monitor to allow ADOC sufficient time to review and respond to each recommendation made by the DOJ and the Monitor.

Section III.C.2.vi, requires Tutwiler to provide a staffing update to the Monitor and the DOJ quarterly. ADOC and Tutwiler provided a breakdown of the June 2017 staffing/vacancy rates to the Monitor on July 27, 2017.

Section III.C.2.vii, requires Tutwiler to provide to the Monitor and the 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.

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.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be 'Partially Compliant' with this provision during the June and December, 2016 Compliance Visits. As of June 30, 2017 DOC and Tutwiler continue to be in "Partial Compliance" with this provision. The Monitor determined the rating of "Partial Compliance" based upon the following. After the Monitor's June 2017 Compliance Visit, but before the filing of this report with the Court, the Deputy Commissioner of Women's Services approved the 84-page staffing plan. On July 26, 2017, ADOC provided the DOJ and the Monitor a copy of the finalized staffing plan and a matrix of every comment / suggestion previously provided to the ADOC by the DOJ and the Monitor, with an explanation for what was modified and what was not included in the final report. The Monitor will review the 84-page staffing plan to carefully review ADOC's documented consideration of the Monitor and the DOJ's recommendations. During the upcoming review period, the Monitor will pay particular attention to those recommendations that were not incorporated into the staffing plan and the rationale behind these decisions. The Monitor will continue to work with ADOC and Tutwiler as they move forward to begin implementation of several key staffing analysis recommendations and documented on pages 36-38 of the staffing plan ADOC has requested and the Monitor has approved an additional three month extension to November 28, 2017 for the development of an implementation plan which the Monitor will review in conjunction with the staffing plan. Section III.C.2.vi, requires Tutwiler to provide a staffing update to the Monitor and the DOJ quarterly. This report was forwarded to the DOJ and the Monitor on March 13, 2017, and August 9, 2017. Staffing Updates are provided to the Monitor and the 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 the reason for separation. Section III.C.2.vii, requires Tutwiler to provide to the Monitor and the 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. As such, the first report will be due January 26, 2018. 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. 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 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: <i>(for at least the next 6 months)</i>	DATE DUE :
1. The Monitor will review the 84-page staffing plan submitted on July 26, 2017 to carefully review ADOC's documented consideration of the Monitor and the DOJ's previously provided recommendation. During the upcoming review period, the Monitor will pay particular attention to those recommendations that were not incorporated into the staffing plan and the rationale behind these decisions. ADOC and Tutwiler will work with the Monitor as they move forward to begin implementation of several key staffing analysis recommendations and documented on pages 36-38 of the staffing plan. 2. In conjunction with the review of the staffing plan, the Monitor requests two periodic updates from ADOC and Tutwiler on the development of an implementation plan.	Ongoing First update on October 15, 2017 Second update on November 30, 2017

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 Sexual 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, Warden Wright, Captain McClain 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: - SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> policy - Revised PREA training curriculum - Staff training attendance rosters - Letter from Deputy Commissioner Williams certifying all required Tutwiler staff training - Review anonymous PREA training evaluations completed by staff	- Deputy Commissioner Williams - Warden Wright - Captain McClain, Settlement Compliance Manager - Lt. Young, IPCM - Staff interviews	Compliance Visit June 25-30, 2017

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

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
Tutwiler's Training Team previously accomplished the Gender-Responsive and PREA Training described in this provision. As of June 30, 2017 all staff working at Tutwiler, to include staff working overtime at Tutwiler from other facilities, have completed both the initial PREA and Gender- Responsive training. Cpt. Lagreta McClain continues to oversee the staff training and maintains Excel spreadsheets of all training completed and pending.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during prior reporting periods for the June and December 2016 Compliance Reports. As of June 30, 2017 ADOC and Tutwiler have sustained compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations: 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 . 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 reviewed training attendance records for the required training in PREA and Gender Responsive Principles for all Tutwiler employees. 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.	
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									
- SOP 8-12 <i>Inmate Sexual Abuse and Sexual 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. Documents from Corizon (contracted inmate medical provider) and MHM (contracted inmate mental health provider) verifying the dates, attendees and subject of the training . - Review any documented "feedback" from staff on the LGBTI and Gender Responsiveness training. - Staff interviews. - Interviews with Deputy Commissioner Williams, Warden Wright, Captain McClain, 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: - SOP 8-12 <i>Inmate Sexual Abuse and Sexual 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	- Deputy Commissioner Williams - Warden Wright - Captain McClain, Settlement Compliance Manager - Lt. Young, IPCM	Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the December 2016 Compliance Visit. The ADOC has addressed the recommendation made by the Monitor during the December 2016 Compliance Visit regarding soliciting feedback on training needs via the staff survey.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
• The following staff groups received the required training by February 28, 2016: • 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: June 30, 2017
• ADOC and Tutwiler were found in substantial compliance with the requirements of this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 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 the required training sessions.	

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	
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									
- Curriculum for refresher course. - Rosters for staff attendance in annual refresher training. - Staff interviews. - Interview with Deputy Commissioner Williams, Warden Wright, Captain McClain, and 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 Sexual 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: - Curriculum for staff annual refresher training - SOP 9-9 <i>Standards of Conduct and Discipline for Staff</i>	- Deputy Commissioner Williams - Lt. Young, IPCM - Captain McClain, Settlement Compliance Manager - Staff interviews	Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
The Monitor found ADOC and Tutwiler to be in "Partial Compliance" with this provision during the December 2016 Compliance Visit. ADOC and Tutwiler were to submit certification of completion of the annual training to the Monitor. This certification was issued on July 29, 2017.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until May 28, 2017	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
A refresher curriculum was developed and forwarded to the DOJ and Monitor for review and comment. The Tutwiler Training Team began providing the Annual Refresher Training in March 2017. As of June 30, 2017, Tutwiler staff, including medical and mental health contract employees, and volunteers had all completed the refresher training. The training for volunteers and remaining contract staff was to conclude by the end of July 2017. 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 was again 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 Sexual 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>.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
The Monitor previously granted a three-month extension for the development and completion of the annual refresher training curriculum until September 2016. The annual refresher training did not begin until March 2017. For this reason, during the June and December 2016 Compliance Visits, the Monitor found ADOC and Tutwiler to be in "Partial Compliance" with the provisions of this requirement. The Monitor believes, and documented in III.A.1, that the Tutwiler staff have knowledge of their sexual abuse and sexual harassment responsibilities and the relevant policy in their daily work performance. Knowledge of staff on the sexual abuse and sexual harassment policy is one of the requirements of this provision. The Tutwiler Training Team began providing Annual Refresher Training in March 2017. As of June 30, 2017, Tutwiler staff, volunteers, and contracted employees, excepting LLC Security Services, a private transportation company, had all completed the refresher training. The refresher for LLC Security Services' staff was scheduled and held on July 29, 2017. The completion of the annual training was certified by Deputy Commissioner Williams and reported to the Monitor and the DOJ. As of July 29, 2017, all Tutwiler volunteers and staff, including contract employees had received annual training. 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.	

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
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
1. Monitor and DOJ review of revised SOP 8-12 <i>Inmate Sexual Abuse and Sexual 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, Ms. Greer, Ms. Jackson, and 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: - Revised SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> - Revised 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	- Deputy Commissioner Williams - Warden Wright - Captain McClain, Settlement Compliance Manager - Lt. Young, IPCM - Ms. Greer, MHM Mental Health Administrator - Ms. Jackson, Corizon Director of Nursing	Compliance Visit June 25-30, 2017

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

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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 the Monitor. Refresher training began in March 2017.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
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. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the December 2016 Compliance Visit. ADOC drafted revised training materials for staff and the Refresher training began in March 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.	

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									
- ADOC certification letter to Monitor and DOJ for all required staff training. - 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: • ADOC letter from Dr. Williams certifying the completion of all initially required staff PREA training by February 28, 2016 • Review of attendance rosters for staff at required training	• Deputy Commissioner Williams	• Compliance Visit June 25-30, 2017

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

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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 the DOJ on May 15, 2016. Annual refresher training began in March 2017.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the June 25-30, 2017 Compliance Visit. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. 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.	

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 sexual 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 sexual harassment, including the availability of non-inmate interpreters; 6. The process of accessing medical and mental health care. <u>Current Tutwiler inmates</u> received the information and education by August 28, 2015. 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. 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
						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	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 Sexual 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, and 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: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual 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: January-June 2017 • Review of inmate correspondence received by Monitor: January-June 2017	• Warden Wright • Lt. Young, IPCM • Dr. Holmes, Tutwiler Psychological Associate • Staff interviews • Inmate focus groups • Individual inmate interviews	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

The Monitor made no recommendations regarding this provision during the December 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:	June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE:
	June 30, 2017
The Tutwiler Intake information provided to inmates includes the following: 1. ADOC's Zero-Tolerance Policy regarding sexual abuse and sexual 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 sexual harassment, including the availability of non-inmate interpreters; 6. The process of accessing medical and mental health care. 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.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the December 2015, and June and December 2016 Compliance Visits. As of June 30, 2017, ADOC and Tutwiler have sustained compliance with this provision.	

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
(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.	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 Sexual Harassment*.
2. Documentation of the inmate education sessions, as maintained by Lt. Young.
3. Interviews with Lt. Young, Lt. Coleman, and Dr. Holmes.
4. Review of revised inmate education module curriculum.
5. 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: - SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> - Contract with the Alabama Institute with the Deaf and Blind - Documents regarding the results of the inmate polling survey - Revised inmate education curriculum - Monthly inmate grievances: January-June 2017 - Inmate correspondence received by the Monitor: January-June 2017	- Lt. Young, IPCM - Inmate focus groups - Individual inmate interviews - Lt. Coleman, Grievance Coordinator - Dr. Holmes, Tutwiler Psychological Associate	Compliance Visit June 25-30, 2017

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

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 MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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. 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. 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.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be ‘Substantially Compliant’ with this provision during the December 2015, and June and December 2016 Compliance Visits. As of June 30, 2017, 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 June 2017 Compliance Visit . ADOC submitted their draft revised curriculum for the Inmate Education program in June 2016 for review and comment by the Monitor and the 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. The Monitor conducted two inmate focus group and numerous individual inmate interviews during the June 2017 Compliance Visit. The inmates acknowledged their awareness of the PREA and grievance procedures at Tutwiler. 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. The agreement is responsive to these requirements. 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.	

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									
1. Review Tutwiler Inmate Receiving Log for Dorm A. 2. Review inmate dorm movement sheets out of Dorm A from January-June 2017. 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. Inmate focus groups. 7. Individual inmate interviews. 8. Tour of Dorm A during Compliance Visit June 2017.									

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: - Tutwiler Inmate Receiving Log (Dorm A) - Inmate dorm movement sheets out of Dorm A from January-June 2017 - Tutwiler Bed Count Rosters for randomly selected dates: January-June 2017 - Dorm A Workgroup Quarterly meeting minutes - Dorm Representatives Meeting minutes	- Deputy Commissioner Williams - Staff interviews - Inmate focus groups - Individual inmate interviews	- Compliance Visit June 25-30, 2017 - Monitor's observations touring Dorm A during Compliance Visit June 2017 - 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 December 2016 Compliance Visit. The Monitor made no recommendations regarding this provision during the December 2016 Compliance Visit.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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. This group continues to meet quarterly, and the meeting notes are forwarded to the Deputy Commissioner for Women's Services.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the Compliance Visit of June 25-30, 2017. ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was determined during the December 2015, and June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained compliance with this provision. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations: Ongoing efforts to evaluate methods to decrease or eliminate the 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 June 26, 2017 while the Monitor was touring the unit, 27 of the unit's 80 beds were filled. At the end of the day, the count was 10. This reduction reflects the movement of the day. The Monitor reviewed Dorm A's Receiving Log. The average stay in the intake Dorm 'A' continues to decline. 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 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, on June 26, 2017, was 170 at the main campus and 5 empty beds 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 (WRNA) 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. During a tour of Dorm A, inmates raised no issues about their placement. 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	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	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	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	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	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE

1. Review of draft gender responsive classification plan, strategy for implementation and implementation plan by the Monitor and the DOJ.
2. 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: • Draft gender responsive classification plan • Implementation plan for classification system	• Deputy Commissioner Williams • Warden Wright	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

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

The Monitor has received an update as requested on the number of new positions authorized, the number of new hires and the date of hire for each additional staff member.

The Monitor has also been provided with an update on implementation of the WRNA.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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 the 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. The use of "restricted status" for female inmates was abolished in September, 2016 in accordance with the new classification system.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the Compliance Visits of December 2015, and June and December 2016. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. 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.	

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 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
Completed within 2 years of approval	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
1. Gender responsive programming addressing sexual abuse/sexual harassment and trauma	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
3. Gender responsive programming addressing medical care	Y	N	N/A	Y	N	N/A
4. Gender responsive programming addressing mental health care	Y	N	N/A	Y	N	N/A

MONITOR'S MEASURES OF COMPLIANCE
- Review of draft gender responsive classification plan. - Interviews with members of the required classification plan workgroup. - Interviews with Deputy Commissioner Williams, Warden Wright, Lt. Young and Mr. Jeffry Burt. - 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: - Draft gender responsive classification plan - Implementation Workgroup Meeting minutes	- Deputy Commissioner Williams - Warden Wright - Lt. Young, IPCM - Jeffrey Burt, Acting Classification Supervisor	Compliance Visit June 25-30, 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: June 30, 2017
MONITOR'S FINDINGS:	
☐ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☒ n/a no assessment due until March 28, 2019	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
An implementation workgroup was created by Dr. Van Voorhis, and includes the following stakeholders: Cassandra Conway–Classification Director; Angie Baggett -Acting Asst. Classification Director; Jeffry Burt, Acting Classification Supervisor; Jessica Simmons – ADOC IT; Dr. Scott Holmes – Tutwiler Psychologist; and Rosalind Williams – IT Project Manager. The proposal called for a six-month pilot period, which began on August 15, 2016. In January 2017, as a result of significant delays in administering the WRNA to all Tutwiler inmates, it was determined that the pilot period would have to be extended to August 15, 2017. Following the pilot period, the validation assessment will begin. A programming committee was convened in October 2016 to research and provide a proposal for review by the Deputy Commissioner for Women’s Services and the Associate Commissioner for Plans and Programs. The contracted expert facilitated the committee’s work. That proposal was finalized in April 2017, and forwarded to the DOJ and the Monitor for review. The DOJ and the Monitor's comments and suggestions have been under consideration by the ADOC and Tutwiler and ADOC submitted a revised proposal to the DOJ and the Monitor on July 31, 2017. Implementation for the programs will begin immediately following. The proposal 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. A WRNA validation committee was also convened in October 2016. The contracted expert facilitated this committee’s work as well. A WRNA validation design study was forwarded to the DOJ and the Monitor for review in April 2017. The DOJ and the Monitor's comments and suggestions had been under consideration by the DOJ and the Monitor, and a revised version of the design study was forwarded to the DOJ and the Monitor on July 28, 2017. The Monitor and the DOJ are currently reviewing these revisions. It is estimated that the entire validation process will take approximately three years and six months to complete once the process begins.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
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. Piloting and validation of the WRNA for Alabama is planned as previously described. The Monitor has been provided with an update on implementation of the WRNA. The pace of implementation has greatly improved with the addition of staff and a change in supervisors. As of June 30, 2017, there were a few outstanding WRNA assessments to be conducted. Those were conducted and as of July 24, 2017 a WRNA had been completed for each woman at Tutwiler. 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.	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE
- ADOC to provide updates to the Monitor, when appropriate, on their efforts to move forward on the following issues: - 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

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 Sexual Harassment*-requirement for Tutwiler to notify other facilities of any inmate allegation of sexual abuse/sexual harassment, once received at Tutwiler.
2. Review PREA Risk Factors Checklist, ADOC form 454: January-June 2017.
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 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: - SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> - PREA classification risk factors checklist (ADOC 454-C): January-June 2017 - Classification section logs for tracking the PREA checklist - Randomly selected initial mental health reviews 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 - Warden Wright - Dr. Holmes Tutwiler Psychological Associate - Ms. Greer, MHM Mental Health Site Administrator - Lt. Young, IPCM - Mr. Burt, Acting Classification Supervisor - Inmate focus groups - Individual inmate interviews	Compliance Visit June 25-30, 2017

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

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
The elements of this requirement are addressed in ADOC and Tutwiler policy (AR 454 and SOP 8-12) and have been implemented. The PREA Risk Factor Checklist which has been in use since July 2014 was first used for only initial screenings, but, in January 2016, Tutwiler began using the form to also conduct reassessment screenings within 30 days of an inmate's arrival. Tutwiler's revised SOP 8-12 was published on March 7, 2016 and incorporated the Monitor and the DOJ's comments. During the compliance visit in June 2016, Monitor Lancaster found the ADOC and Tutwiler to be in substantial compliance with this requirement, but all parties discussed the need for further revisions to the PREA Risk Factor Checklist. On July 7, 2016 Dr. Williams convened an ADOC leadership group to review the recommendation to revise the checklist at Tutwiler. On August 3, 2016 the ADOC forwarded both the PREA Risk Factors Checklist and the PREA Risk Reassessment form to the Monitor and the DOJ for review and comment. On August 11, 2016 both the Monitor and the DOJ forwarded comments to the ADOC regarding the proposed changes. During the Monitors' transition visit In September 2016, the ADOC, the DOJ and Monitor Lancaster discussed the proposed changes. As of the December 2016 compliance visit, the original checklist was still in use at Tutwiler. While Monitor Dennehy found ADCO to again be in substantial compliance with this requirement, all parties again discussed and agreed that the form was not yet responsive to the DOJ's feedback and needed work.	

On February 16, 2017 the ADOC forwarded a revised Tutwiler SOP 8-12, Form E (PREA Risk Factor Checklist) to the Monitor and the DOJ for review, noting that only the changes responsive to Monitor Lancaster's previously offered suggestions needed to be reviewed. The changes were approved and included the addition of the inmate's name/date/list of documents to the checklist.

On March 7, 2017, the ADOC published the SOP, with the modifications made to date included.

Staff has been trained in SOP 8-12, the screening process generally and the use of the PREA Risk Factor Checklist specifically.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from the ADOC prior to, during, and after the June 2017 Compliance Visit. During the Monitor's first Compliance Visit in December 2015, the ADOC was found to be in partial compliance with this requirement. The Monitor found the ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 the ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations. As a receiving facility, Tutwiler conducts a comprehensive multi-disciplinary assessment of all women upon admission. The PREA risk factor checklist is one element of that overall intake assessment. The classification staff, IPCM, MHM, Corizon Medical and ADOC psychological services team take part in the initial screening process at Tutwiler. Mental health and substance abuse histories and needs are assessed - critical factors with women offenders. The entire staff has been trained in gender responsive services and trauma informed environments. 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 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. Late receipt of this information can trigger an early reassessment if new information is obtained. 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). Lt. Young personally meets with every pregnant woman to determine if her pregnancy may have resulted from sexual abuse in a custodial setting.	

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 a multi-disciplinary staff and the administration of the PREA Risk Factor Checklist is one piece of the admission assessment process. A mental health staff member conducts mental health screening during the first few hours after the inmate enters the Receiving area. Classification staff's 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.

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).

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. A deeper discussion of the current PREA Risk Screening Checklist is included later in this narrative.

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 (dated January 4, 2016) 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 using information from the risk screening to make individualized and safety-based determinations 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 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. 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 has been trained in the use of PREA Risk Factor Checklist attached to SOP 8-12. ADOC Form 454-C.

The Monitor's review of both classification and mental health staff checklists that track initial screenings and reassessments support that current 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.

While the Monitor determined the ADOC and Tutwiler to be in substantial compliance with the elements of this requirement, a deeper discussion of the form is needed and provided here. Tutwiler began using the 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). At the time, the OHS consulted with several other states to get input on risk factor checklists in use.

Form 454-C was first used for only initial screenings, but, in January 2016, Tutwiler began using the form to also conduct reassessment screenings within 30 days of an inmate's arrival.

In February 2016, the ADOC submitted SOP 8-12, including Tutwiler's PREA Risk Factor Checklist, to the Monitor and the DOJ for review and comment. While the Monitor and the DOJ's comments were detailed, no comments/recommendations were made specific to the PREA Risk Factor Checklist. The ADOC reviewed the feedback and on March 6, 2016, the ADOC responded to the Monitor and the DOJ's comments and then published the SOP on March 7, 2016.

During the next Compliance Visit in June 2016, Monitor Lancaster found the ADOC and Tutwiler to be in substantial compliance with this requirement, but she noted "it was recognized by all ADOC/Tutwiler parties, monitor and the DOJ, that the current checklist needs revision. It is accomplishing its basic purpose, but all agreed the current form over-reports a number of risk factors generically for these inmates. The revision needs to be gender based and more specific to the risk factors particularly relevant to the female inmates." (See Comment 11 on page 5 of "III.G.1 Filed Monitor Tool to Report 8-2016"). The issue was discussed at length with all parties during this Compliance Visit. The Monitor further noted that "Dr. Williams convened an ADOC leadership group to review the recommendation to revise the 454-C for use at Tutwiler, on July 7. There was agreement to move forward with this process in an expedited manner. The monitor and the DOJ will receive a draft of this revision, for comment, before September 1, 2016." (See Comment 12)

On August 3, 2016, the ADOC forwarded both the PREA Risk Factors Checklist and the PREA Risk Reassessment Form to the Monitor and the DOJ for review and comment. The ADOC noted their intent to use the same form for male and female inmates, with specific weighting differences for women, and their belief this approach would solve many of the issues being experienced at Tutwiler with the numbers of women falling into one category or the other.

On August 11, 2016, both the Monitor and the DOJ forwarded comments to the ADOC regarding the proposed changes. The DOJ again weighed in and advised that the risk screening form should be more tailored to accurately reflect women's risk factors than adjusting for weight differences and changing the number of "yes " answers required.

During the Monitors' transition visit in September 2016, the ADOC, the DOJ and Monitor Lancaster discussed the proposed changes.

As of the December 2016 Compliance Visit, the original checklist was still in use at Tutwiler. While Monitor Dennehy found the ADOC to again be in substantial compliance with this requirement, all parties again discussed and agreed that the form needed work because it was still not gender responsive. The Monitor understands the checklist is evolving because currently there is no national model for a risk factor checklist specific to women, and the PREA Resource Center, funded by Bureau of Justice Assistance, has given little to no guidance on the development of a PREA Risk Factor Checklist for women.

Currently, Tutwiler is implementing a gender responsive classification system, something many correctional systems lack. The entire staff has received training in gender responsive and trauma informed services. An appreciation of trauma and the role it plays in women offenders' lives is critically important during the intake, screening and classification processes. Based upon the ADOC's sustained commitment and success to date in this area, all parties had faith the ADOC and Tutwiler would continue to work to develop a gender responsive checklist.

On February 16, 2017 the ADOC forwarded a revised Tutwiler SOP 8-12, Form E (PREA Risk Factor Checklist) to the Monitor and the DOJ for review, noting that only the changes responsive to Monitor Lancaster's previously offered suggestions needed to be reviewed. The changes were approved and included the addition of the inmate's name/date/list of documents to the checklist. The ADOC noted "These are the only changes offered for review at this time." As such, the DOJ's feedback was not addressed and remained outstanding at this time. On March 7, 2017, the ADOC published the SOP, with the modifications made to date included.

The Monitor has again consulted the PREA Resource Center to identify ongoing work on drafting a PREA Risk Screening Tool specific to adult women and emerging promising practices. At least four state jurisdictions have received Bureau of Justice PREA grant assistance and have been working on this issue. One state is expected to make their results public in September 2017. The Monitor expects that the ADOC will consider the work done by others and use it as a guide to draft revisions to their PREA Risk Factor Checklist and submit it to the Monitor and the DOJ for comment. The Monitor expects to review this draft prior to the filing of the next Monitor's Compliance Visit report.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
Because there is currently no recognized national model for a PREA risk factor checklist specific to women and the PREA Resource Center, funded by Bureau of Justice Assistance, has given little to no guidance on the development of a PREA Risk Factor Checklist for women, the ADOC will work with the Monitor to monitor the field for emerging best practices and as the practice advances, revise the Tutwiler PREA Risk Factor checklist accordingly. The PREA standards do not require the screening tool to be validated. Ultimately, the "N" (the number of cases) may be so small that validation may not be possible. The Monitor has consulted the national PREA Resource Center and will work with the ADOC to monitor research and development efforts in four jurisdictions that have demonstration grant funding to attempt to develop a PREA risk factor checklist specific to women.	Ongoing
The ADOC to draft gender responsive revisions to the Tutwiler PREA Risk Factor Checklist and submit the draft to the Monitor and the DOJ for comment.	February 28, 2018

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								
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.													
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 Sexual Harassment*.
2. ADOC form 302-A incident reports for any inmate segregated related to this policy requirement.
3. Excel spreadsheet maintained by Lt. Young regarding inmate placement on involuntary segregation status.
4. Interviews with Deputy Commissioner Williams, Warden Wright and 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: • ADOC 302-A: incident reports for an Tutwiler inmate confined in involuntary segregation • Review of any records maintained by Lt. Young of involuntary segregation placements • Review of monthly grievances: January 1-June 30, 2017 • Review of inmate correspondence received by Monitor: January 1-June 30, 2017	• Deputy Commissioner Williams • Warden Wright • Lt. Young, IPCM • Staff interviews • Inmate focus groups • Individual inmate interviews	• Compliance Visit of June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

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

MONITOR’S FINDINGS:

DATE:
June 30, 2017

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

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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. 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.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. Inmates at high risk for sexual victimization are not placed in involuntary segregated 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 means of separation from likely abusers 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. 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. 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. All the aforementioned provisions are documented in Tutwiler SOP 8-12. In the Monitor's 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.	

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 the 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 Sexual 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 and 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: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> • SOP 7-7 <i>Searches</i> • Any incident reports for cross gender searches: January -June 2017 • Inmate correspondence received by Monitor: January-June 2017	• Warden Wright • Lt. Young, IPCM • Staff interviews • Inmate focus groups • Individual inmate interviews	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

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

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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 the DOJ.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the December 2015, and, June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. 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. The Monitor reviewed randomly selected inmate grievances for the period January 1-June 30, 2017 and did not find one that alleged violation of this policy.	

The Monitor received letters from six women during the reporting period of January 1-June 30, 2017 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 occur. 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:

Should a cross gender pat or strip search occur, the Monitor has a standing request to immediately receive a copy of the incident report, Form 302-A , after one is filed.

Ongoing

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		
Inmate movement during count is limited							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		

MONITOR'S MEASURES OF COMPLIANCE

1. SOP's 8-12 *Inmate Sexual Abuse and Sexual 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 June 25-30, 2017.
11. Interviews with Warden Wright, Lt. Young, and 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: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual 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: January-June 2017 • Monthly grievances: January-June 2017	• Warden Wright • Lt. Young, IPCM • Lt. Coleman, Grievance Coordinator • Staff interviews • Inmate focus groups • Individual inmate interviews	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

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

MONITOR’S FINDINGS:

DATE:
June 30, 2017

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

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

DATE:
June 30, 2017

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 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: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision in during the June and December 2016 Compliance Visits. As of June 30, 2017, ADOC and Tutwiler have sustained substantial compliance. 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: • Except in exigent circumstances or • 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. Inmate movement during count is limited. Conducting inmate counts while inmates are likely to be in the shower and toilet areas is prohibited by policy. 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. The Monitor reviewed randomly selected monthly grievances for January-June 2017 and did not see a grievance complaining about the count procedures or violations of the privacy issues in the dorms. The Monitor received letters from 6 inmates during January-June 2017 and did not receive complaints about the count procedures or the violations of dorm privacy. 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. The Monitor reviewed the employee Risk Management January-June 2017.	

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									
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 and 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: - SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> - Facility maintenance work orders related to privacy issues - Inmate grievances: January-June 2017 - Inmate correspondence received by Monitor: January -June 2017	- Deputy Commissioner Williams - Warden Wright - Lt. Young, IPCM - Inmate focus groups - Individual inmate interviews	- Compliance Visit June 25-30, 2017 - 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 December 2016 Compliance Visit.

The Monitor made no recommendation regarding this provision during the December 2016 Compliance Visit.

MONITOR'S FINDINGS:

DATE:
June 30, 2017

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

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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. All privacy features in Tutwiler bathroom areas were completed by October 6, 2014. There are partitions between toilets, and curtains to close the front of the toilet view. There are shower curtains for every shower, and a salon door that separates the shower area from the rest of the bathroom area. SOP 5-0 and dormitory Post Orders require Dormitory officers to monitor maintenance needs such as toilets, sinks, showers, privacy features, etc. and report maintenance issues to the Shift Commander. The Shift Commander ensures that maintenance personnel are notified and that the issues are placed on the maintenance work log. 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. SOP 7-7 <i>Inmate Count Procedures</i> include policy on Section III.H.2.ii and this policy is in practice at Tutwiler.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1 - June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017 ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the December 2015, and, June and December 2016 Compliance Visits. As of June 30, 2017 the ADOC and Tutwiler have sustained compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations: The PREA standards require 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.

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 and other physical plant issues at Tutwiler. No maintenance issues involving privacy concerns surfaced to the Monitor during these discussions with maintenance staff.

The Monitor visited the dorms during daytime and evening hours. The women voiced no complaints regarding privacy issues.

The Monitor also visited segregation housing and spoke to each woman on the unit. These women voiced no concerns regarding privacy issues.

The Monitor visited death row unit and the women did not express any concerns regarding privacy issues.

The Monitor visited the Annex and the women did not express any concerns regarding privacy issues.

On several occasions during the Monitor's tours during the Compliance Visit, she witnessed the limitations on inmate movement during count time and male staff announcing their presence in housing units and before entering bathroom areas.

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

None.

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 Sexual Harassment* and 8-22 *Inmate Grievance Procedures*.
2. Documentation of PREA hotline calls made from Tutwiler.
3. Review of monthly grievances
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. Review of PREA curriculum offered 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. Interviews with Warden Wright, Lt. Young, and 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: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> • SOP 8-22 <i>Inmate Grievance Policy</i> • Log of Tutwiler PREA hotline calls: January-June 2017 • MOU between ADOC and Alabama Department of Economic And Community Affairs (ADECA) • Log maintained by Lt. Young for calls received by ADECA and forwarded to Tutwiler: January-June 2017 • Curriculum for Inmate orientation • Any third party PREA reports: January-June 2017 • PREA dorm posters documenting the various phone call processes to report allegations • Inmate correspondence received by the Monitor : January-June 2017 • Staff training records: January -June 2017	• Warden Wright • Lt. Young, IPCM • Lt. Coleman, Grievance Coordinator • Staff interviews • Inmate focus groups • Individual inmate interviews	• Compliance Visit June 25-30, 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 and December 2016 Compliance Visits.

ADOC and Tutwiler addressed the recommendation made by the Monitor regarding this provision during the December 2016 Compliance Visit. As requested, the monthly call list has been forwarded to the DOJ and the Monitor.

MONITOR’S FINDINGS:

DATE:
June 30, 2017

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

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

DATE:
June 30, 2017

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 sexual 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 the 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 sexual 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 the DOJ on October 31, 2016.

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the June and December 2016 Compliance Visits. As of June 30, 2017 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 acknowledge 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 the MOU was signed on 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 a 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 June 2017 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. During the tour, the Monitor made inquiries about additional grievances and in each instance, Lt. Coleman prepared a timely and appropriate 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 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 PREA hotline calls and the responses made by Lt. Young.

The 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 January-June 2017:

- a. Inmates grievances reporting a PREA allegation - 5
- b. Calls made to ADECA reporting a PREA allegation - 32
- c. 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 December 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 sexual abuse or sexual 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 sexual abuse or sexual 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	Y N N/A
An inmate may remain anonymous upon request when making such a report	Y	N	N/A	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	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	Y N N/A

MONITOR'S MEASURES OF COMPLIANCE

1. SOP 8-12 *Inmate Sexual Abuse and Sexual 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/sexual 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, and Director Mercado about any staff reporting a confidential allegation of sexual abuse/sexual harassment by the ADOC website
5. Investigations & Intelligence receipt of any staff written allegation.
6. Staff interviews.
7. Inmate focus groups.

8. Individual inmate interviews.
9. Inmate correspondence received by the Monitor.
10. 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: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> • Agreement between ADOC and ADECA • Documentation of calls made to ADECA: January-June 2017 • ADOC website link for public reports of PREA allegations • Monthly inmate grievances: January-June 2017 • Inmate correspondence received by Monitor: January-June 2017	• Mr. Arnaldo Mercado ADOC I & I Director, • Deputy Commissioner Williams • Warden Wright • Lt. Young, IPCM • Staff interviews • Inmate focus groups • Individual inmate interviews	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

The ADOC and Tutwiler addressed the one recommendation made by the Monitor during the December 2016 Compliance Visit. ADOC continues to provide the Monitor a monthly summary of the number of calls made on the ADECA line.

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:	June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE:
	June 30, 2017
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. 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.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. 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. During her inmate orientation session, Lt .Young discusses the variety of options inmates have to report anonymously, and the ADECA is one of them. 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. 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. 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.	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
ADOC to continue to provide the Monitor a monthly summary of the 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 Sexual Harassment* and 8-22 *Inmate Grievance Procedures*.
2. Review of inmate grievances.
3. Interviews with 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. Review inmate orientation curriculum 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: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> • SOP 8-22 <i>Inmate Grievance Procedures</i> • Inmate orientation presentation by Lt. Young and Lt. Coleman • Monthly inmate grievances: January-June 2017 • Inmate correspondence received by the Monitor: January-June 2017 • Any third party reports received by the ADOC or Tutwiler: January-June 2017	• Deputy Commissioner Williams • Warden Wright • Lt. Young, IPCM • Lt. Coleman, Grievance Coordinator • Staff interviews • Inmate focus groups • Individual inmate interviews	• Compliance Visit June 25-30, 2017 • 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 December 2016 Compliance Visit.

The Monitor made no recommendations regarding this provision during the December 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:

June 30, 2017

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:

June 30, 2017

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: June 30, 2017
The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. Third parties may assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and sexual harassment. 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. 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. The Departmental PREA Coordinator informs Tutwiler's PREA Compliance Manager of all third party reports received. 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. Staff has been trained in the provisions of the policy. No third party filings were received in this reporting period.	

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 and Sexual 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 randomly selected monthly grievances.
8. Interviews with Lt. Coleman, Warden Wright, and Lt. Young.
9. Review documentation of any emergency grievance that was processed as an emergency grievance during this reporting period.
10. Staff interviews.
11. Inmate focus groups.
12. Individual inmate interviews.
13. Inmate correspondence received by the Monitor.
14. Monitor's review of grievance presentation made at inmate orientation.

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: - 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: January-June 2017 - Inmate correspondence received by Monitor: January-June 2017	- Deputy Commissioner Williams - Warden Wright - Lt. Coleman, Grievance Coordinator - Lt. Young, IPCM - Staff interviews - Inmate focus groups - Individual inmate interviews	- Compliance Visit June 25-30, 2017 - Review of grievance presentation made at 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

None.

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

The ADOC and Tutwiler have addressed the recommendation made by the Monitor during the December 2016 Compliance Visit. The ADOC and Tutwiler continue to provide the Monitor with a list of monthly inmate grievances and the Monitors randomly selects grievances for detailed review.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
Tutwiler SOP 8-22 <i>Inmate Grievance Procedures</i>, was revised, reviewed by the Monitor and the DOJ, and published in March 2016. Lt. Brian Coleman continues to be Tutwiler's Grievance Officer. 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 the Monitor for review and comment. The final draft of the curriculum was completed and provided to the Monitor and the DOJ in January 2017. All inmates at Tutwiler have participated in a two-hour education program that included education on the Inmate Grievance Process. All new inmates receive orientation including information about the grievance program, upon intake. The Inmate Grievance Process officially began on August 31, 2015. 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>, 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. Grievance forms are available in all housing units, and this provision is documented in SOP 8-22. 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.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the June and December 2016 Compliance Visits. As of June 30, 2017 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 reviewed SOP 8-22 and it contains all of the requirements listed in this provision. The Monitor reviewed randomly selected grievances from January-June 2017. 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 staff's 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 will continue to monitor this issue. 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 the DOJ received all of the grievances that the Monitor received during the reporting period. In total, 737 grievances were filed between January 1-June 30, 2017. This represents a significant inmate use of the grievance system at Tutwiler. The Monitor reviewed the grievance log for January 1-June 30, 2017 maintained by Lt Coleman. In total, 5 PREA related grievances were filed during this reporting period. 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 inmates during the June 2017 Compliance Visit. The Monitor also observed grievance boxes located throughout the facility. ADOC continues to offer quarterly education on the grievance system. Inmates have been required to attend at least once. 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. 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 June 2017 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.

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 the facility designee, with written notice of status provided to the inmate. This is in SOP 8-22.

After receiving an emergency oral or written complaint alleging an inmate is subject to a substantial risk of imminent sexual or physical abuse:

- a) The grievance is immediately forwarded (or any portion that alleges the substantial risk of imminent sexual or physical abuse) to Tutwiler's IPCM for immediate corrective action to be taken.
- b) The IPCM and / or Warden will provide an initial response to the inmate within 48 hours
- c) A final decision on the emergency grievance will be provided to the inmate within five calendar days
- d) The initial response and final agency decision does document the determination whether the inmate is in substantial risk of imminent sexual or physical abuse and the action taken in response to the emergency grievance.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
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.	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 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 Sexual 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. Verify 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: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> • Contract with private transportation provider - specifically for a PREA training requirement • Monthly inmate grievances: January-June 2017 • Inmate correspondence received by the Monitor: January -June 2017 • 12 PREA allegation investigations: January-June 2017	• Deputy Commissioner Williams • Warden Wright • Lt.Young, IPCM • Staff interviews	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

The Monitor made no recommendations regarding this provision during the December 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: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations: Employees are required to report immediately (as documented in SOP 8-12):	

- 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 January-June 2017 and did not see a complaint about any of the requirements noted in this provision. The Monitor received correspondence from six 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 January-June 2017. There were no instances of employees being disciplined for PREA violations .

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
10. 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. <i>(III.I.10 1-v listed below)</i>	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

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. -such monitoring is continued beyond 90 days if the initial monitoring indicates a continuing need. -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.	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 Sexual Harassment*.
2. SOP 9-16 *PREA Institutional PREA Compliance Manager*.
3. Review of inmate grievances.
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 (for each member of monitoring team)		
Documents	Interviews	On-site/Observations / Other
Reviewed: - SOP 8-12 <i>Inmate Sexual Abuse and Sexual 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: January-June 2017 - Inmate correspondence received by the Monitor: January-June 2017 - The tracking spreadsheet maintained by Lt. Young.	- Warden Wright - Lt. Young, IPCM	Compliance Visit in June 25-30, 2017

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

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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. Sections III.I.10.v is in ADOC and Tutwiler policy, staff has been trained, and the revised policy implemented in March 2016.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. ADOC and Tutwiler's "Substantial Compliance" with the requirements of this provision was documented during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations. 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. 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 Allegations of retaliation against employees are investigated and processed in accordance with ADOC personnel policy. This is documented in SOP 8-12. 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. 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.

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 January-June 2017 for review and did not see a complaint about any of the requirements in this provision.

The Monitor received correspondence from six 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 this 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				
- SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i>. - Interviews with Warden Wright, Lt. Young, Ms. Greer and Ms. Jackson . - Staff interviews. - Review of inmate grievances.				

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: - SOP 8-12 <i>Inmate Sexual abuse and Sexual Harassment</i> - Monthly inmate grievances: January-June 2017 - Inmate correspondence received by the Monitor: January-June 2017 - PREA incident reports filed : January-June 2017	- Warden Wright - Deputy Commissioner Williams - Lt. Young, IPCM - Ms. Greer, MHM Mental Health Site Administrator - Ms. Jackson, Corizon Director of Nursing - Staff interviews - Inmate focus groups - Individual inmate interviews	Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be ‘Substantially Compliant’ with this provision during the December 2016 Compliance Visit. The Monitor made a recommendation regarding this provision during the December 2016 Compliance Visit. The ADOC is to notify the Monitor of any incident and actions taken by Tutwiler if an inmate is identified as having "imminent threats" status. There are no incidents of this nature to report to date.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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. Ms. Felicia Greer, MHM Site Administrator, is responsible for crisis intervention services at Tutwiler., Ms. Lynda Jackson , Corizon Site Administrator, is responsible for medical services at Tutwiler.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations. The SOP 8-12, <i>Inmate Sexual Abuse and Sexual Harassment</i> 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. Staff has received the 8-hour PREA required training, in the revised SOP 8-12, by February 28, 2016. The Monitor reviewed staff evaluations for these training	

sessions. They reflected positive feedback in both content and presentation.

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.

The Monitor randomly selected grievances during the reporting period for review. There was no grievances filed regarding a violation of the requirement by any Tutwiler staff.

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.

The ADOC reports that there were no incidents of "threats of imminent harm" to any inmate during this reporting period.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
1. ADOC will immediately notify the Monitor of any incident and actions taken by Tutwiler if an inmate is identified as having "imminent threats" status.	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		
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 Sexual 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 Ms. Greer, Ms. Jackson, Dr. Holmes, and 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: - SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> - Tutwiler PREA Incident Review Committee Reports: January-June 2017 - ADOC PREA investigations: January -June 2017 - 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: January -June 2017 - Inmate monthly grievances: January-June 2017	- Warden Wright - Lt .Young, IPCM - Ms. Greer, MHM Site Administrator - Dr. Holmes, Tutwiler Psychological Associate - Ms. Jackson , Corizon Director Nursing - Staff interviews - Inmate focus groups - Individual inmate interviews	Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be "Substantially Compliance" with this provision during the December 2016 Compliance Visit. ADOC, Tutwiler and Corizon addressed the recommendations made by the Monitor during the December 2016 Compliance Visit. Interdisciplinary staff meetings continue regularly with staff from Corizon, MHM, and ADOC Psychology. Minutes are taken and are available for review by the Monitor.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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. At the suggestion of the Monitor, ADOC and Associate Commissioner Naglich completed some minor revisions/additions to the Corizon orientation curriculum.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the December 2015, and, June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations. 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 time of the initial report by the inmate. 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 members at Tutwiler have completed the required training. The Monitor reviewed the actual training rosters and some randomly selected staff 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 believes staff members of all disciplines are aware of their responsibilities and their PREA training.	
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 be available for review by the Monitor during future compliance visits.	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 Sexual Harassment*, AR 454.
2. Review any documentation regarding any inmate subject to these requirements in this provision during the reporting period.
3. Interviews with Warden Wright and Lt. Young.
4. Staff interviews.
5. Inmate focus groups.
6. Individual inmate interviews.
7. Inmate correspondence received by the Monitor.
8. Monthly inmate grievances.

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: • AR 454 • SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> • Documentation regarding any inmate subject to these requirements in this provision: January-June 2017 • Inmate correspondence received by the Monitor: January-June 2017	• Warden Wright • Lt. Young, IPCM • Lt .Coleman, Grievance Coordinator • Staff interviews • Inmate focus group • Individual inmate interviews	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

ADOC and Tutwiler addressed the recommendation made by the Monitor during the December 2016 Compliance Visit. The Monitor has asked to be notified if an inmate is placed in protective custody, via this provision.

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:

June 30, 2017

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

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

DATE:

June 30, 2017

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: June 30, 2017
Note: The Monitor uses the time frame January 1- June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision in during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. 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. The 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. 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: 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. 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.	

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 Sexual 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, and Ms. 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.

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: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> • AR 454 • Investigations completed during reporting period • Monthly inmate grievances: January-June 2017 • Inmate correspondence received by Monitor: January-June 2017 • Tutwiler PREA Incident Review Committee reports: January-June 2017	• Warden Wright • Lt. Young, IPCM • Mr. Arnaldo Mercado, Director, ADOC's I & I Division • Ms. Kelley Smith, Tutwiler's ADOC I& I Investigator • Staff interviews • Inmate focus groups • Individual inmate interviews	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision during the December 20

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

NOTE: THIS SECTION INCLUDES III.J.4 and III.J.5. Please provide separate findings, discussion, and recommendations for all provisions.	DATE:
MONITOR'S FINDINGS:	June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE:
	June 30, 2017
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. In July 2016, Director Mercado and all his investigators participated in additional training regarding forensic investigative techniques and evidence collection.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE:
	June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations:	

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. 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

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				
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:	III.J.7	AR 454 SOP 8-12		May 28, 2015 AND February 28, 2016	May 28, 2015 AND February 28, 2016				
REQUIREMENTS	Policy Developed			Staff Trained			Policy Implemented		
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.	Y	N	N/A	Y	N	N/A	Y	N	N/A
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 shall immediately notify the appropriate medical and mental health practitioners.	Y	N	N/A	Y	N	N/A	Y	N	N/A
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.	Y	N	N/A	Y	N	N/A	Y	N	N/A
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.	Y	N	N/A	Y	N	N/A	Y	N	N/A
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 a community-based organization that provides services to sexual abuse victims.	Y	N	N/A	Y	N	N/A	Y	N	N/A
ADOC and Tutwiler shall attempt to enter into and maintain memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse or sexual harassment.	Y	N	N/A	Y	N	N/A	Y	N	N/A
ADOC and Tutwiler maintain copies of agreements or documentation of such attempts.	Y	N	N/A	Y	N	N/A	Y	N	N/A
III J 7									

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 Sexual 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. Review inmate orientation/education curriculum.
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 with Warden Wright, Lt. Young, Ms. Greer, Dr. Holmes, and Ms. 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: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> • AR 454 • MOU between ADOC and ACAR • Minutes of Tutwiler Interdisciplinary meeting with MHM and ADOC mental health: January-June 2017 • Corizon and MHM policies and orientation manual for the inmate treatment provisions and directives • Monthly inmate grievances: January-June 2017 • Inmate correspondence received by the Monitor: January-June 2017	• Warden Wright • Lt . Young, IPCM • Ms. Greer, MHM Mental Health Site Administrator • Dr. Holmes, Tutwiler Psychological Associate • Ms. Jackson, Corizon Director of Nursing	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler in "Substantial Compliance" during the December 2016 Compliance Visit.

The ADOC and Tutwiler addressed the recommendation made by the Monitor during the December 2016 Compliance Visit. Tutwiler continues to hold monthly medical/mental health interdisciplinary meetings and uses these meetings to discuss specific PREA responsibilities requiring action by the two disciplines.

MONITOR'S FINDINGS:

DATE:
June 30, 2017

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

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

DATE:
June 30, 2017

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: June 30, 2017
Note: The Monitor uses the time frame January 1- June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. This provision was in "Partial Compliance" In December 2015 because several requirements were not due for compliance until February 29, 2016. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations. In accordance with SOP 8-12: • 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 community-based organization to provide services to sexual abuse victims. • ADOC and Tutwiler 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 the above listed bullets 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.
- 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 PREA training curriculum for their new employees. Corizon has a separate short presentation module on PREA, using slides. 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 Sexual 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 if made during reporting period.
6. Interviews with Deputy Commissioner Williams, Director Mercado, Investigator Kelly Smith, 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: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> • ADOC AR 400-<i>Investigative Operational Directives</i> • ADOC PREA investigations: January-June 2017 • Tutwiler PREA Incident Committee documents: January-June 2017 • Any I&I referrals to the local district attorney by Director Mercado : January-June 2017 • Monthly inmate grievances: January-June 2017 • Inmate correspondence received by the Monitor: January-June 2017 • Inmate on inmate allegations of sexual harassment investigations conducted by Lt Young: January-June 2017	• Deputy Commissioner Williams • Mr. Arnaldo Mercado, Director, ADOC's I & I Division • Ms. Kelley Smith, ADOC's I & I Tutwiler Investigator • Warden Wright • Lt. Young, IPCM	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

The Monitor made no recommendations during the December 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
June 30, 2017

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:
June 30, 2017

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: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the December 2015, and June and December 2016 Compliance Visits. As of June 30, 2017, ADOC and Tutwiler have sustained substantial compliance with this provision. The Monitor determined the rating of "Substantial Compliances" for this reporting period based upon the following observations. 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, <i>Investigative Operational Directives</i>. This is the general set of administrative responsibilities, policies and procedures for the Investigations and Intelligence Division (I+I). 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. There were 12 PREA investigations during this reporting period. Ten were unfounded, two were unsubstantiated. There were no PREA related incidents referred to the District Attorney during this reporting period. 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. The Monitor also reviewed grievances filed during the reporting period. The Monitor received letters from 6 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 reported knowing who Ms. Smith is and having general respect for her methods of conducting investigations.	

MONITOR'S RECOMMENDATIONS: (for at least the next 6 months)	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									
- SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i>, SOP 11-1 <i>Data Collection and Quality Improvement</i>. - Review PREA allegations documented in Tutwiler incident reports. - Review inmate grievances. - Interviews with Deputy Commissioner Williams, Warden Wright, and 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: - SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> - SOP 11-1 <i>Data Collection and Quality Improvement Policy</i> - PREA allegation incident reports: January-June 2017 - Inmate grievances: January-June 2017 - Inmate correspondence received by the Monitor: January-June 2017	- Deputy Commissioner Williams - Warden Wright - Lt. Young, IPCM - Staff interviews	Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the December 2016 Compliance Visit. The ADOC and Tutwiler have addressed the recommendation made by the Monitor during the December 2016 Compliance Visit. ADOC continues to provide to the Monitor, the results of inmate polling after it is administered and the data are collected.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
Tutwiler has documented Section III.K.4 provisions in Tutwiler SOP 8-12. Staff has been trained in SOP 8-12.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be in "Substantial Compliance" with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations. 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.	

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 the 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 was held scheduled in January 2017. The fourth quarter polling was held in April 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. The Monitor is awaiting the results of the fourth quarter polling which was conducted on April 26-28, 2017.	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
Investigators 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 <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. 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 names(s), location of incident, and the time of day.	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/sexual harassmentADOC issues a written investigative report within 30 days after the conclusion of a sexual abuse or sexual harassment				Y	N	N/A	Y	N	N/A	Y	N	N/A

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:									
1. In no case shall the investigation be unfounded solely due to the expiration of the 30 days.	Y	N	N/A	Y	N	N/A	Y	N	N/A
The investigative report includes:									
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 Sexual 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, Ms. Smith, Deputy Commissioner Williams, Warden Wright, Lt. Young, and 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: - SOP 8-12 <i>Inmate Sexual Abuse and Sexual 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 12 PREA investigations conducted by I & I	- Deputy Commissioner Williams - Mr. Arnaldo Mercado, Director, ADOC's I & I Division - Ms. Kelley Smith, ADAOC's I & I Tutwiler Investigator - Warden Wright - Lt. Young, IPCM - Lt. Coleman, Grievance Coordinator	Compliance Visit June 25-30, 2017

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

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. MONITOR'S FINDINGS:	DATE June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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 any/every inmate placed in Administrative Segregation, or 'pre-hearing segregation.' 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. 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 remains in place 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. 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. Section III.K.10, is in Tutwiler policy, and has also been in practice since May 28, 2015.	

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

DATE:

June 30, 2017

Note: The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during, and after the Compliance Visit of June 25-30, 2017.

The Monitor found ADOC and Tutwiler to be in "Substantial Compliance" with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 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 Sexual 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	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.				III.K.12					
				III.K.13					
				III.K.14					
				III.K.15					
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 Sexual Harassment*.
2. Review any PREA investigation conducted by an external agency.
3. Review any PREA notification forms given to inmates in reporting period.
4. Review the ADOC I+I PREA log.
5. Tutwiler PREA incident report for reporting period.
6. Interviews with Director Mercado, Deputy Commissioner Williams, 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
Reviewed: • SOP <i>Inmate Sexual Abuse and Sexual Harassment</i> • Any PREA investigation completed by external agency • PREA notification forms given to inmates once a PREA investigation has been completed • 3 Tutwiler PREA investigations completed by Lt. Young: January-June 2017 • ADOC Human Resources documentation of any personnel action regarding an employee who was named in a substantiated PREA investigation	• Deputy Commissioner Williams • Mr. Arnaldo Mercado, Director, ADOC's I&I Division • Warden Wright • Lt. Young, IPCM	• Compliance Visit June 25-30, 2017

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

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. MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ n/a no assessment due until _____	

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
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>.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
The Monitor found ADOC and Tutwiler to be in "Substantial Compliance" with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017, ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations. This provision is included in SOP 8-12 and all staff has received training in this policy. 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. There were no PREA investigations conducted by an external agency during this reporting period.	

Following an investigation (*external or internal*) 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. 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.

This provision also 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: (for at least the next 6 months)	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
1. the review team include upper-level management officials at Tutwiler				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
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
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
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
4. Assesses the adequacy of staffing levels in that area during different shifts;				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
6. Assesses whether monitoring technology should be deployed or augmented to supplement supervision by staff; and				Y	N	N/A	Y	N	N/A

7. Prepares a report of its findings and any recommendations for improvement and submits such report to the Monitor, the DOJ, the Warden, the Department-wide PREA Coordinator, and Tutwiler's PREA Compliance Manager. ADOC and Tutwiler implement the recommendations for improvement or document its reasons for not doing so.	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 Sexual 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, and 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: • SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> • Tutwiler PREA Incident Review Committee Reports: January-June 2017 • Monthly inmate grievances: January-June 2017 • Inmate correspondence received by Monitor: January-June 2017	• Warden Wright • Lt. Young, IPCO • Ms. Greer, MHM Mental Health Site Administrator • Review Team members	• Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

ADOC and Tutwiler have addressed all recommendations made by the Monitor during the December 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:
June 30, 2017

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:
June 30, 2017

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 the 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: June 30, 2017
The Monitor found ADOC and Tutwiler to be in "Substantial Compliance" with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations. 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. The review team includes upper-level management officials at Tutwiler and it has input from line supervisors, investigators, and medical and mental health practitioners. The review team: • 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, the DOJ, the Warden, the Department-wide PREA Coordinator, and Tutwiler's PREA Compliance Manager. ADOC and Tutwiler implement the recommendations for improvement or document reasons for not doing so. The Monitor reviewed PREA Incident Review Committee meeting reports, occurring from January-June 2017. 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. Jackson, Corizon Director of Nursing. 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. During this reporting period, the committee reviewed 13 cases. Eleven were unfounded, and two were unsubstantiated.	

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
ADAO and Tutwiler to forward PREA Incident Review Committee reports to the Monitor for timely review.	Ongoing

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
- Review any actions / documentation generated by the Tutwiler leadership review of the summary of both reviews of the required PREA reports. - Monitor's review of all of the new and revised SOP's and policies implemented at Tutwiler in 2016. - Interviews with Deputy Commissioner Williams, 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: - 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's review of all new and revised policies at Tutwiler	- Deputy Commissioner Williams - Warden Wright - Lt. Young, IPCO	Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

The Monitor found ADOC and Tutwiler to be in "Substantial Compliance " during the December 2016 Compliance Visit.

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

MONITOR'S FINDINGS:DATE:
June 30, 2017☒ Substantial Compliance☐ Partial Compliance☐ Non-compliance☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
The requirements for this provision were completed in 2015 and are reflected in the Monitor's first court report.	

MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
The Monitor found ADOC and Tutwiler to be 'Substantially Compliant' with this provision in January, June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance.	

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 III.L.2 III.L.3 III.L.4 III.L.5 III.L.6	SOP 8-12 SOP 9-9 SOP 11-1		February 28, 2016	February 28, 2016				
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:	Y	N	N/A	Y	N	N/A	Y	N	N/A
1. Documented disciplinary sanctions of staff; and	Y	N	N/A	Y	N	N/A	Y	N	N/A
2. Permanent removal of staff from the post where the incident occurred.	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
Develop and implement policies (submitted for review) and procedures that track staff disciplinary actions related to allegations of sexual abuse or sexual harassment	Y	N	N/A	Y	N	N/A	Y	N	N/A

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 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 sexual 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 Sexual 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 PREA issues.
5. Interviews with Deputy Commissioner Williams, ADOC HR Director Lawley, 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
- SOP 8-12 <i>Inmate Sexual Abuse and Sexual 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	- Deputy Commissioner Williams - Mr. William Lawley, ADOC Personnel Director - Warden Wright - Lt. Young, IPCO - Captain McClain, Settlement Compliance Manager	Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None

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

The ADOC and Tutwiler have addressed all recommendations made by the Monitor during the December 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:
June 30, 2017

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:
June 30, 2017

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: June 30, 2017
The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the Compliance Visits of June and December 2016. As of June 30, 2017 ADOC and Tutwiler have sustained substantial compliance. The Monitor found ADOC and Tutwiler to be in "Substantial Compliance" with this provision based upon the following : All portions of this provision exist in SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i>, SOP 9-9 <i>Employee Standards of Conduct and Discipline</i>, or SOP 11-1 <i>Data Collection and Quality Improvement</i>. 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 the 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 sexual harassment. 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 harassment. 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 the DOJ reviewed and commented on the drafts for 11-1 and the template for data. The Monitor reviewed the Risk Management spreadsheet maintained by Tutwiler Captain McClain, for the reporting period. Captain McClain obtains the information 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: - 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 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 look 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.

There were no substantiated PREA allegations during this reporting period.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
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 the 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, <i>Inmate Sexual Abuse and Sexual Harassment</i> AR 454. 2. Review Memorandum of Understanding (MOU) with ADOC and the Alabama Institute for the Deaf and Blind (AIDB). 3. Interviews with Warden Wright and Lt. Young. 4. Staff interviews. 5. Inmate focus groups. 6. Individual inmate interviews. 7. Inmate correspondence received by Monitor. 8. Review of inmate grievances.									

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: - SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> - ADOC AR 454 - MOU with ADOC and the Alabama Institute for the Deaf and Blind (AIDB) - Inmate correspondence received by the Monitor: January-June 2017 - Inmate grievances: January-June 2017	- Warden Wright - Lt .Young, IPCO - Inmate focus groups - Interviews with individual inmates	Compliance Visit June 25-30, 2017

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR

None.

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

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

MONITOR'S FINDINGS:
DATE:
June 30, 2017

☒ Substantial Compliance

☐ Partial Compliance

☐ Non-compliance

☐ n/a no assessment due until _____

MONITOR'S DISCUSSION: STEPS TAKEN BY ADOC AND TUTWILER TOWARDS IMPLEMENTATION	DATE: June 30, 2017
ADOC entered into an agreement with the Alabama Institute for the Deaf and Blind (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. 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. ADOC and Tutwiler do not rely on other inmates or non-certified employees to translate and/or interpret for LEP inmates. Dr. Scott Holmes, Tutwiler Psychological Associate, has been designated as the LEP Coordinator for Tutwiler.	
MONITOR'S DISCUSSION: EXTENT TO WHICH ADOC AND TUTWILER HAVE COMPLIED WITH THE AGREEMENT	DATE: June 30, 2017
The Monitor found ADOC and Tutwiler to be "Substantially Compliant" with this provision during the June and December 2016 Compliance Visits. As of June 30, 2017 ADOC and Tutwiler have sustained compliance. The Monitor determined the rating of "Substantial Compliance" for this reporting period based upon the following observations. Tutwiler continues to provide for interpretation services for LEP inmates through AIDB and Google Translation, an online language interpretation service. ADOC uses Google Translation to provide multi-lingual translation services to translate documents, including orientation documents, video or images for any inmate needing this assistance. Lt. Young coordinates and facilitates this service. ADOC and Tutwiler continue to not rely on other inmates or non-certified employees to translate and/or interpret for LEP inmates. SOP8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> includes the requirement for the assistance necessary for identified LEP inmates. Tutwiler staff has been trained in this SOP. The Monitor reviewed the ADOC MOU with the AIDB 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 any inmate with these needs. The Monitor reviewed inmate grievances filed during January-June 2017 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 six inmates and there were no complaints in these letters 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 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	Y	N	N/A	Y	N	N/A	Y	N	N/A			

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 <i>Inmate Sexual Abuse and Sexual Harassment</i>. 2. SOP 11-1 <i>Data Collection and Quality Improvement</i>. 3. Review Risk Management Reports. 4. Review the inmate polling survey results. 5. Interview Deputy Commissioner Williams regarding the status of the Quality Assurance committee. 6. Interview Captain McClain and review the Tutwiler Risk Management System spreadsheet she maintains . 7. Interview 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
- SOP 8-12 <i>Inmate Sexual Abuse and Sexual Harassment</i> - SOP 11 <i>Data Collection and Quality Assurance</i> - Risk Management Reports: January-June 2017 - Inmate polling survey and policy - Inmate polling survey results - Tutwiler RSM spreadsheet for January-June 2017	- Deputy Commissioner Williams - Captain McClain, Settlement Compliance Manager - Lt. Young, IPCO	June 25-30, 2017 Compliance Visit

UNRESOLVED/PARTIALLY RESOLVED ISSUES FROM PREVIOUS TOUR
None. The Monitor found ADOC and Tutwiler in "Substantial Compliance" with this provision during the December 2016 Compliance Visit. The ADOC and Tutwiler addressed the recommendation made by the Monitor during the December 2016 Compliance Visit. The ADOC provides the Monitor and the DOJ results from each inmate polling, as soon as they are assimilated and reviewed by ADOC and Tutwiler. The Monitor is awaiting the results of the Fourth Quarter polling survey.

MONITOR'S FINDINGS:	DATE: June 30, 2017
☒ Substantial Compliance ☐ Partial Compliance ☐ Non-compliance ☐ 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: June 30, 2017
The Monitor uses the time frame January 1-June 30, 2017 as the "reporting period" throughout this report. The Monitor received documents and updates from ADOC prior to, during , and after the compliance visit of June 25-30, 2017. The Monitor found ADOC and Tutwiler to be "Partially Compliant" with this provision during the June 2016 Compliance Visit and "Substantially Compliant" during the December 2016 Compliance Visit. As of June 30, 2017 the Monitor found ADOC and Tutwiler to have sustained substantial compliance with this provision. The Monitor determined the rating of "Substantial Compliance" based upon the following observations. A state-wide working group was convened in August 2015 to evaluate how other state and the ADOC entities might contribute to Tutwiler's compliance with this Agreement. The group continues to meet on a quarterly basis. SOP 11-1, <i>Data Collection and Quality Improvement</i>, was developed with the assistance of ADOC consultant Wendy Leach, who was at Tutwiler to provide expertise in the development for the groundwork for the data collection and quality improvement process. Tutwiler SOP 11-1, <i>Data Collection and Quality Improvement</i>, was implemented on August 15, 2017. Quality Improvement meetings began in August 2016 and will continue indefinitely.	

ADOC has properly trained the required staff in SOP 11-1.

ADOC and Tutwiler established 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.

Dr. Barbara Owens was selected as an expert consultant to develop the polling instrument, instructions for its use and implementation.

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.

As agreed upon by the Monitor, the DOJ, and the ADOC, The Moss Group, Inc. currently administers the survey quarterly for the 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. ADOC entered into an MOU with Auburn University on August 9, 2017. Auburn plans to administer the next Inmate Polling in October 2017.

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.

MONITOR'S RECOMMENDATIONS: <i>(for at least the next 6 months)</i>	DATE DUE:
- ADOC to provide the Monitor and the DOJ results from each inmate polling, as soon as they are assimilated and reviewed by ADOC and Tutwiler. The Monitor is awaiting the results of the Fourth Quarter Inmate Polling. - ADOC to conduct required annual assessment of the RMS system's effectiveness and submit findings to the Monitor and the DOJ. - ADOC to provide the Monitor a copy of their MOU with Auburn University	- As soon as compiled - As soon as completed - September 30, 2017

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