

# PREA AUDIT: AUDITOR'S SUMMARY REPORT

## ADULT PRISONS & JAILS

NATIONAL  
PREA  
RESOURCE  
CENTER



BJA

Bureau of Justice Assistance  
U.S. Department of Justice

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

<b>Name of facility:</b>	Arizona State Prison Complex-Lewis		
<b>Physical address:</b>	26700 South Highway 85, Buckeye, AZ 85326		
<b>Date report submitted:</b>	5 March, 2015 (Final Report)		
<b>Auditor Information</b>	Jack Falconer		
<b>Address:</b>	P.O. Box 72673, Phoenix, AZ 85050		
<b>Email:</b>			
<b>Telephone number:</b>			
<b>Date of facility visit:</b>	23-26 Feb, 2015		
<b>Facility Information</b>			
<b>Facility mailing address: (if different from above)</b>	ASPC Lewis, PO Box 70, Buckeye, AZ 85326		
<b>Telephone number:</b>			
<b>The facility is:</b>	<input type="checkbox"/> Military	<input type="checkbox"/> County	Federal
	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> State
	<input type="checkbox"/> Private not for profit		
<b>Facility Type:</b>	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison	
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**Agency-Wide PREA Coordinator**

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## AUDIT FINDINGS

### NARRATIVE:

The PREA Audit of the Arizona State Prison Complex-Lewis (ASPC-Lewis) was conducted on 23-26 February, 2015.

It is the mission of the Arizona Department of Corrections "To serve and protect the people of Arizona by securely incarcerating convicted felons, providing structured programming designed to support inmate accountability, successful community reintegration, and providing effective supervision for those offenders conditionally released from prison".

The Arizona State Prison Complex – Lewis, is located on Route 85, south of the City of Buckeye and is operated by the Arizona Department of Corrections (ADC). Construction began in May of 1997 and has a designed capacity of 6131 male offenders with a current population of 5656. The range of custody is from minimum to maximum. The ASPC consists of seven separate Units situated on 294 acres of enclosed perimeter. The complex has its own water and sewage treatment systems.

On Monday, March 23, 2015, an entrance meeting was held at 8:00 a.m. where introductions were made. The following staff was in attendance:

Warden Moody  
Major Grabowski  
DW Munoz  
DW Scott (Stiner)  
ADW Karkhoff (Stiner)  
DW Moony (Barchey)  
ADW Pitz (Barchey)  
DW Barrios (Bachman)  
ADW Lee (Bachman)  
DW Jackson (Morey)  
ADW Roberts (Morey)

DW Twyford (Buckley)  
ADW Aguilar (Buckley)  
ADW O'Brien (Rast)  
DW Hibbard (Eagle Point/Sunrise)  
COIV Theodore (Complex)  
COIV Whitaker (Stiner)  
COIV Greene (Barchey)  
COIV Perry (Barchey)  
COIV Whitney (Bachman)  
COIV Chavez (Morey)  
COIV Kepney (Morey)  
COIV Compton (Buckley)  
COIV L. Chavez (Buckley)  
COIV Hernandez (Rast)  
COIV Gant (Rast)  
COIV Osborn (Eagle Point/Sunrise)  
Capt. Hamilton (Stiner)  
Capt. J. O'Brien (Barchey)  
Capt. Whiting (Bachman)  
Capt. Baker (Buckley)  
Capt. Renault (Morey)  
Capt. Kaufman (Rast)  
Brenda Rojas (FHA)  
K. Thomas (Corizon AFHA)  
Mike McCarville (PREA Coordinator)

After the entrance meeting, a tour of the Eagle Point and Sunrise Units and interviews with staff and inmates was conducted. During the tour, inmate housing, program areas, food service, medical, recreation, and other areas required by the PREA guidance were examined. On Tuesday, Wednesday, and Thursday, the remainder of the Units at the ASPC were toured and interviews were conducted.

The Units descriptions are as follows:

**Bachman Unit**

This Unit is a mixed custody Protective Custody unit, minimum and medium, with a capacity of 752 inmates in 4 dormitory style buildings.

This facility also has a Detention Unit, BDU, which has a capacity of 80 inmates in a 2 person cell environment.

The inmates are assigned to various jobs to support and maintain the Unit such as cleaning porter, laundry porter, inmate barber, kitchen worker, sewing machine operator, maintenance, education aide, wheel-chair assistant, tram driver and yard clean up worker. Programming consists of Academic Education, Career/Technical Education and numerous self-improvement programs such as Thinking for a Change, a cognitive behavior program, and Merging Two Worlds, which is designed to prepare inmates for release. There are also AA and religious volunteers that come each month in their respective areas to provide additional support.

Other opportunities for inmates to gain skills exist through classes and work consisting of Automotive Technician, ACI Tire Shop and Sun Trailers.

### **Barchey Unit**

This Unit is a Protective Custody Unit, minimum and medium, with a capacity of 1100 inmates using 6 dorm style buildings.

Inmates are assigned to various jobs to support and maintain the Unit such as cleaning porter, laundry porter, inmate barber, kitchen worker, sewing machine operator, maintenance, education aide, wheel-chair assistant, and yard clean up worker. Programming consists of Academic Education, Career/Technical Education and numerous self-improvement programs such as Thinking for a Change, a cognitive behavior program, and Merging Two Worlds, which is designed to prepare inmates for release. There are also AA and religious volunteers that come each month in their respective areas to provide additional support.

Other opportunities for inmates to gain skills exist through classes consisting of Construction – Basic and Advanced Electric, Carpentry and Framing.

### **Stiner Unit**

This Unit is medium custody General Population, with a capacity of 1100 inmates in a dorm setting in 6 buildings. This facility also has a Detention Unit, SDU, which has a capacity of 70 inmates in a cell environment. Sixty cells are 2 persons per cell and there are 10 single person watch cells.

Inmates are assigned to various jobs to support and maintain the Unit such as cleaning porter, laundry porter, Complex laundry worker, inmate barber, kitchen worker, sewing machine operator, maintenance, education aide, wheel-chair assistant, and yard clean up worker. Programming consists of Academic Education, Career/Technical Education and numerous self-improvement programs such as Thinking for a Change, a cognitive behavior program, and Merging Two Worlds, which is designed to prepare inmates for release. There are also AA and religious volunteers that come each month in their respective areas to provide additional support.

Other opportunities for inmates to gain skills exist through classes and work consisting of Woodshop, Safety Services and American Curb & Vent.

### **Morey Unit**

This Unit is close custody General Population, with a capacity of 800 inmates in a 2 man cell setting in 4 buildings. This unit also has a Detention Unit, MDU, which has a capacity of 80 inmates in a 2 person cells. There are also 16 transitory single man cells.

Inmates are assigned to various jobs to support and maintain the Unit such as cleaning porter, laundry porter, inmate barber, kitchen worker, maintenance, education aide, wheel-chair assistant, and yard clean up worker. Programming consists of Academic Education, Career/Technical Education and numerous self-improvement programs such as Thinking for a Change, a cognitive behavior program, and Merging Two Worlds, which is designed to prepare inmates for release. There are also AA and religious volunteers that come each month in their respective areas to provide additional support.

### **Buckley Unit**

This Unit is close custody, Protective Custody, with a capacity of 800 inmates in a 2 man cell setting in 4 buildings. There are also 16 transitory single man cells.

Inmates are assigned to various jobs to support and maintain the Unit such as cleaning porter, laundry porter, inmate barber, kitchen worker, maintenance, education aide, wheel-chair assistant, and yard clean up worker. Programming consists of Academic Education, Career/Technical Education and numerous self-improvement programs such as Thinking for a Change, a cognitive behavior program, and Merging Two Worlds, which is designed to prepare

inmates for release. There are also AA and religious volunteers that come each month in their respective areas to provide additional support.

### **Rast Unit**

This Unit is mixed custody Protective Custody, close and maximum. The close custody side has a capacity of 404 inmates in a 2 man cells using 2 buildings. The maximum side had a capacity of 500 inmates, 332 single cells and 84, 2 man cells in 3 buildings. There are also 8 transitory single cells.

Inmates are assigned to various jobs to support and maintain the Unit such as cleaning porter, laundry porter, inmate barber, kitchen worker, maintenance, education aide, wheel-chair assistant, and yard clean up worker. Programming consists of Academic Education, Career/Technical Education and numerous self-improvement programs such as Thinking for a Change, a cognitive behavior program, and Merging Two Worlds, which is designed to prepare inmates for release. There are also AA and religious volunteers that come each month in their respective areas to provide additional support.

### **Eagle Point/Sunrise**

This is a split Unit. Eagle Point is minimum custody, General Population with a capacity of 300 inmates in 6 buildings using 2 man cells. Sunrise is minimum custody Protective Custody with a capacity of 100 inmates in a 2 man cell setting.

Inmates are assigned to various jobs to support and maintain the Unit such as cleaning porter, laundry porter, inmate barber, kitchen worker, maintenance, education aide, wheel-chair assistant, and yard clean up worker. Programming consists of Academic Education, Career/Technical Education and numerous self-improvement programs such as Thinking for a Change, a cognitive behavior program, and Merging Two Worlds, which is designed to prepare inmates for release. There are also AA and religious volunteers that come each month in their respective areas to provide additional support.

These Units also house 53 inmate Complex workers. In addition, inmates are employed in private industry and Arizona Correctional Industry work assignments. Inmate assignments include 105 inmates for Hickman's Egg Ranch, 70 inmates for CME, and 33 inmates for Alliance Truss. There are also 17 inmates assigned to the Fire Crew.

### **In Patient Care (IPC).**

This Unit houses inmates that need advanced medical care that is not available on the other Units. IPC has a capacity of 13 inmates in both a dormitory and single cell setting.

### **Facility comments**

Each dorm unit provides basic furnishings, shower facilities, and TV hookups. All showers and commodes have panels, shower curtains and screens to enhance privacy. The cell units have lavatory/commodes in the cell, the showers have privacy screens or doors and the detention cells have attached recreation spaces.

The Correctional Officers provide security supervision. The security perimeters at the various Units consists of woven wire fences with multiple rolls of razor ribbon wire and an electronic intrusion systems. Armed vehicle patrols the perimeter 24/7. A Control Center monitors all traffic entering and exiting the facility. Numerous cameras control the perimeter and are placed throughout the facility to monitor the security. Each Unit has two entry points, the front staff and visitor entrance and a wire gate for vehicles.

The ancillary support structures provide spaces for administration, central control, visiting, food service, education, medical, commissary, maintenance, laundry, recreation, correctional industry, warehouses, and religion.

During the four day on-site audit, the auditor toured the complex, toured all housing units, examined additional documentation, and conducted formal staff and inmate interviews. 42 Inmates, 11 Specialized Staff, 4 Management Staff, and 17 Correctional Officers were interviewed using the questions provided in the audit documents. Most of the staff and the inmates were eager to answer all questions.

The Pre-Audit document provided by the facility indicated 54 allegations of inmate sexual abuse. All were investigated. 50 cases were determined to be either unfounded, unsubstantiated, or closed due a DA decision not to prosecute. 3 cases are still under investigation and 1 case a contractor quit.

The ASPC Lewis reported 45 GED educational achievements for 2014. These included:

Bachman Unit	6
Barchey Unit	10
Buckley Unit	6
Morey Unit	10
Rast Unit	3
Stiner Unit	10

In this auditor's opinion, the ASPC-Lewis is well managed and the staff well trained and professional in their assignments.

On Thursday, an exit meeting was conducted by the auditor. The following ASPC Lewis staff was in attendance;

Mike McCarville – PREA Coordinator  
COIV W. Theodore – Complex – PREA Manager  
Warden Moody  
DW Barrios – Bachman  
ADW Lee – Bachman  
DW Mooney – Barchey  
ADW Pitz – Barchey  
ADW Karkhoff – Stiner  
DW Jackson – Morey  
ADW Roberts – Morey  
DW Twyford – Buckley  
ADW Aguilar – Buckley  
ADW O'Brien – Rast  
Major Grabowski – Complex  
COIV Osborne – Eagle Point

The auditor provided the staff an overview of the preliminary audit results and congratulated the facility staff about the progress made in compliance with the PREA standards.

**Facility Demographics**

	<b>ASPC-Lewis</b>	<b>Bachman</b>	<b>Barchey</b>	<b>Stiner</b>	<b>Morey</b>
Capacity:	6131	832	1100	1170	896
Actual Pop:	5660	756	768	1168	901
Security/Custody:		Med/Min	Med/Min	Med	Close
Gender:		Male	Male	Male	Male
Age Range:	18-83				
		<b>Buckley</b>	<b>Rast</b>	<b>Eagle Point/Sunrise</b>	<b>Med</b>
Capacity:		816	912	400	13
Actual Pop:		822	851	382	12
Security/Custody:		Close	Close/Max	Min	
Gender:		Male	Male	Male	

**Full Time Staff**

Administration:		16
Criminal Investigations Unit:		4
Arizona Correctional Industries:		10
Security:		1040
Programs:		62
Support:		33
Medical:	(Contract)	139
Food Service	(Contract)	38
Substance Abuse:		1
Human Resources:		3
Education:		14
Religion:		6
Rio Salado:	(Contract)	3
Commissary:	(Contract)	11
Total Facility:		1380

## SUMMARY OF AUDIT FINDINGS:

Number of standards exceeded:	0	
Number of standards met:	41	
Number of standards not met	0	
Number of standards not applicable	2	(115.14 & 115.66)
Total	43	

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

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

The ASPC Lewis and the Arizona DOC have policies (DO 125.02-125.06) that mandate a zero tolerance for sexual abuse and sexual harassment of their inmate population. The policies also present a plan to address prevention, detection, and responses for all employees. The prohibited behaviors are clearly detailed. The AZ DOC employs a full time PREA Compliance Coordinator and the ASPC assigns a COIV as the PREA Manager. Both have sufficient time to address the needs of PREA.

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

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

The AZ DOC currently has two contracts (MTC & CCA), developed since August 20, 2012, with private agencies to house prisoners. The contracts do require the contractors to comply with all provisions of PREA. A full-time AZDOC monitor is assigned to each of the facilities under contract.



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

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

The AZ DOC and ASPC-Lewis has developed staffing plans to safely meet the PREA and correctional needs. This plans involves either using comp/overtime, or collapsing non-custody positions to meet the necessary post staffing requirements at each facility when vacancies occur. Video monitoring has been and continues to be added to many areas of the facility. The ASPC Lewis reported no deviations from this custody staffing plan for the past 12 months.

Unannounced rounds are conducted for all shifts and recorded on written reports by senior management staff. A review of the staffing plan was documented (review is conducted on a weekly basis). The ASPC Lewis vacancy rate for the 8/23/13 thru 8/22/2014 was 9.17%.

### **§115.14 – Youthful Inmates**

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

Standard is not applicable. ASPC Lewis does not house youthful offenders.

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

Exceeds Standard (substantially exceeds requirement of standard)

Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (requires corrective action)

ASPC-Lewis, an all-male facility, has policies that do not permit cross-gender body cavity or strip searches except in emergencies. Female officers are not permitted to pat search the inmates except in an emergency. The policy was confirmed by the staff and inmates interviewed. The facility reported zero instances where these types of searches had occurred.

All showers and commode areas have curtains, protective screens or walls. Arizona DOC has a rigid policy where inmates are required to wear shirts and gym shorts or appropriately fastened jumpsuits except when showering. No deviations were reported or found.

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

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

ASPC Lewis provides a variety of ways to ensure offenders with disabilities or limited English are provided the opportunity to understand PREA. Interviews with both hearing and sight impaired inmates verified that they were provided with the information and understood their rights under PREA.

Orientation videos, pamphlets, booklets, inmate handbooks, etc. are available. These are provided in both English and Spanish. Trained employee interpreters are available or those under contract are available to provide any needed service. Inmate interpreters are prohibited.

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

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

The Arizona DOC has a centralized approach for the hiring of new staff (DO 125-125.07). Each facility has an on-site HR manager but the majority of the screening and hiring practices is done at the DOC Central Office. The review of agency policy and interviews of both the on-site HR manager and the Central Office Manager verified that they follow the PREA requirements. Applicants are disqualified if any criminal data is obtained using NCIC, fingerprints, AZCJIS, AZDOT, etc. In the past 12 months, 361 applicants were screened.

All contractors are screened by using the same process. 9 contractors were screened in the past 12 months.

An agency policy requiring the 5 year re-check of employees and contractors has been implemented. Agency policy does indicate any misconduct or false reporting is subject to the possibility of termination of employment (DOC Policy DO 601).

## §115.18 – Upgrades to Facilities and Technology

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

ASPC-Lewis has made several modifications to their physical plant during the past year. These include:

The addition of a 500 bed maximum custody facility at the Rast Unit. The new facility is a state-of-the-art facility with numerous cameras.

The addition of cameras in many areas such as food service, education, yards, warehouses, towers, walkways, etc. in several of the Units. The plan is to continue to add cameras in all others areas as deemed appropriate.

These additions are all intended to enhance the ASPC's ability to protect inmates from sexual abuse and to improve security operations.

## §115.21 – Evidence Protocol and Forensic Medical Examinations

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

The Arizona DOC Inspector General Bureau is responsible for conducting all sexual abuse investigations, both administrative and criminal. They are properly trained and meet the requirements of PREA. ASPC Lewis has four investigators assigned to the Complex.

The facility does not provide forensic medical examinations by medical staff. These are provided by SAFE and SANE examiners under contract with outside health care providers without cost to the inmate. The auditor interviewed a representative of the SAFE/SANE provider and verified they were ready to provide services if needed.

The facility conducted five SAFE/SANE examinations during the last 12 months. All involved inmate on inmate contact. Victim advocates are provided by trained staff for the ASPC.

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

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

The Arizona Department of Corrections Inspector General Bureau is responsible for conducting all sexual abuse investigations, both administrative and criminal. The CIU and AIU investigators are properly trained and meet the requirements of PREA.

During the 12 month period (2013-2014), 54 allegations of sexual abuse and sexual harassment were received. All were referred for criminal investigations and 51 were completed. Three of the allegations are still under investigation.

All complaints were thoroughly investigated by CIU investigators. Two of the allegations were found to be substantiated, one found to be unsubstantiated, and 48 allegations were determined to be unfounded. One of the substantiated complaints, the contractor quit and the other substantiated complaint, the County Attorney would not prosecute the case.

Agency policy regarding allegations of sexual abuse/harassment is published on [www.azcorrections.gov](http://www.azcorrections.gov).

## §115.31 – Employee Training

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

All ASPC Lewis employees, contractors and volunteers are trained to meet the PREA standards. 1320 staff (100%) was trained in the past 12 months. The Complex has a comprehensive training program which includes pre-service and annual in-service training and is tailored to meet the gender needs of the facility. The training documentation includes a quiz and a signature roster that indicates the trainees understand the training presented. The interview process documented that employees understood the materials presented.

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

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

All 101 volunteers and contactors for the Lewis Complex were trained about PREA and correctional requirements during the last 12 months. The training is based upon the service provided and the level of inmate contact. Signatures documented that they understood the training presented.

### **§115.33 – Inmate Education**

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

All inmates at Lewis ASPC Lewis have been provided a comprehensive PREA training program. In the past 12 months, 11,537 were trained on the principals of PREA.

Provisions are made to assist those inmates with disabilities or those not proficient in English to ensure their understanding of PREA. Orientation videos, posters, inmate handbooks, etc. are readily available to the population. Inmate signatures are taken to verify they have taken and understand the training provided. The inmate interviews indicated that they understood their rights under PREA.

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

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

The Arizona Department of Corrections Inspector General Bureau is responsible for conducting all sexual abuse investigations, both administrative and criminal. The investigators are properly trained and meet the requirements of PREA. ASPC Lewis has four CIU investigators assigned to the Lewis Complex.

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

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

Medical and Mental Health Services at the Lewis Complex are provided by Corizon Medical Services. All of the Medical and Mental Health services staff have been trained in the requirements of PREA. The Pre-Audit document indicated that 59 (100%) medical and mental health staff received the PREA training required by DOC policy. Signatures were provided to validate the attendance of the medical/mental health staff.

Forensic examinations are not conducted by the medical staff. These exams, if needed, are provided by a certified local health care organization.

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

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

The inmate screening policy is outlined in AZDOC policy 800, DO811. Each inmate is screened for the risk of victimization and abusiveness at the Reception Center and upon being received at the permanent facility. A PREA questionnaire is administered within 72 hours of arrival.

The risk assessment document is considered to be objective.

100 % of the 8886 inmates received by the Lewis Complex (72 hour or more length of stay) were screened for the risk of sexual abuse victimization or sexual abuse towards other inmates. The risk assessment document is an instrument that meets the PREA requirements. All inmates are reassessed to look for any updates within the time frames required. The facility reported 5727 inmates were reassessed in the past 12 months.

The AZDOC policy 800/811, 1.10 indicates inmates cannot be disciplined for refusing to answer questions.

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

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

The information gathered in the inmate screening process at the Lewis Complex is used to make individualized determination to ensure their safety. This documentation is also used to make decisions to place each inmate in appropriate housing, work, education, and program assignments.

High risk inmates (Victim or predator) are reviewed by a Special Review Team. Transgender/Intersex inmate assignment is done on a case-by-case basis and is reviewed twice in a 12 month period. (800/811 1.10.5.2.3)

## **§115.43 – Protective Custody**

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

The AZDOC policies govern the use of segregation housing (804-125.06). These policies include looking at alternative housing and programming for victims of sexual abuse.

The facility reported zero use of segregation in the past 12 months for the purpose of protecting a sexual abuse victim. Policies require a review every 30 days for any inmate in segregation.

## **§115.51 – Inmate Reporting**

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

ASPC-Lewis has several ways that an inmate can report sexual abuse/harassment. They can report an incident to any staff person, write a grievance or report, use a special PREA hot line, write to the IG, write letters, or notify a third person.

Staff are required to document and report all inmate allegations immediately through their chain of command. The staff are trained in annual training and via the Employee Handbook.

No inmates are held for civil immigration purposes at the facility. Inmate and staff interviews confirm that the process is well understood.

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

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

The Lewis Complex has an inmate grievance process that meets the requirements of PREA (DO802.09). The process allows the inmate to file a formal written complaint/grievance about sexual abuse or any correctional issue. The complaint can be filed with any staff and will be directed to the Warden for response if necessary. Per DO 802.09, staff receiving an informal complaint or formal grievance on a PREA violation, shall immediately initiate a DO 125 and notify the shift commander.

The inmate Handbook clearly outlines the process required. In the past 12 months, there have been zero complaints or grievances filed concerning sexual abuse or harassment.

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

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

The Lewis Complex provides, to the inmates, confidential access to outside victim advocates by providing the name of the organization, toll free telephone number, posters, and the information is in the inmate handbook. Agreements and an MOU are available. To ensure that the inmates have someone who can assist them to provide advocacy services, the facility has six of its staff trained to provide this service.

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

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

The Arizona Department of Correction has a website ([azcorrections.gov](http://azcorrections.gov)) that provides the opportunity for third party reporting of sexual violence. The website also provides the reporting policies regarding any sexual violence.



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

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

The AZDOC policy DO125.03 requires all staff to immediately report any incident of sexual abuse/harassment. The policy also addresses the need to maintain confidentially (DO125.09). All incidents of PREA abuse must be reported to the AZ CIU for investigation.

The policies also address possible retaliation. Senior management staff has been assigned the task to monitor possible retaliation and the monitoring is recorded.

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

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

The AZDOC policy DO805.01 requires all staff to immediately take steps to protect an inmate who is the subject of imminent sexual abuse. There have been zero incidents of this action being required in the past 12 months.

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

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

AZDOC policies DO125.03 & DO608.02 requires the notification of another facility and the AZ CIU when they learn of an inmate that had been sexually abused at that other facility. This notification is done within the 72 hour time frame. Documentation is required that the report will be investigated and properly acted upon. In the past 12 months, the facility reported 1 allegations of sexual abuse that an inmate received at another facility. The actions taken were according to PREA requirements.

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

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

The Arizona DOC policy DO125.03 meets all first responder requirements of PREA. This policy was verified by the responses from the staff being questioned in the interview process.

In the past 12 months, 37 allegations from inmates were recorded. Of these, 21 cases involved first responders. Eight allegations involved collection of physical evidence. All first responder duties were completed as required. A 24 point check list is required to be completed for each incident and the AZ CIU must be notified.

Two of the allegations were substantiated, three of the allegations are still under investigation, and the remainder were reported as unfounded.

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

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

A written institutional plan was available for ASPC-Lewis. The facility has adopted the Arizona Department of Corrections plan (DO 125) for actions taken in response to an incident of sexual abuse. The plan meets the requirements of PREA.

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

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

Not applicable. The AZ DOC has a union but State law prevents collective bargaining.

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

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

ASPC Lewis has policies (DO125.01, 1.4 & DO811.02, 1.10.6) that protects inmates and staff who report sexual abuse/harassment from retaliation. A Retaliation Review Team consisting of the Captain, COIV, & COIII are in place at each Unit to supervise the plan. The facility reported two instances of retaliation in the past 12 months.

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

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

AZ DOC has policies (DO125, DO 804 & DO 805) that would place a victim of sexual abuse in investigative detention if necessary only until appropriate safety of the victim can be ensured. This is limited to 30 days or less. Programs are maintained if at all possible.

There have been zero uses of segregation for this purpose in the past 12 months.

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

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

The Arizona Department of Corrections has an Inspector General Bureau which is a Division of the Department. The Criminal Investigation Unit (CIU) operates under policy DO608 and the Administrative Investigative Unit (AIU) policy is DO601.

All investigations, agency wide, both criminal and administrative, are supervised by staff assigned to this Division. Four investigators have been assigned to the ASPC-Lewis. These investigators have all been trained to meet the requirements of PREA. The investigators are sworn police officers, follow a very detailed protocol, and appear very capable.

All substantiated allegations are referred to the County Attorney for prosecution. The facility reported one substantiated allegation since 20 August, 2012 that was referred for prosecution.

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

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

AZDOC policy DO125.06 requires that investigators use as a standard the preponderance of the evidence to determine whether allegations of sexual abuse/harassment are substantiated.

### **§115.73 – Reporting to Inmate**

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

The AZ DOC Inspector General Bureau conducts all investigations. The facility reported 34 completed sexual abuse investigations in the past 12 months. 32 inmates were notified of the results and two were no longer available to notify.

These reports are documented.

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

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

The Lewis Complex has disciplinary sanctions for staff up to and including termination for violating sexual abuse/harassment policies. The facility reported zero cases of staff terminated for violating policies on sexual abuse/harassment.

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

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

The ASPC Lewis has disciplinary sanctions (DO 125.03) for volunteers and contractors up to and including termination of contract for violating sexual abuse/harassment policies. The facility reported zero cases of volunteers/contractors terminated for violating policies on sexual abuse/harassment.

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

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

Inmates can be sanctioned only pursuant to a formal disciplinary process according to AZDOC Policy DO125.01. In the past 12 months, there were zero administrative findings of inmate-on-inmate sexual abuse and one case of criminal finding of inmate-on-inmate sexual abuse.

ASPC Lewis has policies providing sanctions for inmates engaged in sexual abuse of another inmate. These sanctions meet the PREA requirements. Consideration is given to the inmate's mental status in final determinations. Treatment is also offered to those found guilty. The agency has a policy that does not permit consensual sex between inmates

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

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

AZDOC policy (DO125.05, 1, 1, 1.1.1) requires that all inmates who disclosed prior sexual victimization during initial screening be offered a follow-up meeting with medical or mental health. The meeting is required within 14 days of the initial screening. The same policy also applies to inmates who perpetrated sexual abuse. The facility reported that 100% of the offender meetings with mental health were met. Information found in the follow-up meeting is strictly limited to medical, mental health, security, and management staff. Informed consent is obtained by the medical and mental health staff. No inmates housed at ASPC Lewis are under the age of 18

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

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

Per DO 125.04, the medical program at ASPC Lewis is staffed 24/7. All inmates who report to be sexual abused have unimpeded access to medical treatment. All actions by the Medical/Mental Health staff is documented.

The community standard medical treatment includes proper medical care, treatment for sexual transmitted disease, and at no cost to the inmate.

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

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

Lewis ASPC provides medical and mental health evaluation and treatment consistent with the community standard for health care. These services are provided to all inmates who have been sexually abused. These services are at no cost. Inmate abusers are also offered mental health evaluations within a 60 day period.

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

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

The facility policy (DO 125) requires that all incidents of sexual abuse are thoroughly reviewed by a Sexual Abuse Incident Review Team. This team includes the PREA Compliance Manager and several top facility management staff. The reports are then reviewed by the Warden and AZDOC Administrative staff. The team is required to review and make recommendations within 30 days of the incident. The facility reported 3 investigations of sexual abuse that were reviewed by the team in the past 12 months.

### **§115.87 – Data Collection**

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

AZDOC collects sexual abuse data from all of its facilities and compiles the data annually per DO125.08. The process followed meets the requirement of PREA.

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

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

The AZ DOC collects sexual abuse data from all of its facilities, to include those operated under contract, and compiles the data annually. The process followed meets the requirement of PREA.

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

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

The AZ DOC collects and securely retains data for a period exceeding 10 years. This data is compiled from reports of all its facilities plus those under contract. This information is a public document and is readily available to the public.

**AUDITOR CERTIFICATION:**

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

Jack Falconer Jack Falconer 5 March, 2015  
Auditor Signature Date