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KIM T. THOMAS
COMMISSIONER

MEMORANDUM

From:  Kim T. Thomas, Commissioner
To: Associate Commissioner James Deloach
Date: 24 January 2013
REF: NIC Response

After a thorough reading of the NIC consultants' Technical Assistance Report, I am directing you to oversee the implementation of the action items listed below. In order to assist you with this responsibility, please designate key staff members who can assist you and be prepared to make periodic reports to me of the progress addressing these items.

In addition, please have Correctional Wardens, Captains, Lieutenants, Sergeants, and any other staff you deem appropriate, read the NIC Technical Assistance Report and take all measures to ensure the implementation of the listed Action Items.

These action items include the following:

Domain 1 - Leadership and Philosophy

ACTION:

1. Re-evaluate and re-write policies and include gender specific principles.
2. The Training Division will establish a training curriculum and provide instruction on topics of gender sensitivity and Prison Rape Elimination Act (PREA) for staff who are assigned to and work overtime at female facilities. This training will be in addition to the 2013 Annual Training Curriculum.
3. The Director of Training will consult with the NIC Prisons Division for technical assistance in providing training for agency executive leadership (i.e. Commissioners, Wardens, and Directors, etc.) on the significance of gender issues and the impact of the recently published PREA standards.

Domain 2 - External Support

ACTION:

1. The Training Division will develop PREA and gender specific orientation training for all religious and re-entry volunteers. PREA Coordinators, Re-Entry Coordinator(s), and Chaplains/Chaplain Coordinator(s) will provide the training to volunteers who desire to be involved in inmate programming.
2. The ADOC will continue providing “The Code of Silence” to persons who have inmate contact and reentry/religious volunteers. The “Code of Silence-Correctional Officers’ Handbook on Identifying and Addressing Sexual Misconduct” is a collaborative publication developed by the National Institute of Corrections, Washington College of Law Project on Addressing Prison Rape, and the American University Washington College of Law and is available at:
www.wcl.american.edu/endsilence/.../BreakingtheCodeofSilence
3. The Commissioner has developed a collaborative relationship with the Alabama Coalition against Sexual Violence (ACASV). This collaboration has resulted in many productive meetings and conversations. ACASV staff has met with all contract medical Directors of Nursing and provided in-service training. This same in-service training will also be provided to all contract mental health treatment personnel. ACASV will be doing additional training for staff and offenders at several female facilities. All staff will cooperate in further developing this collaborative relationship.

Domain 3 - Facility

ACTION:

1. As Commissioner, I will continue to advocate for the additional appropriation of at least \$3.2 million dollars (today estimated at \$1.4 million for Tutwiler and \$1.8 million for the Wetumpka Center) to cover the cost of camera/monitoring equipment installation. This request has already been included in the FY2014 Budget Request.
2. Upon completion of the shower/toilet renovations as part of the ADA compliance renovation and Energy Conservation Projects, salon doors have been installed in all shower areas. Associate Commissioners of Operations and Maintenance/Construction will continue to work to ensure maximum privacy in these bathroom areas without unduly jeopardizing institutional security.
3. The Strip Searches as described in the NIC Report have been discontinued and are prohibited. Strip searches of female offenders returning from the vocational shops, industries, and visitation will be conducted in a private setting and partitions shall be used as needed to afford privacy.
4. Under Warden Barrett’s directions, institutional cleanliness will be addressed.

5. Associate Commissioners of Operations and Maintenance/Construction will evaluate the suggestions made by the NIC consultants regarding the alteration of the solid door for the death row cells and make recommendations to the Commissioner.
6. Window blinds as mentioned in the NIC Report are prohibited.
7. Wardens are to emphasize to male staff the importance of the “knock and announce” policy and ensure consistent enforcement.

Domain 4 - Management and Operations

Part I - Gender Informed Practices

ACTION:

1. Continue to ensure the haircut policy for females is enforced during the pendency of current litigation. In accordance with established institutional policy, ensure only offenders who possess certificates in cosmetology are permitted to cut the hair of offenders.
2. To afford additional storage space for personal belongings of the female population, continue to provide each inmate the large storage lockers (approximate size 37” X 17 ½ “X 14”) as approved by the Commissioner.
3. Regarding inmate uniforms that have been discolored as a result of a chemical reaction associated with modifications in the recommended laundry detergent, damaged uniforms shall be collected and removed from daily use. New uniforms shall be issued. Laundry staff should ensure that appropriate washing machine manufacture’s recommendations for detergent have been posted.
4. Develop a grievance system as part of compliance with PREA standards.

Part II - PREA Policy

ACTION:

1. The ADOC PREA policy will continue to be updated to comply with the final PREA regulations, which became effective August 20, 2012 (a mere five weeks before the assessment began). The updated policy will include the specific Standard Operating Procedure for addressing PREA issues in all ADOC facilities. Please remember the PREA audits will begin in August of 2014.
2. The ADOC Administrative Regulation 454, “Inmate Sexual Offenses and Custodial Sexual Misconduct,” will be updated. The new regulation will describe the process as to how PREA investigations are to be conducted to ensure compliance with PREA guidelines. This regulation shall be available in the Inmate Law Library.

3. Consistent with PREA training, Wardens, PREA Coordinators, and all investigators within the Investigations and Intelligence Division have been instructed and recognize the importance of limiting the number of times a potential sexual abuse victim is required to repeat the details of the misconduct. The investigative process will be streamlined to limit repetitive interviews of the potential sexual abuse victim. Initial interviews of potential sexual abuse victims should be limited to only that information necessary to protect the victim from immediate harm until a PREA Coordinator or Investigator arrives for a more detailed interview.
4. Consistent with PREA training, Wardens, PREA Coordinators, and all Investigators within the Investigations and Intelligence Division have been instructed that sexual abuse investigations are to be immediately forwarded to the PREA Coordinator/ I&I Division for review with *no* discretion to defer an investigation.
5. The ADOC Director of Training will develop a detailed orientation curriculum covering PREA for both staff (ADOC, contract employees, and volunteers) and offenders. (See also Domain 2, Action Item #2).
6. The ADOC Investigation Division will modify the document entitled Investigative Report to be consistent with the dispositions commonly used in PREA reporting Form SSV-2 (i.e. substantiated, unsubstantiated, unfounded).
7. The ADOC Investigation Division will modify the document entitled Investigative Report to make it clear the Investigator is making a recommendation on the outcome of an investigation but is not making the final determination. Consistent with the NIC Report, “ensure that individuals investigating a case are also not making conclusions about the investigative outcome.”
8. The ADOC Commissioner has directed all PREA Coordinators to routinely check the inmate telephone system to insure the proper operation of the PREA Hotline. Additionally, PREA hotline telephones will be checked at least once each shift at all of our facilities. These checks will be recorded in the shift logs for later reference.
9. Consistent with recommendations from the Alabama Coalitions against Sexual Violence (ACSV), the timeframe for conducting forensic medical examination will be extended from within 48 hours of the sexual contact, to within 72 hours of sexual contact and possibly longer depending on the circumstances and in accordance with national correctional standards.
10. The ADOC Commissioner, with the help of the District Attorney’s Association, will continue to stress the importance of the PREA standards and need for aggressive prosecution of those persons who violate the Custodial Sexual Misconduct Law in Alabama.

Domain 5 - Staffing and Training

ACTION:

1. Leadership will continue all efforts to recruit female staff.
2. The Commissioner has issued a directive that all female Correctional Officer Trainees hired from the greater Montgomery area will be required to be assigned to Tutwiler or Montgomery Women's Facility. In addition, all female reemployments for the greater Montgomery area will be required to be assigned to Tutwiler or Montgomery Women's Facility. This directive will be followed until advised otherwise.
3. A designated staff member within the Research and Planning Division will request from NIC Information Center assistance in researching what other states have done to recruit female staff. Upon completion of this research, the Director of Research and Planning will provide a thorough briefing of its findings to the Executive staff.
4. The ADOC Recruiter has been tasked with visiting Montgomery area college campuses to meet and recruit female students in their junior and senior year of study. The visits and contacts will hopefully encourage young females to consider careers in corrections as Correctional Officers.
5. The Commissioner met with the Executive Director of the Alabama Peace Officers Standards and Training Commission on August 16, 2012 to discuss ways to improve efficiencies for both agencies. The pre-academy physical fitness standards, which currently eliminate many female applicants for Correctional Officer, were one of the items discussed. It is the position of APOSTC that these entrance standards cannot be changed to provide a different set of physical fitness standards for female applicants. The Associate Commissioner of Administrative Services shall continue to work directly with APOST staff to maximize the efficiency of the hiring process.
6. The Commissioner has contacted the State Personnel Department to explore the possibility of offering a pay incentive for female Correctional Officers assigned to Tutwiler. It is the considered judgment that a pay increase for only female officers is not lawful. The Commissioner will evaluate the cost of pursuing approval for merit raises for all security staff at Tutwiler. It is my belief that enhancing the pay will greatly help with officer retention, recruitment, and morale.
7. The Director of Training will develop a training orientation for all volunteer workers at ADOC female facilities. The orientation program will address PREA guidelines, standards of conduct, sound security practices, and female gender specific protocol. (See also Module 1, Action Item #2)
8. The Director of Training will make application with the National Institute of Corrections for the upcoming program, "Female Offenders: Agency-Wide Approach."
9. The Director of Training will consult with the NIC Prisons Division for additional technical assistance opportunities available to institute training in gender sensitivity and effective operating practices for working with female offenders.

Domain 6 - Culture

ACTION:

1. To ensure that all employees are familiar with the Employee Assistance Program (EAP), the prison administration has placed posters in all employee break areas. Since this program is administered by the Department of Finance-Risk Management, the Associate Commissioner of Administrative Services will request representatives from EAP discuss with ADOC leadership methods to increase employee awareness and program effectiveness.
2. In order to better address inmate concerns, the Warden at Tutwiler will direct the drafting of a Standard Operating Procedure outlining the operation of an Inmate Council as a more formal inmate staff communication forum. Such meetings shall occur once per month and will be recorded. Both the resulting SOP and the minutes from the meetings will be made available for review by the inmate population.
3. Offenders who make PREA complaints will no longer be placed in administrative segregation, unless there is a substantiated basis for concern for the inmate's safety (consistent with new PREA standards).
4. Immediate steps will be taken to ensure the Department's Inmate Handbook is up to date, reflects the most current information available, and is available in the inmate law library.
5. Non-confidential policies (Standard Operating Procedures) have been placed in the law library for review by any inmate. This practice will continue and will be documented in a Standard Operating Procedure.
6. An order has been issued for PREA Coordinators to be visible in their assigned facilities at random times through the day, including nights and weekends. The PREA phone hotlines are checked by PREA Coordinators and correctional staff on each shift to insure that they function properly.
7. The Warden at Tutwiler has contacted staff at J. F. Ingram Technical College and requested additional Adult Basic Education classes. The Commissioner, Associate Commissioner of Programs, and key facility staff will continue to work with leadership at J. F. Ingram Technical College to maximize all educational opportunities.
8. All stake holders (Education, Medical, Substance Abuse, and Mental Health) are invited to attend weekly staff meetings. This practice will continue.
9. The Warden has implemented the practice that each offender receives orientation upon arriving at Tutwiler.

Domain 7 - Offender Management

ACTION:

1. Per the NIC Assessment Team recommendation, all non-confidential policies (Standard Operating Procedures) have been placed in the law library for review by any inmate. (See also Domain 6, Action Item # 5)
2. Copies of the inmate Disciplinary Regulation have been placed in the inmate Law Library and will remain for offender review.
3. The Associate Commissioner of Operations will “explore the feasibility of placing all of the facilities housing women under one Institutional Coordinator” and document in writing to the Commissioner his recommendation and findings.

Domain 8 - Assessment/Classification

ACTION:

1. The ADOC Director of Mental Health shall continue the development of a victim assessment tool using the factors identified in the PREA standards. This device will be used to identify offenders with the potential for being victimized by sexual predators and used by institutional staff in making living assignments.

Domain 9 - Case/Transitional Planning

- This domain was not evaluated by the NIC team.
- Note: “Case Managers” refers to Classification Specialists who do not perform the same functions as a “Case Manager” in other correctional systems. Social Workers will continue to be employed at Tutwiler and other key locations in order to best serve the needs of the offenders.

Domain 10 - Research Based Program Areas

ACTION:

1. Mental Health group programming has and will continue. These self-help groups and programming are provided on an outpatient basis and include such topics as: Anger Management, Trauma, Trauma/Anxiety, Grief, Coping with Incarceration, Depression, Transition, Dealing with Feelings, Decision Making, Personal Hygiene, Effective Communication, Medication Education, and Relapse Prevention. Generally, there are 6 to 10 groups who meet weekly with each meeting lasting at least one hour. The class time will be consistent with the recommendations contained within the NIC Report.
2. ADOC psychological staff provides other self-help groups in addition to those on mental health caseloads to the general population of female offenders. These self-

help groups include: Personal Development, Anger Management, Parenting, Stress Management, Alternatives to Criminal Thinking, Grief Support, Self-Esteem, Domestic Violence, Coping with Incarceration (for newly received offenders). These one hour self-help groups are conducted four (4) days per week with approximately 20 offenders per class. The class time will be consistent with the recommendations contained within the NIC Report.

3. The Substance Abuse Program now uses a gender specific program.
4. Designated Substance Abuse staff attends and will continue to attend Institutional Staff Meetings.

Domain 11 - Services

ACTION:

1. The current dietary manual will be reviewed by the ADOC contracted physicians and the dietary consultants to ensure all specialty diets are ordered in accordance with national dietary standards for corrections (American Correctional Association (ACA) and National Commission on Correctional Health Care (NCCHC)).
2. Meal schedules will be evaluated to afford offenders reasonable time for meal consumption. Institutional staff shall consult with standards established by the American Correctional Association.
3. The Associate Commissioner of Health Services will review and provide guidelines to enhance communication between security staff and medical care providers.
4. The Director of Training, in conjunction with the Office of Health Services, will develop training on topics of gender sensitivity and PREA to be delivered to mental health and medical staff in 2013.

CC: Jeffery Williams, Deputy Commissioner
ADOC Associate Commissioners
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