

PREA Facility Audit Report: Final

Name of Facility: Crow Wing County Jail

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 10/31/2024

Auditor Certification

The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input type="checkbox"/>
Auditor Full Name as Signed: Debora Ann Zauhar	Date of Signature: 10/31/2024

AUDITOR INFORMATION

Auditor name:	Zauhar, Debora
Email:	debora.zauhar@gmail.com
Start Date of On-Site Audit:	09/17/2024
End Date of On-Site Audit:	09/18/2024

FACILITY INFORMATION

Facility name:	Crow Wing County Jail
Facility physical address:	313 Laurel Street, Brainerd, Minnesota - 56401
Facility mailing address:	313 Laurel St., Brainerd, Minnesota - 56401

Primary Contact

Name:	Ron Imgrund
Email Address:	ron.imgurund@crowwing.gov
Telephone Number:	2188227007

Warden/Jail Administrator/Sheriff/Director

Name:	Troy Schilling
Email Address:	troy.schilling@crowwing.gov
Telephone Number:	2188227056

Facility PREA Compliance Manager

Name:	
Email Address:	
Telephone Number:	

Facility Health Service Administrator On-site

Name:	Dan Johnson
Email Address:	dan.johnson@crowwing.gov
Telephone Number:	2185150675

Facility Characteristics

Designed facility capacity:	286
Current population of facility:	108
Average daily population for the past 12 months:	123
Has the facility been over capacity at any point in the past 12 months?	No
Which population(s) does the facility hold?	Both females and males

Age range of population:	18+
Facility security levels/inmate custody levels:	Minimum, Medium, Maximum
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	67
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	1370
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	169

AGENCY INFORMATION	
Name of agency:	Crow Wing County Sheriff's Office
Governing authority or parent agency (if applicable):	
Physical Address:	304 Laurel Street, Brainerd, Minnesota - 56401
Mailing Address:	
Telephone number:	

Agency Chief Executive Officer Information:	
Name:	
Email Address:	
Telephone Number:	

Agency-Wide PREA Coordinator Information			
Name:	Ron Imgrund	Email Address:	Ron.imgrund@crowwing.gov

Facility AUDIT FINDINGS

Summary of Audit Findings

The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.

Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.

Number of standards exceeded:

2

- 115.14 - Youthful inmates
- 115.41 - Screening for risk of victimization and abusiveness

Number of standards met:

43

Number of standards not met:

0

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2024-09-17
2. End date of the onsite portion of the audit:	2024-09-18

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	Sexual Assault Services (218) 828-0494 * 1(888) 458-0494 Email: info@sasmn.org Find us on Facebook and Instagram@SAS.CrowWing https://www.sasmn.org 606 NW 5th Street B Brainerd, MN 56401

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	286
15. Average daily population for the past 12 months:	123
16. Number of inmate/resident/detainee housing units:	6
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

Audited Facility Population Characteristics on Day One of the Onsite Portion of the Audit

Inmates/Residents/Detainees Population Characteristics on Day One of the Onsite Portion of the Audit

36. Enter the total number of inmates/ residents/detainees in the facility as of the first day of onsite portion of the audit:	100
38. Enter the total number of inmates/ residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:	0
39. Enter the total number of inmates/ residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:	0
40. Enter the total number of inmates/ residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	1
41. Enter the total number of inmates/ residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	1
42. Enter the total number of inmates/ residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:	0
43. Enter the total number of inmates/ residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:	0

44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:	0
45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:	0
46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:	1
47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:	0
48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):	The auditors worked with security staff, Administration, and medical to determine the availability of targeted persons and facility population characteristics in custody.
Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit	
49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:	39
50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	2

<p>51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>6</p>
<p>52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:</p>	<p>The auditor observed and reviewed documentation of the staff, volunteers, and contractor population characters that were in the facility on day one of the onsite portion of the audit. The auditor included Jail Administration and Specialized Staff in addition to security line-staff.</p>

INTERVIEWS

Inmate/Resident/Detainee Interviews

Random Inmate/Resident/Detainee Interviews

<p>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>16</p>
<p>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Age</p> <p><input checked="" type="checkbox"/> Race</p> <p><input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic)</p> <p><input checked="" type="checkbox"/> Length of time in the facility</p> <p><input checked="" type="checkbox"/> Housing assignment</p> <p><input checked="" type="checkbox"/> Gender</p> <p><input type="checkbox"/> Other</p> <p><input type="checkbox"/> None</p>

<p>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</p>	<p>The auditor was provided with the Crow Wing County Jail Inmate Roster separated by housing assignment, classification details, age, number of days confined, and female designated housing units. The auditor ascertained with the names provided as to ethnicity. The auditor inquired about racial demographics in order to achieve a diverse set of interviewees. The auditor and assistant auditor discussed the random inmate interview process with the PREA Coordinator with the goal of meeting with a diverse population.</p>
<p>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>There were no barriers to completing interviews. Some of the female persons in custody declined to be interviewed. The auditor and assistant auditor ensured a well-rounded representation of the Crow Wing County Jail for their inmate interviews. The PREA Coordinator and other jail staff accommodated our requests and escorted the requested inmates to and from the private interview areas. Safety and security protocols were maintained, as well as continued jail operations and programs. The auditor was also able to ask the inmates questions and make observations during the facility tour. The auditor based the number of random inmates to interview on the auditor handbook graph according to population size of persons confined in the facility. For a population of 51-100, 16 overall inmate interviews were required and met.</p>

Targeted Inmate/Resident/Detainee Interviews

<p>58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>1</p>
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As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".

60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	0
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:	<input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees. <input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.
b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).	All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the Crow Wing County Jail. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates.
61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:	0

<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the Crow Wing County Jail. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates.</p>
<p>62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the Crow Wing County Jail. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates.</p>

<p>63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>The deaf or hard-of-hearing disabled person in custody was released prior to our interview opportunity. All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the Crow Wing County Jail. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates.</p>
<p>64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>

<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the Crow Wing County Jail. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates.</p>
<p>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the Crow Wing County Jail. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates.</p>
<p>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>0</p>

<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the Crow Wing County Jail. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates.</p>
<p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the Crow Wing County Jail. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates.</p>

<p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the Crow Wing County Jail. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates.</p>
<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>

<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the Crow Wing County Jail. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates.</p>
<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the Crow Wing County Jail during the on-site portion of the audit. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, with discussions with staff and other inmates. There were no other targeted populations noted during the on-site audit and interview process. There were no barriers to completing the interviews of persons in custody, and interviews were conducted in a private location. There were only one targeted inmate interviewee available during the day we interviewed. The auditor reviewed the Required Number of Interviews with Persons Confined at the Facility for Prisons and Jails as provided in the PREA Auditor Handbook. The goal was to have 8 targeted inmates for a population of 50-100, but discussions with the PREA Coordinator and a review of current inmates in custody only resulted in a total of 1 targeted inmate to interview.</p>

Staff, Volunteer, and Contractor Interviews

Random Staff Interviews

<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>12</p>
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<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Length of tenure in the facility <input checked="" type="checkbox"/> Shift assignment <input checked="" type="checkbox"/> Work assignment <input checked="" type="checkbox"/> Rank (or equivalent) <input checked="" type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken) <input type="checkbox"/> None</p>
<p>If "Other," describe:</p>	<p>The auditor and assistant considered shift assignments, post assignments, length of service, rank, gender and nights/weekend personnel when selecting a number of random staff to interview. The auditors interviewed after business hours to ensure a diverse sample of random staff. The auditor discussed the random staff interview process with the PREA Coordinator to ensure a well-represented sample of posts and shifts. The PREA Coordinator provided the auditor with the staff schedule and assignments. The auditor and assistant auditor interviewed male and female Corrections Officers as well as officers with the rank of Sergeant.</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>

<p>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>There were no barriers to completing staff interviews and no barriers ensuring representation at the Crow Wing County Jail. There was sufficient staffing in order to accommodate confidential interviews of Corrections Officers. The auditors stayed late the first night in order to interview the night shift. Informal discussions with the security staff were ongoing during the facility tour and active observation portion of the on-site audit.</p>
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Specialized Staff, Volunteers, and Contractor Interviews

Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.

<p>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</p>	<p>19</p>
<p>76. Were you able to interview the Agency Head?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>78. Were you able to interview the PREA Coordinator?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>79. Were you able to interview the PREA Compliance Manager?</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)</p>

80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)

- Agency contract administrator
- Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment
- Line staff who supervise youthful inmates (if applicable)
- Education and program staff who work with youthful inmates (if applicable)
- Medical staff
- Mental health staff
- Non-medical staff involved in cross-gender strip or visual searches
- Administrative (human resources) staff
- Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff
- Investigative staff responsible for conducting administrative investigations
- Investigative staff responsible for conducting criminal investigations
- Staff who perform screening for risk of victimization and abusiveness
- Staff who supervise inmates in segregated housing/residents in isolation
- Staff on the sexual abuse incident review team
- Designated staff member charged with monitoring retaliation
- First responders, both security and non-security staff
- Intake staff

	<input type="checkbox"/> Other
If "Other," provide additional specialized staff roles interviewed:	The Chief Deputy was also interviewed.
81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of VOLUNTEERS who were interviewed:	1
b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Other
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of CONTRACTORS who were interviewed:	2
b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Security/detention <input type="checkbox"/> Education/programming <input checked="" type="checkbox"/> Medical/dental <input checked="" type="checkbox"/> Food service <input type="checkbox"/> Maintenance/construction <input type="checkbox"/> Other

<p>83. Provide any additional comments regarding selecting or interviewing specialized staff.</p>	<p>The auditor asked questions of the contract staff during the facility tour with observations, in addition to the formal interviews conducted. The auditor had the full cooperation of the Crow Wing County Jail for the selection process and interviewing of specialized staff, contractors, and volunteers in a private setting. The auditor interviewed a Registered Nurse, a Mental Health Practitioner and a food service representative as well as the positions designated above.</p>
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SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

PREA Standard 115.401 (h) states, "The auditor shall have access to, and shall observe, all areas of the audited facilities." In order to meet the requirements in this Standard, the site review portion of the onsite audit must include a thorough examination of the entire facility. The site review is not a casual tour of the facility. It is an active, inquiring process that includes talking with staff and inmates to determine whether, and the extent to which, the audited facility's practices demonstrate compliance with the Standards. Note: As you are conducting the site review, you must document your tests of critical functions, important information gathered through observations, and any issues identified with facility practices. The information you collect through the site review is a crucial part of the evidence you will analyze as part of your compliance determinations and will be needed to complete your audit report, including the Post-Audit Reporting Information.

<p>84. Did you have access to all areas of the facility?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
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Was the site review an active, inquiring process that included the following:

<p>85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>

87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
88. Informal conversations with staff during the site review (encouraged, not required)?	<input checked="" type="radio"/> Yes <input type="radio"/> No
89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).	<p>The auditor was provided access to all areas of the facility starting with the sally port and continuing throughout the facility. All housing units were entered. The auditor was allowed unlimited access to all areas of the Crow Wing County Jail - their documents, resources, and personnel. The auditor was able to observe and paid attention to how well supervised inmates are, and how cameras and other monitoring technologies are used. There were no blind spots or other indicators that an area of the facility is not being monitored in a way that keeps inmates safe from sexual abuse. The auditor had the full cooperation of interviewees in a private setting. Inmates and staff answered the auditor's questions about the safety and supervision provided throughout the jail. During the on-site portion of the audit and with community outreach, the auditor was able to test critical functions of the PREA standards relative to persons in custody ability to send and receive mail, the intake process for PREA Information and Risk Screening, Internal and External Reporting methods, staff reporting, third-party reporting, and outside emotional support services. Continued and ongoing comprehensive PREA Education and Interpretation services were also assessed by the auditor.</p>

Documentation Sampling

Where there is a collection of records to review-such as staff, contractor, and volunteer training records; background check records; supervisory rounds logs; risk screening and intake processing records; inmate education records; medical files; and investigative files-auditors must self-select for review a representative sample of each type of record.

<p>90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).</p>	<p>The auditor was provided with all material requested either in written or electronic form at all stages of the audit process. The auditor followed the guidelines from the National PREA Resource Center and the Bureau of Justice Assistance, U.S. Department of Justice PREA Compliance Instrument and Auditor Handbook with the checklist of policies, procedures, and other documents recommended for review during the pre-audit, during the audit, and post-audit follow-ups. The PREA Coordinator and team responded to requests for information and were transparent with allegations of sexual abuse and harassment investigations. The auditor analyzed the responses and evidence for each measure based on a review of all policies and procedures, documentation, data, informal and formal interviews with inmates and staff, and active facility tour observations.</p>

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

Remember the number of allegations should be based on a review of all sources of allegations (e.g., hotline, third-party, grievances) and should not be based solely on the number of investigations conducted. Note: For question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, or detainee sexual abuse allegations and investigations, as applicable to the facility type being audited.

92. Total number of SEXUAL ABUSE allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual abuse	0	0	0	0
Staff-on-inmate sexual abuse	1	0	1	0
Total	1	0	1	0

93. Total number of SEXUAL HARASSMENT allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	6	0	6	0
Staff-on-inmate sexual harassment	2	0	2	0
Total	8	0	8	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

Note: these counts should reflect where the investigation is currently (i.e., if a criminal investigation was referred for prosecution and resulted in a conviction, that investigation outcome should only appear in the count for "convicted.") Do not double count. Additionally, for question brevity, we use the term "inmate" in the following questions. Auditors should provide information on inmate, resident, and detainee sexual abuse investigation files, as applicable to the facility type being audited.

94. Criminal SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual abuse	0	0	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0	0
Total	0	0	0	0	0

95. Administrative SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	0	0	0	0
Staff-on-inmate sexual abuse	0	1	0	0
Total	0	1	0	0

Sexual Harassment Investigation Outcomes

Note: these counts should reflect where the investigation is currently. Do not double count. Additionally, for question brevity, we use the term "inmate" in the following questions. Auditors should provide information on inmate, resident, and detainee sexual harassment investigation files, as applicable to the facility type being audited.

96. Criminal SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual harassment	0	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0	0
Total	0	0	0	0	0

97. Administrative SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual harassment	0	1	1	4
Staff-on-inmate sexual harassment	0	2	0	0
Total	0	3	1	4

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

98. Enter the total number of SEXUAL ABUSE investigation files reviewed/sampled:

3

<p>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
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Inmate-on-inmate sexual abuse investigation files

<p>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>1</p>
<p>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>

Staff-on-inmate sexual abuse investigation files

<p>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>2</p>
<p>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>

<p>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
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Sexual Harassment Investigation Files Selected for Review

<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>8</p>
<p>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>

Inmate-on-inmate sexual harassment investigation files

<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>6</p>
<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>

Staff-on-inmate sexual harassment investigation files	
111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	4
112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.	<p>The auditor followed the guidelines from the National PREA Resource Center and the Bureau of Justice Assistance, U.S. Department of Justice PREA Compliance Instrument and Auditor Handbook with the checklist of policies, procedures, and other documents recommended for review during the pre-audit, during the on-site audit, and post-audit follow-ups. The PREA Coordinator and team responded efficiently to requests for information and were transparent with allegations of sexual abuse and harassment investigations with findings. The auditor analyzed the responses and evidence for each measure based on a review of all policies and procedures, documentation, data, informal and formal interviews with inmates and staff, and facility tour observations.</p>

SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.

Yes

No

Non-certified Support Staff

116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.

Yes

No

a. Enter the TOTAL NUMBER OF NON-CERTIFIED SUPPORT who provided assistance at any point during this audit:

1

AUDITING ARRANGEMENTS AND COMPENSATION

121. Who paid you to conduct this audit?

The audited facility or its parent agency

My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)

A third-party auditing entity (e.g., accreditation body, consulting firm)

Other

Standards

Auditor Overall Determination Definitions

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

Auditor Discussion Instructions

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>(a) The Crow Wing County Jail (CWCJ) maintains a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.</p> <p>The CWCJ Prison Rape Elimination Act (PREA) Policy states that sexual abuse of an inmate and sexual harassment of an inmate are prohibited. The CWCJ is committed to zero tolerance of any form of sexual abuse and sexual harassment in its facility. The policy describes the implementation plan for the facility with outlining how the jail will implement the agency's zero tolerance approach to prevent, detect, and respond to any sexual abuse and harassment. The policy describes in detail the procedures required to address this standard and to provide for sexual safety in their facility.</p> <p>The auditor confirmed that the PREA Policy also includes definitions of prohibited behaviors of sexual abuse/harassment, as well as sanctions for those found to have participated in those behaviors. The policy includes procedures with a description of</p>

strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates.

The zero-tolerance philosophy is promoted throughout the facility with PREA signage, television Carousel System announcements in the jail lobby and within the housing units, brochures, and as defined in the CWCJ Inmate Handbook which is provided to the inmates in hard copy and electronically. The handbook contains a chapter on

Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting.

The very next sentence states: **The Crow Wing County Jail has a zero-tolerance policy with regard to sexual assault, sexual abuse and sexual harassment.**

There are multiple related policies and procedures that reinforce the CWCJ strategy and approach to maintaining an environment free from sexual abuse and sexual harassment that the auditor was provided and reviewed. The auditor toured all areas of the jail. The tour is an active, inquiring process that includes Standards-driven observations, tests of critical functions, and informal conversations with persons confined in the facility, staff, volunteers, and contractors. Everyone I spoke with had knowledge and understanding of the zero-tolerance stance against sexual abuse and sexual harassment at the jail. I observed that inmates were well supervised by a sufficient number of corrections officers, supervisors, and support staff. Cameras and other monitoring technologies are used as a supplement to help keep inmates safe from sexual abuse. Additional documents such as inmate and staff files, training records, video footage, incident reports and investigative files were reviewed to ensure the sexual safety and supervision of inmates. PREA-related inmate education documents and risk-screening instruments and indications of decision-making based on screenings was also observed during the facility tour and observation period.

Information about PREA and the zero-tolerance mandate is posted and is available in manners that accommodate non-English proficient inmates and inmates with disabilities. The auditor observed where the signage was placed in the facility as it was accessible to staff and to those confined in the facility. The auditor observed consistent and accurate PREA posters, PREA Statement forms, inmate handbooks, KIOSK information, tablets, texters, and brochures throughout the facility in support of this standard. Signage and information included audit notices, civil immigration information, how to report sexual abuse and sexual harassment, access to outside victim emotional support services, and other relevant PREA information. The PREA Coordinator said that they will also be ordering new signs to reflect any updated information. The signage language is clear and easy to understand. Administration, staff, contractors, volunteers, and inmates verified awareness and understanding of this policy through informal and formal questions/answers. Inmates demonstrated to the auditor where to find inmate handbook information specifically for PREA. The auditor reviewed the CWCJ website and the posted annual reports for further verification of the zero-tolerance standard. Prior to the on-site audit, the auditor also read and reviewed the Crow Wing County Sheriff's Office (CWCSO) and CWCJ Mission Statements, recent MN Department of Corrections (DOC) Jail Inspection Reports, Facility Schematic Design, Inmate Population Reports, and staff training records for a total and inclusive overview of the facility with its goals and objectives relative to PREA. <https://www.crowwing.gov/1001/Prison-Rape-Elimination-Act-PREA>

The auditor also reviewed the Employee CODE OF CONDUCT/FRATERNIZATION GENERAL ORDERS. The order requires all staff, contracted employees, and volunteers to immediately report any verbal propositions or inappropriate contact with an inmate. The order makes them aware of criminal charges (M.S. 609.344 and 609.345) and other penalties for engaging in sexual misconduct or sexual harassment with an inmate. Staff, contracted employees, and volunteers are required to sign that they have read and understand the general code of conduct and fraternization orders.

Mission Statement. "The CWCJ is dedicated to serving the citizens of Crow Wing County (CWC) and its neighboring communities. Our goal is to preserve the basic rights and dignity of those detained here by employing trained professional staff to provide the care, structure, and discipline to motivate positive lifestyle changes for detainees, while exceeding all standards set forth by law and maximizing the financial and social benefits to the communities we serve."

According to the jail's website introduction to the PREA Annual Report, "...The Crow Wing County Jail has a zero-tolerance policy toward all forms of sexual abuse and sexual harassment in our facility, under the Prison Rape Elimination Act (PREA) 2003. We will enforce all federal, state, and local laws pertaining to inmate sexual misconduct. All reports will be fully investigated, which includes both allegations of sexual abuse and sexual harassment, by the Crow Wing County Jail and the Crow Wing County Sheriff's Office investigative Division. The Crow Wing County Jail's continued commitment to maintaining an organizational culture of zero-tolerance toward all forms of sexual abuse and harassment through annual staff training, contractor and volunteer training, notification to all professional visitors, and inmate education are supported by comparing the final statistics for the previous two years..."

<https://www.crowwing.gov/1446/PREA-Annual-Report>

Reference Policies: Chapter 2 Staff Information. 02.2702. PREA.

Supporting Documents: CWCJ Inmate Handbook pgs. 2-3, Employee CODE OF CONDUCT/FRATERNIZATION GENERAL ORDERS.

(b) The CWCJ designates an upper-level PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA Standards.

The CWCJ PREA Policy addresses this standard and designates the Assistant Jail Administrator with the rank of First Lieutenant as the PREA Coordinator. The Chain of Command Policy provides a method of organization for the communication and supervision of the CWCJ. The Assistant Jail Administrator is the second-highest ranking officer in the CWCJ and is subject to orders from the Jail Administrator/Jail Captain. The Assistant Jail Administrator has direct control of all CWCJ personnel and operation of the facility. The CWCJ Organizational Chart supports this chain of command and ranking.

PREA Coordinator was interviewed as to his roles and responsibilities as they pertain to PREA Coordinator. He was asked if there was enough time to manage all of the PREA-related responsibilities. He emphasized a team approach. Being new to the position, we discussed the active and ongoing education and application to the position. There are plans to attend a PREA Coordinator specific training by the PREA Resource Center (PRC) and the National Institute of Corrections (NIC). He said that he is committed to continuing education and the continued prioritization of PREA at the jail. He is committed to doing what it takes to manage his PREA-related responsibilities in addition to his other day-to-day operational responsibilities. The PREA Coordinator is an organized and experienced correctional professional dedicated to the facility's zero tolerance policy. The PREA Coordinator assisted the auditor throughout the facility tour and provided the auditor with additional documents as requested. The PREA Coordinator worked with the PREA Team to gather information and documents needed. Staff and inmate interviews were coordinated by the PREA Coordinator and his assistants. The PREA Coordinator was available, responsive and informative throughout the pre-audit, on-site audit, and post-audit process, showing a commitment to enforcing the zero-tolerance policy. The PREA Coordinator reports that he has sufficient time and authority to carry out the duties and responsibilities of the position. If an issue is identified, actions and processes are taken to work toward compliance with that PREA Standard.

Based on the pre-audit review of policy/procedure and related documents, and information and observation gathered during the on-site audit, it was evident to the auditor that the CWCJ maintains a positive PREA culture which mandates zero tolerance of sexual abuse and sexual harassment. From policy to meaningful practice, the CWCJ exhibits the institutionalization of the PREA goals to prevent, detect, report, and respond to sexual abuse and sexual harassment. With the assistance of the PREA Coordinator and his team, the auditor was able to observe all areas of the jail in order to verify compliance with the standards. The auditor paid attention to how well supervised the inmates are and how cameras and other monitoring technologies are used to ensure that inmates are safe from sexual abuse. The auditor did not notice any blind spots or other indicators that an area of the facility is not being monitored in a way that keeps persons in custody safe. Employee, contractor, volunteer, and inmate education and training records confirm that the PREA zero tolerance policies and procedures are taught and refreshed within the facility in support of this standard. The meaningful practice and implementations of PREA requirements are a routine and integral part of the day-to-day facility operations and interactions with inmates, jail staff, volunteers, and contractors. The CWCJ is in substantial compliance with the PREA zero tolerance standard.

Reference Policies: Chapter 2 Staff Information. PREA. 02.2702. **01. PREA Coordinator.** Chapter 1 Administration. Chain of Command. 01.0405.

Supporting Documents: CWCJ Chain of Command and Organizational Chart.

(c) N/A. The CWCJ operates one jail facility which is the CWCJ. Where an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to

comply with the PREA standards.

115.12 Contracting with other entities for the confinement of inmates	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion <p>(a) The CWCJ shall include in any new contract or contract renewal the obligation to adopt and comply with PREA standards.</p> <p>Section 2 of the CWCJ PREA Policy addresses this standard.</p> <p>I was informed by the PREA Coordinator that the CWCJ does not contract for the confinement of its inmates with private agencies or other entities, including other government agencies. The jail does receive inmates for boarding at their facility however. The auditor reviewed a recent Minnesota Encumbrance Worksheet for the Department of Corrections Work Release Contract and Joint Powers Agreement. Section 12 of the Agreement addresses PREA Compliance. It states: "The contractor must comply with PREA of 2003 (Federal Law 42 U.S.C. 15601 et. seq.), with all applicable Federal PREA standards, and with all State policies and standards related to PREA for preventing, detecting, monitoring, investigating, and eradicating any form of sexual abuse within facilities/programs/offices owned, operated, or contracted. Contractor acknowledges that, in addition to self-monitoring requirements, the State will conduct compliance monitoring and PREA standards require an outside independent audit." Thus, there are three levels of monitoring at the jail for PREA standard compliance.</p> <p>Other service contracts (food service, canteen services, inmate phone service) were reviewed which require background checks and PREA education and training for contractors with inmate contact.</p> <p>Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. 02. Prevention and Detecting Sexual Abuse and Sexual Harassment A.</p> <p>Supporting Documents: State of Minnesota Joint Powers Agreement 2024</p> <p>(b) Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.</p> <p>Section 2 of the PREA Policy also addresses part b of the Contracting Standard.</p> <p>The Jail Administrator is involved with agency contract administration. I asked him how they monitor new and renewed contracts for confinement services to determine if the contractor complies with required PREA practices. He explained the contract process as approved by the County Administrator and the County Board. Jail</p>

	<p>Administration ensures that service contracts and in-house inmate boarding contracts contain the necessary PREA language regarding standard requirements and audits, background investigations for contractors and PREA training requirements. He explained that within the past 12 months, they have renewed their food service and canteen contracts.</p> <p>https://summitfoodservice.com/services/ and https://www.turnkeycorrections.com/.</p> <p>Reference Policies: Chapter 2 Staff Information. 02.2702. PREA. 02. Prevention and Detecting Sexual Abuse and Sexual Harassment B.</p> <p>Supporting Documents: State of Minnesota Joint Powers Agreement 2024, Reliance Phone Contract, TurnKey Corrections Contract.</p>
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115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The CWCJ ensures that it develops, documents, and makes its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the Jail takes into consideration: (1) Generally accepted detention and correctional practices; (2) Any judicial findings of inadequacy; (3) Any findings of inadequacy from Federal investigative agencies; (4) Any findings of inadequacy from internal or external oversight bodies; (5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated); (6) The composition of the inmate population; (7) The number and placement of supervisory staff; (8) Institution programs occurring on a particular shift; (9) Any applicable State or local laws, regulations, or standards; (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and (11) Any other relevant factors.</p> <p>The Auditor reviewed the CWCJ PREA Policy, Staffing Plan Policy, and the 2024 Annual Staffing Plan Review in support of this standard. In the process of creating and revising a staffing plan to provide for adequate levels of staffing, and where applicable video monitoring, to protect inmates against sexual abuse, the CWCJ shall ensure that the factors described above are taken into consideration. The Staffing Plan Policy ensures the safety and security of the facility, staff, inmates, and visitors through compliance with state-mandated staffing requirements based on the approved staffing plan unique to their jail.</p> <p>The CWCJ recognizes that jail operations have many unique characteristics and must be properly understood to conduct a staffing analysis.</p>

- Jails operate continuously 24/7
- Jails provide a wide spectrum of programs and services
- Jails are high-risk settings, where inmates are often dangerous to themselves or others
- Jail populations fluctuate widely throughout the year, and even on a day-to-day basis. Inmates can turnover fairly quickly. The average length of stay at the CWCJ in 2023 was 15 days.
- Admission and Release processes are staff intensive and can be difficult to predict peak periods
- Supervisory needs differ for certain classifications of inmates
- Procedures and activities require extensive documentation
- Jails present significant potential liabilities
- Perimeter security must be controlled, and internal inmate movement must be monitored

Additionally, basic staffing requirements must be considered when analyzing staffing.

- Backup and relief must be provided
- Inmates must be continuously supervised
- A minimum staffing level must always be maintained
- Electronic surveillance does not replace staff
- Staff must receive extensive training
- Staff must also be supervised
- And the PREA considerations

The Crow Wing County Jail is a direct supervision facility housing both sentenced and pretrial adult male and female offenders. Direct supervision jails focus on actively managing inmate behavior to produce a jail that is safe and secure for inmates, staff, and visitors. Staff interact continuously with inmates in the housing units, actively supervising them to identify problems in their early stages. The facility is licensed by the State of Minnesota to house up to 276 inmates, separated into five housing units. The average daily number of inmates on which the staffing plan was predicated was 286 originally. Since the last PREA Audit, their average daily population runs 123 inmates. The jail staff works around the clock to keep the jail safe and secure for adults in custody, staff and visitors. This 78,000-square-foot facility opened in 2007 and includes a gymnasium, full-service medical unit, library, computer lab, laundry facilities, fully staffed kitchen, master control center, and a pre-book and booking area. Each housing unit contains video visitation, telephones, a television, gaming and dining tables, canteen/vending machines, a recreational area with a natural lighting source and a classroom. The CWCJ also follows the Minnesota 2911 rules which provide minimum standards for public and private correctional facilities throughout the state established and operated for the detention and confinement of persons detained or confined according to law except to the extent that they are inspected or licensed by other state regulating agencies. Rule 2911.0900 addresses the Staffing Requirements. A facility with a design capacity of more than 60 beds

must have a staffing analysis and staffing plan approved by the commissioner of corrections. This staffing analysis shall include all posts, functions, net annual work hours appropriate to each post, and total number of employees to fill the identified posts and functions. The facility administrator shall prepare and retain a staffing plan. The facility administrator or designee shall review the facility's staffing plan at least once each year. The review shall be documented in written form sufficient to indicate that staffing plans have been reviewed and revised as appropriate to the facility's needs or referred to the facility's governing body for funding consideration. Subp. 10 of this rule also describes the supervision of inmates of opposite gender. Staff members shall not be placed in positions of responsibility for the supervision and welfare of inmates of the opposite gender in circumstances that can be described as invasion of privacy, degrading, or humiliating to the inmates. When staff of one gender are used as program resource personnel with inmates of the opposite gender, staff of the inmates' gender must be on duty and in the facility. Being a co-ed facility, there are always both genders working in the facility to supervise inmates of both genders.

<https://www.revisor.mn.gov/rules/2911.0900/>.

A study of the CWCJ Staffing Plan Review for 2024 and the Facility Inspection Report by the Inspection and Enforcement Unit of the Minnesota Department of Corrections (MN DOC) assured the auditor that their staffing plans are developed, documented, and reviewed on a regular basis that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse.

Of note, flexibility of the facility was an important component in the building design of the CWCJ. As the inmate population fluctuates, adjustments in housing unit usage is implemented to best maintain a safe environment for staff and inmates. Additionally, the jail is attached directly to the judicial center which allows for safe movement between the jail to the court rooms.

Video surveillance consists of 106 cameras and digital recording capabilities. Video surveillance is maintained by the Central Control post. Supervisory review of the housing units to ensure proper completion of well-being checks, unit cleanliness, and to detect warning signs of staff/inmate sexual abuse are conducted on a scheduled and un-scheduled basis. The auditor verified the placement and monitoring of the cameras as a supplement to staff supervision. I also observed supervisory staff unannounced rounds taking place during the on-site audit process.

The auditor also studied the Post Orders Policy in accordance with the State 2911 Rules. The orders are reviewed annually and updated as needed. The purpose of the policy is to provide jail staff with updated post orders providing them a guideline of the daily operation and functions of each post within the facility. Jail staff are required to read, sign, and date applicable post orders quarterly and as needed for new posts or revisions. Upon review, the auditor noted that each position requires responsibility towards the safe, secure and efficient operations. This includes monitoring inmates, well-being checks, formal head counts, and pat downs and strip searches according to policy.

The CWCJ addresses the facility's staffing plan relative to the supervision and monitoring of inmates for safety, security, health, and welfare purposes through a variety of additional policies, procedures, staffing reviews, and ongoing checks and balances. As per the 2911.0900 STAFFING REQUIREMENTS. Subpart 15. Ratio of custody staff to inmates, reporting incidents, and responding to emergencies. B. A facility with a design capacity of 60 or more beds shall meet the staffing ratios in this item. For inmate supervision, the overall facility wide minimum ratio or custody staff to inmates shall not be less than: (1) 1 to 60 inmates for direct supervision housing units with lockdown capability; (2) 1 to 48 inmates for direct supervision dormitories; (3) 1 to 40 for indirect or podular inmate supervision; and (4) 1 to 25 inmates for linear housing areas; C. A facility administrator may apply for a specific variance from the staffing requirements in this subpart from the commissioner. Consideration of this variance shall require that supervision of inmates is accomplished in an appropriate manner and that the safety and security of the facility, staff, and inmates are not compromised. The CWCJ complies with the MN DOC 2911 minimum staffing requirements. The current staffing ratio by policy recognizes the differences between waking and non-waking hours, the unique needs for additional auxiliary staff during the business week and complies with the staffing plan except during limited and discreet exigent circumstances, and fully documents deviations from the plan. The CWCJ considers all 11 requirements of the PREA standard. During the site review, the auditor paid attention to the supervision practices of the CWCJ by comparing the written staffing plan against observations made during the onsite inspection. It was determined that the staffing plan adequately assesses the staffing and/or electronic monitoring needs of the facility with sexual safety in mind, and, that the facility is staffed according to the plan, as it is written. The auditor was provided with a list of staff who have contact with inmates in the facility by shift, housing unit, and assignments. The auditor observed the number of staff, contractors, and volunteers present and staffing patterns covering two shifts in the general housing units and in isolated areas such as administrative/disciplinary segregation and/or protective custody for compliance. The auditor paid attention to staff line of sight to assess whether there are blind spots for concerns regarding cross-gender viewing. Also examined were areas where inmates are not allowed such as property rooms, and closets and I verified that movement in and out of that space is monitored and surveilled to ensure that confined persons never enter those areas. Specifically, the auditor studied and observed the written and actual staffing for custody unit housing, custody unit roving and emergency response, the booking unit, programs unit, central control, court unit, support unit sergeants, contractors and special services, and Administration/Command staff schedules. The CWCJ has 67 full-time employees. Corrections Officers work 12-hour shifts with overlap for communication purposes. Staff annually bid on their shifts for days or nights. There is always a Sgt. on every shift, including nights and weekends. Shift relief factors (sick call, vacation, family and military leave) and full-time equivalent issues have been analyzed and considered in the development and implementation of the staffing plan. The auditor was informed that there have been no deviations from the plan and that they are required to report any deficiency to the DOC in an incident report. The auditor was provided with a copy of the CWCJ duty roster with staff coverage for both days of the on-site audit which helped the auditor understand the adequate staffing levels in line with the

facility programs and daily jail routine. The auditor was also provided with the orders for each post. The auditor also reviewed the program activities schedule. Male and female staff and supervisors were working within the secure perimeter of the jail. The auditor observed frequent well-being checks (30-minute intervals required) and positive inmate interactions throughout the facility. The auditor also observed the monitoring of cameras in the Control Center and at officer stations as a supplement to the supervision of persons in custody. Cameras are not placed in areas which would be considered an invasion of privacy such as showers and change outs. A review of the CWCJ Camera List was studied in addition to personal observation. Additionally, privacy screens, shower curtains, and partial doors are in place for showering and changing. Toilet and changing areas are edited out on camera. There are window coverings in booking, with identification placards, and at other holding locations as needed for sight and sound separation requirements. Supervisors and Administration have camera access. Informal discussions with staff and persons confined reflected safe supervision practices and strong staffing presence for safety and security of the jail. The CWCJ is a full-service jail with programs, services, and work release opportunities. The auditor was provided access to the change out area where inmates are properly and safely supervised. The auditor also toured and observed the inmate worker locations for kitchen and laundry. There are cameras within the facility and staff were observed making rounds and checking in with the workers. The auditor also spent time in the medical unit and observed medical provider interactions and staff providing security while respecting the privacy of the inmate's medical examinations and discussions. Educational, self-help, and recreational programs were also on-going under appropriate supervision during the on-site review. Much of the court appearances are held remotely now and are coordinated by assigned jail staff. Both male and female corrections officers and supervisors are assigned and working in all units of the jail. The auditor witnessed opposite gender announcements before entering housing units and unannounced rounds were conducted by sergeant level and above throughout the facility tour. The auditor also witnessed same-sex pat-down searches or female CO on male inmate pat-downs and same sex change outs during the observation period. The auditor studied current and past staffing plans, staff schedules, shift reports, jail logs, the list of authorized positions, the organizational chart, post orders, jail schematic, and the 05/15/2024 DOC inspection report all relative to this standard. There is more than sufficient coverage of video monitoring that is utilized as a supplement for personal staff supervision of persons in custody. All staffing plans that are changed or developed are reviewed and approved by the MN DOC Inspection Unit.

The Jail Administrator was interviewed and verified their staffing plan. Adequate staffing levels to protect inmates against sexual abuse are considered in this plan and video monitoring is part of the plan. The plan considers ancillary positions, court responsibilities, and training needs. Blind spots are considered for video monitoring. The plan is documented annually on-site and submitted to the DOC facility inspector for approval. All PREA criteria are considered when assessing staffing levels and the need for video monitoring. Staffing compliance checks are made on-going through the daily roster of staff positions and assignments. Financial considerations and Full Time Equivalent (FTE) numbers are examined. There have been no incidents of non-

compliance. The CWCJ has the ability to make adjustments and/or shut down units as needed for staffing and population fluctuation purposes. The facility documents all instances of noncompliance with the staffing plan with explanation. This is a special incident they would have to report to the DOC.

The Jail Administrator and the auditor discussed a recent staffing improvement to the booking room. The auditor also reviewed the recent Facility Inspection Report by the MN DOC Inspection and Enforcement Unit. The DOC recommends 1 full time employee for every 2000-2500 inmates booked for the year. The facility booked in 2989 inmates from 5/1/2023 to 5/1/2024, and previously had one booking officer. They shut down 2 housing units and lowered their staffing by 4 so that they could accommodate the extra officer in Booking when they have inmates in two other units.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. C. Staffing Plan/Video Monitoring 1, Chapter 1.** Administration. 01.0702. Staffing Plan. **Policy, Purpose, and Procedure.** Chapter 2. Staff Information. 02.0504. Post Orders

Supporting Documents: CWCJ Staffing Plan Review May 2024, CWCJ Facility Inspection Report by MN DOC Inspection and Enforcement Unit 05/15/2024

(b) In circumstances where the staffing plan is not complied with, the facility documents and justifies all deviations from the plan.

The PREA **Staffing Plan/Video Monitoring** and Staffing Plan Policy address this standard. The policies require the CWCJ to make its best efforts to comply with the staffing plan, and in circumstances where it is not complied with, to document and justify all deviations.

The auditor was informed by the Jail Administrator and the PREA Coordinator that the CWCJ had no deviations from the staffing plan in the past year. The auditor did not find any indication of non-compliance staffing occurrences upon review of jail population reports and duty rosters, and related records and logs. The Jail Administrator advised that IF there was an emergency situation and the staffing went below the minimum staffing requirements, they would document and report to the DOC according to policy. They check for compliance with the staffing plan on a daily basis with schedule comparisons. They would also write a report if there were no females on duty for a brief period of time. They have not gone below the minimum staffing requirements. It was discussed that overtime is utilized for staff coverage of sick call, leaves, and vacations as necessary. This is also covered under the Union Contract provisions which was reviewed by the auditor. Informal conversations with staff and persons confined did not indicate any understaffing, shortages, or overcrowding issues. Most of the inmates were complimentary of this jail and its staff. They said they felt safe, their needs were met, and they were able to attend programs and recreational activities. Female inmates confirmed their attendance in programs and the gym. Everyone that I spoke with confirmed the frequency of rounds or well-being checks (at least every 30 minutes) and frequent supervisory unannounced rounds as well.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment.** C. **Staffing Plan/Video Monitoring** 1, Chapter 1. Administration. 01.0702. Staffing Plan. **Policy, Purpose, and Procedure.**

Supporting Documents: CWCJ Staffing Plan Review May 2024, Correctional Officer Contracts 2022-2024

(c) At least on an annual basis, the CWCJ in collaboration with the PREA Coordinator reviews the staffing plan to see whether adjustments are needed to the staffing plan itself, the deployment of monitoring technologies, or allocation of agency resources to commit to the staffing plan to ensure compliance with the staffing plan.

The CWCJ Staffing Policies require the annual analysis of the staffing plan to evaluate personnel requirements and available staffing levels as well as the deployment of video monitoring systems and other technologies. The staffing analysis will be used to determine staffing needs and to develop staffing plans. The review shall be documented in written form sufficient to indicate that staffing plans have been reviewed and revised appropriate to the facility's needs or referred for funding consideration. The Jail Administrator in conjunction with the PREA Coordinator, should ensure that staffing levels are sufficient to consistently and adequately fill essential positions, as determined by the staffing plan. This was confirmed by the Jail Administrator and the PREA Coordinator.

The auditor also studied the Post Orders Policy in accordance with the State 2911 Rules. The orders are also reviewed annually and updated as needed. The purpose of the policy is to provide jail staff with updated post orders providing them a guideline of the daily operation and functions of each post within the facility.

The PREA Coordinator confirmed that he is consulted as part of team management efforts regarding the staffing plan with assessments and adjustments. This is accomplished through meetings and informal discussions as well as the daily monitoring of the schedule, in addition to the formal annual review process. As always, PREA incident reviews and aggregated annual reviews are a consideration with any adjustments to the staffing plan. Thorough discussions with the Jail Administrator and PREA Coordinator verified that the CWCJ staffing plan is developed, implemented, documented, and reviewed. Adequate staffing levels are maintained to protect inmates against sexual abuse and are considered as a part of the plan. Video monitoring is widely utilized as a supplement to staff supervision and are utilized for PREA investigations. The auditor reviewed relative documents related to staffing with the PREA Coordinator both pre-audit and on-site audit. The budget process was also discussed. I was also updated as to the shift bidding process and the day-to-day duty roster documents. Additional video cameras with monitoring capabilities are also considered on an ongoing basis and reviewed after every PREA allegation, and in conjunction with any staffing reviews.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment.** C. **Staffing Plan/Video Monitoring** 1, Chapter 1. Administration. 01.0702. Staffing Plan. **Policy, Purpose,**

and Procedure. Chapter 2. Staff Information. 02.0504. Post Orders

Supporting Documents: CWCJ Staffing Plan Review May 2024

(d) The CWCJ by policy and procedure requires that intermediate-level or higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

As per the CWCJ Staffing Policies, supervisors are to conduct and document unannounced rounds covering all shifts, and all areas of the facility to identify and deter staff sexual abuse and harassment. CWCJ Policy prohibits staff members who are aware of the rounds from alerting other staff as to where and when these rounds are occurring, unless related to the legitimate operational need of the facility at the time.

The auditor was provided with tracking logs of unannounced supervisory rounds which were examined. At least once per day and usually multiple times per day, supervisors will accomplish these rounds. They cover all shifts, nights, weekends, and holidays. In speaking with Jail Administration and the Sheriff, they also conduct unannounced rounds frequently. Improvements are in progress to document administrative unannounced rounds. The auditor requested to review a sampling of video footage of supervisory unannounced rounds in comparison to what was documented in the jail logs covering all shifts and was able to verify for compliance. The auditor also made observations and asked questions of staff and inmates during the facility tour which verified supervisory participation. The PREA Coordinator seemed familiar to the inmates, and he verbally confirmed that he checks the housing units frequently. The auditor also witnessed other supervisors within the housing areas of the facility. The Correctional Officers (CO) also verified other supervisory involvement and unannounced rounds. Through training and other means, they instruct and coach staff from alerting other staff that they are conducting unannounced rounds. This is accomplished to identify and deter staff sexual abuse and sexual harassment among other safety, security, health and welfare purposes.

The auditor interviewed intermediate-level facility staff relative to unannounced rounds. They confirmed that they have conducted unannounced rounds on every shift. They said usually this happens twice per shift. They explained that the rounds are documented on an Excel Spread Sheet via Guardian software. They prevent staff from alerting other staff that they are conducting unannounced rounds by making it a surprise and at random times. They try to accomplish once before lockdown and once after.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment.** D. **Unannounced Rounds, Chapter 1.** Administration. 01.0702. Staffing Plan. **Policy, Purpose, and Procedure.**

Supporting Documents: 2021, 2022, 2023, 2024 Facility Unannounced Rounds Tracking Logs

	The PREA Supervision and Monitoring Standard is met as it substantially complies in all material ways with this standard.
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115.14	Youthful inmates
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	<p>N/A. The WCJ does NOT house youthful offenders within the secure perimeter of the jail.</p> <p>A youthful inmate is any person under the age of 18 who is under adult court supervision and incarcerated or detained in the jail. The auditor reviewed the CWCJ Youthful Inmates Policy as well as the Juvenile Detention Policy which govern the housing of youthful inmates, specifically those prohibiting sight, sound, and physical contact with any adult inmate and the use of isolation to comply with sight and sound separation, and governing sight and sound separation or direct staff supervision of youthful inmates in areas outside of housing units. I also reviewed daily population reports for the last 12 months and the daily population reports during the days of the on-site audit. Jail files and other jail records were also sampled. There were no indications of youthful offenders being housed in the jail.</p> <p>The auditor held informal and formal discussions with staff, the PREA Coordinator, and Jail Administration who all verified that juveniles are not held or processed at the CWCJ.</p> <p>The auditor also reviewed the recent Facility Inspection Report by the DOC Inspection and Enforcement Unit. Here is an excerpt from DOC Facility Inspection Report: "On May 15, 2024, a Juvenile Justice and Delinquency Prevention (JJDP) Act audit was conducted at the Crow Wing County Jail. The Crow Wing County Jail has received a "Rural Exception" to the JJDP Act. This allows the facility to hold a delinquent juvenile up to 24 hours, excluding weekends and holiday. The three core requirements that are looked at during our audit include Deinstitutionalization of Status Offenders (DSO), Removal of Juveniles for Adult Jail and Adult Lockups (Jail Removal), and Sight and Sound separation. According to the DOC portal, the Crow Wing County Jail held or processed 0 juveniles between October 1, 2023, and the date of the inspection. Upon review, the following was noted.</p> <p>DSO: No violations of the facility holding status offenders in the jail. According to policy and procedure youth brought into the facility are there for delinquent offenses. Jail Removal: Jail policy and procedure indicate that youth brought into the jail are removed well within the 24-hour time frame allowed per the "Rural Exception." Sight and Sound Separation: The facility design and policies allow for proper sight and sound separation. This includes the route taken to Court holding. Policies and the court schedule also indicate proper sight and sound separation are maintained. The facility does not participate in any "Scared straight" programs for</p>

any youth that are under public authority. Based on the documentation reviewed, no violations of the JJDP Act were found during the Crow Wing County inspection.

Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. E. Youthful Inmates**, Chapter 6. 06.1613. Admission and Release. Juvenile Detention.

Supporting Documents: Facility Inspection Report 05/15/2025 Inspection and Enforcement Unit DOC

The CWCJ substantially exceeds the requirements of this standard with the jail removal of youthful offenders who are under the age of 18.

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The CWCJ does not conduct cross-gender strip or cross-gender visual body cavity searches of inmates.</p> <p>To provide for a safe and secure working and living environment, searches of persons entering the CWCJ are required. Search policies are designed to protect staff and inmates by the discovery of unhealthy or unsanitary persons prior to being placed in general population and to prevent contraband from entering the facility.</p> <p>In the past 12 months there were zero cross-gender strip/cross-gender visual body cavity searches of inmates. There were zero cross-gender strip/cross-gender visual body cavity searches of inmates that did not involve exigent circumstances or were performed by non-medical staff. Numerous jail policies, staff training, and supporting documents address the limits to cross-gender viewing and searches. The CWCJ Cross-Gender Viewing and Searches/Searches of Transgender Inmates Policy addresses this standard specifically. The Searching Policy requires all employees to receive appropriate training prior to any type of searching of an inmate at the jail. It further states that staff shall not conduct or witness the strip search of an inmate of the opposite gender unless exigent circumstances demand it. Such exigent circumstances must be documented in report form. The policy also forbids the CWCJ staff from any physical contact during strip or visual body cavity searches.</p> <p>The auditor asked about logs of exigent circumstances, if any, that might require deviation from the policy. The PREA Coordinator informed me that there are no logs documenting cross-gender strip searches or viewing. They do not conduct cross-gender strip searches. The auditor did not find any jail or medical documentation or indicators of cross-gender strip searches/viewing by security or medical staff.</p> <p>The auditor interviewed a non-medical staff, Jail Sgt. who verified that cross-gender</p>

strip searches do not occur at the CWCJ. They said they could not think of any urgent circumstances that would require cross-gender strip searches and visual body cavity searches. They explained that the jail has a body scanner that is utilized upon booking. The auditor had observed the instrument during the facility tour. I was provided with a brief demonstration of use. Any situation requiring a body cavity search would require that the inmate be brought to the local hospital for professional medical examination. If the inmate refuses, the jail is to pursue a court order. During the site review, the auditor observed all areas where confined persons may be in a state of undress, such as showering, using the toilet, and/or changing their clothes. All areas included housing units, medical areas, intake, holding areas, and recreation areas. I also observed the use of electronic surveillance monitoring in the control room and officer stations. Both male and female staff monitor the cameras. The video monitoring technology does not allow staff to see confined persons in a state of undress or showering or on the toilet. There are no cameras in the showers and changing areas and the toilets are edited out on the screens. Specifically relative to this standard, the auditor observed areas used to conduct strip searches, visual body cavity searches, and assessed that opposite-gender staff cannot watch the conducting of a strip search or visual body cavity search (absent exigent circumstances). Opposite-gender supervisors do not supervise or observe strip searches. The auditor noted that the areas used to conduct searches at intake have a shower room with a partial door to obstruct cross-gender viewing. Nearby staff and other personnel that are within viewing distance are kept at a sufficient distance where the contours of the breasts, genitalia, or buttocks are not readily distinguishable. The auditor also toured the work release exit/entry changing area. Strip searches are also conducted on all inmates returning to jail from work release prior to returning to general population or special housing. These searches are also logged into the electronic jail management system (JMS). The PREA Coordinator escorted the auditor to the change out/locker room and described the search process. Searches are conducted in the most noninvasive manner possible. There are no cameras in the changing area. According to the CWCJ Searches Policy, all inmate searches will comply with state and federal laws and follow current Standards of the MN DOC.

<https://www.revisor.mn.gov/rules/2911.5300/>

The auditor reviewed the training curricula and jail training logs regarding searches. Jail staff are trained initially during their initial orientation and then provided continuing education with PREA topics to include cross-gender searches. The auditor spent time with the Programs Sgt. and the Training Officer. The Programs Sgt. had previously held the position of Training Officer, so was well versed in the PREA training requirements for staff. We reviewed staff PREA training records, logs, and curricula relative to this standard. The PREA Coordinator had previously provided the auditor with cross-gender and transgender training documents and training assignments in support of this standard.

Informal conversations and formal interviews with staff and persons confined in the facility regarding search procedures indicated safe, secure, and respectful searches with limits to cross-gender strip searches and viewing. The auditor did not find any

evidence of cross-gender strip searches of incarcerated persons at the CWCJ.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. F. Cross-Gender Viewing and Searches/Searches of Transgender Inmates.** a., Chapter 04. Security. 04.0201 Searching Inmates. **Procedure:** C.

Supporting Documents: Cross-Gender Training Assignment, Transgender and Cross-Gender Inmate Searches, Jail Staff Training Records.

(b) Similarly, the CWCJ does not permit cross-gender pat-down searches of female inmates absent exigent circumstances.

The CWCJ PREA **Cross-Gender Viewing and Searches/Searches of Transgender Inmates** Policy and the Searches Policy address this standard sub-part. With the implementation of gender specific duty assignments in male housing units, it is necessary, in order to effectively control contraband, to allow for pat searching of male inmates by female jail staff, however female inmates must only be pat searched by female staff. Additionally, the CWCJ does not restrict female inmates' access to regularly available programs and out of-cell opportunities in order to comply with this provision. The auditor and assistant auditor interviewed four female inmates. They were asked if they have ever been unable to participate in activities outside of their cell if female staff was unavailable to conduct pat down searches. All four said that they are able to participate in activities outside of their cell and there are female staff available to conduct pat-down searches. A random sample of 12 Corrections Officers (CO) staff were interviewed. They were asked about the jail's search policies and their training relative to this standard. All of the staff interviewed confirmed that they have received training on how to conduct cross gender pat down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs. Nine of the COs interviewed said that there are always female Corrections Officers available for programming and pat-down purposes. Three reported that it is very rare for a delay in programming due to unavailability of female staff.

The auditor was informed by the PREA Coordinator that in the past twelve months, there were zero cross-gender pat searches of female inmates conducted at the CWCJ. The auditor did not find any violations of the cross-gender pat down policies and standard requirements. During the on-site audit, the auditor observed same-sex pat searches of inmates at intake and upon return to their housing units from programs, work assignments, or recreation. The auditor also observed the occasional pat search of a male inmate by a female CO. The PREA Coordinator and Jail Administrator confirmed that there are always both male and female Corrections Officers working in their co-ed jail.

The auditor also reviewed the programming schedules and the inmate handbook which verified equal access to programs, services, and recreational activities.

A spot-check of jail logs and video also confirmed that male jail staff do not pat-down female inmates at the CWCJ.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. F. Cross-Gender Viewing and Searches/Searches of Transgender Inmates.** b., Chapter 04. Security. 04.0201 Searching Inmates. **Procedure:** A.

Supporting Documents: Jail Staff Training Records.

(c) The CWCJ is required to document all cross-gender strip searches, visual body cavity searches, and cross-gender pat-down searches of female inmates.

The same policies described above address this standard sub-part. Any deviation of the cross-gender strip search/visual body cavity search, and the cross-gender pat-down searches of female inmates' policies are to be documented in report form. This was verified by the PREA Coordinator. During the pre-audit portion of the audit, the auditor received and read all relative policies, procedures, reports, and documents to confirm the limits to cross-gender viewing and searches. Security staff are trained on PREA to include cross-gender viewing, searches, and the male/female housing announcement of the opposite gender. The PREA lesson plans and staff training records were reviewed by the auditor and verified by the PREA Coordinator, Programs Sgt., and Training Officer to confirm course content of search standards and policies.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. F. Cross-Gender Viewing and Searches/Searches of Transgender Inmates.** c., Chapter 04. Security. 04.0201 Searching Inmates. **Procedure:** C.

Supporting Documents: Jail Staff Training Records.

(d) The CWCJ has implemented policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing private body parts, except in exigent circumstances or when such viewing is incidental to routine cell checks. Additionally, staff of the opposite gender are required to announce their presence when entering an inmate housing unit.

The primary policy that addresses inmate privacy concerns are the **Cross-Gender Viewing and Searches/Searches of Transgender Inmates** Policy and the Inmate Hygiene and Inmate Showers Policy.

During the preaudit portion of the audit, the auditor received and read all relative policies, procedures, reports, and documents to confirm the limits to cross-gender viewing and searches. Security staff are trained on PREA to include cross-gender viewing and the male/female housing announcement of the opposite gender. The PREA lesson plan was reviewed by the auditor to confirm this course content. The auditor reviewed the inmate handbook as well which provides for inmate showers. Correctional staff are required to be considerate of inmate privacy rights and dignity while supervising and monitoring inmate activity. Instructions are provided to the staff for conducting well-being checks in opposite gender housing units with the announcement of their entry. All of the staff interviewed expressed that they

announce their presence when entering a housing unit of the opposite gender or at the start of their shift, and that inmates are able to dress, shower, and toilet without being monitored by staff of the opposite gender. They typically announce: "Male/Female Officer on the Floor". 16 inmates were interviewed at the CWCJ. 15 inmates responded yes that male/female opposite gender staff announce their presence when entering their housing unit. The PREA Coordinator and/or his team, and the auditor conducted a walk-through of the facility and housing units in observance of opposite gender privacy considerations. The auditor witnessed consistent opposite gender announcements by the CO and the housing unit officers via intercom. Transgender and intersex inmates are given the opportunity to shower separately from other inmates. There are no group showers at the CWCJ. There are two separate showers on each floor (total of 4 per 60 inmates) within the housing units. The auditor paid attention to the showers and change out areas for privacy. There are partial doors or shower screens for all showers and change out areas. Various visual angles were inspected by the auditor. These areas are not camera monitored. Toilets are edited out on the monitors. Specifically, during the site review, the auditor observed all areas where confined persons may be in a state of undress, such as showering, using the toilet, and/or changing their clothes. All areas included housing units, medical areas, intake, holding areas, and recreation areas. I also observed the use of electronic surveillance monitoring in the control room and officer stations. Both male and female staff monitor the cameras. The video monitoring technology does not allow staff to see confined persons in a state of undress or showering or on the toilet. There are no cameras in the showers and changing areas and the toilets are edited out on the screens. The auditor also viewed all camera monitors of the jail and noted that the toilet and changing areas are electronically blocked from view. The showers all have privacy screens, curtains, or partial doors for privacy. The housing unit officer also makes an intercom announcement for visitors of the opposite gender before they enter. The announcement requirement in this standard is intended to put inmates on notice as to the presence of opposite-gender staff on the unit. This regulation is meant to balance privacy concerns of the inmate population with the security and operational needs of the facility. This is also known as the "cover up rule." If there is an accidental viewing during a well-being check, staff are to document in the Incidental Viewing Log. The auditor also held informal conversations with the correctional officers and inmates about cross-gender viewing. The auditor was informed that inmates are able to change clothes, use the toilet, and shower without staff of the opposite gender being able to view. Staff advised the auditor that there are procedures in place to prevent cross-gender viewing physically and via electronic monitoring. The alert method of announcing male/female entry is sufficient to allow persons in custody to cover-up as needed. Accommodations are made for persons who are deaf or hard-of-hearing with signage. Additionally, the auditor reviewed miscellaneous jail logs and incident reports for compliance. During a tour of the medical unit, the RN verified the privacy of the inmates with respect to sick call and examinations. Upon review of the CWCJ Inmate Handbook, the rules address inmate rights and privileges with expected behavior and housing unit rules including showering and personal hygiene.

and Detecting Sexual Abuse and Harassment. F. Cross-Gender Viewing and Searches/Searches of Transgender Inmates. 2. Viewing. a. b. i.

Supporting Documents: CWCJ Inmate Handbook, Incidental Viewing Log.

(e) The facility shall not search or physically examine a transgender or intersex inmate 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, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

The facility has a policy prohibiting staff from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, the jail policy directs staff to determine an inmate's status through conversation, a review of medical records, or as part of a broader medical examination. The CWCJ PREA Cross-Gender Viewing and Searches/Searches of Transgender Inmates Policy and the Searches Policy enforces this standard.

I was informed by the PREA Coordinator that no searches as referenced above occurred at the CWCJ in the past twelve months. I did not find any violations of the facility strip searching a transgender or intersex inmate for the purpose of determining genital status. There were no transgender inmates available to interview. The corrections staff were also interviewed regarding searches of transgender inmates. They were asked if they were aware of the jail's policy prohibiting from searching or physically examining a transgender or intersex inmate for the sole purpose of determining that inmate's genital status. All but one responded in the affirmative. The no response was a new employee. The auditor further reviewed the PREA Screening forms in support of this standard.

This PREA Standard imposes a complete ban on searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Guidance from the Department of Justice (DOJ) on this PREA Standard states that staff should never conduct "dual gender" pat searches where the staff of one gender searches the top half, and the staff of another gender searches the bottom half of an inmate. The Transgender and Cross-Gender Searches training materials are provided to the CWCJ staff to guide them in the right direction when it comes to these types of searches.

The CWCJ has a Transgender Preference Form as applicable whereby the inmate can request that a male or female staff member conduct a search upon them.

Jail Staff receive specific training for transgender and cross-gender search procedures. The auditor was provided with the training materials relative to this standard. These trainings were verified by the PREA Coordinator, Programs Sgt., and the Training Officer.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. F. Cross-Gender Viewing and**

Searches/Searches of Transgender Inmates. d. and e.

Supporting Documents: Transgender Preference Form, Transgender and Cross-Gender Inmate Searches, Transgender Training Assignment.

(f) The CWCJ trains corrections officers for all PREA requirements including how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

The same policy requires that the facility provide the mandatory training required to educate jail staff in the procedures to conduct cross-gender pat-down searches, searches of transgender and intersex inmates. By policy, staff are also informed that they are to search inmates in a professional and respectful manner, and in the least intrusive way, keeping consistent with safety and security needs. The Training Officer supplied the auditor with staff training records, class rosters, PREA test samples, training files, curriculum and other training material in support of this standard. The PREA Coordinator assured me that all staff are provided with initial and on-going training specific to how to search an inmate. The auditor read and reviewed the training curriculum and the jail staff training logs and records to assure compliance with this standard. In addition to the general PREA training topics, correctional staff were asked specifically about cross-gender searches and searches of transgender and intersex inmates. We discussed jail policy and training. All respondents answered yes that they have received training on how to conduct cross gender pat down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs. All 12 reported training at hire with refresher training every year. They are not allowed to search solely for the purpose of determining genital status.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. 02. Prevention and Detecting Sexual Abuse and Harassment. F. Cross-Gender Viewing and Searches/Searches of Transgender Inmates. d. and e.

Supporting Documents: Transgender Preference Form, Transgender and Cross-Gender Inmate Searches, Transgender Training Assignment.

The CWCJ accomplished this three-part standard by prohibiting all cross-gender strip and body cavity searches and disallowing the use of cross-gender pat searches for female inmates. Second, they provide for an announce practice when an opposite gender staff member enters a housing unit and provide policies/procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except when viewing is incidental to routine cell checks. Third, they meet the standard by providing protection from intrusive searches for the purpose of determining gender for transgender or intersex inmates. For these reasons, the CWCJ is in substantial compliance with the limits to cross-gender viewing and searches PREA Standard.

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The CWCJ has established procedures to provide disabled inmates equal opportunity to participate in and benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and harassment.</p>
	<p>The primary policy that requires PREA equality for inmates with disabilities is the PREA Inmates with Disabilities or Who Have Limited English Proficiency (LEP) Policy. The CWCJ shall take appropriate steps to ensure that inmates with disabilities have an equal opportunity to benefit from all aspects of the jail's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include when necessary - to ensure effective communication with inmates who are deaf or hard of hearing - providing access to interpreters who can interpret effectively, accurately, and impartially. The CWCJ shall also make reasonable efforts to ensure that written materials are provided in formats and through methods that ensure effective communication with inmates with disabilities. These requirements are based on the Americans with Disabilities Act, 28 CFR 35.164. (ADA)</p> <p>The auditor was also provided with notices, forms, and documents which were reviewed in support of compliance with this standard. The CWCJ Inmate Handbook provides a list of inmate's rights and privileges and states that the jail does not discriminate against anyone based on their race, religion, national origin, gender, sexual orientation, age or disability for any unlawful reason. They are committed to providing an environment free from discrimination and harassment and will not tolerate such action by employees, volunteers, vendors or inmates. The auditor was also informed about the Keystone Interpreting Solutions (KIS) Professional Service Agreement for providing American Sign Language Interpreting. The auditor reviewed the agreement which KIS agrees to provide interpreters who will abide by all the rules of personal conduct set forth in the Code of Professional Conduct as defined by the Registry of Interpreters for the Deaf. They are qualified, insured, and have passed a third-party background check and wellness requirements.</p> <p>The auditor and PREA Coordinator discussed procedures for ensuring adequate forms of communication for persons who are deaf, hard of hearing, or speech impaired. The CWCJ has a Preferred Communication Form for new inmates. During the initial booking process, they have the option of written - pen and paper or reading from a computer screen and filling out forms, or Interpreter Service - provided through ZVRS on Apple iPad. For phone usage during the intake process they can use the TTY phone or the Apple iPad softphone - using interpreter service with American Sign Language. During their stay they have all of the above options. For inmates who have low vision or are blind, staff can verbally read all PREA notices, and educational materials that are provided to all other inmates. Materials are available at intake and in the Sergeant's offices. The auditor was also provided with signed PREA</p>

advise for a deaf inmate and a legally blind inmate as an example.

The Sheriff and Chief Deputy verified that the agency has established procedures to provide inmates with disabilities equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse/harassment. They said that they are ADA compliant. They articulated the use of "Google Translate" and informed the auditor of their available Spanish documents. They further discussed the use of the jail's Social Workers for special needs and vulnerable inmates. There are also community resources available as needed.

The auditor received and reviewed the evidence which supported this standard. All jail televisions are placed on closed captioning for hearing impaired inmates. Programs staff are available to meet with any inmates who have limited reading and/or comprehension abilities. All staff are trained in the PREA policies and procedures, including PREA for inmates with disabilities and continue with refresher training at least annually. The auditor also received recent ADA related training certificates for five of the jail staff.

There were no inmates with disabilities or LEP to interview during the on-site audit.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. 02. **Prevention and Detecting Sexual Abuse and Harassment. Inmates with Disabilities or Who Have Limited English Proficiency.** 1. Disabled Inmates.

Supporting Documents: CWCJ Inmate Handbook, CWCJ Preferred Communication Form, Jail training records and logs

(b) The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

This sub-part is an extension of (a), and specifically addresses the meaningful practices of the policies and procedures that are in place for the handicapped and LEP individual relative to PREA. I will reference the evidence articulated above. The same policy provides for inmates who have LEP.

Additionally, and during the facility tour of the on-site audit, the auditor looked for information about PREA. It was posted and available in manners that accommodate non-English proficient inmates and inmates with disabilities. The auditor observed PREA postings throughout the facility in the Spanish language in the housing units. The auditor was provided with a copy of the PREA Orientation document translated into the Spanish language. There is a pamphlet for the LEP for reporting sexual harassment or sexual abuse with instructions and a photo describing the reporting method on the KIOSK within the housing units. The auditor tested the facility's access to interpretation services. The PREA Coordinator provided the auditor with information and demonstrated various equipment and technologies for interpretation services. He said that they will be translating the inmate handbook into Spanish.

Accommodations are made for inmates who are unable to read or who are blind. They informed the auditor that they will coordinate with jail programs and services or the Social Workers to make arrangements for a reader. Inmates advised that the Turnkey KIOSK for canteen purchases also provides an initial PREA Notice, and again at 30 days. Some of the inmates also demonstrated PREA information on their texters.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. Inmates with Disabilities or Who Have Limited English Proficiency.** 2. Inmates Who Have Limited English Proficiency.

Supporting Documents: CWCJ Inmate Handbook, LEP Report Sexual Harassment or Sexual Abuse on the Kiosk, PREA Orientation in Spanish.

(c) The CWCJ does not allow the use of inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first responder duties, or the investigation of inmate allegations.

The Use of Inmate Interpreters Policy addresses this standard subpart.

The PREA Coordinator verified that in the past 12 months, no inmate interpreters were utilized. All of the COs interviewed said that they do not use inmates to interpret for another inmate when it comes to PREA and the reporting of PREA incidents. All of the COs could not think of a time when inmate interpreters, readers, or other inmate assistants were used in relation to allegations of sexual abuse or harassment. They described the use of the language line and interpretive services that are available at the jail when needed.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. Inmates with Disabilities or Who Have Limited English Proficiency.** 3. Use of Inmate Interpreters.

Supporting Documents: CWCJ Inmate Handbook, LEP Report Sexual Harassment or Sexual Abuse on the Kiosk, PREA Orientation in Spanish.

In conclusion, the CWCJ/CWCSO has provided appropriate and relevant evidence in support of the Inmates with Disabilities and LEP Standard. The auditor has observed the implementation of the policies, procedures, and relative documents on-site in order to make the compliance determination. The CWCJ Administration and staff take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to professional interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency ensures that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited

	reading skills, or who are blind or have low vision. The agency also takes reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are LEP, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. The agency does not rely on inmate interpreters for PREA purposes in any way. The CWCJ meets the requirements of the equal opportunity standard for disabled or LEP inmates.
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115.17	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The CWCJ does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor who may have contact with inmates, who— (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (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 paragraph (a)(2) of this section.</p> <p>The CWCJ maintains a Hiring and Promotion Practices Policy which covers all bases of this standard. The auditor examined the policy pertaining to hiring and promotional decisions, recruitment and selection processes, as well as disqualification guidelines in accordance with the high standards of integrity and ethics valued by the CWCJ and the community. During the pre-audit, the PREA Coordinator provided the policy document. During the on-site audit, the PREA Coordinator and the Human Resources staff provided files of persons hired or promoted in the past 12 months for review to determine whether proper criminal record background checks have been conducted and questions regarding past conduct were asked and answered.</p> <p>The auditor interviewed the Administrative/Human Services staff member who coordinates the hiring and promotional process within the CWCJ. I was able to review personnel files of employees who had been hired within the past year in order to verify that the contents of the file included proper and thorough criminal background record checks, and that investigations had been conducted. The representative walked me through the application to hiring process. For Correctional Officers, a supplemental questionnaire is attached to the general county application specific to PREA. The auditor examined the Release of Information Consent Form. It informs the applicant that a criminal background check will be conducted before allowing them to</p>

work in their jail facility and asks about previous convictions and incarcerations. It is signed and dated by the applicant and reviewer. The Background Investigation reports contain civil and criminal record histories. Candidates take a Personal Evaluation Profile survey which includes an ethics category. Acquaintances are questioned as to the moral character of the applicant. The background investigation also includes information related to the applicant's employment history. CWCJ security requirements are met through fingerprint analysis. Contract staff require a similar background check through fingerprinting and criminal history examinations.

The auditor also reviewed the CWC website pertaining to the hiring process. It states: "All employment is conditioned on a satisfactory background investigation and drug test. Additional information is contained in the Drug and Alcohol Free Workplace (PDF) and Background Investigation (PDF) Policies published on the County Website."

<https://www.crowwing.gov/421/Hiring-Process>

Reference Policies: Chapter 2 Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. J. Hiring and Promotion Practices. 1.**

Supporting Documents: Background Investigation Summary Report, Release of Information Consent Form.

(b) The CWCJ policies and procedures also confirm that any incident of sexual harassment is considered in determining whether or not to hire or promote anyone, or to enlist the services of any contractor or volunteer who may have contact with inmates.

The CWCJ Hiring and Promotion Practices Policy states that the jail will consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to retain the services of any contractor, who may have contact with inmates. Criminal Record and background checks are accomplished to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the CWCJ. The PREA Coordinator and the Human Resources/Administrative staff confirmed that the jail performs thorough criminal record and background checks and considers pertinent civil or administrative adjudications and incidents of sexual harassment when determining whether to hire or promote anyone who may have contact with inmates. They do this for contractors who may have contact with inmates as well. She explained that not only is this information considered, but with sufficient evidence the candidate would not be eligible for hiring, promoting, or enlisting contract services. The auditor again reviewed background investigative reports and corresponding materials within the personnel files.

Reference Policies: Chapter 2 Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. J. Hiring and Promotion Practices. 2.**

Supporting Documents: Background Investigation Summary Report, Release of Information Consent Form.

(c) Before hiring new employees who may have contact with inmates, the CWCSO performs criminal background records checks and, consistent with Federal, State, and local law, makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

Part 3 of the **Hiring and Promotion Practices** Policy addresses this standard subpart. The Background Investigation Summary Reports provide for an employment history review of findings/comments/concerns or other information related to the applicant's employment history.

The PREA Coordinator informed the auditor that in the past 12 months, 18 persons were hired who may have contact with inmates who have had criminal background record checks: The auditor inquired of the Human Services/Administrative staff representative regarding this practice. Civil and Criminal Court records are reviewed through the Department of Public Safety (DPS) and the Minnesota Bureau of Criminal Apprehension (BCA). Again, the auditor reviewed a sample of files of personnel (employee and contract staff) hired in the past 12 months to determine that the agency has completed checks consistent with this provision.

Reference Policies: Chapter 2 Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. J. Hiring and Promotion Practices.** 3.

Supporting Documents: Background Investigation Summary Report, Release of Information Consent Form.

(d) The CWCSO/CWCJ also performs criminal background records checks before enlisting the services of any contractor who may have contact with inmates.

Section 4 of this same policy requires contractor criminal background records checks.

I was informed by the PREA Coordinator that criminal background records checks are all encompassing for all visitors, professionals, contractors, and volunteers who may have contact with inmates. All visitors, including the PREA Auditor are required to complete a Professional Visitor Verification by providing contact information and identification. An acknowledgement is signed having read, understand, and agreeing to abide by the PREA document, the Professional Visitor Orientation, and the Rules to Follow while Conducting Business at the CWCJ. From there, a wants/warrants records check is conducted. The Administrative/Human Resources Staff of the Sheriff's Office advised that vendors are required to provide fingerprints additionally for security clearance.

Reference Policies: Chapter 2 Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. J. Hiring and Promotion**

Practices. 4.

Supporting Documents: Background Investigation Summary Report, Release of Information Consent Form, Professional Visitor Verification documents.

(e) CWCSO/CWCJ policy requires that the Office shall either conduct follow-up criminal records background checks at least once every five years on members or contractors who may have contact with inmates or have in place a system for capturing such information.

Section 5 of this same jail policy addresses this provision of the Hiring and Promotions Decisions standard. The agency also imposes a continuing duty to disclose any such misconduct. The PREA Coordinator explained the system currently in place to conduct criminal record background checks of current employees and contractors who may have contact with inmates. The process they maintain is a fingerprint and records check upon hire and then every Presidential election year, no matter what the start date. They maintain a list of current employees and contractors for documentation of background records checks at five-year intervals which was verified by the auditor. This is coordinated by the records officer who has state clearance to conduct criminal history inquiries at the Sheriff's Office/Jail. The Bureau of Criminal Apprehension's (BCA) Minnesota Justice Information Services (MNJIS) operates the Criminal Justice Data Communications Network (CJDN) so that authorized agencies can retrieve and submit criminal justice information (CJI) to BCA systems and services to perform their duties. The Administrative/Human Resources Staff verified a five-year check.

Reference Policies: Chapter 2 Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment.** J. **Hiring and Promotion Practices.** 5.

(f) The CWCJ asks all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

Section 6 and 7 of this same policy address this standard subpart. This was also verified by the PREA Coordinator and the Administrative/Human Resources Staff. They said this is required by policy that applicants and employees are asked during written applications and interviews for hiring or promotion. Interviews or written performance appraisals conducted are part of the review process of current employees. The annual Employee Performance Appraisal Evaluation form was reviewed by the auditor. The question is asked if during the appraisal period have they engaged in any sexual abuse or sexual harassment.

The auditor again reviewed the Employee and Contractor, Vendor, or Volunteer Code of Conduct which requires the mandatory reporting of any verbal propositions or inappropriate contact between any inmate and staff, volunteer, or contracted

employee. Staff members, volunteers, or contracted employees are required to be aware and understand the consequences including criminal charges and termination. The Non-Custody Staff Orientation Acknowledgement also recognizes the Code of Conduct - Fraternization and requires the signing for understanding and opportunity for questions.

The PREA Coordinator confirmed that they we have incorporated these questions into their hiring process for any promotional opportunity and they are on the application. As per policy, the CWCJ imposes on all current employees a continuing affirmative duty to disclose any of the misconduct described in this section.

The auditor reviewed the Employee Code of Conduct - General Orders and Non-Custody Staff Orientation Acknowledgement in support of this standard.

Jail staff receive PREA training and policy review in support of this standard. The auditor reviewed the curricula which educates employees on the PREA standards and their roles and responsibilities.

Reference Policies: Chapter 2 Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment.** J. **Hiring and Promotion Practices.** 6. and 7.

Supporting Documents: PREA Promotions, PREA Performance Plan question.

(g) Material omissions regarding such misconduct, or the provision of false information are grounds for termination.

This is in accordance to the same policy as referenced above, section 8.

The auditor reviewed the jail policies with procedures and confirmed the practice with the PREA Coordinator and the Administrative staff representative.

Jail staff receive PREA training and policy review in support of this standard. The auditor reviewed the curricula which educates employees on the PREA standards and their roles and responsibilities.

Reference Policies: Chapter 2 Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment.** J. **Hiring and Promotion Practices.** 8.

Supporting Documents: PREA Promotions.

(h) Policies are also in place which address requests for information from an institutional employer for providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee.

Section of the above referenced policy also addresses the requirements of this standard subpart. Unless prohibited by law, the CWCJ shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied for work.

The auditor discussed this process with the PREA Coordinator and the Human Services/Administrative Representative. We discussed data practices, proper executed Release of Information (ROI) form requests, and the release of certain records. When a former employee applies for work at another institution, upon request from that institution, the CWCJ does indeed provide information on substantiated allegations of sexual abuse/harassment involving the former employee. The Administrative/Human Resources staff said that they work together with the County Personnel office to ensure legal requirements are met for the release of information.

Reference Policies: Chapter 2 Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. J. Hiring and Promotion Practices.** 9.

Supporting Documents: Background Investigation Summary Report, Release of Information Consent Form.

The CWCJ meets the requirements of the hiring and promotions PREA Standard.

115.18 Upgrades to facilities and technologies	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.</p> <p>The jail maintains a PREA Upgrades to Facilities and Technologies Policy relative to this standard. The CWCJ has not acquired a new facility or made a substantial expansion to existing facilities since the last PREA Audit in 2021. The Sheriff, Chief Deputy, Jail Administrator and PREA Coordinator, verified that the CWCJ has not acquired a new facility nor have they made a substantial expansion to existing facilities since the last PREA Audit. The auditor toured and observed the CWCJ inside and out and is familiar with the facility having conducted previous audits there and verified no expansions or modifications to the facility. The auditor also reviewed the County Campus Map which is available online.</p> <p>https://www.crowwing.gov/1278/County-Campus-Map</p> <p>This 78,000-square-foot facility opened in 2007 and includes a gymnasium, full-service medical unit, library, computer lab, laundry facilities, fully staffed kitchen, master control center, and a pre-book and booking area. The facility is licensed by the State of Minnesota to house up to 276 inmates with an operational capacity of 248. It is separated into five housing units. The facility is not experiencing any</p>

overcrowding issues and is clean, well maintained, and continues to run at a high level of compliance with Chapter 2911 rules.

According to the Sheriff and Chief Deputy, PREA is always considered with cameras, visibility, any potential physical barriers, any line of sight issues, and policies when designing, acquiring, or planning substantial modifications to facilities in order to protect inmates from sexual abuse. The Jail Administrator discussed the recent removal of ligature points in their double bunks by removing the ladders. A ligature point is a physical object or feature that can be used to attach a cord, rope, or other material for the purpose of strangulation or hanging. Ligature points are a threat to patients, especially in behavioral health settings, where they are commonly used in suicide attempts.

Reference Policies: Chapter 2 Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. K. Upgrades to Facilities and Technologies 1.**

(b) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

The same policy addresses this provision of the standard. The CWCJ has not installed or updated a new video monitoring system, electronic system, or other monitoring technology since 2020.

The Sheriff and Chief Deputy said they have 106 cameras for monitoring and recording at the jail. They are researching the use of body worn cameras for the jail staff which is incident based. PREA is always considered with cameras for visibility and line of sight in order to enhance staff's ability to protect inmates from sexual abuse. The Jail Administrator discussed the use of monitoring technology to cover the most area as possible for safety and security purposes.

Please reference the auditor's previous Final Report for a description of the 2020 video monitoring and electronic surveillance camera system.

Reference Policies: Chapter 2 Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. K. Upgrades to Facilities and Technologies 2.**

Supporting Documents: 2021 CWCJ PREA Final Report.

The CWCSO/CWCJ meets the requirements of the PREA Upgrades to Facilities and Technology Standard in all material ways.

115.21	Evidence protocol and forensic medical examinations
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	Auditor Overall Determination: Meets Standard
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Auditor Discussion	
	<p>(a) The CWCSD is responsible for investigating allegations of sexual abuse and follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.</p> <p>The auditor reviewed the applicable jail and field division policies relative to sexual abuse investigations. The PREA Evidence Protocol and Forensic Medical Exams Policy addresses this standard. The Sexual Assault Investigations Policy of the CWCSD has a training section which requires periodic training for members who are first responders. It includes initial response to sexual assaults, legal issues, victim advocacy, and victim's response to trauma. Qualified investigators receive advanced training on additional topics to include interviewing sexual assault victims, Sexual Abuse Response Team (SART), medical and legal aspects of sexual assault investigations, serial crimes investigations, and use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP). A review of investigator training records provides Certificates of Completion for PREA: Investigating Sexual Abuse in a Confinement Setting by the National Institute of Corrections (NIC), for Sheriff's Office and Jail Investigators. The training model is based on a uniform evidence protocol. The Sheriff's Office Sexual Assault Investigations Policy is established to provide guidelines for the investigation of sexual assaults. The SART is a multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault nurse examiners (SANEs), forensic laboratory personnel and prosecutors. The team is designed to coordinate a broad response to sexual assault victims. Criminal Investigators are Deputy Sheriffs of the CWCSD. They are licensed by the State of Minnesota after completing an educational and skills program and passing a state board exam. Licensing itself only occurs when eligible candidates are appointed to a peace officer position and certain selection standards are met. Specialized Investigative training for the investigators include the uniform evidence protocol to maximize potential for obtaining usable physical evidence, 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 referral for prosecution. The auditor studied numerous policies, procedural documents, training and curriculum records, and investigative files as evidence of this standard. The auditor also interviewed Investigators, COs, the Sheriff, Jail Administrator and PREA Coordinator who detailed this response practice. Allegations of sexual abuse are always referred and investigated by agency investigators, but if it involves a staff member, an outside agency conducts the investigation. All investigations are prompt, thorough, and objective. This CWCJ policy is also published on its website: "The Crow Wing County Jail has zero tolerance for sexual abuse. The Prison Rape Elimination Act (PREA) of 2003 is a federal law that seeks to eliminate sexual assaults and sexual misconduct. We enforce all federal, state, and local laws pertaining to inmate sexual misconduct. All sexual abuse or sexual harassment reports will be fully investigated by the Crow Wing County Jail and the Crow Wing County Sheriff's Office Investigative Division. Under PREA, we have established uniform methods for prompt</p>

reporting and investigation of allegations of sex-related offenses or threats, identification of predators, protection of victims, and prescribing sanctions for substantiated sexual offenses, as well as false allegations. This standard is directed to all sexual acts relating to inmate to inmate, inmate to staff and staff to inmate." There are three administrators in the jail that are also qualified with specialized training and experience to investigate administratively.

<https://dps.mn.gov/entity/post/licensing/Pages/default.aspx>

<https://www.crowwing.gov/1001/Prison-Rape-Elimination-Act-PREA>

All jail staff interviewed had knowledge of and understood the agency's protocol for obtaining physical evidence if an inmate alleges sexual abuse and the investigation requirements. They were aware of the jail policies and the First Responder Checklist. Some staff cited turn off the water, bag clothing items separately, wear gloves, and preserve the crime scene. Staff knew to contact a Jail Sgt. or the PREA Coordinator to initiate the investigation process. Some of the jail staff knew that a Criminal Investigator from the Sheriff's Office would be assigned the investigation. Some said that the investigation would be accomplished by the PREA Officer or Jail Administration. Some staff thought that the Classification Officers, programs or medical staff would also be involved.

The auditor reviewed a sample of the PREA investigative files for uniform evidence protocols and found sufficient technical detail to aid responders in obtaining usable physical and testimonial evidence. The use of video footage is utilized as a tool for investigating sexual abuse allegations.

Reference Policies: CWCSO Policy 602 Sexual Assault Investigations, Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. F. Investigation of Incidents. 12. Evidence Protocol and Forensic Medical Exams. a.**

Supporting Documents: Certificate of Completion. PREA: Investigating Sexual Abuse in a Confinement Setting by NIC.

(b) Specialized investigative training for investigators includes the uniform evidence protocol to maximize the potential for obtaining useable physical evidence; techniques for interviewing 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 referral for prosecution.

The PREA Specialized Training: Investigators Policy covers this subpart of the Evidence Protocol and Forensic Medical Exams standard. The auditor reviewed the Investigating Sexual Abuse in Confinement Settings training curriculum. This training program "is designed to address the requirements outlined in the Prison Rape Elimination Act (PREA) standard 115.34/.134/.234/.334 requiring specialized training for individuals tasked with investigating alleged incidents of sexual abuse in confinement settings. Additionally, this curriculum contains the information

fundamental to understanding the concepts required by PREA standard 115.34/.134/.234/.334 and best practice in investigating incidents of sexual abuse." The Department of Justice Model (DOJ) was taught to the investigators for uniform evidence protocols. The protocol was based on the most recent edition of the DOJ's Office on Violence Against Women publication, "A National Protocol for Sexual Assault medical Forensic Examinations, Adults/Adolescents," and other similarly comprehensive and authoritative protocols developed after 2011. The auditor reviewed a sample of older jail PREA incident reports and investigation files and focused on the consistent uniform evidence protocols for compliance of this standard requirement. The auditor also reviewed the specialized training materials for investigators. The auditor spoke with one of the investigators who is trained to investigate sexual assault allegations in confinement settings. He confirmed the standard practice of uniform evidence collection (DNA and physical evidence), including electronic monitoring data, and interviewing sexual abuse victims. He said that his training 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 or prosecution referral. *Miranda* warnings are a set of rights that law enforcement must inform a suspect of before questioning them in custody. The purpose of the warnings is to protect the suspect's rights and ensure that statements made during questioning are admissible in court. *Garrity* warnings are designed to protect public employees from being compelled to incriminate themselves during job-related investigations. The typical *Garrity* warning informs the employee of their right to remain silent, but also that their silence could lead to job termination. The auditor again reviewed the policies, training curriculum, and PREA investigation files for uniform evidence protocols.

Reference Policies: CWCSO Policy 602 Sexual Assault Investigations, **602.3 Qualified Investigators, 602.6 Training**, Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents.** 12. Evidence Protocol and Forensic Medical Exams. a., **04. Staff Training and Inmate Education. A. Employee Training.** 6. Specialized Training: Investigators a. and b.

Supporting Documents: Certificate of Completion. PREA: Investigating Sexual Abuse in a Confinement Setting by NIC.

(c) The CWCSO provides all inmate victims of sexual abuse access to forensic medical examinations at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs.

The Evidence Protocol and Forensic Medical Exams Policy requires this standard subpart.

The auditor conducted community outreach relative to sexual assault forensic examinations. I communicated with a representative from the Family Advocacy Center of Northern Minnesota Bemidji & Brainerd. They informed me that forensic examinations by a Sexual Assault Nurse Examiner (SANE) are now available to victims of sexual assault at the Essentia Hospital - St. Joseph's Medical Center in Brainerd.

<https://www.essentiahealth.org/find-facility/essentia-health-st-josephs-medical-center-b>

Brainerd Office
4676 Wilderness Ct., Suite 103
Brainerd, MN 56401
Ph: (218)333-6011
F: (218)333-6113

I also reached out to Sexual Assault Services during the pre-audit and post-audit. I spoke with a representative and also the Executive Director. The Director explained the SANE program and the on-call availability for emergency medical forensic examinations. As of March 4th 2024, the Essentia Hospital in Brainerd has a SANE program.

Sexual Assault Services

Address 606 NW 5th St., Suite B, Brainerd, MN 56401
Phone: 218-828-0494

I was informed by the PREA Coordinator, Jail Administrator, and the members of the medical team that such examinations are performed by SANEs at the Essentia Hospital which is conveniently located less than a mile from the jail. According to the PREA Coordinator, in the past 12 months, there were no SANE examinations necessary. The PREA Coordinator confirmed that all victims of sexual abuse are offered access to forensic medical examinations at the local hospital, without financial cost to the victim, where evidentiary or medically appropriate. Forensic examinations are not performed at the CWCJ by the facility's contracted medical provider. Medical and Mental Health staff verified that they are not trained to conduct forensic examinations.

The auditor read and reviewed further documentation to corroborate that all inmate victims of sexual abuse have access to forensic medical examinations as well as documentation made available that delineates responsibilities of medical and mental health practitioners.

Reference Policies: CWCSO Policy 602 Sexual Assault Investigations,602.4.4 Collection and Testing of Biological Evidence, Staff Information. 02.2702. PREA. **03.**
Responding to Reports of Sexual Abuse and Sexual Harassment. F.
Investigation of Incidents. 12. Evidence Protocol and Forensic Medical Exams. b.

(d) The CWCSO/CWCJ makes available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate

services, the agency makes available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member.

The PREA **Support Services for Victims of Sexual Abuse, Victim Advocate and Emotional Support Services** Policy describes how the jail provides inmates with access to outside victim advocates for emotional support and advocacy. When requested by the victim, the victim advocate shall accompany the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. A Memorandum of Understanding (MOU) 05/14/2024 between Sexual Assault Services (SAS) and the CWCJ was studied by the auditor. SAS is a community based organization which is located in Crow Wing County and provides the services that are required by PREA. It is also an outside reporting entity pursuant to Standard 115.51. The auditor observed PREA posters and brochures regarding Sexual Harassment and Sexual Abuse with the contact information for Sexual Assault Services (SAS). It is a 24-hour free, confidential support service for all. The brochure itself advertises "Hope. Healing. Support. For help coping with sexual violence ask for a Sexual Assault Advocate." SAS provides victim centered, trauma informed services including:

- Crisis intervention for victim/survivors of sexual violence,
- Advocacy during medical exams, Law Enforcement interviews, court hearings, trials, and more,
- Assistance filing orders for protections and harassment restraining orders,
- Information and referral,
- Support Groups,
- Training and education to organizations.

The CWCJ Inmate Handbook also provides the SAS contact information. It states that victims of sexual abuse seeking emotional support services can contact SAS.

The auditor conducted community outreach relative to this provision. I contacted the Executive Director of SAS who confirmed their working relationship with the CWCSO and jail and the MOU. She said that they make visits to the jail to meet with inmate callers as needed. They also provide escort and advocacy services. I had previously spoken with a representative during non-business hours and she confirmed that they accept phone calls for reporting of sexual abuse or harassment with 24/7 availability.

There was one incarcerated person who had reported a sexual abuse to interview. She said that the facility allowed her to make phone calls to outside services. She opted to call a friend and her ARMS worker. She said her worker visited her at the jail twice and that person is still available to her. She said she also has access to phone numbers and mailing addresses for SAS if needed.

The coordination of victim advocacy services is always documented in the incident report and investigation files. The auditor reviewed a sample of current and older PREA incident reports in support of this standard.

Reference Policies: CWCSO Policy 602 Sexual Assault Investigations,602.4.4

Collection and Testing of Biological Evidence, Staff Information. 02.2702. PREA. **03.**
Responding to Reports of Sexual Abuse and Sexual Harassment. E. Support Services for Victims of Sexual Abuse, 1. Victim Advocate and 2. Emotional Support Services, 12. Evidence Protocol and Forensic Medical Exams. b.

Supporting Documents: MOU 05/14/2024, Sexual Assault Services brochure, CWCJ Inmate Handbook.

(e) As requested by the victim, an advocate may accompany and support the victim through the medical forensic examination and investigatory process.

The Victim Advocate section of the **Support Services for Victims of Sexual Abuse** Policy requires advocacy support for the victim. The victim advocate shall accompany the victim throughout the forensic medical examination process and investigatory interview and shall also provide emotional support, crisis intervention, information, and referrals.

The MOU states that SAS agrees to provide counseling and/or advocacy services to inmates in the CWCJ who are victims of sexual assault or sexual harassment. These services were also verified by the PREA Coordinator and the Jail Administrator.

Reference Policies: CWCSD Policy 602 Sexual Assault Investigations,602.4.4 Collection and Testing of Biological Evidence, Staff Information. 02.2702. PREA. **03.**
Responding to Reports of Sexual Abuse and Sexual Harassment. E. Support Services for Victims of Sexual Abuse, 1. Victim Advocate.

Supporting Documents: MOU 05/14/2024, Sexual Assault Services brochure, CWCJ Inmate Handbook.

(f) Not applicable. The CWCSD/CWCJ conducts its own Administrative and Criminal Investigations.

(g) Not applicable.

Prior records and reports were reviewed for compliance of this standard. Investigator and Administrator interviews confirm PREA investigative standards when an outside agency investigates.

(h) Not applicable. The auditor was informed by the PREA Coordinator that the CWCJ always makes a victim advocate from a rape crisis center available to victims.

The CWCJ complies in all material ways with this standard for the relevant review period.

115.22 Policies to ensure referrals of allegations for investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

(a) The CWCJ ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

The PREA Coordinator provided the auditor with policies and procedures governing investigations of allegations of sexual abuse and sexual harassment during the pre-audit stage of the audit process. The auditor reviewed all policies and documents relative to this standard. The Sexual Assault Investigations Policy states: "In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated." The PREA **Investigation of Incidents** Policy states: "CWCJ shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. It is the CWCJ's policy to ensure that these allegations are referred to the CWCJ - Investigative Division - to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior...The CWCJ will document all such referrals."

In the past 12 months, there were 7 allegations of sexual abuse or sexual harassment received, investigated, and completed. All 7 were investigated administratively. I was informed by the PREA Coordinator and the Jail Administrator that they did not rise to the level of potential criminal behavior or they were unfounded. The auditor reviewed the incident reports and investigative files according to auditing instructions. The auditor found investigative reports with findings and/or disciplinary sanctions. Some of the incident reports described a previous abuse allegation which were referred to the appropriate agency.

The **Investigation of Incidents** Policy is published on the CWCJ website and the Carousel System on the television located in the public lobby of the jail. This was observed and reviewed by the auditor. "All sexual abuse or sexual harassment reports will be fully investigated by the Crow Wing County Jail and the Crow Wing County Sheriff's Office Investigative Division. Under PREA, we have established uniform methods for prompt reporting and investigation of allegations of sex-related offenses or threats, identification of predators, protection of victims, and prescribing sanctions for substantiated sexual offenses, as well as false allegations. This standard is directed to all sexual acts relating to inmate to inmate, inmate to staff and staff to inmate." PREA information is also broadcast in the housing units on the TV Carousel System. The CWCJ Inmate Handbook also provides information to persons in custody that ensures referrals for investigations for all allegations of sexual abuse/harassment. Posters and PREA Notices also ensure prompt, thorough, and complete investigations for all allegations of sexual abuse/harassment.

<https://www.crowwing.gov/1001/Prison-Rape-Elimination-Act-PREA>

The auditor spoke with the Sheriff and Chief Deputy regarding PREA investigations. They said that absolutely and without a doubt they ensure an administrative or criminal investigation is completed for all allegations of sexual abuse or sexual harassment. They described how an investigation is completed step by step. It starts with a report and then is referred for investigation. The allegation is investigated according to uniform procedures and upon completion, results are provided to

Administrators. All investigators have a background in investigation and are PREA trained.

Reference Policies: Chapter 2. Staff Information. 02.2701. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** **F. Investigation of Incidents** 1. and 2, CWCJ Policy 602 Sexual Assault Investigations. **602.4 Investigation and Reporting.**

Supporting Documents: CWCJ Inmate Handbook.

(b) The CWCJ has in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency publishes such policy on its website or, if it does not have one, makes the policy available through other means. The agency documents all such referrals.

The auditor received and reviewed all relative policies as described in the first part of this standard. The auditor also researched the legal authority aspect of this standard.

As previously established, the CWCJ is the agency with legal authority to conduct criminal investigations that handles all referrals. If there is a conflict of interest, or the allegation involves a staff member, the investigation may be referred to another Sheriff's Office for investigation. The CWCJ publishes their policy on its website and on the television Carousel System in the jail lobby. The CWCJ documents all such referrals. The CWCJ has licensed, trained, and experienced investigators who are responsible for investigating criminal and administrative allegations of sexual abuse using a uniform evidence protocol. CWCJ investigators are trained in sexual abuse investigations involving victims and investigate all allegations of sexual abuse including third-party and anonymous reports, promptly, thoroughly, and objectively. They are trained specific to investigating sexual abuse in custody settings.

Investigators gather and preserve direct and circumstantial evidence. This includes any available physical and DNA evidence and any available electronic monitoring data. Investigators will interview alleged victims and suspected perpetrators as well as all witnesses. Allegations of sexual assault/sexual harassment by staff, contractors, or volunteers will be referred to an outside agency for investigation. Administrative investigations shall include an effort to determine whether staff actions or failure to act facilitated the abuse. It shall be documented in written reports which include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative findings. The auditor reviewed the jail policies and procedures, PREA incident reports, specialized investigator training records, documentation of referrals for investigation of allegations of sexual abuse/sexual harassment, the CWCJ website, and interviewed an investigator of the CWCJ to confirm the accuracy of this standard.

The Investigator said that agency policy requires allegations of sexual abuse/sexual harassment be referred for investigation. Their own department conducts its own

investigations, and investigators are available to respond quickly to a report of sexual abuse. He explained their legal authority to conduct criminal investigations or administrative investigations if the allegation does not involve potentially criminal behavior. He described their role and responsibilities as investigators and described their experience and verbal examples of their work. He also confirmed receipt of training specific to conducting sexual abuse investigations in confinement settings.

The auditor again verified that the policy to ensure referrals of allegations for investigations is on the jail's website and also made publicly available in the jail lobby on the Carousel System on the television. The auditor examined a sample of documentation of referrals of allegations of sexual abuse and/or sexual harassment supporting this standard.

Reference Policies: Reference Policies: Chapter 2. Staff Information. 02.2701. PREA.

03. Responding to Reports of Sexual Abuse and Sexual Harassment. F. Investigation of Incidents 1-4, CWCSO Policy 602 Sexual Assault Investigations.

602.4 Investigation and Reporting.

Supporting Documents: CWCJ Inmate Handbook

(c) N/A. If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.

The same policies referenced above require that the CWCJ cooperate with outside investigators who are conducting investigations regarding inmate sexual abuse and shall endeavor to remain informed about the progress of the investigation.

The auditor spoke with the Sheriff, Chief Deputy, Jail Administrator, and Investigator who verified this policy. In the rare event there would be a conflict of interest, they may request an outside agency or neighboring county Sheriff's Office conduct the investigation to ensure an unbiased process. They would coordinate with other law enforcement agencies and assist them appropriately and as needed. Everyone agreed that it is important to remain informed about the progress of the investigation and the outcome.

Reference Policies: Chapter 2. Staff Information. 02.2702. **PREA. 03.**

Responding to Reports of Sexual Abuse and Sexual Harassment. F. Investigation of Incidents 1-4, CWCSO Policy 602 Sexual Assault Investigations.

602.4 Investigation and Reporting. 602.3 Qualified Investigators.

The CWCJ meets the requirements of the of the PREA Standard to ensure referrals of custodial sexual abuse or sexual harassment for investigations at the jail.

115.31	Employee training
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Auditor Overall Determination: Meets Standard

Auditor Discussion
<p>(a) The CWCJ trains all employees who have contact with inmates on all the mandated elements of the employee training standard as referenced above.</p> <p>The auditor reviewed all training policies, procedures, and training records and logs. According to the CWCJ Staff Training and Inmate Education Policy, they are committed to communicating to the inmates, employees, contractors and volunteers, the following information through education and orientation programs.</p> <ul style="list-style-type: none"> • The CWCJ's zero tolerance policy; • The CWCJ's policies to prevent, detect, and respond to sexual abuse and sexual harassment; and • Other rights and obligations according to policy. <p>Beyond that, employee training for those who may have contact with inmates receive annual training on the PREA topics as mandated by this standard. The auditor spent time with the Training Officer and Programs Sgt. They provided me with a list of jail staff, administrative staff, medical staff, social workers, and kitchen staff that have been PREA trained. They verified the initial training for new employees and the continuing education for jail staff. We discussed curriculum sources. Staff are provided education in a variety of formats including class-room style, online training, PREA exercises and assignments, and reading the PREA Policy/Procedures. The auditor was also provided with staff training curriculum for content. A review of a sample of the training records and employee acknowledgement forms on-site verified their initial training, ongoing education, and refreshers. The employee acknowledgement forms require by signing and dating, that they acknowledge that they have completed and understand the PREA training and have had the opportunity to ask any questions they had. The CWCJ staff receive training from the Minnesota Sheriff's Association (MSA), the National Institute of Corrections (NIC), and the PREA Resource Center (PRC), which are all reputable organizations for PREA information. Some of the courses are: "PREA Protecting Offenders & Safeguarding Communities", "Introduction to PREA", "PREA Law and Transgender Inmates 'What Every Jail Needs to Know'", and the <i>PREA Employee Training Curriculum</i> by the Moss Group, Inc. via PRC. Documentation and training records are maintained. Staff are current and up to date with their PREA training requirements. The assistant auditor and auditor interviewed correctional officers regarding this standard. All jail staff confirmed that they had received PREA training on all elements required of the standard. One staff member did not recall training on the agency's zero-tolerance policy.</p> <p>A review of training documents, jail staff responses, and discussion with the training officers verified that the employees who have contact with inmates receive thorough and complete training covering all the mandatory topics as specified in the standard.</p> <p>Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. 04. Staff Training and Inmate Education. A. Employee Training 1. a-j.</p>

Supporting Documents: Staff Training Acknowledgement form, PREA Employee Training documents.

(b) PREA training for staff who have contact with inmates is tailored according to the sex of the inmates at the facility.

The **Employee Training** policy also covers this part of the standard.

The CWCJ is a co-ed facility. Staff receive additional training on security measures and the separation of male and female populations in the same facility staff has been assigned. Corrections Officers also receive training on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming inmates. They also receive training on cross-gender and transgender searches. The auditor read and reviewed a sample of the training records in support of this standard.

The auditor continued to read and review the content of the PREA training material that is provided for its staff as listed in subdivision (a) of this standard. Thorough and comprehensive PREA training is provided frequently and is documented. The training comes from reputable sources such as the PRC and the NIC. Some of the related training topics include how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender non-conforming inmates, how to avoid inappropriate relationships with inmates, and cross-gender searches and pat-downs as described previously in PREA Standard 115.15 - Limits to Cross-Gender Viewing and Searches. Additionally, jail staff are trained on the PREA policies and procedures including searches and male/female announcements prior to entering a housing unit. A review of PREA Lesson Plan noted the differences between male and females at risk of victimization and abusiveness.

<https://www.prearesourcecenter.org/training-and-technical-assistance>

<https://nicic.gov/>

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **04. Staff Training and Inmate Education. A. Employee Training** 3-4.

Supporting Documents: Staff Training Acknowledgement form, PREA Employee Training documents.

(c) All current employees of the CWCJ have been PREA trained as required in provision (a) of this standard. The agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

As per the **Employee Training** Policy, all current employees shall receive this PREA training every year to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. The auditor reviewed a sample of the training records for compliance with this standard. Annual PREA

training was verified by the PREA Coordinator and the training officers.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **04. Staff Training and Inmate Education. A. Employee Training** 5.

Supporting Documents: Staff Training Acknowledgement form, PREA Employee Training documents.

(d) The agency shall document, through employee signature or electronic verification, that employees understand the training they have received.

The **Employee Training** Policy requires employees to read, understand, and sign the CWCJ General Order and Code of Conduct - Fraternization Form. Training procedures also require employee signatures signifying comprehension of the training.

The auditor reviewed a sample of the documentation of employee signatures or electronic verification signifying comprehension of the training. The auditor reviewed the Code of Conduct document, the CWCJ Employee Understanding of PREA Training, the Orientation Acknowledgement, class rosters, and class Certifications in support of this standard. Staff are given opportunities to ask questions at the time of training and continuing with their open-door policy and availability of supervisors and the PREA Coordinator. Some of the classes had sign-in sheets. These training records are maintained by the Training Officer.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **04. Staff Training and Inmate Education. A. Employee Training** 2.

Supporting Documents: Staff Training Acknowledgement form, PREA Employee Training documents, Code of Conduct -Fraternization document.

The CWCJ meets the Employee Training Standard in all material ways as evidenced and described above.

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	(a) The CWCJ ensures that all contractors and volunteers who have contact with inmates have been trained on their responsibilities under the agency's policies and procedures regarding sexual abuse/harassment prevention, detection, and response. As we read in the previous standard narrative, the Staff Training and Inmate Education Policy states that the CWCJ is committed to communicating to the inmates, employees, and to contractors and volunteers, the required PREA information through training, education, and orientation programs. Specific to volunteer and contractor training, the CWCJ has a specific policy which addresses the

requirements of this standard.

There are currently a total of 169 volunteers and 6 individual contractors at the CWCJ and 100% have been PREA trained according to the PREA Coordinator. The auditor reviewed a sample of training curriculum and records of volunteers and contractors who may have contact with inmates as evidence of compliance of this standard.

The CWCJ Non-custody Staff Orientation Acknowledgement has the signature and date signed that they have completed the orientation program and received initial training covering many topics including PREA and the Code of Conduct - Fraternization. By signing, they acknowledge that they have completed and understand the training with an opportunity to ask questions. The Code of Conduct document also requires signature and date and warns that no staff member, volunteer, or contracted employee should engage in any physical contact with inmates unless in the performance of job duties. They are required to immediately report any verbal propositions or inappropriate contact between any inmate and staff, volunteer or contracted employee. They are informed of the consequences with criminal charges, disciplinary actions, and dismissal from employment or services. The auditor also read the CWCJ Volunteer Staff Handbook to include a PREA section. The CWCJ has a zero tolerance policy with regard to sexual abuse and sexual harassment. As part of the volunteer orientation, they are provided training on the facilities zero tolerance policy for sexual abuse/harassment along with their responsibility in prevention, detection, response and incident reporting. They are then informed to speak with a jail staff employee with any questions or concerns. The volunteer application form authorizes the CWCSO to conduct an initial criminal background check and every 5 years moving forward. The handbook has a signature page authorizing and agreeing to their responsibilities.

While touring the facility, I spent time in the kitchen. I noticed that the kitchen office had a PREA packet on the wall. I inquired of the Food Services Director. He informed me that in addition to the jail's PREA training, they also receive PREA training through their company. There was a training attendance record attached to the packet. Many objectives are presented to include the mandatory responsibility in sexual abuse and sexual harassment awareness, prevention, and reporting.

I also formally interviewed a jail volunteer and a contractor to obtain additional evidence of this standard. They both said that they have been trained in their responsibilities regarding sexual abuse and sexual harassment prevention, detection, and response, per agency policy and procedure. We discussed some of the training topics they received such as the zero-tolerance policy and how to report an incident of sexual abuse or harassment. They verified initial and recent PREA training. They said they understand their responsibility to report any knowledge or suspicion to the Jail Sgt.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **04. Staff Training and Inmate Education. C. Volunteer and Contractor Training.**

Supporting Documents: Volunteer and Contractor Code of Conduct - Fraternization General Orders, CWCJ Non-custody Staff Orientation Acknowledgement, Volunteer

Staff Handbook, Summit PREA Training Course.

(b) The level and type of training given to volunteers and contractors is based on their services they provide and level of contact they have with inmates.

The Volunteer and Contractor Training Policy covers this standard subpart. The training policies require that the training provided prepares contractors and volunteers to have sufficient knowledge to understand their obligations under this policy. All volunteers and contractors who have contact with inmates have been notified of the agency's zero tolerance policy regarding sexual abuse or sexual harassment and how to report such incidents. The auditor reviewed the content of the PREA training materials for contractors and volunteers and verified this standard requirement. The contractors and volunteers interviewed verified that they had been notified of the zero tolerance policy and how to report incidents of sexual abuse or sexual harassment. They described their training content and frequency.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **04. Staff Training and Inmate Education. C. Volunteer and Contractor Training.**

Supporting Documents: Volunteer and Contractor Code of Conduct - Fraternization General Orders, CWCJ Non-custody Staff Orientation Acknowledgement, Volunteer Staff Handbook, Summit PREA Training Course.

(c) The CWCJ maintains the relevant PREA training documentation and acknowledgement of understanding forms for volunteers and contractors who have contact with inmates.

The same jail policy requires the maintenance of volunteer and contractor PREA training documentation. The auditor discussed PREA training for volunteers and contractors with the Training Officer and the Programs Sgt. The PREA Coordinator provided the auditor with the relevant policies and related documents during the pre-audit process. On-site, I was able to review a sample of training records for volunteers and contractors who have contact with inmates. I observed the relevant documentation for signed acknowledgements and understanding by volunteers and contractors. The training curriculum was further discussed.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **04. Staff Training and Inmate Education. C. Volunteer and Contractor Training.**

Supporting Documents: Volunteer and Contractor Code of Conduct - Fraternization General Orders, CWCJ Non-custody Staff Orientation Acknowledgement, Volunteer Staff Handbook, Summit PREA Training Course.

The facility has demonstrated full compliance with this standard.

115.33	Inmate education
	Auditor Overall Determination: Meets Standard

Auditor Discussion
<p>(a) During the intake process, inmates at the CWCJ receive information explaining the zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.</p> <p>As with all PREA training and education, the jail policy states that the CWCJ is committed to communicating to the inmates, employees, and to contractors and volunteers, the following information through education, and orientation programs described in this section:</p> <ul style="list-style-type: none"> • The CWCJ's zero tolerance policy; • The CWCJ's policies to prevent, detect, and respond to sexual abuse and sexual harassment; and • Other rights and obligations under this policy. <p>The Inmate Orientation and Education Policy describes that during the intake process, inmates receive a "Completion of Orientation" form to read and sign that includes information on the CWCJ's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Both inmate and staff are required to sign/date for understanding. Additional information can be found in the Inmate Handbook. The "Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting" document is also part of the initial orientation for inmates and details the zero tolerance policy and ways to report with contact information. It describes what sexual misconduct is and explains that law enforcement authorities will investigate allegations of sexual abuse with consequences. This document also requires signature/date and witness signature for proof of reading and understanding of the information after attending the PREA Orientation with an opportunity to ask and have questions answered. The auditor was provided a copy of both documents.</p> <p>The number of inmates admitted during past 12 months who were given this information at intake were 2,817.</p> <p>The auditor spent time in the booking area of the CWCJ and spoke with intake officers while observing the booking processes. Inmates are provided the required PREA information during the booking process. I noted immediate signage at pre-booking and the booking room in English and the Spanish language regarding PREA zero tolerance and reporting instructions. There are also posters advising that both male and female officers work at this facility and all housing units. The posters are entitled: "Sexual Harassment and Sexual Abuse." Contact information is provided for reporting purposes. Throughout the facility tour, the auditor observed visible signage and hard copies and electronic copies of the inmate handbook in the housing units and throughout the jail advising inmates of their right to be free from sexual abuse and how to report incidents. The auditor also reviewed Spanish language information. Informal conversation with a few inmates provided the auditor with assurances that the inmates had sufficient PREA knowledge-how to report and zero tolerance.</p>

The auditor proceeded to review a sample of intake records of inmates entering the facility in the past 12 months for a spot check of documented receipt of initial PREA information. The auditor found signed documents of the zero tolerance and reporting information.

The auditor interviewed a CO who worked at intake. They said yes, they provide inmates with information about the zero tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. They added that they keep in mind any disabilities or needs for assistance. They ensure that all current inmates, as well as those transferred from other facilities have been educated on the zero tolerance policy. There is a PREA video that is played every day at meal time in the housing units and in the booking room. Classification and PREA Risk Screening Officers follow up with all new inmates and provide further PREA education and answer any questions they may have. The auditor and assistant auditor interviewed a random sample of inmates. 16 inmates were interviewed. They were asked when they first came here, did they receive information about the jail's rules against sexual abuse and sexual harassment. There were 14 yes responses, one no response, and one inmate admitted that he was under the influence of chemicals, so didn't know. They were also asked about specific information they were told. Were they told about their right not to be sexually abused or sexually harassed. There were 13 yes responses, two no, and one could not recall. How to report sexual abuse or sexual harassment. 15 yes responses. One could not remember. Your right not to be punished for reporting. 10 yes responses, five no. Finally, they were asked about how long after coming here did they receive this information. 14 said immediately or at booking, two said they have not reviewed with staff yet.

As part of the site review, the auditor observed portions of the intake process of inmates. There are at least two COs stationed at intake. One male and one female. It was confirmed that the intake officers are responsible for providing the initial education. The auditor discussed the booking process with intake staff and asked specifically about initial PREA education provided to new inmates. They verified that inmates are provided with information about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment well within 24 hours during the intake process. They said that all new inmates are always informed whether they are new arrests or whether they are transferred from another facility. They described the PREA forms which can be read to the incoming inmate and they are asked if they understand. A signature with date is documented. Intake staff confirmed accessibility of interpretation services when needed.

Reference Policies: Chapter 2. Staff Information. 02.2701. PREA. 04. **Staff Training and Inmate Education. B. Inmate Orientation and Education.** 1.

Supporting Documents: CWCJ Inmate Handbook pg. 3, CWCJ Completion of Orientation, Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting document.

(b) Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual

abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

The **Inmate Orientation and Education** Policy also addresses this part of the Inmate Education Standard.

I was informed by the PREA Coordinator that within the past 12 months, there were 397 inmates admitted whose length of stay in the facility was for 30 days or more who received comprehensive education on their rights to be free from both sexual abuse and sexual harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake. The auditor verified the meaningful practice of this requirement by reviewing a spot check of additional intake records of inmates entering the facility in the past 12 months and those whose length of stay was greater than 30 days. Inmate population statistics and jail logs were also reviewed in support of this standard. Every inmate receives access to the inmate handbook which contains PREA information, including their right to be free from sexual abuse/sexual harassment and to be free from retaliation when reporting sexual abuse or sexual harassment. The handbook receipt is maintained in the jail file. The "Completion of Orientation" signed documents were reviewed. The document acknowledges that the CWCJ Inmate Handbook is located on the KIOSK in each housing unit and can be assessed by using the assigned Turnkey Cards. The inmate may request a printed copy of the handbook from the Housing Officer for review in the Dayroom. The inmate is advised that the handbook contains the information they will need during their stay at the jail. The Orientation Video is shown in each housing unit during all meals. They are advised that they are responsible for understanding the video. The inmate is again advised that additional information on how to report incidents or suspicions of sexual abuse or sexual harassment can be found in the Inmate Handbook. The auditor observed that Canteen KIOSKS are located in every housing unit. They require an initial PREA acknowledgement that occurs every 30 days thereafter. The acknowledgement affirms that they have read and understand jail sexual abuse and sexual harassment information and how to report such behavior to jail staff before they sign on to the KIOSK. During the active facility tour and observation period, the auditor spoke with inmates and jail staff regarding PREA education. Some of the inmates showed the auditor the PREA information on the texters and on the Kiosks. The jail staff verified the television Carousel System and PREA videos at meal times. There are also PREA Notices and signs with contact information in the housing units for ongoing and continuous education.

<http://www.turnkeycorrections.com/>

The auditor accompanied the PREA Risk Screening/Classification Officer into the Pre-Classification housing area to observe that process. The officer has a discussion with the new inmate about PREA and other classification issues. As part of the risk screening interview, the officer further reminds the inmates about the zero tolerance and reporting policy for sexual abuse and sexual harassment and provides other PREA information. The inmates are asked if they have any questions, and they are

answered as needed.

The auditor interviewed one of the intake staff. They were asked how the agency ensures that inmates are educated regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. He explained that they read the forms, through the PREA video and posters/signage. He was also asked how quickly in general from the date of intake are inmates made aware of these rights. He said almost right away and continuing. The auditor and assistant auditor interviewed a random sample of inmates. 16 inmates were interviewed. They were asked when they first came here, did they receive information about the jail's rules against sexual abuse and sexual harassment. There were 14 yes responses, one no response, and one inmate admitted that he was under the influence of chemicals, so didn't know. They were also asked about specific information they were told. Were they told about their right not to be sexually abused or sexually harassed. There were 13 yes responses, two no, and one could not recall. How to report sexual abuse or sexual harassment. 15 yes responses. One could not remember. Your right not to be punished for reporting. 10 yes responses, five no. Finally, they were asked about how long after coming here did they receive this information. 14 said immediately or at booking, two said they have not reviewed with staff yet.

Following a statement of inmate rights and privileges, the inmate handbook contains the Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting document. It states that the CWCJ has a zero tolerance policy with regard to sexual assault, sexual abuse and sexual harassment.

Throughout the facility tour, the auditor observed visible signage and hard copies and electronic copies of the inmate handbook in the housing units and throughout the jail advising inmates of their right to be free from sexual abuse and how to report incidents. The auditor also reviewed Spanish language information. Informal conversation with a few inmates provided the auditor with assurances that the inmates had sufficient PREA knowledge. They were able to demonstrate and show the auditor where information is posted and maintained in their housing units and described the programs and services available to them.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **04. Staff Training and Inmate Education. B. Inmate Orientation and Education** 2.

Supporting Documents: CWCJ Inmate Handbook, Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting Document, Completion of Orientation document, PREA Posters and signs.

(c) All inmates who are transferred from one facility to another shall be educated regarding their rights to be free from sexual abuse/harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents.

The CWCSO operates one jail facility. The PREA Coordinator advised the auditor that

ALL new inmates are provided PREA initial information and continuing education whether they are arrested in the community or whether they have been transferred from another facility. A review of the PREA policies, inmate files, and interviews with the PREA Coordinator and Intake Staff verified this practice.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **04. Staff Training and Inmate Education. B. Inmate Orientation and Education** 1 and 2.

Supporting Documents: CWCJ Inmate Handbook, Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting Document, Completion of Orientation document, PREA Posters and signs.

(d) The CWCJ provides inmate education in formats accessible to all inmates, including those who are LEP, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.

As per the narrative of PREA Standard 115.16 Inmates with Disabilities and Inmates who are LEP, the CWCJ has established procedures to provide disabled inmates equal opportunity to participate in and benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and harassment. This would include the specific aspects of inmate PREA education. "The primary policy that requires PREA equality for inmates with disabilities is the PREA **Inmates with Disabilities or Who Have Limited English Proficiency** (LEP) Policy. The CWCJ shall take appropriate steps to ensure that inmates with disabilities have an equal opportunity to benefit from all aspects of the jail's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include when necessary - to ensure effective communication with inmates who are deaf or hard of hearing - providing access to interpreters who can interpret effectively, accurately, and impartially. The CWCJ shall also make reasonable efforts to ensure that written materials are provided in formats and through methods that ensure effective communication with inmates with disabilities. These requirements are based on the Americans with Disabilities Act, 28 CFR 35.164. The auditor was also provided with notices, forms, and documents which were reviewed in support of compliance with this standard. The CWCJ Inmate Handbook provides a list of inmate's rights and privileges and states that the jail does not discriminate against anyone based on their race, religion, national origin, gender, sexual orientation, age or disability for any unlawful reason. They are committed to providing an environment free from discrimination and harassment and will not tolerate such action by employees, volunteers, vendors or inmates. The auditor was also informed about the Keystone Interpreting Solutions (KIS) Professional Service Agreement for providing American Sign Language Interpreting. The auditor reviewed the agreement which KIS agrees to provide interpreters who will abide by all the rules of personal conduct set forth in the Code of Professional Conduct as defined by the Registry of Interpreters for the Deaf. They are qualified, insured, and have passed a third-party background check and wellness requirements. The auditor and PREA Coordinator discussed procedures for ensuring adequate forms of communication for persons who are deaf, hard of hearing, or speech impaired. The CWCJ has a Preferred Communication Form for new

inmates. During the initial booking process, they have the option of written - pen and paper or reading from a computer screen and filling out forms, or Interpreter Service - provided through ZVRS on Apple iPad. For phone usage during the intake process they can use the TTY phone or the Apple iPad softphone - using interpreter service with American Sign Language. During their stay they have all of the above options. For inmates who have low vision or are blind, staff can verbally read all PREA notices, and educational materials that are provided to all other inmates. Materials are available at intake and in the Sgt.'s offices. The auditor was also provided with signed PREA advisements for a deaf inmate and a legally blind inmate as an example. The Sheriff and Chief Deputy verified that the agency has established procedures to provide inmates with disabilities equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse/harassment. They said that they are ADA compliant. They articulated the use of "Google Translate" and informed the auditor of their available Spanish documents. They further discussed the use of the jail's Social Workers for special needs and vulnerable inmates. There are also community resources available as needed. The auditor received and reviewed the evidence which supported this standard. All jail televisions are placed on closed captioning for hearing impaired inmates. Programs staff are available to meet with any inmates who have limited reading and/or comprehension abilities. All staff are trained in the PREA policies and procedures, including PREA for inmates with disabilities and continue with refresher training at least annually."

The auditor reviewed the inmate orientation and education policies in addition to the inmates with disabilities policies. The PREA **Inmate Education** Policy calls for the CWCJ to provide inmate education in formats accessible to all inmates, including those who are LEP, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. In addition to English, I observed Spanish language PREA statements and posters during the on-site facility tour and observation period. Translation and Interpretive services are provided as needed and as referenced in the auditor's narrative of Standard 115.16: Inmates with Disabilities. The PREA Coordinator discussed and provided the auditor with a list of resources available to enhance the inmate PREA education experience to include accessibility for all inmates with various degrees of disabilities or language barriers. The auditor tested how the facility provides the necessary PREA information to all confined persons, regardless of ability and language, including whether written information, if applicable, is clear and provided at an appropriate reading-level and is accessible for all persons confined in the facility, including those who are LEP. The auditor observed Spanish language PREA documents at intake available as needed. As previously established, with the 115.16 Inmates with Disabilities and LEP Standard compliance narrative, the CWCJ provides interpreters, when needed, to assist Deaf and non-English speaking persons confined in the facility. The CWCJ has numerous policies with procedures which address this standard. There are also notices, forms, documents available for review in support of this standard.

Staff are prepared to read written information out loud, if applicable, to make accommodations for persons confined in the facility when necessary and can recruit

the assistance of program staff when necessary. (e.g., Blind or have low vision, limited reading skills). Additionally, Mental Health staff and/or Social Workers or other skilled educators/staff are involved in providing the required information to confined persons with cognitive or functional disabilities.

There were no disabled inmates available to interview at the CWCJ.

The auditor also tested the facility's process for securing interpretation services on demand. The PREA Coordinator and jail staff showed the auditor the various supplies and equipment available to assist with educating the disabled or LEP inmate on PREA.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. Inmates with Disabilities or Who Have Limited English Proficiency.** 1. Disabled Inmates, **04. Staff Training and Inmate Education.** B. Inmate Orientation and Education 3.

Supporting Documents: CWCJ Inmate Handbook, PREA Orientation Spanish, KIS Contract, Hearing Impaired Questionnaire, LEP document, PREA posters/signs.

(e) The CWCJ maintains intake records and electronic records of initial and continuing PREA education in the inmate files.

The same policy requires the jail to maintain documentation of inmate participation in these education sessions. The jail is required to maintain records of initial and continuing PREA education in the inmate files. The auditor reviewed a spot check of jail logs, inmate files, and other documentation of inmate participation in education sessions to verify this standard compliance. The auditor was able to view electronic files and printed copies.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **04. Staff Training and Inmate Education. B. Inmate Orientation and Education** 4.

Supporting Documents: CWCJ Inmate Handbook, Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting Document, Completion of Orientation document, PREA Posters and signs.

(f) In addition to providing such education, the agency ensures that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

In addition to providing the previously referenced PREA education, the CWCJ ensures that key information is continuously and readily available and visible to inmates through posters, the inmate handbook, inmate PREA brochures, and the Turnkey Communication and Canteen KIOSK. The same policies address this provision of the inmate education standard. Throughout the facility tour, the auditor observed visible signage and copies of the inmate handbook in the housing units electronically and hard copy advising inmates of their right to be free from sexual abuse, zero tolerance, and how to report incidents with contact information. The auditor also reviewed Spanish language information. Informal conversation with a few inmates provided the auditor with assurances that the inmates had sufficient PREA knowledge. They were

able to demonstrate and show the auditor where information is posted and maintained in their housing units and described the programs and services available to them.

The television Carousel System also provides ongoing PREA information to the inmates within their housing units. The Orientation Video is played daily at meal times which contains a PREA component.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **04. Staff Training and Inmate Education. B. Inmate Orientation and Education 5.**

Supporting Documents: CWCJ Inmate Handbook, PREA Posters and signs.

For the reasons and evidence described in the body of this narrative, the CWCJ substantially complies with all sub-parts of the Inmate Education PREA Standard.

115.34 Specialized training: Investigations	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) In addition to the general training provided to all employees pursuant to § 115.31, the agency ensures its investigators have received training in conducting PREA investigations in confinement settings.</p> <p>The auditor reviewed the agency policy for investigative staff, investigator training curriculum, training records of investigative staff, and documentation that agency investigators have completed the required training which supports compliance of this standard. The <u>Specialized Training: Investigators</u> Policy requires additional training for investigators in conducting sexual abuse investigations in confinement settings. All staff who have contact with inmates shall receive training on the prevention and detection of sexual abuse/sexual harassment and their coordinated response procedures in the event of an incident within this facility. The Sheriff's Office Sexual Assault Policy requires that qualified investigators be available for assignment of sexual assault investigations and should have specialized training. Qualified investigators receive advanced training on additional topics including interviewing sexual assault victims, SART, medical and legal aspects of sexual assault investigations, serial crimes investigations, and the use of community and other federal and state investigative resources. There are a total of 11 officers who are trained and available to conduct investigations for sexual abuse/harassment allegations upon referral. (8 from the field division, 3 are from jail administration) The auditor reviewed a spot check of Investigator training files for Certifications of</p>

Completion on the PREA: Investigating Sexual Abuse in a Confinement Setting, which is a 3-hour online course by the NIC.

The CWCSO conducts its own investigations of allegations of sexual abuse. During the on-site audit, the auditor interviewed a Deputy Sheriff/Investigator and asked about his training specific to conducting sexual abuse investigations in confinement settings. He said he attended an initial two-day long sexual assault investigation course and then online PREA training. The auditor reviewed a sample of training records for proof of specialized training in PREA Investigations. The auditor has taken the initial course and the advanced course for a better understanding of course content. Classes and curriculum were provided to the auditor.

<https://nicic.gov/about-nic#mission>

Reference Policies: CWCSO Policy 602 Sexual Assault Investigations. **602.3**

Qualified Investigators, 602.6 Training a and b, 04. Staff Training and Inmate Education. A. Employee Training, 6. Specialized Training: Investigators a..

Supporting Documents: NIC Training Certificates, training records and logs.

(b) 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.

The Specialized Investigative Training: Investigators Policy addresses this standard provision. The investigator interviewed confirmed the training and use of the uniform evidence protocol and informed the auditor of the training topics to 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 or prosecution referral.

The auditor further reviewed the investigator's training records and logs of investigative staff, as well as the curriculum. The CWCJ Specialized Investigative Training policy emphasizes the training details and subject matter required.

Reference Policies: CWCSO Policy 602 Sexual Assault Investigations. **602.3**

Qualified Investigators, 602.6 Training a and b, 04. Staff Training and Inmate Education. A. Employee Training, 6. Specialized Training: Investigators b.

Supporting Documents: NIC Training Certificates, training records and logs.

(c) Training records are maintained by the CWCSO and the CWCJ.

According to the CWCJ Specialized Training: Investigators Policy, in the case of investigators who investigate sexual abuse in the facility, it shall maintain documentation that they have completed the required specialized training in sexual

abuse investigations.

The auditor had access to the documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. The PREA Coordinator confirmed the importance of keeping thorough training records. The Training Officer maintains all training records for jail staff.

Reference Policies: CWCSO Policy 602 Sexual Assault Investigations. **602.3**

Qualified Investigators, 602.6 Training a and b, 04. Staff Training and Inmate Education. A. **Employee Training, 8 Specialized Training: Investigators b.**

Supporting Documents: NIC Training Certificates, training records and logs.

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The CWCSO/CWCJ ensures that all full and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: (1) How to detect and assess signs of sexual abuse and sexual harassment; (2) How to preserve physical evidence of sexual abuse; (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.</p> <p>The auditor examined training records and personnel records to verify that regular practitioners have been trained. I also examined the jail and medical policy and verified that all required elements are addressed.</p> <p>The Jail has a policy for specialized training for medical and mental health professionals. The medical division also has a PREA and Sexual Assault Policy which addresses the PREA training and education requirements for employees as well as specialized training for nurses and mental health services. The auditor conversed with the Training Officer and Programs Sgt. They provided me with a list of jail staff including medical staff, mental health, and social workers who have met their annual PREA training and specialized training requirements. The auditor ensured that they received the training for employees in the referenced standards. The nurses and mental health workers are employed by the county and are not contract employees. The auditor reviewed the curriculum for employee training and the Medical Policy/Procedures for PREA and Sexual Assault which was last reviewed and documented in April 2024. It is signed by the Medical Director and the Jail Administrator.</p> <p>The auditor also reviewed a number of secondary medical documents in use at the CWCJ for a broader understanding of implementation of PREA training procedures. The auditor studied the Health Assessment with PREA section and release statement. I also reviewed the Past Sexual victimization Reporting Guidelines with patient</p>

consent information documented.

There are seven medical and mental health care practitioners who work regularly at this facility. All seven received the training required by agency policy.

The auditor spent time in the medical unit on both days of the on-site audit observing and conversing with the medical staff. We discussed various PREA topics including training. They verified receipt of both employee and medical training relative to this PREA Standard.

The auditor interviewed a Registered Nurse (RN) and a Mental Health Practitioner. I asked them about the specialized training regarding sexual abuse and sexual harassment. They said that training consisted of video training and policy review. All four elements of the standard were covered in accordance to the policies.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **04. Staff Training and Inmate Education. A. Employee Training. 7. Specialized Training: Medical and Mental Health Professionals, Medical Policy/Procedures.** Title: PREA and Sexual Assault. Training and Education, In the event of a reported sexual assault, health staff will:

Supporting Documents: Jail training documents and curriculum, exam logs.

(b) N/A. If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.

The auditor was informed by the PREA Coordinator, Jail Administrator and medical/mental health practitioners that forensic examinations are NOT conducted at the jail. A review of the medical policy advised that the patient is to be transported to the local emergency department for follow-up evaluation and care, and for potential evidence collection. They are to contact the emergency room to communicate a report of the nature of the medical events prior to transfer. Upon return of the alleged victim from the ER, they ensure follow up according to discharge instructions and offer a mental health evaluation and treatment to the victim. The jail policy states that Medical and Mental Health Practitioners providing contract services will not conduct forensic medical examinations. There are two doctors who are contracted by the CWCJ.

The auditor interviewed an RN and a Mental Health Staff. They confirmed that forensic examinations are not conducted on-site.

Reference Policies: **04. Staff Training and Inmate Education. A. Employee Training. 7. Specialized Training: Medical and Mental Health Professionals, Medical Policy/Procedures.** Title: PREA and Sexual Assault. Training and Education, In the event of a reported sexual assault, health staff will:

Supporting Documents: Jail training documents and curriculum.

(c) and (d) The CWCSO/CWCJ maintains documentation that medical and mental health practitioners have received training referenced in this standard. Medical and

mental health care practitioners shall also receive the training mandated for employees under § 115.31 or for contractors and volunteers under § 115.32, depending upon the practitioner's status at the agency.

Training logs of medical and mental health care practitioners were examined to ensure they received the training for employees in the referenced standards, as well as the requirements of specialized medical training. The Training Officer and Programs Sgt. provided the auditor with both member, contractor, and specialized medical training records which consisted of class rosters and signed acknowledgement forms. The PREA medical policy was reviewed as part of the specialized medical and mental health training in April of 2024. Training records are maintained by the Training Officer and within the medical unit.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **04. Staff Training and Inmate Education. A. Employee Training. 7. Specialized**

Training: Medical and Mental Health Professionals, Medical Policy/Procedures. Title: PREA and Sexual Assault. Training and Education, In the event of a reported sexual assault, health staff will:

Supporting Documents: Jail training documents and curriculum.

The CWCSD medical and mental health division of the jail meet the requirements of this standard based on the comprehensive analysis as evidenced in the policies, procedures, training records, interview responses, observations, and use of screening and assessment documents.

115.41 Screening for risk of victimization and abusiveness	
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	(a) All inmates are assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
	The Screening of Inmates Policy requires all inmates to be assessed during the intake screening process for their risk of being sexually abused by other inmates or being sexually abusive toward other inmates. The Inmate Classification Policy provides for the proper classification of inmates according to security and health risks. Inmates are housed in accordance with an objective classification and risk screening system for reasons of safety, security, fairness and consistency.
	The auditor toured the CWCJ and spent a considerable amount of time in the booking room. I observed portions of the intake process for new inmates. New inmates are provided initial PREA information, specifically of the jail's zero tolerance policy for sexual abuse and sexual harassment and ways to report incidents. I also

accompanied a PREA Risk Screening/Classification Officer to witness the risk screening process for new inmates who had been placed in pre-classification housing. I was informed that sometimes the screening process takes place in the booking room. I assessed that the screening process occurs in private settings at the cell or a meeting room, given the potentially sensitive information that could be discussed. This is out of earshot of confined persons and other staff who would not otherwise participate in the screening process. There are two Classification Officers/ Risk Screening Officers assigned the responsibility of screening inmates upon admission for risk of sexual abuse victimization or sexual abusiveness toward other inmates. The classification process helps ensure that inmates are assigned to housing units based on their classification in order to provide a safe and secure facility for inmates and jail staff. Jail Sergeants are also responsible for inmate classification and PREA risk screening. I also assessed that screening staff ask screening questions in a manner that fosters comfort and elicits responses. The screening method was tested for assessing confined persons for risk of being sexually abused by other persons confined in the facility or sexually abusive toward other persons confined in the facility, by confirming that screening staff use objective screening and classification instruments to collect information during the risk screening process. Screening staff affirmatively ask persons confined in the facility about their sexual orientation and gender identity by directly inquiring if they identify as LGBTQI in addition to making a subjective determination about perceived status. Screening staff use additional sources of information, outlined in the standards, to complete the initial risk screening assessment. The screening tool documents responses and staff observations as well as data. The Classification Officer/PREA Risk Screening Officer communicates with the Sgt. at the completion of the risk screening. The risk assessment information is utilized as part of the classification tool and which results in a score for assigning security levels and/or special housing and program considerations. There are also override options available based on a case by case system for aggravating or mitigating circumstances. The PREA Risk Screening Officer demonstrated and provided the auditor with the screening documents consistent with this standard. The PREA Coordinator had provided the auditor with relative screening documents prior to the on-site audit. They verified what questions are asked for the purpose of determining their risk status. The auditor was provided with the documents and forms relative to this standard as well as conducting a spot check of inmate files to ensure the risk screening process prior to housing assignments. The assessment tools consisted of the Sexual Violence Assessment Tool **Primary Likelihood Checklist**, and the Sexual Violence Assessment Tool for **Adult Male** or **Adult Female, the Victim Continuum** and the **Predator Continuum form.** **Victim** Checklist and the **Predator** Checklist. The PREA Coordinator provided the auditor with Classification and Reclassification tracking sheets which were also reviewed. At this time, the auditor also received and reviewed the Transgender Preference form and the Protective Custody Request all related to this standard.

The auditor formally interviewed a staff member who perform screening for risk of victimization or abusiveness. She verified that they screen inmates upon admission to their jail or transfer from another facility for risk of sexual abuse victimization or sexual abusiveness toward other inmates. A random sample of inmates were asked

if they recalled when they first came here, if they were asked any questions like whether they had been in jail or prison before, whether having been sexually abused, whether they identify with being gay, lesbian, or bisexual, and whether they think they might be in danger of sexual abuse at the jail. The majority of inmates interviewed responded positively that they remembered being asked most of the questions indicated. They said it happened soon after they first arrived here at booking. The standard calls for within 72 hours of arrival. The auditor reviewed the screening forms and a sample spot check of recent inmate files to include the completed assessments.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention And Detecting Sexual Abuse and Harassment. H. Screening of Inmates.** 1. Screening for Risk of Victimization and Abusiveness. a., Chapter 6. Admission/Release. 06.0405. Inmate Classification.

Supporting Documents: Sexual Violence Assessment Tool **Primary Likelihood Checklist**, and the Sexual Violence Assessment Tool for **Adult Male or Adult Female**, the **Victim Continuum** and the **Predator Continuum form., Victim** Checklist and the **Predator** Checklist, Classification and Reclassification tracking sheets, Transgender Preference form, Protective Custody Request form.

(b) The PREA standard states that Intake screening shall ordinarily take place within 72 hours of arrival at the facility.

The CWCJ policy also states that screening shall ordinarily take place within 72 hours of arrival at the facility. The PREA Coordinator provided inmate population reports and statistics and reviewed with the auditor that 1,733 inmates stayed longer than 72 hours and all went through the PREA screening process. The auditor was informed that ALL new inmates are screened shortly after admission. Further review of inmate booking records provided evidence of appropriate screening within the 72-hour timeline.

The auditor interviewed inmates and staff who perform screening for risk of victimization or abusiveness. When asked how soon were they asked screening questions, as referenced in the previous narrative, the inmates said they were asked those questions during booking. The PREA Screening Officer said that assessments are accomplished within 24 hours or less. Records for inmates admitted to the facility within the past 12 months for evidence of appropriate screening indicated mostly a same day to 48 hour threshold.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention And Detecting Sexual Abuse and Harassment. H. Screening of Inmates.** 1. Screening for Risk of Victimization and Abusiveness. b., Chapter 6. Admission/Release. 06.0405. Inmate Classification.

Supporting Documents: Sexual Violence Assessment Tool **Primary Likelihood Checklist**, and the Sexual Violence Assessment Tool for **Adult Male or Adult Female**, the **Victim Continuum** and the **Predator Continuum form., Victim** Checklist and the Predator Checklist, Classification and Reclassification tracking

sheets, Transgender Preference form, Protective Custody Request form.

(c) Such assessments shall be conducted using an objective screening instrument.

The jail screening policy also requires the use of an objective screening instrument for such assessments. The Screening instrument utilized for risk of victimization and abusiveness is an objective screening tool with questions for the inmate and the officer, including observations and the collection of data. Together with the Classification tool, the assessment is put into place to determine appropriate housing and to prevent sexual misconduct. According to the PREA Resource Center (PRC): "The Department (Department of Justice (DOJ) made clear in the PREA Notice of Final Rule that the "standard provides that the agency shall attempt to ascertain specific information about the [resident, inmate, or detainee] and that the agency develop an objective, rather than subjective, process for using that information..." See 77 Fed. Reg. 37106, 37154 (June 20, 2012) (emphasis added). Objective screening instruments have been used in corrections and other disciplines for decades in order to create uniformity, accuracy, and transparency in internal decision-making processes.¹ Such instruments lead to a presumptive determination of risk, and are "point-additive," "decision-tree," or "software-based algorithm." "By policy, the classification plan includes an initial screening process, as well as a process for determining appropriate housing assignments. The plan includes use of an objective screening instrument, procedures for making decisions about classification and housing assignments, intake and housing forms and a process to ensure that all records are maintained in each inmate's permanent file. The comprehensive classification process begins with a review of any initial classification information obtained during the reception and booking process, as well as an interview by the classification correctional officer. The review of initial classification documents and the questions, answers and observations from the inmate's interview will be documented and numerically scored, representing the security level and housing assignment appropriate for each inmate. Individualized determinations shall be made about how to ensure the safety of each inmate. The auditor studied the PREA Screening Instrument and the Inmate Classification tools in addition to the policies in support of this standard.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention And Detecting Sexual Abuse and Harassment.** H. **Screening of Inmates.** 1. Screening for Risk of Victimization and Abusiveness. c., Chapter 6. Admission/Release. 06.0405. Inmate Classification.

Supporting Documents: Sexual Violence Assessment Tool **Primary Likelihood Checklist**, and the Sexual Violence Assessment Tool for **Adult Male** or **Adult Female**, the **Victim Continuum** and the **Predator Continuum** form., Victim Checklist and the Predator Checklist, Classification and Reclassification tracking sheets, Transgender Preference form, Protective Custody Request form.

(d) The CWCJ intake screening process considers all the criteria (1-10) required of the standard to assess inmates for risk of sexual victimization.

The screening policy also considers, at a minimum, the ten mandatory criteria to

assess inmates for risk of sexual victimization. The auditor reviewed the risk screening instruments and the classification forms to ensure that each item prescribed by the PREA standard is included/assessed. In order to meet the requirements of the standard, the screening should use all criteria (1-10), at a minimum, to assess risk. The Inmate Classification Policy describes the primary classification which is completed and documented on the CWCJ Classification Assessment form based on information from corrections officers, court appearances and the following items:

1. The crime they are currently charged with;
2. An escape risk;
3. Potential risk of safety to others and self;
4. Special needs to include but not limited to: mental health needs, medical needs, mental retardation, behavioral or physically limited, and physically or mentally disabled.
5. Prior institutional behavior;
6. Risk for being sexually abused by other inmates or sexually abusive towards other inmates.

Upon completion of the classification, the inmate will be assigned to the appropriate housing unit based on a status of custody levels of minimum, medium, or maximum security. Inmates are also classified according to needs such as administrative segregation, disciplinary segregation, special management and/or special needs. This plan should be based on the evaluation criteria of Minn. R. 2911.2500; Minn. R. 2911.2600.

The auditor reviewed the risk screening and classification instruments procedurally to ensure that each item prescribed by the PREA standard is included/assessed. In order to meet the requirements of the standard, the screening should use all criteria (1-10), at a minimum, to assess risk. The risk screening forms distinguish between the male and the female inmate for some of the criteria such as stature and feminine or masculine features. Previous sexual offense convictions are always documented. Additional potential victim or potential predator information is also reviewed in determining housing and programming.

Additionally, the auditor and the PREA Screening Officer discussed what the initial risk screening considers. She verified that all ten criteria is considered. She described the process for conducting the initial screening which utilizes a set format with checklist with yes or no answers to questions in addition to requests for data. A criminal history is run first before the face to face screening process.

The CWCJ intake screening process considers more than the criteria (1-10) required of the standard to assess inmates for risk of sexual victimization.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention And Detecting Sexual Abuse and Harassment.** H. **Screening of Inmates.** 1. Screening for Risk of Victimization and Abusiveness. d., Chapter 6. Admission/Release. 06.0405. Inmate Classification. 02. Primary Classification D.

Supporting Documents: Sexual Violence Assessment Tool **Primary Likelihood Checklist**, and the Sexual Violence Assessment Tool for **Adult Male** or **Adult Female**, the **Victim Continuum** and the **Predator Continuum** form., Victim Checklist and the Predator Checklist, Classification and Reclassification tracking sheets, Transgender Preference form, Protective Custody Request form.

(e) The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.

The Primary Classification Policy and the Screening for Risk of Victimization and Abusiveness Policy both require the consideration of previous violence and/or sexual abuse as known to the Office in assessing inmates for risk of being sexually abusive. The screening documents whether an inmate has been convicted for sexual offenses against a minor or an adult and whether the current offense is violent or non-violent. Whether the criminal history is exclusively non-violent is considered. If the offender is a probation or parole violator they look at his/her original convictions including criminal sexual conduct, possession of child pornography, solicitation, prostitution and sex trafficking, incest, kidnapping and false imprisonment. The classification tool questions whether the current offense is an assaultive felony, are their prior assaultive felony convictions, escape history from a secure facility, and known past/present institutional behavioral problems are rated. These items are prescribed by the PREA Standards and are included in the facility's instruments for risk of victimization and abusiveness. The auditor verified the content of the screening instruments for compliance. The auditor also spot checked recent executed screening documents. The intake officers who conduct the risk screening verified that prior sexual abuse is a consideration when determining risk of potential assaultive behaviors.

Mandatory housing separations further provides for the safety and security of inmates and staff. The facility provides for separate housing of the following categories of inmates:

- Female and male inmates;
- Inmates requiring disciplinary segregation;
- Inmates requiring administrative segregation;
- Juveniles and youthful offenders;
- Custody levels deemed appropriate to the facilities design, intent and classification system;
- Inmates classified as mentally ill;
- Male intermittent custody inmates (weekenders) are held in the classification unit with the unclassified males;
- Female intermittent custody inmates will be housed in the female unit with the unclassified females.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention And Detecting Sexual Abuse and Harassment.** H. **Screening of Inmates.** 1.

Screening for Risk of Victimization and Abusiveness.. e., Chapter 6. Admission/Release. 06.0405. Inmate Classification. 02. Primary Classification D.

Supporting Documents: Sexual Violence Assessment Tool **Primary Likelihood Checklist**, and the Sexual Violence Assessment Tool for **Adult Male** or **Adult Female**, and the **Victim Continuum** and the **Predator Continuum** form, Victim Checklist and the Predator Checklist, Classification and Reclassification tracking sheets, Transgender Preference form, Protective Custody Request form, Classification tool.

(f) Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

The screening and classification policies also require that within a set time period not to exceed 30 days from the inmate's arrival at the facility, the jail will reassess the inmate's risk of victimization or abusiveness based on any additional, relevant information received by the facility since the intake screening. The Inmate Classification Policy also requires a classification officer or designee to complete a 30-day classification review on inmates in special housing using the CWCJ Reclassification Reassessment tool. The auditor reviewed a sample of completed Sexual Violence Re-Assessments which were completed within the 30 day timeframe. The PREA Coordinator also provided the auditor with a rotating reclassification tracking sheet. The documents tracks intake date, 14-day, and classification and next classification dates to complete. The reassessment tool inquires about any changes in status, any fears for their safety, any questions about how to report incidents, whether they have been threatened in any way, and mental health referral. The classification officer and/or jail Sgt. can re-classify an inmate at any time based on changes in the inmate's behavior/circumstances that affect the care of the inmate, the security of the facility or the safety of staff or inmates, or by the reasonable request of staff, the inmate or other authority. The classification officer or designee shall additionally review an inmate's classification at the request of the Jail Administrator or Medical, following a disciplinary action for a major rule violation, every seven days for inmates held in administrative segregation, and within three working days upon order of immediate segregation when it is necessary to protect the inmate or others.

The PREA Coordinator informed the auditor that there were 397 inmates entering the facility (either through intake or transfer) within the past 12 months whose length of stay in the facility was for 30 days or more and who were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake. The auditor conducted a spot check of records of initial assessment and reassessment for risk of sexual victimization or abusiveness for compliance.

The auditor spoke with one of the PREA Risk Screening/Classification Officers regarding this standard. She confirmed that they reassess an inmate's risk level as

needed due to a referral, requests, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. She added that they work with the Social Workers and Mental Health Practitioners as necessary. Reclassifications and reassessments for risk of victimization and abusiveness overlap for safety and security purposes. Reassessments occur no longer than a 30-day threshold. Approximately half of the random sample of inmates interviewed were aware of PREA Screening reassessments. Some of the inmates had not been in custody for longer than 30 days. The auditor confirmed that reassessments were accomplished on two transgender inmates and an inmate who had requested protective custody.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention And Detecting Sexual Abuse and Harassment.** H. **Screening of Inmates.** 1. Screening for Risk of Victimization and Abusiveness. f and g., Chapter 6. Admission/Release. 06.0405. Inmate Classification. 02. Primary Classification D.

Supporting Documents: Sexual Violence Assessment Tool **Primary Likelihood Checklist**, and the Sexual Violence Assessment Tool for **Adult Male or Adult Female**, and the **Victim Continuum** and the **Predator Continuum** form, Victim Checklist and the Predator Checklist, Classification and Reclassification tracking sheets, Transgender Preference form, Protective Custody Request form, Classification tool.

(h) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section.

According to jail policy and confirmed by the PREA Coordinator and staff who perform screening for risk of victimization and abusiveness, inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked specific to sexual abuse or sexual harassment: whether the inmate has a mental, physical, or developmental disability, whether the inmate is or perceived to be Lesbian, Gay, Bisexual, Transgender, or Intersex (LGBTI), whether the inmate has previously experienced sexual victimization, or the inmate's own perception of vulnerability.

The auditor did not find any evidence of inmate discipline for refusing to answer the specified PREA questions.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention And Detecting Sexual Abuse and Harassment.** H. **Screening of Inmates.** 1. Screening for Risk of Victimization and Abusiveness. h., Chapter 6. Admission/Release. 06.0405. Inmate Classification. 02. Primary Classification D.

Supporting Documents: Sexual Violence Assessment Tool **Primary Likelihood Checklist**, and the Sexual Violence Assessment Tool for **Adult Male or Adult Female**, and the **Victim Continuum** and the **Predator Continuum** form, Victim Checklist and the Predator Checklist, Classification and Reclassification tracking sheets, Transgender Preference form, Protective Custody Request form, Classification

tool.

(i) The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

Information obtained in response to screening questions shall be considered confidential and shall only be made available to those with a legitimate need to know. As per the screening policy, all inmate screenings pursuant to this standard are not placed in the inmate file or scanned into the JMS system. All screenings are scanned into a separate file with access limited to supervisory staff and Correctional Officers assigned as the Classification/PREA Risk Screening Officer. The auditor verified this practice through verbal discussions with staff, Classification Officers, and Supervisors. I was allowed to view the electronic files of inmates to observe the separate and secure screenings. Medical, Mental Health Practitioners and Social Workers that work in the jail are also allowed access according to the 14 day health assessment requirements and reassessment procedures. These employees abide by the rules of confidentiality to ensure that sensitive information is kept private.

The auditor was advised that information provided is used for classification, housing, and programming purposes. Referrals are made to medical and mental health staff as deemed necessary. The PREA Coordinator assured the auditor that appropriate controls have been implemented on the dissemination within the facility referencing this standard. He described how the agency has outlined who should have access to an inmate's risk assessment within the facility in order to protect sensitive information from exploitation. He explained that the Classification/Risk Screening Officers, jail Sergeants, and jail administration have access to the PREA screening responses. There are also ethics policies in place which require staff to adhere to data practices standards.

During the site review, the auditor paid attention to records storage procedures. I observed the physical storage area of information/documentation collected and maintained in hard copy pursuant to the PREA Standards (e.g., risk screening information, medical records, sexual abuse allegations) to determine if the area is secured. The PREA Screening, Medical Screening and Classification hard copy documents are securely maintained and electronically. Classification officers require the information for programming and housing assignments. Medical and mental health practitioners are provided the information as part of their 14-day assessment follow ups. Information is shared on a need to know basis for safety, security, health and welfare decisions. The auditor also observed electronic safeguards of information/documentation collected and maintained electronically pursuant to the PREA Standards (e.g., risk screening information) and determined that access to the information is secured (e.g., password protected, accessible only in certain areas, role-based security).

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention And Detecting Sexual Abuse and Harassment.** H. **Screening of Inmates.** 1.

	<p><u>Screening for Risk of Victimization and Abusiveness</u>. i., Chapter 6. Admission/Release. 06.0405. Inmate Classification. 02. Primary Classification D.</p> <p>Supporting Documents: Sexual Violence Assessment Tool Primary Likelihood Checklist, and the Sexual Violence Assessment Tool for Adult Male or Adult Female, and the Victim Continuum and the Predator Continuum form, Victim Checklist and the Predator Checklist, Classification and Reclassification tracking sheets, Transgender Preference form, Protective Custody Request form, Classification tool.</p> <p>Screening for risk of sexual victimization or abusiveness is accomplished at the CWCJ with the goal of separating inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. The facility substantially exceeds the requirements of this standard from policy to meaningful practice by creating a positive PREA culture of sexual safety.</p>
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115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The CWCJ uses information acquired from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.</p> <p>The CWCJ <u>Use of Information Obtained from Screening Policy</u> represents this standard. This standard is a follow-up from the previous standard whereby information was objectively collected in order to obtain information to aid in decisions made for housing assignments and custody level based on their classification and risk level in order to provide a safe and secure facility for inmates and staff. The Inmate Classification Policy also supports this standard. Inmates identified as being at risk of victimization or abusiveness are monitored and housed in areas to minimize the risk to their safety or the safety of others. The screening and classification assessment is put into place to determine appropriate housing and to prevent sexual misconduct. Inmates are initially classified according to a point system and are assigned custody levels of minimum, medium, or maximum security. Maximum security inmates have indications towards posing a high risk to the security of the jail or safety of the staff, visitors, and other inmates. These inmates require close supervision by staff and a high security housing assignment. This means an area that provides the greatest degree of physical security for the control and separation of inmates. Administrative segregation means the physical separation of an inmate prone to escape, prone to assault staff or other inmates, or likely to need protection from other inmates or self, an inmate determined to be mentally deficient who is in need of medical care, or an inmate on medical isolation. Disciplinary segregation means that status assigned an</p>

inmate following a hearing in which the inmate was found guilty of violating a facility rule or state or federal law or the status assigned an inmate before a hearing. The status results in separating the inmate from the general population. Special management inmate means an inmate who presents a serious threat to safety or security of the facility, staff, general inmate population or self. Special needs inmate means an inmate whose mental or physical condition requires special handling and treatment by staff. Inmates assigned to minimum security classifications have displayed a level of behavior that is acceptable and in compliance with jail rules. They may be eligible for work release or the position of inmate worker status for kitchen or laundry jobs. Inmates who are court order to be on Huber (outside work) or educational release providing they meet jail requirements for the program or sentenced inmates that are low risk based on their classification assessment. These inmates require very little supervision within the facility and are routinely released to the community. Medium Security inmates are considered general population. Some inmates classified to medium security indicate that they pose a risk to the security of the jail. These inmates may require close supervision by personnel. This group includes inmates classified as protective custody, special needs, special management and disciplinary segregation. In speaking with the programs staff, all inmates are eligible for programs on a rotating schedule keeping in mind inmate separation requirements. They ensure equal opportunity for programs and services for female inmates, handicapped individuals, and all other classifications of inmates. Medical watch or disciplinary sanctions restrict programming during those designated periods. The auditor met with the program staff and was provided with a list of volunteers, and programs attended by housing unit. Offerings and opportunities are well documented. Some of the programs available to inmates are: gym and recreation, computers, library, art, book cart, guitar, law library, General Educational Development, church, bible discussion, Alcoholics Anonymous, "Let's Talk", Anger Management, Narcotics Anonymous, Set Free, Teen Challenge, Reentry, Adult Basic Education, Writer's Workshop, Re-wire, Book Literacy, and Mothering Inside.

The inmate handbook also provides persons in custody with classification information: "Once you have completed the booking process, you will be assigned to a housing unit for classification. You will remain in this unit in order for your behavior to be observed and documented. This process will determine your security status, housing unit designation, and any special needs based on your age, medical condition, offense, prior record, and your general attitude and behavior. Once you are classified, you will be assigned to a housing unit. Any change in classification is an administrative action, not disciplinary. Classification status may be reduced for appropriate behavior or may be increased as a result of inappropriate behavior or security/safety breaches. The CWCJ reserves the right to reclassify your housing unit assignment at any time as your behavior dictates."

Classification/Risk Screening Officers and Jail Sergeants receive training specific to inmate classification and PREA screening for risk of victimization or abusiveness before being assigned primary classification duties.

The jail staff who perform screening for risk of victimization and abusiveness were asked how the facility uses information from the risk screening during intake to keep

inmates safe from being victimized or from being sexually abusive. Information is used to make individualized determinations for housing and programming assignments to ensure inmate safety. In turn, the auditor again reviewed a sample of jail files containing classification and screening forms for housing assignments and program opportunities. I was also provided with a sample of protective custody requests and transgender preference forms. It appeared that inmates were being classified in a manner to enhance sexual safety at the jail with a consideration of their personal needs.

Reference Policies: Supporting Documents: Chapter 2. Staff Information. 02.2702.

PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. H.**

Screening of Inmates. 2. Use of Information Obtained from Screening. b., Chapter 6. Admission/Release. Inmate Classification.

Supporting Documents: **Sexual Violence Assessment Tool Primary Likelihood Checklist.** Sexual Violence Assessment Tool **Adult Male, Adult Female**, Protective

Custody Request form, Transgender Preference form, Programs/Services records.

(b) The CWCJ makes individualized determinations about how to ensure the safety of each inmate.

The same jail policies address this standard subpart. The classification officers and supervisors at the CWCJ are the ones who make individualized determinations about how to ensure the safety of each inmate. Any housing assignment other than that recommended by the assessment must be approved by the Correctional Sgt. Inmates are also housed based upon the criteria according to (Minn. R. 2911.2500). Overrides are an option and can be applied for a documentable reason. The Classification Officer and/or Jail Sgt. can re-classify an inmate at any time based on changes in the inmate's behavior or circumstances that affect the care of the inmate, the security of the facility or the safety of staff or other inmates, or by the reasonable request of staff, the inmate or other authority.

The auditor read the policies which require individualized safety assessments on a case by case basis. Screening forms recognize the inmate's perceived vulnerability and whether they verbalize fear of personal safety as a consideration. The auditor asked the staff who perform screening for risk of victimization and abusiveness how the information is utilized to benefit the inmate's safety. They described the face to face risk screening process with individualized determinations that are made for housing, programs, work assignments, and services.

Reference Policies: Supporting Documents: Chapter 2. Staff Information. 02.2702.

PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. H.**

Screening of Inmates. 2. Use of Information Obtained from Screening. b., Chapter 6. Admission/Release. Inmate Classification.

Supporting Documents: **Sexual Violence Assessment Tool Primary Likelihood Checklist.** Sexual Violence Assessment Tool **Adult Male, Adult Female**, Protective

Custody Request form, Transgender Preference form, Programs/Services records.

(c) Housing and program assignments of a transgender or intersex inmate includes individualized consideration for the inmate's health and safety and any related supervisory, management, or facility security concerns.

The same policies also address this standard subpart. The jail training policies also require security staff employees to be trained how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates and how to conduct searches of transgender and intersex inmates in a professional and respectful manner. Some of the staff have received online training: PREA Law and Transgender Inmates "What Every Jail Needs to Know."

The PREA Risk Screening provides an opportunity for inmate input for verbalizations of fear of personal safety or perceived vulnerabilities. There is a Transgender Preference form where they may request that a male or female staff member conduct a pat and strip search when necessary and they may also request a male or female housing unit. Gender identifications and pronoun preferences are also indicated on the form. They also can request protective custody status for good reasons that they must document. Their status will then be reviewed within 30 days. The Classification/PREA Risk Screening Officers, Jail Sergeants, Jail Administration, and PREA Coordinator work together as a team when determining housing and program assignments for the best interest of the inmate's health and safety and any related supervisory, management, or facility security concerns for the transgender or intersex inmate.

During the on-site audit there were no transgender or intersex inmates in custody. The auditor observed the monitors in the control center, officer's station, and supervisor offices that toilet areas are digitally blocked from view. There are no cameras in the change out areas or shower rooms. There are either privacy doors or curtains at the shower entries.

The auditor read the policies which require individualized safety assessments on a case by case basis. Screening forms recognize the inmate's perceived vulnerability and whether they verbalize fear of personal safety as a consideration. The auditor asked the staff who perform screening for risk of victimization and abusiveness how the information is utilized to benefit the inmate's safety. They described the face to face risk screening process with individualized determinations that are made for housing, programs, work assignments, and services.

Reference Policies: Supporting Documents: Chapter 2. Staff Information. 02.2702.

PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. H.**

Screening of Inmates. 2. Use of Information Obtained from Screening. c., Chapter 6. Admission/Release. Inmate Classification.

Supporting Documents: **Sexual Violence Assessment Tool Primary Likelihood Checklist.** Sexual Violence Assessment Tool **Adult Male, Adult Female**, Protective Custody Request form, Transgender Preference form.

(d) Placement and programming assignments for each transgender or intersex inmate

shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

The same policies as referenced above also pertain to this standard subpart.

I was informed by the PREA Coordinator that the jail would follow policy that specifies that at least two times per year, the jail will reassess and review any threats to safety experienced by the inmate regarding placement and programming assignments for each transgender or intersex inmate. The risk screening staff that were interviewed verified that transgender and intersex inmates would be reassessed at least twice annually by a Sgt. or committee for safety purposes. The auditor was provided a sample of assessments and reassessments for the transgender inmate whose status had been reviewed intermittently and within 30 days. They document any changes in status, any fears for their safety, any questions about how to report incidents, any threats, and mental health referral. Reclassifications can happen at any time based on changes in the inmate's behavior or circumstances that affect the care of the inmate, the security of the facility or the safety of staff or other inmates, or by the reasonable request of staff, the inmate or other authority.

Reference Policies: Supporting Documents: Chapter 2. Staff Information. 02.2702.

PREA. 02. Prevention and Detecting Sexual Abuse and Harassment. H.

Screening of Inmates. 2. Use of Information Obtained from Screening. d., Chapter 6. Admission/Release. Inmate Classification.

Supporting Documents: **Sexual Violence Assessment Tool Primary Likelihood Checklist.** Sexual Violence Assessment Tool **Adult Male, Adult Female**, Protective Custody Request form, Transgender Preference form.

(e) CWCJ policy dictates that a transgender or intersex inmate's own views with respect to his/her own safety shall be given serious consideration.

The same jail policies enforce this standard. This was confirmed by the PREA Coordinator and the staff who perform screening for risk of victimization and abusiveness. The screening policies, procedures, and assessment and reassessment tools verify through documentation that the transgender/intersex inmate's own views regarding safety is given serious consideration. Housing assignments reviewed seemed appropriate to the auditor.

There was no transgender or intersex inmate in custody available to interview during the on-site audit.

Reference Policies: Supporting Documents: Chapter 2. Staff Information. 02.2702.

PREA. 02. Prevention and Detecting Sexual Abuse and Harassment. H.

Screening of Inmates. 2. Use of Information Obtained from Screening. e., Chapter 6. Admission/Release. Inmate Classification.

Supporting Documents: Sexual Violence Assessment Tool Primary Likelihood Checklist. Sexual Violence Assessment Tool Adult Male, Adult Female, Protective Custody Request form, Transgender Preference form.

(f) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

The Use of Screening Information Policy addresses this standard subpart. The CWCJ Hygiene Policy and Inmate Handbook describes the shower procedures. Inmates at the CWCJ are required to shower one time daily to maintain proper personal hygiene. Inmates are required to use the showers located on the tier of their cell assignment unless directed by jail staff. There are a minimum of two privacy shower stalls for every 30 inmates. There are special housing units with either private or shared showers for fewer inmates. The locker room/work release change out also has showers available. The auditor made note of the privacy of the showers in the booking room and housing units as part of the facility tour and observation period. The auditor reviewed accommodations made for transgender and intersex inmates to shower separately from other inmates. The auditor toured the facility and paid close attention to the shower areas at intake, within the housing units, and in the medical units. There is no camera access within the showers. Jail policy provides for transgender or intersex inmates to be given the opportunity to shower separately from other inmates. Staff showed the auditor which private showers are available away from the housing units if needed. All showers have modesty screens, curtains, or partial doors for coverage. The auditor toured all areas of the jail including intake and housing units. The auditor saw that there are no group shower areas at the CWCJ.

Staff who perform screening for risk of victimization and abusiveness said that transgender and intersex inmates are given the opportunity to shower separately from other inmates.

Reference Policies: Supporting Documents: Chapter 2. Staff Information. 02.2702.

PREA. 02. Prevention and Detecting Sexual Abuse and Harassment. H.

Screening of Inmates. 2. Use of Information Obtained from Screening. f., Chapter 6. Admission/Release. Inmate Classification.

Supporting Documents: CWCJ Inmate Handbook

(g) There are no dedicated wings or housing units for LGBTI inmates.

The Use of Information Obtained from Screening Policy states that the CWCJ shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on such identification or status unless pursuant to a legal settlement or judgment. This was verified by the PREA Coordinator. The auditor researched for any title, status, and findings of any consent decree, legal settlement, or legal judgment requiring the CWCJ to establish a dedicated facility, unit, or wing for lesbian, gay, bisexual, transgender, or intersex inmates. There are none. I also reviewed documentation of housing assignments of inmates identified to be lesbian, gay, bisexual, transgender, or intersex for compliance with the standard. The CWCJ policy states that they shall not place LGBTI inmates in dedicated housing units. The auditor was informed by the PREA Coordinator that there are no consent decrees or legal judgements to that effect. The auditor reviewed the housing assignments of inmates and documentation of risk-based housing decisions during the on-site audit and did not detect any designated housing units for the LGBTI inmate population.

The PREA Coordinator was interviewed and verified that there are no dedicated wings or housing units for LGBTI inmates and that inmates are screened and classified objectively and assigned housing on a case by case and individualized basis.

Reference Policies: Supporting Documents: Chapter 2. Staff Information. 02.2702.

PREA. 02. Prevention and Detecting Sexual Abuse and Harassment. H.

Screening of Inmates. 2. Use of Information Obtained from Screening. g., Chapter 6. Admission/Release. Inmate Classification.

Supporting Documents: CWCJ Inmate Handbook

The CWCJ has provided the auditor with evidence of the appropriate use of the screening information and classification process for housing and program assignments in order to protect inmates from sexual abuse and sexual harassment. The auditor reviewed the policy and procedural documents for use of screening information as well as all relative classification, screening documents, and housing assignments for the goal of sexual safety in the jail. Jail staff interview responses corroborated this standard. The CWCJ complies in all material ways with the standard during the relevant review period.

115.43 Protective Custody	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The CWCJ has a policy prohibiting the placement of inmates at high risk of sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.</p> <p>The CWCJ <u>Protective Custody</u> Policy and the Classification Policy address this standard provision. As we learned in the previous <u>Use of Screening Information</u> policies, the CWCJ makes individualized determinations about how to ensure the safety of each inmate. The jail provides for administrative segregation classifications, meaning the physical separation of an inmate prone to escape, prone to assault staff or other inmates, or likely to need protection from other inmates or self. The auditor was informed by the PREA Coordinator that in the past 12 months there were zero inmates at risk of sexual victimization who were held in involuntarily segregation for one to 24 hours awaiting completion of assessment. The auditor requested records and documentation of housing assignments of inmates at high risk of sexual victimization. The auditor was provided with documentation of risk screening, classification, and assessments. The auditor had access to inmate rosters with housing assignments and</p>

locations. Assessments are determined on a case by case basis considering all information including inmate preferences.

The Jail Administrator advised the auditor that they do not place inmates at high risk for sexual victimization or those who have alleged sexual abuse in involuntary segregated housing in lieu of other housing areas, unless an assessment has determined there are no available alternative means of separation from potential abusers. Their policy is the least restrictive as possible and privileges and programs are always offered. He explained that they have enough housing units to separate inmates at high risk for sexual victimization with those inmates at risk of abusiveness. There are no overcrowding issues in their facility which allows for flexibility. The auditor reviewed records and documentation of housing assignments in support of this standard and did not note inmates held in involuntary segregation for these reasons.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. I. Protection of Inmates**

Facing Substantial Risk. 3. Protective Custody a., Chapter 6. Admission/Release. 06.0406. Inmate Classification.

Supporting Documents: Classification tool, Sexual Violence Assessment tools, Protective Custody Requests, Transgender Preference forms documentation.

(b) If inmates are placed in segregated housing for this purpose, they shall have access to programs, privileges, education, and work opportunities to the extent possible. If there are any of these opportunities restricted, the jail will document any limitations, duration of limitations, and reasons for limitations.

The same policy also addresses program and services privileges for inmates in protective custody. The policy also requires documentation for program and services limitations. The Program Sgt. verified that logs and records are kept of program participation and limitations. I reviewed pages of program records for inmate offerings and opportunities according to housing unit. I did not note any restrictions or limitations for protective custody or administrative segregation inmates. The auditor interviewed staff who supervise inmates in segregated housing. They said that inmates placed in segregated housing for protection from sexual abuse or after having alleged sexual abuse, still have access to programs, privileges, and education and work opportunities. They explained that the Sergeants have a restricted folder with inmate PREA information. The status of protective custody inmates are reviewed on weekly basis with documentation. If the jail needed to restrict programs and services, it would be documented. They would document opportunities that have been limited, the duration of the limitations, and the reasons for such limitations. There were no inmates in segregated housing for risk of sexual victimization during the on-site audit to interview.

During the facility tour with observations, the auditor did not notice any inmates in involuntary segregation for risk of sexual victimization. I reviewed the program participation logs in support of this standard. There seems to be equal access to programs and recreation for all those incarcerated at the CWCJ. Jail policy requires

access to programs, privileges, education, and work opportunities to the extent possible for inmates placed in segregated housing.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. I. Protection of Inmates Facing Substantial Risk. 3. Protective Custody b. and c.**

Supporting Documents: Classification tool, Sexual Violence Assessment tools, Protective Custody Requests, Transgender Preference forms documentation, Program logs and records.

(c) The CWCJ will assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged; the assignment will not exceed 30 days.

The same policy directs that this classification shall not exceed a period of 30 days unless exigent circumstances exist. Staff who supervise inmates in segregated housing were asked about involuntary segregation for these inmates at risk of sexual victimization. They said that if there was involuntary segregation, their status would be reviewed weekly to see if they can be moved based on various factors. This is accomplished by the jail Sergeants. They explained that their facility is structured with housing flexibility options. There are general housing and special housing units available for inmates placed on administrative segregation depending on the situation. They would be placed on involuntary segregated housing for the least amount of time as possible while being assessed. The Jail Administrator verified that inmates at high risk of sexual victimization or who have alleged sexual abuse are only placed in involuntary segregation until an alternative means of separation from likely abusers can be arranged. This is accomplished through the classification process. There are two review process options. There is a reclassification process and/or with administrative segregation for protective custody there would be weekly reviews. Protective Custody is usually a requested thing. He said ordinarily, involuntary segregation during the assessment process will be well less than 24 hours.

The PREA Coordinator documented that there were no inmates placed in involuntary segregation for longer than 30 days in the last 12 months while awaiting alternative placement. The auditor reviewed records for length of placement in segregated housing for those at risk of sexual victimization to verify that (1) inmates are placed in involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged; and (2) inmates are placed in involuntary segregated housing for a period that does not ordinarily exceed 30 days. There were no records found of involuntary segregated housing for protection from sexual abuse exceeding 30 days.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. I. Protection of Inmates Facing Substantial Risk. 3. Protective Custody d.**

Supporting Documents: Classification tool, Sexual Violence Assessment tools, Protective Custody Requests, Transgender Preference forms documentation.

(d) CWCJ policy mandates that if an involuntary segregated housing assessment is made, the jail will clearly document the basis for the concern for the inmates' safety and the reason why no alternative means of separation can be arranged.

The same policy addresses this standard subpart. The PREA Coordinator and the Jail Administrator verified that they document all relative information in cases of involuntary segregation for protective custody reasons. There were no case files of inmates at risk of sexual victimization held in involuntary segregated housing past 24 hours or 30 days in the past 12 months. The auditor requested case files of inmates at risk of sexual victimization held in involuntary segregated housing in the past 12 months. The auditor reviewed a few files of inmates who had requested protective custody which contained screening, classification, and assessments. Housing assignments were also reviewed. Safety concerns and vulnerabilities or threat of abuse was noted.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. I. Protection of Inmates Facing Substantial Risk. 3. Protective Custody e.,**

Supporting Documents: Classification tool, Sexual Violence Assessment tools, Protective Custody Requests, Transgender Preference forms documentation.

(e) CWCJ policy also ensures that every 30 days, the jail will afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

The Classification Policy enforces this standard subpart. The classification officer will complete a classification review on inmates within 30-days using the reassessment tool. The classification officer or Jail Sgt. can re-classify an inmate at any time based on changes in the inmate's behavior or circumstances that affect the care of the inmate, the security of the facility or the staff or other inmates, or by the reasonable request of staff, the inmate or other authority. They shall additionally review an inmate's classification at the request of the Jail Administrator or medical, following a disciplinary action, every seven days for inmates held in administrative segregation, or within three working days upon order of immediate segregation when it is necessary to protect the inmate or others.

The auditor observed that there are special management units available for housing with the flexibility to house high risk inmates for various reasons. Staff who supervise inmates in segregated housing said that once an inmate is assigned to involuntary segregated housing, there are weekly reviews that are documented with status reviews to determine whether continued placement is needed. The auditor reviewed various logs and inmate records for documentation of status reviews unrelated to sexual victimization risk for evidence of compliance.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. I. Protection of Inmates Facing Substantial Risk. 3. Protective Custody d. and f., Chapter 6. Admission and Release. 06.0406. Inmate Classification, 04. Re-Classification.**

	<p>Supporting Documents: Classification tool, Sexual Violence Assessment tools, Protective Custody Requests, Transgender Preference forms documentation.</p> <p>The CWCJ complies in all material ways with the requirements of the Protective Custody standard.</p>
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115.51	<p>Inmate reporting</p>
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p>
	<p>(a) The CWCJ provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse/sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.</p> <p>The auditor examined the inmate reporting policies, procedures and documents relative to this standard. The CWCJ has a policy that describes the procedures for reporting sexual abuse and sexual harassment according to the PREA Inmate Reporting Standard. Inmates may report concerns:</p> <ul style="list-style-type: none"> • Using request forms; • Verbally; • Anonymously; • In writing; • Through the KIOSK; and • Through third-party reporting. <p>The CWCJ Completion of Orientation form for new inmates acknowledges that the inmate handbook is located on the KIOSK in each housing unit. A printed copy can be requested if preferred. The orientation form also describes the jail's zero tolerance and reporting policy. Reports of sexual abuse or harassment can be made to any staff member in person, in writing, anonymously, or through a third-party. The jail orientation video with reporting information is shown in each housing unit during all meals. The television Carousel System is also played within the housing units. It contains announcements and PREA information, advising inmates of the zero tolerance policy and reporting methods. There is a separate document entitled <u>Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting.</u> which is explained during the booking process. It contains PREA information with the ways to report an allegation of sexual abuse/harassment. Contact information for Sexual Assault Services (SAS) is also documented on this form. Both forms require inmate and staff signature and date for understanding.</p> <p>As previously established, the inmate handbook contains a PREA section. It instructs inmates if they are a victim of sexual misconduct, REPORT IT IMMEDIATELY! All</p>

correctional staff members have been informed of their responsibility to report such activity and will accept reports made to them verbally, in writing, anonymously, and from third-parties. Sexual misconduct reports can also be made through the inmate messaging system using the designated tab on the KIOSK or by contacting SAS at (218) 828-0494 which is set up as a private free call on the inmate phone system. The contact information for Sexual Assault Services is advertised in the handbook:

Sexual Assault Services

606 NW 5th St

Brainerd, MN 56401

The auditor spoke with some of the inmates in all of the housing units during the facility tour who were able to demonstrate the reporting process and the various resources as described above. They pointed out posters and signage with reporting information and they also demonstrated the KIOSK and texter device with inmate handbook for PREA information and how to report a sexual abuse or harassment. The auditor had similar conversations with some of the housing unit officers. They were able to articulate the various internal ways for inmates to report a PREA incident. The auditor observed various posters and signage with reporting information at intake, within the housing units, and throughout the facility. There is also the same information in the Spanish language. There is a PREA notice on the jail television Carousel System in the public lobby as well. It contains information on the ways to report a sexual abuse or harassment. The CWCJ jail website also publishes instructions for reporting sexual abuse/harassment (see below):

"If you suspect that an inmate is the victim of sexual assault/harassment, it can be reported in the following ways:

Contact the Crow Wing County Jail Administration Office during regular business hours at 218-822-7050 and you will be directed to someone who can take the information. Call the Crow Wing County Jail and request to speak with a Shift Supervisor to make a report at 218-822-7050. Call Sexual Assault Services at 218-828-0494 with the option to remain anonymous."

<https://www.crowwing.gov/1001/Prison-Rape-Elimination-Act-PREA>

The auditor tested the CWCJ reporting process for the jail phone number provided. I called during business hours and non-business hours. A CO and a Jail Sgt. verified that they would accept reports of sexual abuse/sexual harassment and forward them for investigation.

The assistant auditor and auditor interviewed a random sample of jail staff and inmates. Corrections Officers were asked about the ways in which inmates are able to report sexual abuse/sexual harassment, retaliation, or staff neglect. Sexual abuse and sexual harassment reporting is one of the PREA topics that the jail staff are trained on. All staff responded with two or more of the following: texter, KIOSK, speak to on-duty sergeant, speak to CO, speak to outside third-party, through medical staff, a

family member, the PREA hotline, written note, or write a witness statement form. Most of the inmates interviewed were able to articulate some of the ways to report an abuse. Some of their responses included the hotline, use the texter or KIOSK, tell an officer, or tell a relative. The auditor tested the phone numbers as being available for inmates or third-party reporting. Specifically during the site review, the auditor actively observed signage throughout the facility. Signage included audit notices, how to report sexual abuse and sexual harassment, access to outside victim emotional support services, and other relevant PREA information. Information provided on signage is readable and accessible, consistent, and placed throughout the facility to convey vital sexual safety information specific to the facility. The signage language is clear and easy to understand. The auditor noted emotional support services and advocacy, civil immigration, and external reporting, clearly detailing what services are available and for what purposes. The auditor confirmed that signage is provided in English and translated in Spanish with PREA posters. The signage text size, formatting, and physical placement accommodates most readers, including those of average height, low vision/visually impaired, or those physically disabled/in a wheelchair. The information provided by the signage is not obscured, unreadable by graffiti, or missing due to damage. Information on the postings were accurate and consistent throughout the facility. The auditor and the PREA Coordinator discussed acquiring new and updated posters/signs. A few of them have one of the previous PREA Coordinators signified. The PREA Coordinator also informed the auditor that they will be translating the inmate handbook into the Spanish language for PREA benefits. The auditor noted that signage was located near the phone(s), so persons confined in the facility can easily access the phone number if needed. Informal conversations with inmates and staff indicated knowledge of PREA posters with reporting information and understanding of ways to report sexual abuse/sexual harassment within the jail. Internal reporting includes multiple ways for submitting a written report. Writing utensils are provided to the inmates. The housing units have a KIOSK where you can electronically order canteen, see your account balance, review jail information and services, and send electronic messages such as grievances, canteen issues, programming questions, classification requests and laundry requests. You can also use the KIOSKS to send email to friends and family for a small fee. Instructions are posted on or in the KIOSK. The KIOSK has the capability of accepting PREA reports electronically as well. One of the inmates demonstrated how to file an inmate request/complaint on the texter. KIOSKS and tablets for messaging are easily and readily available to all persons confined in the facility and are placed in the housing units. KIOSKS are also available for those inmates in restricted housing units. The inmate phone system has a "tip line" and a Sexual Assault helpline as instructed through the prompts. The auditor asked the jail staff to demonstrate the process for sending and receiving mail. Mail is accepted and delivered M-F via the Officer's station. The officers discussed the confidential manner of dealing with legal mail or mail to SAS as being sensitive in nature and should not be read. Inmates are made aware that if they want to make a private call to report a sexual abuse or harassment to an outside agency, they can contact the Jail Sgt. who will bring them to a private area for a phone call. Additionally, the auditor reviewed the staff training records and inmate education documents which affirmed that they are instructed on the ways to privately report sexual abuse or sexual harassment.

The inmate handbook describes the mail process. Inmate mail is sent out and delivered Monday through Friday. All mail is inspected (not read) by jail staff for contraband and content of letters. Outgoing mail is not to be sealed by the inmate. Privileged mail will be opened and inspected in the presence of the inmate, then sealed in the presence of jail staff.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. A. Procedures for Reporting Sexual Abuse and Sexual Harassment.** 1. Inmate Reporting.

Supporting Documents: CWCJ Inmate Handbook pgs. 3-4, and pg.16 Mail, **Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting** form, **CWCJ Completion of Orientation** form.

(b) The CWCJ provides 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. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

CWCJ Policy provides for inmate reporting services through the SAS in Brainerd. The inmate handbook advertises that sexual misconduct reports can be made through the inmate messaging system using the designated tab on the KIOSK or by contacting SAS at (218) 828-0494. This is set up as a private free call on the inmate phone system. It also says that victims of sexual abuse seeking emotional support services can contact SAS. It provides the mailing address and phone number.

The MOU between the CWCJ and SAS provides that they will be an outside reporting entity, pursuant to Section 115.51, for inmates in the CWCJ who wish to report incidents of sexual assault or sexual harassment to an outside source. Upon receipt of such a report, SAS will contact the Assistant Jail Administrator or the CWC Sheriff with the report if necessary. The auditor conducted a test of the process by calling the phone number that is published within the CWCJ documents during non-business hours. A representative answered the phone and verified that they receive and accept toll-free calls of a PREA nature for the CWCJ. I followed up that call and spoke with the Director who also confirmed the MOU for emotional support services, advocacy, and reporting.

"Sexual Assault Services (SAS) is a grassroots nonprofit 501 (c) organization that serves as a resource for individuals and establishments. Our mission is to bring hope, healing and empowerment to those affected by sexual abuse and exploitation. We provide a high standard of victim centered, trauma informed, and culturally proficient care. All of our services are available to anyone who contacts us. They are confidential, free of charge, specific, appropriate, physically and culturally accessible and driven by the needs of the individuals impacted by sexual violence. In all situations, the victim's decisions are respected and we inspire healing and empowerment throughout their journey."

<https://www.sasmn.org/about>

The CWCJ jail website also publishes instructions for reporting sexual abuse/harassment (see below):

"If you suspect that an inmate is the victim of sexual assault/harassment, it can be reported in the following ways:

Contact the Crow Wing County Jail Administration Office during regular business hours at 218-822-7050 and you will be directed to someone who can take the information. Call the Crow Wing County Jail and request to speak with a Shift Supervisor to make a report at 218-822-7050. Call Sexual Assault Services at 218-828-0494 with the option to remain anonymous."

<https://www.crowwing.gov/1001/Prison-Rape-Elimination-Act-PREA>

The **Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting** form and the **Completion of Orientation** form also convey this outside reporting source information as discussed in the previous standard subpart.

There is a brochure at the jail entitled: Sexual Assault Services. Hope. Healing. Support. It advertises 24-hour Free, Confidential Support Services for All and provides the phone numbers of: (218) 828-0494 and (888) 458-0494.

The same posters as previously described also advertise the outside reporting service of SAS with contact information. Same goes for the television Carousel System of revolving information for reporting methods to include the outside reporting entity of SAS.

The CWCJ Consular Notification and Diplomatic Representation for Detained Foreign Nationals Policy complies with all United States treaty obligations on consular notification and access. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security. The PREA Coordinator provided the auditor with the necessary documents for review. The Consular Notification Information sheet instructs the staff step by step on the consular notification process. The auditor reviewed a sample of Notification of Arrest/Detention of a National. The inmate handbook also provides Consular Notification information. "If you are a foreign national, you have a right to have the consulate office of your home Country notified of your incarceration...If you decide you would like your Consulate notified, please notify jail staff for assistance." This process was verified by the PREA Coordinator. The auditor also observed consular contact information and procedures available in the booking room for those inmates detained solely for civil immigration purposes. The PREA Coordinator said that there is always a Jail Sgt. on duty to assist the intake officers with this provision as needed.

A random sample of inmates were interviewed. They were asked about how they would report any sexual abuse or sexual harassment that happened to them or someone else. They were asked if there was someone who does not work at the

facility who they could report to. Most of the inmates were able to describe to the auditor the internal and external routes for reporting a sexual abuse/harassment. Some of the inmates were familiar with SAS or where to find the information. Nine inmates knew that you could make a report without giving their name, seven were unsure.

During the facility tour, the auditor observed posters on how to report sexual abuse and/or sexual harassment (external and internal reporting methods) posted in areas frequented by persons confined in the facility, including intake, housing/living units, programming areas, work areas, education areas, etc. The signage was located near the phone(s), so persons confined in the facility can easily access the phone number if needed. The auditor tested the external reporting methods as demonstrated by a few of the incarcerated persons in the housing units. They showed the auditor the posters, information in their inmate handbooks and the phones, KIOSK, and their tablets/texters for access to outside agencies such as SAS. The jail staff described the daily mail process to the auditor and informed me that inmates have ample opportunity to privately write to an outside agency to report abuse or harassment. The inmates are informed about the mail procedures within the inmate handbook. The inmates receive a certain amount of stamped envelopes for legal or other purposes.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. A. Procedures for Reporting Sexual Abuse and Sexual Harassment.** 1. Inmate Reporting, Chapter 6 Admission/Release. 06.1401. Consular Notification and Diplomatic Representation for Detained Foreign Nationals.

Supporting Documents: CWCJ Inmate Handbook pg. 16 Mail, **Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting** form, **CWCJ Completion of Orientation** form, Sexual Assault Services brochure, MOU 05/14/2024 between CWCJ and SAS.

(c) The CWCJ has a policy which directs staff to accept reports made verbally, in writing, anonymously, and from third parties.

The PREA Inmate Reporting Policy addresses this standard. Staff are trained in how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures. Staff are required to promptly document any verbal reports. Jail policies also provide a grievance and an emergency grievance procedure as an option for reporting sexual abuse or sexual harassment. The inmate handbook provides information to the inmates pertaining to the jail's grievance process.

100 percent of Corrections Officers interviewed confirmed that when an inmate alleges sexual abuse or sexual harassment, they can do so verbally, in writing, anonymously, and from a third-party. They said that verbal reports are documented as soon as possible as well as reporting to the Jail Sgt. Almost all of the Inmates that were interviewed said that they could make reports of sexual abuse/sexual harassment either in person or in writing. Some of the inmates were unsure about the

reports being anonymous.

Again, the auditor reviewed jail policies, staff training and inmate education documents, the inmate handbook, the jail website, jail and lobby signs and brochures and Carousel System PREA Notices, and the Kiosk/texters and Inmate Phone System prompts to confirm compliance with this standard.

During the site review the auditor tested staff reporting to confirm the practice of accepting reports made verbally, in writing, anonymously, and from third parties. I asked a few Corrections Officers how the inmates could report a sexual abuse or sexual harassment privately. They described and showed the auditor the electronic options for inmates via the KIOSK or tablet/texters, the mail process, the inmate grievance process, or a note. They said they would accept anonymous reports or reports from third parties. The staff reporting method is available, on demand, to all staff in the facility. Staff are required to report to their immediate supervisor, or as needed to the PREA Coordinator or Jail Administrator.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** A. Procedures for Reporting Sexual Abuse and Sexual Harassment. 1. Inmate Reporting, Inmate Grievances, Chapter 6 Admission/Release. 06.1401. Consular Notification and Diplomatic Representation for Detained Foreign Nationals.

Supporting Documents: CWCJ Inmate Handbook pgs. 3-4, **Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting** form, **CWCJ Completion of Orientation** form, Sexual Assault Services brochure, MOU 05/14/2024 between CWCJ and SAS.

(d) The CWCJ has also established procedures for staff to privately report sexual abuse or sexual harassment of inmates.

Jail staff are trained in the policies and procedures on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response. Staff are also informed of reporting procedures through posters and signage. Staff are required to have knowledge of the PREA policies and the inmate handbook. I was informed by the PREA Coordinator that staff have access to the PREA Reporting Center and could report privately.

Corrections Officers acknowledged that they could privately report sexual abuse/sexual harassment of inmates in a variety of ways. Staff members said they would consult with their supervisor or the PREA Coordinator by phone or email.

The Staff Reporting Rules policy requires staff who have knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against inmates or staff who reported such an incident; and any staff neglect that may have contributed to such incident or retaliation, shall immediately report such incident or retaliation to their Supervisor and/or any other Supervisor, Lieutenant, Assistant jail Administrator, or Jail Administrator. The privacy piece is also documented by policy. Staff may privately report to a Supervisor or any member of

Jail Administration. Staff may privately report outside the jail chain-of-command to the Chief Deputy, Sheriff, or County Attorney's Office.

The auditor also reviewed a sample of PREA Incident Reports to check the various reporting methods utilized.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** A. **Procedures for Reporting Sexual Abuse and Sexual Harassment.** 1. Inmate Reporting, Inmate Grievances. 2. Staff Reporting Rules, a-d.

Supporting Documents: CWCJ Inmate Handbook pgs. 3-4, **Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting** form, **CWCJ Completion of Orientation** form, Sexual Assault Services brochure, MOU 05/14/2024 between CWCJ and SAS.

An analysis, discussion, and review of the evidence confirms that the CWCJ complies in all material ways for the reporting requirements of the PREA standard.

115.52 Exhaustion of administrative remedies	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	(a) The CWCJ has an administrative procedure to address an inmate's grievance regarding sexual abuse. The auditor examined the policies and the process for handling standard grievances, including additional provisions for grievances related to sexual abuse. The Grievance/Request Procedures are described in the inmate handbook. A grievance is defined as an issue personally affecting an inmate in the areas of health, welfare or services of the jail that is within the power of the corrections staff to correct. As we have learned, the handbook also contains a PREA section which describes the reporting methods for sexual abuse or harassment allegations. The jail's Inmate Grievance Policy states that the administrative grievance process does not apply to claims of sexual abuse. But rather, inmate sexual abuse claims shall be reported according to incident reporting outlined in the PREA Policy. The PREA policies describe Inmate Grievances and Emergency Grievances as an avenue to submit a grievance regarding an allegation of sexual abuse. For a standard grievance, inmates must first attempt to resolve all grievances on an informal basis with the Housing Officer. If the Housing Officer and inmate are not able to resolve the matter, then the inmate may complete a Jail Sergeant Request form, which is located on the KIOSK for electronic submission. If the jail sergeant is unable

to resolve the matter, then the inmate may file a formal written grievance. Inmate grievance forms are located on the KIOSK for electronic submission. For a grievance related to sexual abuse/harassment, the jail shall not require an inmate to use any informal grievance process, or otherwise attempt to resolve with staff.

The PREA Coordinator and the Jail Administrator confirmed that there is an administrative process to address inmate grievances and inmate grievances specific to sexual abuse/harassment and emergency grievances. The auditor read a few PREA allegations that had come through via the grievance process.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** A. **Procedures for Reporting Sexual Abuse and Sexual Harassment.** b. Inmate Grievances, Chapter 5. Inmate Information. 05.1003.Inmate Grievances.

Supporting Documents: CWCJ Inmate Handbook, PREA Section pgs. 3-4, **Grievances** Section pgs. 24-25.

(b) The CWCJ staff shall receive any grievance of any type of sexual assault or sexual harassment no matter what the time frame when the alleged sexual misconduct occurred. (1) The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. (2) The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse. (3) The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. (4) Nothing in this section shall restrict the agency's ability to defend against an inmate lawsuit on the ground that the applicable statute of limitations has expired.

The Grievance Policies and procedures specify that the jail shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. The jail shall not require an inmate to use any informal grievance process, or otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

The Auditor read the policies and procedures regarding inmate grievances of sexual abuse and documentation and determined that relevant information is provided.

The inmate handbook specifies that time frames listed for the standard grievance procedures do not apply to inmate grievances submitted for allegations of sexual abuse or sexual harassment.

This provision is confirmed by the PREA Coordinator and the Jail Administrator.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** A. **Procedures for Reporting Sexual Abuse and Sexual Harassment.** b. Inmate Grievances, Chapter 5. Inmate Information. 05.1003.Inmate Grievances.

Supporting Documents: CWCJ Inmate Handbook, PREA Section pgs. 3-4, **Grievances** Section pgs. 24-25.

(c) CWCJ policies and procedures also ensure that grievances are not to be submitted to a staff member who is the subject of the complaint, and such grievances are not referred to a staff member who is the subject of the complaint.

The PREA Inmate Grievances Policy requires the jail to ensure this standard subpart.

The Staff Reporting Rules dictate that any staff member who has knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against inmate or staff who reported such an incident; and any staff neglect that may have contributed to such incident or retaliation, shall immediately report such incident or retaliation to their Supervisor and/or any other Supervisor, Lieutenant, Assistant Jail Administrator, or Jail Administrator. Staff may privately report outside the jail chain-of-command to the Chief deputy, Sheriff, or County Attorney's Office. Staff receiving the grievance shall forward the grievance to the PREA Investigator or a supervisor, and not forward to any supervisor who is the subject of the complaint.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** A. **Procedures for Reporting Sexual Abuse and Sexual Harassment.** b. Inmate Grievances, 2. Staff Reporting Rules, Chapter 5. Inmate Information. 05.1003.Inmate Grievances.

Supporting Documents: CWCJ Inmate Handbook, PREA Section pgs. 3-4, **Grievances** Section pgs. 24-25.

(d) (1) The agency issues a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. (2) Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal. (3) The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made. (4) At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

Section iv, v. and vi of the Inmate Grievances policy addresses this standard subpart.

The Auditor was informed by the PREA Coordinator that In the past 12 months, there were zero grievances filed that alleged sexual abuse. He confirmed that they would follow the time limit requirements for decisions and extensions if needed.

There was one inmate who had reported a sexual abuse that was interviewed. She said she was not told in writing of any decision that was made due to her reporting, but she was informed that the jail took disciplinary action against another inmate. When she reported the sexual abuse the facility allowed her to contact friends and professional services. The representative visited her twice at the jail. She expressed

that she feels safe in the jail and protected enough against possible revenge because she reported what happened to her. This was not a grievance situation related to sexual abuse.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** A. **Procedures for Reporting Sexual Abuse and Sexual Harassment.** b. Inmate Grievances, 2. Staff Reporting Rules, Chapter 5. Inmate Information. 05.1003. Inmate Grievances.

Supporting Documents: CWCJ Inmate Handbook, PREA Section pgs. 3-4, **Grievances** Section pgs. 24-25.

(e) CWCJ policy provides procedures for third parties, including other inmates, staff members, family members, attorneys, and outside advocates the ability to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.

This policy applies to grievances that relate to sexual abuse allegations. There is a policy section called Rules for Third Parties to Report Abuse and to Assist Inmates with Reporting Abuse. Information reported by a third-party alleging sexual abuse or sexual harassment will be forwarded to the Operations Lieutenant to investigate. How to report sexual abuse and sexual harassment on behalf of an inmate is published on the jail's website and the Carousel System located on the television screen in the public lobby of the jail. Staff shall accept reports made verbally, in writing, and anonymously from third parties and shall promptly document any verbal reports. Specific to this standard subpart, third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of the inmate. If a third party files such a request on behalf of the inmate, the alleged victim must agree and personally pursue any subsequent steps in the administrative process. If the alleged victim refuses to have the request processed on their behalf, the decision will be documented as part of the incident report.

I was informed that in the past 12 months, there were zero instances of inmates who declined third-party assistance, containing documentation of the inmate's decision to decline. There auditor looked for documentation of grievances that allege sexual abuse and their final decision and documentation of third-party reports and declination of third-party assistance. There were none noted.

Specific to third-party reporting, the auditor looked for signage and information allowing for the reporting of PREA allegations on behalf of an inmate. The auditor observed the signage within the secure perimeter of the jail, at intake, and in the housing units. Signs and posters instruct on the ways to report sexual misconduct including through a third-party.

The CWCJ website advertises:

"If you suspect that an inmate is the victim of sexual assault/harassment, it can be

reported in the following ways: Contact the Crow Wing County Jail Administration Office during regular business hours at 218-822-7050 and you will be directed to someone who can take the information. Call the Crow Wing County Jail and request to speak with a Shift Supervisor to make a report at 218-822-7050. Call Sexual Assault Services at 218-828-0494 with the option to remain anonymous."

This information is also published on the Carousel System on the television located in the public lobby of the jail.

The auditor also conducted testing of third-party reporting. During the post-audit, the auditor completed and submitted a test third-party report using the same methods provided to the public called the phone numbers provided for the jail and SAS. I confirmed with the representatives that they would accept a report of sexual abuse on behalf of an inmate. During the on-site audit, informal discussions with jail staff and inmates affirmed the multiple ways to report sexual abuse/sexual harassment internally, externally, anonymously, privately, and through third-parties.

The PREA section of the inmate handbook also informs inmates that sexual misconduct can be reported from a third party. Staff members have been informed of their responsibility to report such activity and will accept reports made to them verbally, in writing, anonymously, and from third parties. Law enforcement authorities will investigate allegations of sexual misconduct.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** A. **Procedures for Reporting Sexual Abuse and Sexual Harassment.** b. Inmate Grievances, 2. Staff Reporting Rules, 3. Rules for Third Parties to Report Abuse and to Assist Inmates with Reporting Abuse, Chapter 5. Inmate Information. 05.1003. Inmate Grievances.

Supporting Documents: CWCJ Inmate Handbook, PREA Section pgs. 3-4, **Grievances** Section pgs. 24-25.

(f) (1) The CWCJ has established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. (2) After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the CWCJ will immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide a initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision documents the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

The CWCJ addresses the Protection of Inmates Facing Substantial Risk through PREA Policy. When the CWCJ learns that an inmate is subject to substantial risk of imminent sexual abuse, immediate action shall be taken to protect the inmate. The policy details the procedures established for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.

After receiving an emergency grievance, the CWCJ shall immediately forward the grievance to a level of review at which time immediate corrective action may be taken, provide an initial response within 48 hours, and issue a final decision within five calendar days. The response and final decision documents the jail's determination of whether the inmate is at substantial risk and the action taken in response to the emergency grievance.

I was informed by the PREA Coordinator that there were no emergency grievances filed in the last 12 months. He confirmed that they would follow the jail policies and timelines for initial response and final decisions. The auditor looked for documentation of emergency grievances filed pursuant to this standard. The auditor affirmed the prompt response by jail staff and supervisory staff in emergency situations with the PREA Coordinator, Jail Administrator and jail staff. The auditor read the current PREA Incident reports and a sample of older files that were provided by the PREA Coordinator. PREA allegations are responded to quickly and taken very seriously.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** A. **Procedures for Reporting Sexual Abuse and Sexual Harassment.** b. Inmate Grievances, 2. Staff Reporting Rules, 3. Rules for Third Parties to Report Abuse and to Assist Inmates with Reporting Abuse, Chapter 5. Inmate Information. 05.1003. Inmate Grievances.

Supporting Documents: CWCJ Inmate Handbook, PREA Section pgs. 3-4, **Grievances** Section pgs. 24-25.

(g) Inmates at the CWCJ may be disciplined for filing a false grievance related to alleged sexual abuse only when it is determined that the inmate filed the grievance in bad faith.

The CWCJ has a written policy that limits its ability to discipline an inmate for filing a grievance alleging sexual abuse to occasions where the agency demonstrates that the inmate filed the grievance in bad faith. The Inmate Grievances Policy allows for disciplinary actions for filing a grievance related to alleged sexual abuse ONLY where the agency demonstrates that the inmate filed the grievance in bad faith.

The inmate handbook states that abuse of the grievance system will not be tolerated and may result in disciplinary action. The handbook and the **Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting** form informs the inmates that for the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying.

The PREA notice on the jail's website and the Carousel System on the television in the jail lobby state: "Under PREA, we have established uniform methods for prompt reporting and investigation of allegations of sex-related offenses or threats, identification of predators, protection of victims, and prescribing sanctions for substantiated sexual offenses, as well as false allegations. This standard is directed to

all sexual acts relating to inmate to inmate, inmate to staff and staff to inmate."

<https://www.crowwing.gov/1001/Prison-Rape-Elimination-Act-PREA>

I was informed by the PREA Coordinator that in the past 12 months, there was no inmate discipline for filing a false report of sexual abuse/sexual harassment. The auditor did not find any disciplinary records for this reason.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** A. **Procedures for Reporting Sexual Abuse and Sexual Harassment.** b. Inmate Grievances, 2. Staff Reporting Rules, 3. Rules for Third Parties to Report Abuse and to Assist Inmates with Reporting Abuse, Chapter 5. Inmate Information. 05.1003.Inmate Grievances.

Supporting Documents: CWCJ Inmate Handbook, PREA Section pgs. 3-4, **Grievances** Section pgs. 24-25, PREA Notice.

The CWCJ has demonstrated proper use of the grievance process according to their policies and procedures as related to sexual abuse or sexual harassment. The grievance process was described to the auditor by Jail Administration and the PREA Coordinator. They meet all the elements of the Exhaustion of Administrative Remedies PREA Standard.

115.53 Inmate access to outside confidential support services	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	(a) The jail shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.
	The auditor studied the PREA Policy for Support Services for Victims of Sexual Abuse and the Consular Notification and Diplomatic Representation for Detained Foreign Nationals Policy relative to this standard. All the standard requirements are met according to policy. Toll-free hotline numbers of local, State, or national victim advocacy or rape crisis organizations and civil immigration numbers are accessible for the inmates. This was verified by the PREA Coordinator.
	The MOU between SAS and the CWCJ provides that SAS will provide counseling and/or advocacy services to the inmates in the CWCJ who are victims of sexual assault or

sexual harassment. SAS is a community based organization that provides the services as required by PREA.

The inmate handbook PREA section also provides inmates with contact information for SAS. It says that victims of sexual abuse seeking emotional support services can contact Sexual Assault Services, 606 NW 5th St, Brainerd, MN 56401, (218) 828-0494. Consular Notification is also provided within the inmate handbook. "If you are a foreign national, you have the right to have the consulate office of your home country notified of your incarceration...please notify jail staff for assistance." Consular Notification documents are available at intake. The auditor reviewed a Notification of arrest/detention of a national form as provided by the PREA Coordinator. Arrangements for consular access are described on the form.

The contact information for SAS is also published on the television Carousel System in the jail public lobby as well as the jail's website.

<https://www.crowwing.gov/1001/Prison-Rape-Elimination-Act-PREA>

The SAS contact information is also provided on the **Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting** document which the inmates read and sign for understanding during the initial PREA orientation process.

Specifically during the site review, the auditor actively observed signage throughout the facility. Signage included zero tolerance policy, audit notices, how to report sexual abuse and sexual harassment, access to outside victim emotional support services, and other relevant PREA information. Information provided on signage is readable and accessible, consistent, and placed throughout the facility to convey vital sexual safety information specific to the facility. The signage language is clear and easy to understand. The auditor noted that emotional support services and advocacy information is available on the SAS brochure. External reporting, clearly detailing what services are available and for what purposes is also posted. The auditor confirmed that signage is provided in English and translated in Spanish with PREA posters. The signage text size, formatting, and physical placement accommodates most readers, including those of average height, low vision/visually impaired, or those physically disabled/in a wheelchair. The information provided by the signage is not obscured, unreadable by graffiti, or missing due to damage. Information on the postings were accurate and consistent throughout the facility. The auditor noted that signage was located near the phone(s), so persons confined in the facility can easily access the phone number if needed. Informal conversations with inmates and staff indicated knowledge of PREA posters with reporting information and understanding of ways to report sexual abuse/sexual harassment within the jail.

SAS contact information is also provided through the KIOSKS and texters. The same information that you would find in the handbook is also relayed electronically. Some of the inmates in some of the housing units demonstrated how to access this information and/or make phone calls for reporting or emotional support services. They pointed out that the information is on the posters. Informal discussions with some of the jail staff also indicated the availability of phone access for calls to SAS or

other organizations for emotional support services for victims of sexual abuse/harassment. During the facility tour and observation period, the auditor noted active use of texters, KIOSK, and phones for communication and information purposes by the inmates.

The auditor also observed consular contact information and procedures in the booking room for those inmates detained solely for civil immigration purposes. The PREA Coordinator said that there is always a Jail Sgt. on duty to assist the intake officers in providing inmates with communication and reporting assistance for this provision.

A random sample of inmates were interviewed regarding outside services available for dealing with sexual abuse. Most of the inmates affirmed that there are services available outside of the jail for dealing with sexual abuse. One said they would check on the KIOSK. They were asked if they could describe what these services are. 12 of the 16 inmates interviewed named one or more of the resources. We then asked if the jail gives mailing addresses and telephone numbers for these outside services. All inmates responded yes. Most of them named SAS or similar resource. 15 inmates thought that the numbers are free to call. They said that they are able to speak with people from these services anytime from 7:00 am to 10:00 pm. 15 of the inmates felt that what they say to people from these services remains private.

The one inmate interviewed who had reported a sexual abuse said yes, the facility gives mailing addresses and telephone numbers for outside services. They can talk with people who provide these services upon request and can communicate in a confidential way.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. E. Support Services for Victims of Sexual Abuse**, 2. Emotional Support Services a., Chapter 6. Admission/Release. 06.1401. Consular Notification and Diplomatic Representation for Detained Foreign Nationals.

Supporting Documents: MOU 05/14/2024, CWCJ Inmate Handbook pgs. 3-4 PREA section.

(b) The CWCJ informs inmates, prior to giving them access to outside support services, the extent to which communications will be monitored.

Mandatory reporting rules are provided to inmates, including limits to confidentiality. The Emotional Support Services Policy requires the jail to inform inmates, prior to giving them access to outside advocates, of the extent to which such communications shall be monitored and the extent to which reports of abuse shall be forwarded to authorities in accordance with mandatory reporting laws.

The MOU language between SAS and the CWCJ states that the privileged nature of communication between SAS and those services provided will be respected. Conversations with representatives of SAS acknowledged the mandatory reporting of jail incidents of sexual assault or sexual harassment, and the privacy of emotional

support services for inmates. Callers are informed as to mandatory reporting of jail sexual abuse/harassment. The SAS brochure advertises free and confidential services. They will offer options and let the caller know their rights as a victim of sexual assault.

The inmate handbook and the **Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting** form informs the inmates that sexual misconduct reports can be made through the inmate messaging system using the designated tab on the KIOSK or by contacting Sexual Assault Services at (218) 828-0494 which is set up as a private free call on the inmate phone system. This was confirmed by the PREA Coordinator.

The auditor also observed a posting of the CWC Booking Legal Notice in compliance with the MN Government Data Practice Act. "The CWCJ is required to inform you that some of the questions asked may involve public, private and confidential information about you. The answers which you supply may be used by the CWCSD, by the Court, by other Law Enforcement Agencies and by medical service personnel."

Almost all of the inmates that were interviewed said they believed that the calls were private in nature and not recorded. The inmate with a previous report of sexual abuse said that she could communicate with services and people in a confidential way as needed.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. E. Support Services for Victims of Sexual Abuse**, 2. Emotional Support Services b., Chapter 6.

Admission/Release. 06.1401. Consular Notification and Diplomatic Representation for Detained Foreign Nationals.

Supporting Documents: MOU 05/14/2024, CWCJ Inmate Handbook pgs. 3-4 PREA section.

(c) As stated previously, the CWCSD/CWCJ maintains an MOU between SAS and the CWCJ. This provides inmates with emotional support services related to sexual abuse.

The Emotional Support Services Policy also requires the jail to maintain a memoranda of understanding with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. A copy of the MOU is maintained by the PREA Coordinator. The PREA Coordinator provided the auditor with a copy for her review during the pre-audit stage of the audit process.

The auditor conducted community outreach twice and spoke with a SAS representative and then the Director. SAS agrees that it will provide counseling and/or advocacy services to the inmates in the CWCJ who are victims of sexual assault or sexual harassment. The CWCJ agrees that the privileged nature of communication between SAS and those services provided to will be respected. We discussed mandatory reporting of sexual abuse/harassment incidents in jail and the confidential nature of emotional support services they provide. They verified the services they provide to the CWCJ. The auditor also read information on their website as well as a brochure that is available at the jail. SAS Hope. Healing. Support. 24-Hour FREE.

Confidential Support Services for All.

<https://www.sasmn.org/>

The MOU was entered into on the 14th day of May, 2024 between the CWCJ and SAS. It states: "Whereas, Pursuant to the PREA, the United States Department of Justice has established standards for Prisons and Jails through the adoption of its final rule C.F.R. Part 115, (May 17, 2012); and, Whereas pursuant to Section 115.53(C) county jails are required to enter into MOU with community based organizations for providing of certain services; and, Whereas, SAS is a community based organization which is located in CWC and provides the services are required by PREA, Now therefore, the County of Crow Wing, through the CWCJ and SAS hereby enter into this MOU." The official document is signed by the CWC Jail Administrator and the Director of SAS. It is also notarized.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. E. Support Services for Victims of Sexual Abuse**, 2. Emotional Support Services c.

Supporting Documents: MOU 05/14/2024, CWCJ Inmate Handbook pgs. 3-4 PREA section.

The CWCJ meets the PREA standard requirements of providing inmates with access to outside confidential support services related to sexual abuse for the reasons indicated in the body of this narrative.

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	The CWCSO/CWCJ provides a method to receive third-party reports of sexual abuse or sexual harassment, and publicly distributes information on how to report on behalf of an inmate. The CWCJ PREA Policy describes <u>Rules for Third Parties to Report Abuse and to Assist Inmates with Reporting Abuse</u> . Information reported by a third-party alleging sexual abuse or sexual harassment will be forwarded to the Operations Lieutenant or designee to investigate. How to report sexual abuse and sexual harassment on behalf of an inmate is published on the jail's website and the Carousel System on the television screen in the public lobby of the jail.
	Jail staff have been trained in the prevention, detection, response, and reporting of

sexual abuse and sexual harassment and are required to accept reports made verbally, in writing, and anonymously from third parties and promptly document any verbal reports. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse. The auditor viewed the prescribed information during the on-site audit. The auditor reviewed the jail's website, specific to PREA at multiple times during the audit process and verified the third-party reporting option.

The CWCJ website advertises:

"If you suspect that an inmate is the victim of sexual assault/harassment, it can be reported in the following ways:

Contact the Crow Wing County Jail Administration Office during regular business hours at 218-822-7050 and you will be directed to someone who can take the information. Call the Crow Wing County Jail and request to speak with a Shift Supervisor to make a report at 218-822-7050. Call Sexual Assault Services at 218-828-0494 with the option to remain anonymous." The same information is also made available in the jail lobby through the Carousel System on the television.

<https://www.crowwing.gov/1001/Prison-Rape-Elimination-Act-PREA>

The inmate handbook also advises persons in custody that all correctional staff members have been informed of their responsibility to report such activity and will accept reports made to them verbally, in writing, anonymously, and from third parties.

The auditor tested third-party reporting by observing lobby and website information for phone numbers and addresses for internal and external reporting methods, the same that is provided to the public. The auditor called the jail numbers and spoke with a CO and a Jail Sgt. who confirmed that they would take a report of sexual abuse/harassment from a third-party on behalf of an inmate for referral for investigation. The auditor also called SAS twice. I spoke with a representative and also the Director. Both confirmed the process for accepting and reporting third party allegations of sexual abuse/harassment at the jail.

<https://www.sasmn.org/>

All PREA documents and posters reviewed indicated the availability of third party reporting of sexual abuse and sexual harassment.

Reference Policies: **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** **A. Procedures for Reporting Sexual Abuse and Sexual Harassment.** **3. Rules for Third Parties to Report Abuse and to Assist Inmates with Reporting Abuse.**

Supporting Documents: CWCJ Inmate Handbook pgs. 3-4 PREA section.

The CWCJ meets the criteria required for the third party reporting standard as evidenced in this narrative.

115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) As required by the Staff and Agency Reporting PREA standard, staff at the CWCJ are required to report immediately and according to policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in any corrections facility. They are also required to report any retaliation against inmates who reported such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.</p>
	<p>The auditor reviewed the <u>Staff Reporting Rules</u> Policy and the CODE OF CONDUCT/FRATERNIZATION GENERAL ORDERS relative to this standard. Staff members, volunteers, or contracted employees shall immediately report any verbal propositions or inappropriate contact between any inmate and staff or inmate and volunteer or contracted employee. Staff members, volunteers, or contracted employees are required to be aware of and understand the criminal and civil consequences of sexual abuse/sexual harassment. Staff members who feel they have witnessed or become aware of any misconduct or inappropriate fraternization shall immediately report the incident to the Jail Administrator or designee. This includes any policies or general orders that could be considered misconduct. Violation of the orders will subject staff to disciplinary actions up to and including dismissal from employment and the filing of formal criminal charges. Staff are required to sign and date for understanding the orders. The PREA <u>Staff Reporting Rules</u> addresses this standard to the letter.</p>
	<p>Sexual abuse and sexual harassment staff reporting requirements are also provided in the employee training policies, response policies following an inmate report, and the Protection from Retaliation Policy. Direction and guidelines are given within the body of the policies.</p>
	<p>The First Responder Checklist also requires the CO to notify the on duty supervisor of an incident of sexual abuse. The CWCJ has a Staff Training Acknowledgement. Staff acknowledge that they have been provided training on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures. This document is also signed/dated for understanding. Any questions can be addressed with a supervisor or administration. Finally, the inmate handbook supports this standard and advises the inmates that all correctional staff members have been informed of their responsibility to report sexual abuse and sexual harassment and to accept reports made to them verbally, in writing, anonymously, and from third parties.</p>
	<p>The auditor reviewed the training records and curriculum as evidence of this standard requirement. See a description of the employee training of Standard 115.31.</p>
	<p>Jail staff were asked if the CWCJ requires all staff to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility; or retaliation against inmates or staff who report, or any staff</p>

neglect or violation of responsibilities that may have contributed to an incident or retaliation. 100% of the jail staff interviewed responded “yes” to all three components of the standard. They said that the CWCJ requires the reporting of any information related to an inmate sexual abuse. Staff said they would call a Sergeant to report, write their own report and fill out a form known as a Witness Report form.

During the site review, the auditor tested staff reporting. This was tested by asking a staff person to walk through the staff reporting method(s) provided by the facility. I observed that the staff reporting method is available, on demand, to all staff in the facility. Jail staff are equipped with radios, access to emails, phones, electronic jail management system with logs and incident report capability, and person to person verbal communications with supervisors who are assigned to every shift. Staff are required to report to their immediate supervisor, but if an allegation involves the immediate supervisor, they report to the PREA Coordinator, Lieutenant, or Jail Administrator. The Jail Administrator will be notified for all allegations of sexual abuse/sexual harassment. They can report privately as needed.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. A. Procedures for Reporting Sexual Abuse and Sexual Harassment.** 2. Staff Reporting Rules a. **G. Protection from Retaliation, 04. Staff Training and Inmate Education. A. Employee Training.**

Supporting Documents: EMPLOYEE CODE OF CONDUCT/FRATERNIZATION GENERAL ORDERS, First Responder Checklist, CWCJ Inmate Handbook, Staff Training Acknowledgement.

(b) Apart from reporting to supervisors and investigators, CWCJ policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

The Staff Reporting Rules Policy addresses this standard requirement.

The Corrections Officers were interviewed regarding this topic. They informed the auditors of the policies and procedures for reporting information related to an inmate sexual abuse. They described who and how they would report the information. The auditor reviewed PREA reports to verify staff referrals to supervisors and investigators.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. A. Procedures for Reporting Sexual Abuse and Sexual Harassment.** 2. Staff Reporting Rules b.

(c) Medical and Mental Health facility staff are also required to report inmate sexual abuse. They are obligated to inform inmates of their mandatory reporting responsibilities and limitations on confidentiality upon initiation of services.

The same policy addresses the responsibilities of medical and mental health

practitioners to the letter. There is also a medical policy/procedure for PREA and Sexual Assault to ensure all CWC health staff members and Essentia Health staff members are proficient in preventing, detecting, and responding to all forms of sexual misconduct. All health staff with direct patient contact receive documented PREA training during orientation and then at least every two years thereafter. Training includes how to fulfill their responsibilities under the CWC sexual abuse and sexual harassment prevention, detection, reporting, and response procedures. Correctional health care staff are to follow the reporting and response procedures as prescribed in the policy. They will accept reports made verbally, in writing, anonymously, and third parties and shall promptly document any verbal reports. They shall immediately report and respond to any knowledge, suspicion, or information regarding an incident of sexual misconduct. The correctional health care team are employees of CWCSO/CWCJ.

The auditor reviewed Health Assessment and Past Sexual Victimization Reporting Guidelines relative to this standard. They are to declare they are mandatory reporters and follow the MN mandatory reporting guidelines. There is also a Release Statement on the form. The information provided in the health assessment will be accessible only to individuals who work in the medical unit or whose work requires it. Should medical care outside the jail setting become necessary, the health information contained in the record may be shared with other health care providers or correctional facilities to assure continuity of care. The auditor discussed PREA training requirements, reporting standards, informed consent, and secondary materials with the medical staff within the medical unit at the jail in respect to this standard. They confirmed that at the initiation of services to an inmate, they disclose the limitations of confidentiality and their duty to report (mandatory reporters). They are required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment to a Jail Sgt. or the PREA Coordinator for a referral for investigation.

The auditor formally interviewed an RN and a Mental Health Practitioner. They confirmed that at the initiation of services to an inmate, they disclose the limitations to confidentiality and their duty to report in writing and verbally. It is contained within their forms. They said they have been trained and according to policy are required to report any information regarding an incident of sexual abuse or sexual harassment to a designated supervisor immediately. They said there is a PREA Officer and they could go to their Sergeant. This is mandated. One of the interviewees described that she had become aware of a sexual abuse incident that had occurred in the past six months in the community. With permission, this was reported and follow up services were provided. Mental health services are offered to all victims and perpetrators of sexual abuse.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. A. Procedures for Reporting Sexual Abuse and Sexual Harassment.** 2. Staff Reporting Rules, Medical Policy/Procedures. Title: **PREA and Sexual Assault.** Training and Education and Reporting and Response Following a Report.

Supporting Documents: EMPLOYEE CODE OF CONDUCT/FRATERNIZATION GENERAL ORDERS, First Responder Checklist, CWCJ Inmate Handbook, Staff Training Acknowledgement, Training records and curriculum, Health Assessment, Past Sexual Victimization Reporting Guidelines.

(d) When a victim inmate/resident is under the age of 18, or considered a vulnerable adult, the CWCJ is required to report the allegation to State and local services as mandated by law.

The Staff Reporting Rules mandates if the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person statute, the Jail shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws. The Medical Policy **PREA and Sexual Assault** requires training for medical staff with how to comply with relevant laws related to mandated reporting of sexual abuse to outside authorities and the applicable age of consent while maintaining patient confidentiality. The auditor and the medical staff discussed the **Past Sexual Victimization Reporting Guidelines**. The questions pertain to location of incident, patient age at the time of incident, and whether the incident has been reported. There is a grid that distinguishes between community and institution and age and whether to report or not. Nothing precludes the facility in the standards or in the state's mandatory reporting law from reporting the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department. Protections for child victims of sex offenders, laws against known sexual predators, child sex trafficking, law enforcement databases, and inter-agency collaborations on these things all point to good reasons to report, even if state law does not require a report past three years at the time of the incident. There are no youthful offenders housed at the CWCJ. The Sexual Assault Investigation Officers must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557. Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse Policies of the CWCSD.

The Jail Administrator and the PREA Coordinator were interviewed in respect to reporting requirements. They understand that there are special reporting obligations in place for youth and vulnerable adults. There are no youth housed at the CWCJ. There are state and local human services agencies to notify. They work with the investigators to ensure proper notifications. The PREA Coordinator confirmed that they comply with the mandatory reporting laws and report to the appropriate social services agencies for youth and vulnerable adults.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. A. Procedures for Reporting Sexual Abuse and Sexual Harassment.** 2. Staff Reporting Rules. Medical Policy/Procedures. Title: **PREA and Sexual Assault**. Training and Education and Reporting and Response Following a Report.

Supporting Documents: Staff Training Acknowledgement, Training records and

curriculum, Health Assessment, **Past Sexual Victimization Reporting Guidelines.**

(e) Third-party and anonymous sexual abuse and sexual harassment reports are always referred to the designated investigators.

The Staff Reporting Rules addresses this standard subpart. PREA policy requires that CWCSD investigators be trained in sexual abuse investigations involving victims and shall investigate all allegations of sexual abuse including third-party and anonymous reports. In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfound or unsubstantiated. There are also third-party reporting policies. The CWCJ Inmate Handbook and the CWCSD Jail Division website contains information which publishes the opportunity to report sexual abuse on behalf of an inmate and/or anonymously as previously described.

The inmate handbook informs the persons in custody that law enforcement authorities will investigate allegations of sexual misconduct and that guilty parties will be subject to a full range of criminal and administrative actions.

The website publishes: "The Crow Wing County Jail has zero tolerance for sexual abuse. The Prison Rape Elimination Act (PREA) of 2003 is a federal law that seeks to eliminate sexual assaults and sexual misconduct. We enforce all federal, state, and local laws pertaining to inmate sexual misconduct. All sexual abuse or sexual harassment reports will be fully investigated by the Crow Wing County Jail and the Crow Wing County Sheriff's Office Investigative Division."

<https://www.crowwing.gov/1001/Prison-Rape-Elimination-Act-PREA>

The Jail Administrator confirmed that all allegations no matter what the source are investigated, including third-party and/or anonymous reports of allegations of sexual abuse are always referred for investigation. The investigator that was interviewed also verified that all allegations of sexual abuse or harassment are referred for investigation, including third-party and anonymous reports.

The auditor also reviewed the training materials for staff, contractors and volunteers, and specialized medical and investigative training which educate on the elements of PREA reporting and investigation obligations. Investigative reports were also reviewed, paying attention to the reporting source in support of this standard.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. A. Procedures for Reporting Sexual Abuse and Sexual Harassment.** 2. Staff Reporting Rules, CWCSD Sexual Assault Investigations Policy. 602.4 **Investigation and Reporting.**

Supporting Documents: Staff Training Acknowledgement, Training records and curriculum.

The CWCSD/CWCJ has met all elements of the PREA reporting standard for staff and agency as explained by way of policy and procedure review, supporting documents

review, and through interview verifications.

115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) When the CWCJ learns that an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the inmate.</p> <p>The CWCJ has multiple policies that address the protection of inmates against sexual abuse. The primary policy is the Protection of Inmates Facing Substantial Risk Policy which covers the PREA standard language. The <u>Emergency Grievances and Grievance</u> Policy establish procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. Staff are to determine whether there is substantial risk and action to be taken in response. The jail <u>Protective Custody</u> Policy provides procedures to protect inmates at high risk for sexual victimization.</p> <p>The auditor was informed by the PREA Coordinator, that in the past 12 months, there were zero instances determined where an inmate was subject to substantial risk of sexual abuse.</p> <p>The auditor was assured by the Sheriff, PREA Coordinator, and Jail Administrator that when these situations arise, there is no delay and staff take immediate action. The Sheriff and Chief Deputy were interviewed. They said the jail would take immediate action to protect an inmate. There are keep separate options and they have the housing flexibility to separate inmates at high risk of victimization from those inmates at high risk of perpetrating. They have access to community resources through their mental health practitioners and social workers for follow up. The Jail Administrator was also asked about protective actions. He said that safety and security are their first priority. They would remove the threat and refer to investigations as soon as possible. Correctional staff expressed that they would separate the potential victim and notify a supervisor. They would also document in a report. All staff interviewed said that they would take immediate action.</p> <p>A review of incident reports verified the prompt actions of Corrections Officers.</p> <p>Reference Policies: I. Protection of Inmates Facing Substantial Risk. 1. <u>Upon Learning of Substantial Risk</u>, 2. Emergency Grievances, 3. <u>Protective Custody</u>.</p> <p>The CWCJ complies in all material ways to protect inmates from imminent danger of sexual abuse.</p>

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.</p>
	<p>The CWCJ maintains a policy for Notifying Other Confinement Agencies. The policy language is the same as the standard.</p>
	<p>In the past 12 months, there were five allegations the facility received that an inmate was abused while confined at another facility. The PREA Coordinator confirmed that they notify the head of the facility where the alleged abuse occurred. Some of the allegations were about facilities that no longer existed. The auditor reviewed the PREA incident reports and emails for proper notifications. Jail staff and investigators assist with any requests and coordination of efforts. The reports were well documented with attached email communications.</p>
	<p>Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. 03. Responding to Reports of Sexual Abuse and Sexual Harassment. I. Notifying Other Confinement Agencies. 1.</p>
	<p>Supporting Documents: PREA Incident Reports.</p>
	<p>(b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.</p>
	<p>The same policy requires the 72 hour time limit. The reports reviewed by the auditor indicated information sent to the other facility within a 24-48 hour period. Initial investigation and statements were obtained. Reports documented the time the report was received, the time it was reported to a supervisor, and the PREA Coordinator, and when the other facility was notified.</p>
	<p>Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. 03. Responding to Reports of Sexual Abuse and Sexual Harassment. I. Notifying Other Confinement Agencies. 2..</p>
	<p>Supporting Documents: PREA Incident Reports.</p>
	<p>(c) The agency or facility documents that it has provided such notification within 72 hours of receiving the allegation.</p>
	<p>The same policy requires documentation that it has provided such notification. The CWCJ documents all PREA allegations including a report which involves another agency or facility. The CWCJ documents the notifications with date, time, and who notified who. The auditor reviewed documentation of notifications to verify that they</p>

occurred well within 72 hours of receiving allegation. The allegation is documented by staff before the end of their shift. PREA incident and investigative reports were reviewed.

The auditor discussed the importance of the facility/agency head ensuring the notification is directed to the responding facility/agency head or designee for investigation with Jail Administration. The importance of the matter must be noted.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** I. Notifying Other Confinement Agencies. 3.

Supporting Documents: PREA Incident Reports.

(d) The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with the PREA standards.

The same policy requires that allegations received from other facilities/agencies that an inmate was abused in the CWCJ are investigated according to PREA standards.

In the past 12 months, there were no allegations of sexual abuse in the CWCJ received from another facility/agency. The auditor was supplied with the investigative file for the past 12 months which contained documentation of allegations against another agency and documentation of responses that the allegation has been investigated.

The Sheriff was interviewed relative to this standard. He was asked about an allegation that was referred to them for occurring in their jail. He said that the Jail Administrator would be the point of contact, however they operate under the chain-of-command system and within the leadership/administrative team. All allegations of sexual abuse are investigated no matter what the source and how received. This was also verified by the investigator I interviewed. The Jail Administrator verified that an abuse allegation would be investigated one way or another. They may loop in on an ongoing investigation. He was aware of reports of their facility having received abuse allegations from new inmates that occurred in another facility and communications from himself to the head of the other facility. Everything is documented with time stamp.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** I. Notifying Other Confinement Agencies. 4.

Supporting Documents: PREA Incident Reports, Example report.

The auditor finds an overall compliance determination for the PREA Reporting to Other Confinement Facilities Standard.

<p>Auditor Overall Determination: Meets Standard</p>
<p>Auditor Discussion</p>
<p>(a) Upon learning of an allegation that an inmate was sexually abused, the CWCJ ensures that the first security staff member to respond to the report shall be required to: (1) Separate the alleged victim and abuser; (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, 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; and (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.</p>
<p>The CWCJ has two main policies that direct staff first responder duties. The Immediate Steps After Receiving Report of Incident Policy describes the standard as it is written. The <u>Evidence Protocol and Forensic Medical Exams</u> Policy takes it as step further and describes the process to preserve the integrity of usable physical evidence from an alleged sexual assault for administrative proceedings and criminal prosecution. To aid staff in the procedures set out in the policy, there is a corresponding First Responder-Sexual Assault Response Checklist. All four criteria are covered in the checklist. Additional directives are also set forth. There is also a Supervisor First Responder Checklist which directs supervision of staff, medical staff, and reports to jail administration and investigators. The supervisor handles the alleged perpetrator until investigators arrive.</p>
<p>In the past 12 months, there were no allegations of sexual abuse. No PREA allegations required the collection of physical evidence.</p>
<p>The auditor reviewed the other PREA incident reports and confirmed appropriate response and documentation.</p>
<p>The auditor interviewed security staff and non-security staff who have acted as first responders. The non-security staff was a medical representative. They were asked to describe the actions to take as a first responder to an allegation of sexual abuse. The correctional staff member talked about separating the alleged victim and abuser or removing them to safety, protecting the crime scene for investigators to collect evidence, making sure the parties involved do not take any actions that would destroy evidence such as washing, brushing teeth, changing clothes, urinating, etc. They also added that they would notify the medical staff and investigators and write a detailed report. The non-security staff responded from a medical perspective. They would notify the jail Sgt. and attempt to preserve evidence by encouraging parties to NOT wash, brush teeth, change clothes, use the restroom, drink or eat. They would screen the patient for obvious physical trauma and provide essential emergency care. They do NOT conduct SAFE/SANE examinations at the jail.</p>

The assistant auditor interviewed an inmate who had reported a sexual abuse. They said that a person came to help a few hours after they reported the sexual abuse. They felt it was a quick response. She said staff isolated her and had her write a report about what happened. This was not an incident of sexual assault or penetration. The victim reporter said that she did not need any of the other services because the incident did not rise to the need for forensic examination or emergency care.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. C. Immediate Steps After Receiving Report of Incident, 12. Evidence Protocol and Forensic Medical Exams, Medical Policy/Procedures.** PREA and Sexual Assault.

Supporting Documents: CWCJ First Responder-Sexual Assault Response Checklist, Supervisor First Responder-Sexual Assault Response Checklist, Volunteer and Contractor Training.

(b) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

The same policy addresses this standard subpart.

As we have learned with previous standard narratives, the CWCJ requires contract employees, volunteers, vendors, or visitors to immediately report to a correctional officer or Jail Sgt. any knowledge, suspicion, or information regarding sexual abuse or sexual harassment. The auditor reviewed the training records and orientation material for non-security staff which educates them on their roles and responsibilities with PREA to include the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

The PREA and Sexual Assault Medical Policy provides direction to the CWC Health staff. In the event of a reported sexual assault, health staff will:

- Ensure that the alleged perpetrator and victim are safely separated;
- Notify the on-duty Sergeant of the alleged incident as soon as possible;
- Notify the alleged victim of their duty to report allegations of sexual misconduct;
- NOT attempt to collect any evidence from a victim or suspected perpetrator;
- Attempt to preserve any potential evidence pertinent to a criminal investigation;
- Screen the patient for obvious physical trauma;
- Ask the patient only for details of the incident that are important and relevant to providing emergency healthcare;
- Recommend that the patient now be transported to the emergency room;
- Alert a shift supervisor and a medical provider regarding the alleged incident;
- Upon return of the alleged victim from the ER, ensure follow up services; and,

- Offer mental health services and follow up medical care.

All staff, volunteers and contractors are trained in their individual responsibilities under sexual abuse response policies and procedures. Non-security staff are instructed in the event that they would need to act as first responders. If correctional health receives the report, they must follow their medical protocols per policy. The medical policies also spell out the steps required upon receipt of a sexual abuse report.

The auditor reviewed the jail and medical policies that address First Responder requirements for sexual abuse allegations. The PREA standard requirements are documented within the policies with procedural directions accompanied by the First Responder checklists. The auditor also spoke with non-security staff and inquired about the potential for actions to take if they were the first to receive a report. They all knew to contact a CO right away, and articulated the prevention of inmate washing, brushing teeth, eating, etc. The jail staff were asked if they were the first person to be alerted that an inmate has allegedly been the victim of sexual abuse, what their response would be. They said they understand their roles and responsibilities. Some staff cited turn off water, bag clothing items separately, wear gloves, and preserve the crime scene. Most of the staff said that investigations would be done by the PREA Officer, Jail Administration or Criminal Investigators from the Sheriff's Office.

In the past 12 months, there were no instances of sexual abuse at the CWCJ, in which a non-security staff member was the first responder. Jail staff were also interviewed pertaining to this standard. They all provided responses relative to the safety of the victim, separation requirements, notifying the Sgt., preserving physical evidence, protecting the scene, preventing inmates from washing, eating, urinating, defecating, changing clothes, brushing teeth, showering, etc., and acquiring medical attention. They further detailed the documentation process and notifying investigators.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** C. **Immediate Steps After Receiving Report of Incident,** 12. Evidence Protocol and Forensic Medical Exams, Medical Policy/Procedures. PREA and Sexual Assault.

Supporting Documents: CWCJ First Responder-Sexual Assault Response Checklist.

The CWCJ meets all components of the First Responder duties required of this PREA Standard. Upon review of the related jail and medical policies, procedures, First Responder checklists, security staff and non-security staff training records and materials and interview responses, the auditor is satisfied of full compliance for First Response to an allegation of sexual abuse.

115.65 Coordinated response

Auditor Overall Determination: Meets Standard

Auditor Discussion
<p>The CWCSO/CWCJ has developed an institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership as required in this standard.</p>
<p>The Coordinated Response Policy specifies this standard. The overall CWCJ PREA Policy describes the agency's approach to preventing, detecting, and responding to sexual abuse and harassment. The policy provides for an inclusive plan which coordinates actions in response to an incident of sexual abuse among all participants as specified above. The policy outlines the roles and responsibilities of staff, contract employees, and volunteers. The policy also addresses requirements for medical staff. The PREA Policy has a section dedicated to <u>Responding to Reports of Sexual Abuse and Sexual Harassment</u>. To respond to reported incidents of sexual abuse, the CWCJ has adopted and implemented processes for reporting sexual abuse and sexual harassment, immediate steps to take after receiving the report of the incident, medical and mental health services to be provided, support services to be provided to victims of sexual abuse, and investigation of incidents.</p>
<p>The auditor had previously reviewed the relative training records which supports this standard. The PREA Training Policies provide for individual responsibilities under sexual abuse and sexual harassment response policies and procedures for members, medical and mental health practitioners, and investigators. The auditor also read the PREA Incident Reports and Investigation reports and examined the working relationships between all members of the Sheriff's Office.</p>
<p>The Jail Administrator was interviewed regarding his facility's coordinated response plan. He confirmed the CWCJ maintains a plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership in response to an incident of sexual abuse. There are outside services (SAS) available for advocacy and emotional support services as well.</p>
<p>The plan is implemented through policies/procedures, trainings, review of incident reports, and PREA incident reviews. First Responder checklists and Supervisor checklists are utilized in the event of a sexual abuse report according to job description. In all incidents, jail administration would be notified.</p>
<p>The auditor also reviewed the training records for a comprehensive overview of all key players within the CWCSO/CWCJ as to response training and education. The Acknowledgement of Understanding of PREA Training specifies that all staff have been trained on how to fulfill their responsibilities under the agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures. The auditor reviewed a Unit 3 first Responder and Victim of Abuse Role Play Activity for further support of training curriculum of Coordinated Response and First Responder requirements.</p>
<p>Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. <u>03. Responding to Reports of Sexual Abuse and Sexual Harassment. B. Coordinated</u></p>

	<p>Response, Medical Policy/Procedures. PREA and Sexual Assault, Policy 602 Sexual Assault Investigations.</p> <p>Supporting Documents: First Responder-Sexual Assault Response Checklist CWCJ</p>
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115.66	<p>Preservation of ability to protect inmates from contact with abusers</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.</p> <p>The Collective Bargaining Agreements section within the PREA Policy applies to this standard.</p> <p>The PREA Coordinator provided the auditor with two contracts. The AGREEMENT By and Between Crow Wing County And Teamsters General Local Union No. 346, SHERIFF'S OFFICE Corrections and Dispatch Supervisory Unit, January 1, 2023 to December 31, 2025 contains ARTICLE - 5 DISCIPLINE section. "The Employer will discipline for just cause only. Discipline shall be in the form of:</p> <ul style="list-style-type: none"> • Oral Reprimand; • Written Reprimand; • Suspension without pay; • Demotion; • Discharge." <p>The LABOR AGREEMENT BETWEEN LAW ENFORCEMENT LABOR SERVICES, INC (LOCAL #16), CORRECTIONAL OFFICERS AND CROW WING COUNTY, January 1, 2022, through December 31, 2024 describes EMPLOYER AUTHORITY. "The Employer retains the full and unrestricted right to operate and manage all manpower, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish work schedules, and to perform any inherent managerial function not specifically limited by this Agreement. Any term and condition of employment not specifically established or modified by this Agreement shall remain solely with the discretion of the Employer to modify, establish, or eliminate."</p> <p>The Sheriff confirmed that the Sheriff's Office has renewed bargaining agreements</p>
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since the last PREA audit. The Agreements/Union Contracts permit the agency to remove alleged staff sexual abusers from contact with any inmates pending an investigation or a determination of whether and to what extent discipline is warranted. He said that it is a given that allegations of sexual abuse involving a staff member will result in immediate Administrative Leave for that employee. The agreements permit the agency to remove alleged staff sexual abusers from contact with any inmate pending an investigation or a determination of whether and to what extent discipline is warranted. Termination is the presumed discipline with charges.

The auditor verified in writing that the various contracts recognize the rights and obligation of the Employer to efficiently manage and conduct the operation of the Sheriff's Office within its legal limitations and the Employer's primary obligation to protect the lives and persons within the County.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **06. Collective Bargaining Agreements.**

Supporting Documents: LELS Correctional Officers Contract, Teamsters Sheriff's Office Corrections and Dispatch Supervisory Unit Agreement.

The CWCSD/CWCJ is in compliance with its preservation of ability to protect inmates from contact with abusers.

115.67 Agency protection against retaliation	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The CWCSD/CWCJ has established policies to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with investigations from retaliation by other inmates or staff and designates who is charged with monitoring retaliation.</p> <p>The CWCJ has a Protection from Retaliation Policy which addresses this standard. According to the PREA Coordinator, the Jail Sergeants are assigned to monitor retaliation.</p> <p>The auditor also reviewed the CWCJ PREA Sexual Abuse Retaliation Monitoring form which is to be completed upon receipt of a sexual abuse allegation for monitoring of staff and inmates who report abuse or for monitoring of inmates who are an alleged victim of sexual abuse. Retaliation monitoring can cease if an investigation determines no evidence/unfounded. This is a 90 day monitoring with an option for a continuation of 30 days. Jail Sergeants are to use this form to aid them in documenting weekly reviews of staff or inmates. Items reviewed include a review of any disciplinary reports, program changes, housing changes, performance evaluations or staff reassignments. It calls for face-to-face contact. The auditor</p>

noted jail log entries and file notes of a similar nature with a sample of inmates who had reported sexual abuse.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. G. Protection from Retaliation.** 1.

Supporting Documents: Retaliation Monitoring.

(b) The CWCJ employs multiple protection measures for inmates and staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The same jail policy describes the multiple protection measures to keep such inmates safe. They would include 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.

The Sheriff and Chief Deputy were asked how they protect inmates and staff from retaliation for sexual abuse or sexual harassment allegations. They do not tolerate any form of retaliation. If it occurs, there is immediate corrective action such as removal or transfers. The Jail Administrator was also interviewed. He described the various options available to protect and inmates and staff from retaliation, such as housing changes, transfers, removal of alleged abusers, and emotional support services. He described the Retaliation form. When retaliation is suspected, they will investigate and discipline as needed. If it involves staff, there will be an internal investigation with discipline if needed. Next, the auditor interviewed a designated staff member charged with monitoring retaliation. He is a Jail Sergeant. He described the role Sergeants play in preventing retaliation against inmates and staff who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations. They monitor the potential for retaliation. They look for and document any changes or transfers or emotional support services provided on supplementary reports. There are multiple options available to protect those inmates and staff such as removal, offer protective custody and provide access to emotional support services, housing changes or transfers. Staff can refer an inmate to a clinician at any time. While monitoring, he initiates contact with inmates who have reported sexual abuse. He said there are written and verbal communications. Verbal communications are private. Basically, they monitor for behavior changes. Any changes or incidents are noted in the classification forms or administrative segregation reviews for inmates. There are many options available such as housing changes, separation, and emotional support services. Staff issues are addressed administratively and if necessary, through the disciplinary process. He stressed the open lines of communication when dealing with monitoring efforts. The one inmate in custody who had reported a sexual abuse said that she feels protected against possible revenge from staff or other inmates because she reported what happened to her. There were no inmates in Segregated Housing (for risk of sexual victimization/ who allege to have suffered sexual abuse) to interview.

The auditor reviewed PREA incident reports relative to housing changes, mental health referrals or outside emotional support services contacts, and intermittent review documentation in support of this standard.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. G. Protection from Retaliation.** 2.

Supporting Documents: Retaliation Monitoring.

(c) As required by standard and policy, for at least 90 days following a report of sexual abuse, the CWCJ shall monitor the conduct or treatment of inmates who were reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by inmates or staff and shall act promptly to remedy any such retaliation.

The **Protection from Retaliation Policy** requires the 90 day timeline. For at least 90 days following a report of sexual abuse, the jail shall monitor the conduct and treatment of inmates or staff who reported sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Monitoring includes periodic in-person conversations, review of disciplinary incidents, review of housing or program changes, or a review of negative performance reviews or reassignments of staff. The jail shall continue such monitoring beyond 90 days if the initial monitoring indicates an ongoing need.

The monitoring forms themselves are set up for the 90 day review period with weekly reviews for week 1 through 13 weeks. There is a conclusion section at the end of the form to indicate whether monitoring is complete - no retaliation found or retaliation was addressed and resolved. There is the option to continue monitoring for another 30 days. The auditor was informed by the PREA Coordinator that there were zero instances of retaliation incidents in the past 12 months.

The Jail Administrator was further interviewed and described the measures they would take when they suspect retaliation. He said there would be disciplinary measure and if staff were involved there would be an internal investigation. The designated staff member charged with monitoring retaliation described what they would look for to detect possible retaliation. He said basically, they look for any type of behavior changes. Being observant to any change is important. He verified that periodic status checks are accomplished. Anything of importance is always documented. They would monitor for retaliation while the inmate is in custody. The auditor reviewed the available documentation of monitoring efforts. There were no documentation of reports of retaliation and agency response for review. Although, the auditor did review jail log and inmate file notes for weekly reviews of a similar nature for any protective custody or administrative segregation situation. 30-day Classification reviews were also examined on-site.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. G. Protection from Retaliation.** 3.

Supporting Documents: Retaliation Monitoring.

(d) In the case of inmates, monitoring efforts described above include periodic status checks.

The same jail policies confirm this requirement. The Retaliation Monitoring forms have a section to check off for face-to-face contact on a weekly basis.

The designated staff in charge of monitoring retaliation confirmed that periodic in-person status checks are accomplished and documented. The inmates and/or staff are personally checked for their well-being. He said that the monitoring for conduct and treatment can continue for as long as necessary until inmates are released from custody. The PREA Coordinator assisted the auditor with a review of electronic jail logs as well individual monitoring notes during the on-site audit.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. G. Protection from Retaliation.** 3.

Supporting Documents: Retaliation Monitoring.

(e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the CWCJ shall take appropriate measures to protect that individual from retaliation.

The retaliation policy also applies to those individuals who cooperate with an investigation and are expressing a fear of retaliation. This was verified by the PREA Coordinator and the Sheriff. The Jail Commander described the measures they would take when monitoring for potential retaliation for anyone involved in a PREA investigation. They would review reports, and look for housing changes, transfers, and involvement with emotional support services. They would also monitor any changes with the staff. Any evidence of retaliation would be referred for investigation.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. G. Protection from Retaliation.** 4.

Supporting Documents: Retaliation Monitoring.

This is the comprehensive discussion of all the evidence relied upon in making a compliance determination for the agency protection against retaliation standard.

115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse is also subject to the requirements as previously established with PREA Standard 115.43. (Please review the overall compliance determination narrative of Standard 115.43)

The CWCJ has a policy prohibiting the placement of inmates who allege to have suffered sexual abuse in involuntary segregated housing 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. The Post-allegation Protective Custody Policy states that any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements that are discussed in the Protective Custody Policy. The difference is the protective custody policy addresses inmates at high risk of sexual victimization as determined from the screening for risk of victimization and abusiveness whereas the post-allegation is after an allegation of sexual abuse to protect inmates facing substantial risk.

The PREA Coordinator informed the auditor that there were zero inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment. Likewise, there were zero inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing in the past 12 months for longer than 30 days while awaiting alternative placement. If inmates are held in involuntary segregation, the PREA Coordinator assured the auditor that they would document BOTH (a) a statement of the basis for facility's concern for the inmate's safety, and (b) the reason or reasons why alternative means of separation could not be arranged. If an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population.

The PREA Coordinator provided the auditor with the Administrative Segregation Notice and Review document. There are weekly reviews. The auditor was able to review a few inmate files for Administrative Segregation Classification non-PREA related. The reasons for segregation are noted as well as privilege comments - any limitations, duration, etc. The review section has open ended observations and comments from the inmate, staff, and reviewer to document. Privileges/Changes in the inmate status are then noted.

The Auditor also examined records and documentation of housing assignments of inmates who alleged to have suffered sexual abuse. I did not detect any involuntary segregation or isolation classifications for inmates who alleged to have suffered sexual abuse. I also spent time with the programs staff and we reviewed documentation of in-cell and out-of-cell programs, privileges, education, and work opportunities for inmates in segregated housing for this purpose. If the facility restricts access to programs, privileges, education, or work opportunities, there is documentation of (1) the opportunities that have been limited; (2) the duration of the limitations; and (3) the reasons for such limitations. Programs personnel advised that they operate programs and services on a rotating basis according to housing units, so

are able to keep separate those inmates from their alleged abusers. The auditor did not detect any records of segregated housing for those who alleged to have suffered sexual abuse.

The auditor interviewed the Jail Administrator relative to this standard. When the jail learns that an inmate is subject to a substantial risk of imminent sexual abuse, they take protective action. Again, safety and security is their top priority. They remove the threat and refer for further investigation. They strive to utilize the least restrictive housing as possible for high risk inmates of sexual victimization. Privileges and programs continue to be offered. There is a classification process in place to aid in the separation of high risk for victimization inmates from potential abusers, or in this case there would be a reclassification for safety and security reasons to separate the alleged victim and alleged perpetrator. Inmates can be reclassified or placed on administrative segregation status for protective custody with weekly reviews.

Protective custody is usually requested by the inmate themselves. The Jail Sgt. who supervises inmates in segregated housing advised that if an inmate is placed in segregated housing for protection after having alleged sexual abuse, they would still have access to programs, privileges, education, and work opportunities. If there were any program restrictions for safety reasons, they would document which opportunities have been limited, the duration and the reasons. There are weekly reviews by the Sergeants. He explained that they have the flexibility for housing unit assignments and special management areas to keep inmates safe as opposed to placing them in involuntary segregated housing as a means of separation from abusers. If that happens, it would be for a very short amount of time. Once an inmate is assigned to involuntary segregated housing, the jail Sergeants review the inmate's circumstances weekly to determine if continued placement in involuntary segregated housing is needed. There were no inmates in Segregated Housing (for risk of sexual victimization/who allege to have suffered sexual abuse) available to interview.

Reference Policies: **02. Prevention and detecting Sexual Abuse and Harassment.** 3. Protective Custody, **03. Responding to Reports of Sexual Abuse and Sexual Harassment**, G. **Protection from Retaliation**. 6. Post-allegation Protective Custody

Supporting Documents: **CWCJ Administrative Segregation Notice & Review**

An analysis and review of the related policies, procedures, documents, staff and specialized staff interview responses with facility tour and observations provided for a substantial compliance determination for the post-allegation protective custody standard.

115.71 Criminal and administrative agency investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

(a) The CWCSD/CWCJ conducts its own investigations into allegations of sexual abuse and sexual harassment, and does so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

The PREA **Investigation of Incidents** Policy ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. They are referred to the CWCSD - Investigative Division to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. This information is published on the CWCJ Website and the Carousel System on the television located in the public lobby of the jail. They will conduct all criminal investigations of sexual abuse and sexual harassment, including third-party and anonymous reports using an investigator who has received special training in sexual abuse investigations pursuant to the Specialized Training: Investigators section of the PREA Policy. The jail will conduct administrative investigations of sexual abuse and sexual harassment, including third-party and anonymous reports promptly, thoroughly, and objectively using investigators who have received special training in sexual abuse investigations pursuant to the Employee Training and Specialized Training: Investigators section of this PREA Policy. The CWCSD **Sexual Assault Investigations** Policy also addresses this standard. Qualified investigators are available for assignment of sexual assault investigations. When responding to reports of sexual assaults, they will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims.

<https://www.crowning.gov/1001/Prison-Rape-Elimination-Act-PREA>

The auditor had previously reviewed the training records of investigators. All were PREA Certified as having completed the online course PREA: Investigating Sexual Abuse in a Confinement Setting. The CWCSD criminal investigators receive advance training on additional topics.

The auditor reviewed a sample of investigative records/reports for allegations of sexual abuse or sexual harassment relative to this standard.

The auditor interviewed a criminal investigator. I asked how long it takes to initiate an investigation following an allegation of sexual abuse or sexual harassment. If it was a new assault, that would be an urgent situation and they would respond immediately. There are a number of PREA investigators available. He was then asked how they handle anonymous or third-party reports. He said there are potential differences, however all allegations are taken seriously and are referred for investigation.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. F. Investigation of Incidents, 1-4. 04. Staff Training and Inmate Education. A. Employee Training. 6. Specialized Training: Investigators.** CWCSD Policy 602 **Sexual Assault Investigations.**

Supporting Documents: PREA Investigation Case Files, Certificate of Completion

PREA: Investigating Sexual Abuse in a Confinement Setting.

(b) Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.34.

Standard 115.34 is the Specialized Investigative Training Standard. The PREA Coordinator is also an investigator. I asked both investigators about their PREA training. They verified receipt of training specific to conducting sexual abuse and sexual harassment investigations in confinement settings. They specified that the training topics included techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria required to substantiate a case for administrative or prosecution referral. The investigator from the Sheriff's Office said he has received numerous law enforcement and investigator training for sexual assault and specifically for PREA.

Again, the auditor verified the specialized training requirements for PREA investigators by a review of their training records and curriculum. The auditor conducted a spot-check on-site of training files of jail and field investigators and noted the Certificates of Completion for Sexual Abuse Investigations in Confinement Settings. (See the documentation in Standard 115.34 for further details)

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents.** 3. **04. Staff Training and Inmate Education.** A. **Employee Training.** 6. Specialized Training: Investigators, CWCSD Policy 602 **Sexual Assault Investigations.**

Supporting Documents: PREA Investigation Case Files, Certificate of Completion PREA: Investigating Sexual Abuse in a Confinement Setting.

(c) Investigators of the CWCSD shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

This standard subpart is also addressed in the **Investigation of Incidents** Policy. The **Sexual Assault Investigations** Policy addresses interview requirements and the collection and testing of biological evidence. The Specialized Training: Investigators Policy requires training to include interviewing sexual abuse victims, proper use of the *Miranda* warning, proper use of the *Garrity* warning, 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 I spoke with verified having received training on these topics.

The auditor interviewed the investigator to corroborate investigation techniques and responsibilities. We started with the first steps in initiating an investigation following an allegation of sexual abuse or sexual harassment. They would start with the initial

report to gather the facts. An investigation would begin. Direct and circumstantial evidence would be gathered in an investigation of an incident of sexual abuse. These include physical and DNA evidence, electronic monitoring data, interviews, and prior complaints and reports of sexual abuse. All of these things are considered. The jail's electronic surveillance is very helpful. Another source of evidence is the inmate texters and phone calls for monitoring. A report would be documented and submitted through the chain of command process.

During the pre-audit, the auditor was provided with sexual harassment/abuse investigative reports with findings that had been alleged within the past 12 months. During the on-site audit, the auditor reviewed a sample of additional investigative reports and copies of older case records detailing abuse allegations relative to this standard. I was informed by the PREA Coordinator who securely maintains the PREA files, that they have kept files since their first PREA audit.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents,** 1-5. **04. Staff Training and Inmate Education.** A. **Employee Training.** 6. **Specialized Training: Investigators,** CWCSO Policy 602 **Sexual Assault Investigations.**

Supporting Documents: PREA Investigation Case Files, Certificate of Completion PREA: Investigating Sexual Abuse in a Confinement Setting.

(d) When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

The same PREA investigations policy describes this standard to the letter. The CWCSO/CWCJ has policies which have been implemented to include specialized investigative training for the proper use of *Miranda* and *Garrity* warnings. The wording used when a person is read the *Miranda* Warning, also known as being '*Mirandized*,' is clear and direct: "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?" Often, public employers will simply want to conduct an administrative investigation to ascertain whether misconduct has occurred, and to determine if disciplinary action is warranted. Accordingly, many employers begin investigatory interviews by asking employees to sign "*Garrity Statements*," "*Garrity Advisements*," or "*Garrity Warnings*" (in federal employment, "*Kalkines Warnings*"). A properly-worded statement enables management to question the employee and require that they respond (compelled interviews), while protecting the employee's constitutional rights.

<http://www.mirandawarning.org/whatareyourmirandarights.html>
<http://www.garrityrights.org/garrity-warnings.html>

The investigator interviewed described that when they discover evidence that a prosecutable crime may have taken place, they may consult with prosecutors before conducting compelled interviews, but if it involves an employee, this would be assigned to internal affairs for investigation. They are very familiar with the *Miranda* warning requirements as a routine part of their investigation. They have a good working relationship with the County Attorney's Office.

The auditor reviewed both criminal and administrative investigation reports and paid attention to the interview portion of the case files. Investigators receive Specialized Investigative Training on the proper use of *Miranda* and *Garrity* warnings.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents,** 6. **04. Staff Training and Inmate Education.** A. **Employee Training.** 6. Specialized Training: Investigators, CWCSO Policy 602 **Sexual Assault Investigations.**

Supporting Documents: PREA Investigation Case Files, Certificate of Completion PREA: Investigating Sexual Abuse in a Confinement Setting.

(e) CWCSO/CWCJ policy also specifies that the credibility of a victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate. Reports must include the reasoning behind credibility assessments. Additionally, the CWCSO shall not require an inmate who alleges sexual abuse to submit to polygraph examination or other truth telling device as a condition for proceeding with an investigation into a sexual abuse allegation.

These investigative requirements can be found in the PREA **Investigation of Incidents** Policy. The CWCSO **Sexual Assault Investigation Policy** has a POLYGRAPH EXAMINATION section. "A deputy shall not require a sexual assault victim to submit to a polygraph examination as a condition to investigating, charging or prosecuting the offense. (Minn. Stat. § 611A.26)"

The auditor continued the investigator interview. He was asked on what basis do you judge the credibility of an alleged victim, suspect, or witness. They find the truth to the best of their ability through the investigation of facts. They do not require a polygraph examination or other truth-telling device as a condition for proceeding with an investigation. The inmate who had reported a sexual abuse said that she was not required to take a polygraph test.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents,** 6. **04. Staff Training and Inmate Education.** A. **Employee Training.** 7. Specialized Training: Investigators, CWCSO Policy 602 **Sexual Assault Investigations,** 602.4.3 POLYGRAPH EXAMINATION.

Supporting Documents: PREA Investigation Case Files, Certificate of Completion PREA: Investigating Sexual Abuse in a Confinement Setting.

(f) Regarding administrative investigations, jail policy requires an effort to determine whether staff actions or failures to act contributed to the abuse and shall be documented in written reports that include a description of all evidence, the reasoning behind credibility assessments, and investigative facts and findings.

The PREA **Investigation of Incidents** Policy distinguishes between Criminal Investigations and Administrative Investigations. Administrative Investigations include these elements.

The auditor questioned the PREA Coordinator since he is also one of the investigators who conducts Administrative Investigations. He was asked about the efforts taken during an administrative investigation to determine whether staff actions or failures to act contributed to the sexual abuse and whether this is documented in reports. Just like with sexual abuse incident reviews, they would examine the adequacy of staffing levels as well as staff actions or failures to act. They would examine jail logs for well-being checks for example. They would study post orders and accomplishments or lack of accomplishments. They would see if all policies and procedures have been followed by staff. All information would be documented in the report.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents,** 8. **Administrative Investigations** 1., **04. Staff Training and Inmate Education.** A. **Employee Training.** 7. **Specialized Training: Investigators.** CWCSD Policy 602 **Sexual Assault Investigations.**

Supporting Documents: PREA Investigation Case Files, Certificate of Completion PREA: Investigating Sexual Abuse in a Confinement Setting.

(g) Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

The PREA **Investigation of Incidents** Policy addresses this standard subpart. Investigations include these elements as referenced. Investigators verified that criminal investigations are always documented in a report that is thorough and comprehensive as described. Supplemental reports and evidentiary attachments are included. As described in the previous provision, the auditor reviewed administrative and criminal PREA incident reports that contained all the necessary elements of a comprehensive and complete investigation which can be referred administratively or for prosecution.

In speaking with the investigator of the CWCSD, he said that all criminal investigations are documented. The reports contain thorough descriptions of physical, testimonial, and documentary evidence, as well as attached copies of any other documentary evidence.

Investigators receive specialized investigative training to include the uniform evidence protocol to maximize potential for obtaining useable physical evidence and

techniques for interviewing sexual abuse victims.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. F. Investigation of Incidents, 8. 04. Staff Training and Inmate Education. A. Employee Training.** 7. Specialized Training: Investigators, CWCSO Policy 602 **Sexual Assault Investigations.**

Supporting Documents: PREA Investigation Case Files, Certificate of Completion PREA: Investigating Sexual Abuse in a Confinement Setting.

(h) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

As per the same investigation policies, investigations shall be referred for prosecution if there are substantiated allegations of conduct that appear to be criminal. The PREA Coordinator informed the auditor that there were zero substantiated criminal allegations that were referred for prosecution since the last PREA audit.

The Criminal Investigator explained that when the report is complete and it has been determined that there are substantiated allegations of conduct that appear to be criminal, they are reviewed by the supervisor and then sent to the County Attorney for potential charges. There is a chain of command review process within the Sheriff's Office. There were no substantiated allegations of criminal sexual abuse that had been investigated and referred for prosecution since the last PREA audit. Investigators receive Specialized Investigative Training on the criteria and evidence required to substantiate a case for administrative action or referral for prosecution.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. F. Investigation of Incidents, 8. Administrative Investigations 1., 04. Staff Training and Inmate Education. A. Employee Training.** 7. Specialized Training: Investigators, CWCSO Policy 602 **Sexual Assault Investigations.**

Supporting Documents: PREA Investigation Case Files, Certificate of Completion PREA: Investigating Sexual Abuse in a Confinement Setting.

(i) The CWCJ retains all written PREA reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

The same PREA policy requires the retention of all written reports. Related to this standard, the CWCJ **Data Storage, Publication and Destruction** Policy requires the jail to maintain sexual abuse data collected pursuant to Section 05.A. for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

The auditor took this opportunity to look at their record storage practices during the site review. I observed the physical storage area of any information/documentation collected and maintained in hard copy pursuant to the PREA Standards (e.g., risk screening information, medical records, sexual abuse allegations) to determine if the

area is secured. Only Classification Officers and supervisors/administration have access to PREA screening information and PREA incident and investigative reports. Older records are kept in a file in the PREA Coordinator's locked office. I observed the electronic safeguards of information/documentation collected and maintained electronically pursuant to the PREA Standards (e.g., risk screening information) and how to access the information. (e.g., password protected, accessible only in certain areas, role based security). Access to inmate records including medical and mental health files and sexual abuse and sexual harassment reports are available to medical and mental health practitioners, supervisors, Classification Officers, Administration, and other staff on a need to know basis for safety, security, and management decisions. Staff advised the auditor that medical records are kept separate from inmate jail files. The auditor was able to review and compare samples of administrative and criminal investigation reports in support of this standard in the PREA Coordinator's office. The PREA Coordinator maintains all PREA reports and investigative files. The auditor observed that the files are electronically and hard-copy maintained securely. The PREA Coordinator acknowledged that he is the staff member who is responsible for maintaining the records in reference to criminal and administrative investigations. The auditor was able to review a sample of some older reports that were contained in hard files under lock and key.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents,** 9. **04. Staff Training and Inmate Education.** A. **Employee Training.** 7. Specialized Training: Investigators, CWCSO Policy 602 **Sexual Assault Investigations.**

Supporting Documents: PREA Investigation Case Files, Certificate of Completion PREA: Investigating Sexual Abuse in a Confinement Setting.

(j) The departure of the alleged abuser or victim from employment or control of the facility shall not provide a basis for terminating an investigation.

The same policy addresses this requirement to the letter. In the event a victim or abuser leaves the CWCJ, an active investigation will not be terminated. The investigators confirmed that allegations of sexual abuse/sexual harassment are investigated until complete and is not dependent on the employment status or incarceration status of an individual. The investigation continues. The alleged abuser or victim can be located for any further interview, interrogation, or follow up outside of jail. They may need the assistance of another agency.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents,** 10. **04. Staff Training and Inmate Education.** A. **Employee Training.** 7. Specialized Training: Investigators, CWCSO Policy 602 **Sexual Assault Investigations.**

Supporting Documents: PREA Investigation Case Files, Certificate of Completion PREA: Investigating Sexual Abuse in a Confinement Setting.

k) N/A

(I) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

The **Investigation of Incidents** Policy also addresses this standard subpart. The jail will provide any evidence requested by the investigating agency, including, but not limited to any available electronic monitoring data, staff reports, log entries, internal investigations and disciplinary reports. Investigators are to coordinate with other law enforcement agencies as needed. Allegations of sexual abuse will be referred and investigated by agency Investigations and if it involves a staff member, the Sheriff's Office may opt to have an outside agency conduct a prompt, thorough and objective investigation. Interview responses from the Jail Administrator, PREA Coordinator, and investigative staff all indicated that they assist, coordinate, and cooperate as needed with outside investigators and the Command Staff and Investigators remain informed about the progress of the investigation with status updates. The investigator said that they would assist as requested. They could assist with video requests and help coordinate interviews for example. The Jail Administrator said that they would remain in continued communication and keep updated as the investigation progresses. The PREA Coordinator said that communications are commonly via email. They would ultimately be informed of the findings. The Sheriff would be notified and kept apprised of the status of the investigation. The DOC inspector will also be involved as they are required to be notified of any unusual occurrences.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. F. Investigation of Incidents, 11. 04. Staff Training and Inmate Education. A. Employee Training. 7. Specialized Training: Investigators**, CWCSO Policy 602 **Sexual Assault Investigations.**

Supporting Documents: PREA Investigation Case Files, Certificate of Completion PREA: Investigating Sexual Abuse in a Confinement Setting.

The CWCSO/CWCJ complies in all material ways with the standard for criminal and administrative agency investigations for the reasons described in this narrative analysis.

115.72 Evidentiary standard for administrative investigations	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	The agency shall impose no standard higher than a preponderance of the evidence in

determining whether allegations of sexual abuse or sexual harassment are substantiated.

The Administrative Investigations Policy states the same.

Preponderance of the evidence is a legal standard that means one side of a story is more likely than not to be true. It is the standard used in most civil cases to determine the winner.

The investigator that was interviewed was asked about the standard of evidence they require to substantiate allegations of sexual abuse or sexual harassment. He said it is not up to him to consider, but to forward the report for determination by the County Attorney and then a Court of Law. The investigators gather all the evidence and document in report form for further review. The PREA Coordinator verified that they do not require any standard of proof higher than a preponderance of the evidence.

An examination of a sample of administrative investigations of sexual abuse or sexual harassment did not require a higher standard of proof in determining substantiated, unsubstantiated, or unfounded findings.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents**, 8. **Administrative Investigations** d., **04. Staff Training and Inmate Education**. A. Employee Training. 7. Specialized Training: Investigators, CWCSD Policy 602 **Sexual Assault Investigations**.

Supporting Documents: PREA Investigation Case Files, Certificate of Completion PREA: Investigating Sexual Abuse in a Confinement Setting.

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	a) Following an investigation into an inmate's allegation that he or she suffered sexual abuse at the CWCJ, the CWCSD/CWCJ shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
	The Investigation of Incidents Policy requires this standard.
	I was informed by the PREA Coordinator that in the past 12 months, there was one allegation of sexual abuse which was investigated with findings. Of the alleged sexual abuse investigations that were completed in the past 12 months, one inmate was notified verbally of the results of the investigation. The notification was documented. The auditor reviewed additional samples of investigations of alleged sexual abuse complaints completed by the agency. I found some documentation of notices to the inmates.

The PREA Coordinator and auditor discussed the importance of consistent written notifications for findings for best practices and record keeping.

The PREA auditor interviewed the Jail Administrator in this regard. He verified that the jail provides notice to an inmate who makes an allegation of sexual abuse about the results of the investigation. Sometimes this notice would happen on the criminal side by an investigator or the courts. The investigator said that they do their best to notify victims as to the results of the investigation, whether substantiated, unsubstantiated, or unfounded. The jail typically handles the notices. The inmate who had reported a sexual abuse was not sure if the jail is required to notify you when your sexual abuse allegation has been substantiated, unsubstantiated, or unfounded. She was not told in writing, but she was verbally informed that the other inmate received disciplinary action as a result of the investigation.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents.** 13.

Supporting Documents: PREA Sexual Abuse Investigations.

(b) If the CWCSD does not conduct the investigation, it shall request the relevant information from the investigating agency in order to inform the inmate.

The same jail policy addresses this standard subpart. If CWCJ did not conduct the investigation, it shall request relevant information from the investigative agency in order to inform the inmate.

The auditor verified this practice with the Jail Administrator and the PREA Coordinator.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents.** 14.

Supporting Documents: PREA Sexual Abuse Investigations.

(c) Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever: (1) The staff member is no longer posted within the inmate's unit; (2) The staff member is no longer employed at the facility; (3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

The same language is within the **Investigation of Incidents** Policy.

There has not been a substantiated or unsubstantiated complaint (i.e., not unfounded) of sexual abuse committed by a staff member against an inmate in the past 12 months.

The PREA Coordinator verified the procedures to be followed following the inmate's allegation for reporting. Even unfounded determinations are reported back to the inmate. The auditor reviewed a sample of some older reports and notification records during the on-site audit to verify that inmates are provided with investigative outcomes.

The inmate that had reported a sexual abuse does not apply to this standard subpart.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents.** 15.

Supporting Documents: PREA Sexual Abuse Investigations.

(d) Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever: (1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or (2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

The previous standard subpart applied to an allegation against staff. This standard applies to an allegation against another inmate. The same policy addresses this standard subpart to the letter.

The auditor reviewed additional sample of documentation of notifications. The auditor found 6 inmate-inmate sexual harassment claims and three inmate-staff sexual harassment allegations and investigation records for review. There were four cases determined to be unfounded, four substantiated, and one unsubstantiated. The auditor found some documentation of inmate notifications. Appropriate measures were taken with disciplinary actions.

The inmate who had reported a sexual abuse stated that she was informed about the disciplinary action in this event. There was no court.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. 03. Responding to Reports of Sexual Abuse and Sexual Harassment. F. **Investigation of Incidents.** 16.

Supporting Documents: PREA Sexual Abuse Investigations.

(e) All such notifications or attempted notifications shall be documented.

The same policy states the same documentation requirement. The jail's obligation to report under this standard shall terminate however, if the inmate is released from custody.

The auditor and the PREA Coordinator researched jail logs, inmate files, and other documentation of notifications to confirm inmate notifications if applicable.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding**

to Reports of Sexual Abuse and Sexual Harassment. F. Investigation of Incidents. 16.

Supporting Documents: PREA Sexual Abuse Investigations.

The CWCJ is found to be substantially compliant with the PREA Reporting to Inmates Standard. The PREA Auditor and the PREA Coordinator discussed the importance of best practices with consistent documentation addressing the specific requirements of reporting to inmates the details required in the standard with investigation findings.

115.76 Disciplinary sanctions for staff	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	(a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
	The Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment/Disciplinary Sanctions for Staff Policy verbalizes this standard. The CODE OF CONDUCT/FRATERNIZATION GENERAL ORDERS requires all employees to be alert and aware of their responsibilities to the jail at all times. No staff member, volunteers, or contracted employees should engage in any physical contact with inmates other than contact required to perform job duties. Staff members, volunteers, or contracted employees are required to be aware of and understand the criminal consequences. Violation of any of the orders will subject staff members, volunteers, and contracted employees to disciplinary actions including up to: Dismissal from employment and filing of formal criminal charges. Staff are required to read and understand the orders with signature and date.
	The auditor also reviewed the Medical Policy/Procedure Title: PREA and Sexual Assault. The jail nurses and medical technicians are employees of the county and not contractors. There is a discipline section in their policy. Staff shall be subject to disciplinary actions up to and including termination for CWC sexual misconduct policies and procedures. Termination is the presumptive disciplinary sanction for staff who engage in abuse. All terminations for violations of the PREA policy, or resignations, will be reported to law enforcement, unless the activity was clearly not criminal. Any relevant licensing bodies will also be notified as necessary.
	As previously discussed, in the Preservation of Ability to Protect from Contact with Abusers PREA Standard, the County Agreements/Union Contracts provide for the agency's ability to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or of a determination of whether and to what discipline is warranted. (See 115.66 Preservation of Ability to Protect Inmates from

Contact with Abusers)

The PREA training policies addresses member training. All staff, volunteers and contractors who may have contact with inmates receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within the jail. It has been established in the Staff Training Standard, the topics required. Staff are trained and provided information on how to avoid inappropriate relationships with inmates and an individual's right to be free from sexual abuse. The auditor noted training which addressed disciplinary sanctions for members that violate these policies. (See 115.31 Employee Training)

The CWCJ Employee Acknowledgment of Understanding of PREA Training also references how to avoid inappropriate relationships with inmates, the zero tolerance policy regarding sexual abuse and sexual harassment, and the inmates' right to be free from sexual abuse and sexual harassment.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. H. Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment.** 1. Disciplinary Sanctions for Staff. a., Medical Policy/Procedures. Title: PREA and Sexual Assault. 5. Discipline.

Supporting Documents: **CWCJ EMPLOYEE ACKNOWLEDGMENT OF UNDERSTANDING OF PREA TRAINING, CODE OF CONDUCT/FRATERNIZATION GENERAL ORDERS, Union Contracts/Agreements.**

(b) Termination is the presumptive disciplinary sanction for staff members who have engaged in sexual abuse.

The PREA Disciplinary Sanctions for Staff states the same language.

The auditor was informed through the Pre-Audit Facility Questionnaire that in the past 12 months, there were no instances of staff sexual abuse at the CWCJ. The auditor reviewed Jail PREA Incident Reports and Investigation records pertaining to this standard.

Discussions with the Jail Administrator, Sheriff, and PREA Coordinator confirmed that termination would be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. As we know, the CWCJ maintains a written policy mandating zero tolerance toward all forms of sexual misconduct in the jail for all inmates under its jurisdiction. All sexual abuse or harassment is strictly forbidden.

Additional sample records of terminations, resignations, or other sanctions for violation of sexual abuse or sexual harassment policies were researched with negative results.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. H. Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment.** 1. Disciplinary Sanctions for Staff. b. Medical Policy/Procedures. Title: PREA and

Sexual Assault. 5. Discipline.

Supporting Documents: **CWCJ EMPLOYEE ACKNOWLEDGMENT OF UNDERSTANDING OF PREA TRAINING**, CODE OF CONDUCT/FRATERNIZATION GENERAL ORDERS, Union Contracts/Agreements.

(c) Other than actually engaging in sexual abuse, disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment 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.

The same policy addresses this standard.

In the past 12 months there have been no disciplines, short of termination, for violation of agency sexual abuse or sexual harassment policies (other than actually engaging in sexual abuse).

The auditor researched records of disciplinary sanctions taken against staff for violations of the agency sexual abuse or sexual harassment policies in the past 12 months. There were two unfounded staff-inmate sexual harassment allegations and one unfounded sexual abuse.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. H. Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment. 1. Disciplinary Sanctions for Staff. c.**

Supporting Documents: **CWCJ EMPLOYEE ACKNOWLEDGMENT OF UNDERSTANDING OF PREA TRAINING**, CODE OF CONDUCT/FRATERNIZATION GENERAL ORDERS, Union Contracts/Agreements.

(d) All terminations for violations of agency sexual abuse/sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies and to any relevant licensing bodies (unless the activity clearly was not criminal).

This is also required by policy.

In the past 12 months there were no instances of staff terminations or resignations for violating sexual abuse or sexual harassment policies or laws. As a result, there were no reports to law enforcement or relevant licensing bodies for violations of agency sexual abuse or sexual harassment policies.

Discussions with the PREA Coordinator, Sheriff, and Jail Commander confirmed the disciplinary sanctions for staff up to and including termination for violating sexual abuse/sexual harassment policies and criminal charges for violating MN Statutes. The auditor reviewed the PREA training materials which evidenced the staff notifications and advisements through PREA Standards education and Jail PREA Policies and information. The CWCSO, jail division provides PREA member training to all staff,

volunteers, and contractors who may have contact with inmates on the prevention, detection, and response of sexual abuse and sexual harassment within the jail. The auditor has reviewed the PREA Standards education and Jail PREA Policies and information. The auditor has reviewed the training materials for corrections officers, and they are educated in the zero tolerance policy as well as any consequences for a violation of the PREA policies. All terminations or resignations for sexual abuse violations are reported to law enforcement (the CWCSD investigate or refer for investigation all sexual abuse allegations) and any relevant licensing bodies such as P.O.S.T. for the licensed officer and the D.O.C. for the reporting of unusual occurrences, and any other applicable licensing body. This action was confirmed by the Jail Administrator, Sheriff, and the PREA Coordinator.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** H. **Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment.** 1. Disciplinary Sanctions for Staff. d. Medical Policy/Procedures. Title: PREA and Sexual Assault. 5. Discipline.

Supporting Documents: **CWCJ EMPLOYEE ACKNOWLEDGMENT OF UNDERSTANDING OF PREA TRAINING, CODE OF CONDUCT/FRATERNIZATION GENERAL ORDERS, Union Contracts/Agreements.**

The compliance requirements of this standard are met.

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	(a) Any contractor or volunteer who engages in sexual abuse must be reported to law enforcement unless the activity was clearly not criminal, and to relevant licensing bodies.
	The <u>Corrective Action for Contractors and Volunteers Policy</u> states: "Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to the CWCSD-Investigative Division, unless the activity was clearly not criminal, and to relevant licensing bodies." The same PREA training policies for staff, volunteers, and contractors require education with the zero tolerance policy and how to avoid inappropriate relationships with inmates among the other required topics. It has been established with the Contractor and Volunteer Training Standard that members are warned of the disciplinary consequences for violating the jail's sexual abuse/harassment policies. (See Standard 115.32 Volunteer and Contractor Training Narrative)
	The auditor reviewed other related materials for volunteers and contractors. Volunteers and Contractors are also required to sign for understanding the CODE OF

CONDUCT/FRATERNIZATION GENERAL ORDERS. The Volunteer Staff Handbook has a PREA section for zero tolerance and their responsibility in prevention, detection, response and incident reporting. The CWCJ reserves the right to, at any time without prior notification refuse admittance to any volunteer. Any violation of the conditions in the handbook may cause suspension or termination of the volunteer's services.

I was informed that in the past 12 months there have been no contractors or volunteers who have engaged in sexual misconduct at the facility to report to relevant licensing bodies and prohibit further inmate contact. The auditor researched PREA incident reports and there were no allegations against contractors or volunteers in the past 12 months.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** H. **Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment.**

2. Corrective Action for Contractors and Volunteers. a.

Supporting Documents: **CWCJ VOLUNTEER AND CONTRACTOR ACKNOWLEDGMENT OF UNDERSTANDING OF PREA TRAINING**, CODE OF CONDUCT/FRATERNIZATION GENERAL ORDERS, Volunteer Staff Handbook.

(b) Staff shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

The same language is covered in part b. of the Corrective Action for Contractors and Volunteers Policy.

The CWCSO is a law enforcement agency and the jail is a division of the Sheriff's Office. As previously established, all allegations of sexual abuse/sexual harassment are reported to the CWCSO for investigation referral. The Jail Administrator and PREA Coordinator verified that contractors who have been found to have engaged in sexual abuse would also be reported to any relevant licensing bodies or certification boards relevant to their job requirements. Their services would be discontinued with appropriate criminal charges. The Jail Administrator said that the jail always prohibits further contact with inmates. They operate under the zero tolerance principle of PREA and probably would not engage in remedial measures.

In the past 12 months, there have been no contractors or volunteers reported to any licensing bodies for engaging in sexual abuse with inmates. The CWCSO jail division provides PREA member training to all staff, volunteers, and contractors who may have contact with inmates on the prevention, detection, and response of sexual abuse and sexual harassment within the jail. The auditor has reviewed the training materials for contractors and volunteers, and they are educated in the response of sexual abuse and sexual harassment within the jail. They are also educated in the zero tolerance policy as well as any consequences for a violation of the PREA policies.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** H. **Sanctions for**

	<p>Individuals Found to have Participated in Sexual Abuse or Harassment.</p> <p>2. <u>Corrective Action for Contractors and Volunteers.</u> b.</p> <p>Supporting Documents: CWCJ EMPLOYEE ACKNOWLEDGMENT OF UNDERSTANDING OF PREA TRAINING, CODE OF CONDUCT/FRATERNIZATION GENERAL ORDERS, Volunteer Staff Handbook.</p> <p>The CWCJ substantially complies with this standard and its subparts.</p>
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115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>a) Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.</p> <p>The <u>Disciplinary Sanctions for Inmates</u> Policy enforces this standard. The CWCJ Inmate Handbook contains a PREA section. It describes sexual misconduct as sexual abuse, sexual assault or sexual harassment. It includes sexual activity between two inmates and sexual activity between staff and an inmate. Sexual misconduct includes any requests of sexual activity through promise of favors, threatening an inmate for refusing sexual advances, invasion of privacy and threatening the offender's safety and security. It includes disrespect, threatening, sexual comments, or excessive friendly time spent with inmates. It is not appropriate for an inmate to approach a staff person for the purposes of sexual activity. A look at the jail rules section for major violations, you will find that indecent exposure, making sexual proposals, forcing sexual activities, or sexually harassing another inmate, jail staff, and/or volunteers, and assaulting, threatening or harassing another inmate, jail staff, volunteer(s) or a member of the public constitute a major rule violation. The inmate will immediately be placed in lockdown for violations of all jail rules. A written Notice of Violation will be given to the inmate. The inmate will be subject to disciplinary action. The discipline could result in loss of all privileges and/or disciplinary segregation. Inmates receiving a major rule violation may receive a disciplinary hearing to be held within 72 hours. Any violation that is considered to be a violation of any MN State Statute will be forwarded to the county investigators or the County Attorney for possible charges. Discipline may be imposed for sexual activity between inmates. However, such activity will not be considered sexual abuse for purposes of discipline unless the activity was coerced.</p> <p>The PREA Coordinator responded in the PREA Questionnaire during the pre-audit process that there were no inmate-on-inmate sexual abuse incidents at the jail in the past 12 months. The auditor verified with a review of PREA incident reports and there were no findings of inmate-on-inmate sexual abuse that occurred at the CWCJ in the</p>

past 12 months. Likewise, there were no findings of guilt for inmate-on-inmate sexual abuse. There were no records of disciplinary actions against inmates for sexual conduct with staff. The auditor reviewed the PREA incident summaries and investigation reports and documentation of sanctions imposed. There were six inmate-inmate sexual harassment investigations. Of those investigations, one was unfounded, four were substantiated, and one was unsubstantiated. Many of the PREA incident reports I reviewed were allegations of abuse at previous facilities. The auditor noted appropriate disciplinary actions as a result of the administrative investigations and disciplinary process at the jail.

Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting

form for signature also warns inmates through the PREA education and orientation process that sexual misconduct includes sexual activity between two inmates and sexual activity between staff and an inmate.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. H. Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment.**

3. Disciplinary Sanctions for Inmates a.

Supporting Documents: CWCJ Inmate Handbook pgs. 3-4, and 19-24. **Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting** form.

(b) Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

Part b. of the same policy also cover the standard requirements for discipline and sanctions for inmates. The CWCJ ensures that a wide range of training and disciplinary tools are available for staff when determining disciplinary sanctions for major rule violations. These were reviewed by the auditor. The Training Officer is responsible for developing, delivering, and procuring training for staff members who participate in the disciplinary hearing process. Training topics should include the legal significance of due process protections and the hearing officer's role in assuring that those protections are provided.

The auditor interviewed the Jail Administrator in this regard. I asked what disciplinary sanctions are inmates subject to following an administrative or criminal finding that the inmate engaged in inmate-on-inmate sexual abuse. He said there is the internal process for major rule violations, notice and hearing and ultimately sanctions and there is the criminal route for MN Statute violations. He confirmed that sanctions are proportionate to the nature and circumstances of the abuses committed, the inmates' disciplinary histories, and the sanctions imposed for similar offenses by other inmates with similar histories. Mental disability or mental illness is sometimes considered when determining sanctions, but it is dependent on the situation. They have mental health and social worker resources at the jail for assistance in that regard.

The auditor asked the PREA Coordinator about assuring commensurate sanctions. He provided the Disciplinary Scale for my review. Recently updated, it provides a

guideline for the hearing officers in determining similar sanctions for inmates with similar violations. Of course, other criteria are considered such as the inmate's disciplinary history and sanctions imposed for other comparable offenses by other inmates with similar histories. Upon further review, the auditor notes that PREA related incidents have the harshest penalties.

The auditor reviewed a sample of investigative reports and documentation of sanctions imposed. They appeared to be commensurate with the nature and circumstances of the harassment committed. There were no reports of inmate-on-inmate sexual abuse determined.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. H. Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment. 3. Disciplinary Sanctions for Inmates b.**

Supporting Documents: CWCJ Inmate Handbook pgs. 3-4, and 19-24. Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting form, Discipline Scale.

(c) The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

The same policies previously described also require the disciplinary process to consider the inmate's mental disability/illness status. The Jail Administrator said that they have mental health practitioners and social workers at their jail for assistance in that regard. They will look at whether an inmate's mental disability or mental illness contributed to their behavior and depending on the situation, what type of sanction should be imposed. The auditor reviewed a sample of inmate disciplinary reports, however there were no reports of inmate-on-inmate sexual abuse determined. Investigative reports and documentation of sanctions imposed were also reviewed relative to this provision of the standard.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. H. Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment. 3. Disciplinary Sanctions for Inmates c.**

Supporting Documents: CWCJ Inmate Handbook pgs. 3-4, and 19-24. **Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting** form.

(d) To the extent that there is available therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for sexual abuse, the facility may consider whether to require an inmate being disciplined for sexual abuse to participate in such interventions as a condition of access to programming or other benefits.

The PREA Coordinator informed the auditor of the various programs they have at the jail, such as Peer Support and numerous counseling programs, in addition to their

social workers and mental health practitioners who provide resources and connect to community services.

The auditor interviewed an RN and a Mental Health Practitioner about this topic. They verified that the facility offers services designed to address and correct the underlying reasons or motivations for sexual abuse. Participation is voluntary, but highly encouraged. They said that services are available to both victim and perpetrator. Referrals would come from the jail and follow up would be within 24 hours. The Social Worker is there to provide support and resources. They can refer to SAS for emotional support services and advocacy as well. The medical and mental health unit personnel were very open and transparent with their medical assessments and documentation of services provided which the auditor was able to review in follow up with any sexual abuse/sexual harassment issues and previous victimization.

(e) The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

The same policy addresses this standard subpart as well. The inmate handbook defines these major jail rule violations as previously described above.

There were no records of disciplinary actions against inmates for sexual conduct with staff noted as there were no records of sexual misconduct between staff and inmates.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** H. **Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment.** 3. Disciplinary Sanctions for Inmates d.

Supporting Documents: CWCJ Inmate Handbook pgs. 3-4, and 19-24. Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting form.

(f) No inmate may be disciplined for falsely reporting sexual abuse or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation, if the report was made in good faith based upon a reasonable belief that the alleged conduct occurred.

The same jail policy states that for the purpose of disciplinary action, a report of sexual abuse made in good faith and based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident, even if the investigation does not establish evidence sufficient to substantiate the allegation.

This standard subpart requirement was verified by the PREA Coordinator. They would not discipline an inmate who reports a sexual abuse made in good faith, no matter what the outcome.

The PREA section of the inmate handbook addresses this issue in writing. It says for the purpose of disciplinary action, a report of sexual abuse made in good faith by an inmate based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying. The same information is also supplied in the **Sexual Abuse/Assault and sexual Harassment Prevention and**

Reporting inmate PREA orientation form.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. H. Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment. 3. Disciplinary Sanctions for Inmates e.**

Supporting Documents: CWCJ Inmate Handbook pgs. 3-4, and 19-24. **Sexual Abuse/Assault and Sexual Harassment Prevention and Reporting** form.

(g) Discipline may be imposed for sexual activity between inmates. However, such activity shall not be considered sexual abuse for purposes of discipline unless the activity was coerced.

Part f. of the same policy addresses this standard subpart. The inmate handbook major rule violations section lists consensual activities between inmates as a violation. Disciplinary sanctions would include loss of privileges, loss of good time, housing reassignment, and disciplinary segregation. The CWCJ has a zero tolerance policy concerning any sexual misconduct between inmates or between staff and inmates. This regulation was confirmed by the PREA Coordinator.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. H. Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment. 3. Disciplinary Sanctions for Inmates f.**

Supporting Documents: CWCJ Inmate Handbook pgs. 3-4, and 19-24.

The auditor finds the CWCJ to be in compliance regarding Inmate Disciplinary Sanctions for the reasons described.

115.81 Medical and mental health screenings; history of sexual abuse

Auditor Overall Determination: Meets Standard

Auditor Discussion

(a) If the screening pursuant to § 115.41 indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

The Medical and Mental Health Screenings Policy advises the same as the standard. As per the Medical Policy/Procedures, Title: PREA and Sexual Assault, all patients will be screened for prior sexual victimization during their routine health assessment. For those indicating previous sexual victimization, health staff will complete the **Past Sexual Victimization Reporting Guidelines** form and follow directives based on data provided. Mental Health services will be offered. A mental health referral will be

made, and they will be seen by mental health within 14 days of intake. Local and state regulations will be followed regarding mandated reporting requirements.

A review of the risk screening documents indicate medical and mental health referrals for 14 day assessments are needed for those inmates who report previous sexual victimization. The auditor also reviewed the **Health Assessment** which asks: "Have you ever been a victim of sexual violence?" If they answer yes, the **Sexual Victimization Reporting Guidelines** document is completed. It determines reporting requirements, a plan with patient consent and a referral to Mental Health. The appointment must be within 14 days.

According to the PREA Coordinator, all inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to §115.41 are offered a follow-up meeting with a medical or mental health practitioner well within 14 days. In the past 12 months, 100 percent of inmates who disclosed prior victimization during screening were offered a follow-up meeting with a medical or mental health practitioner. The auditor conducted a review of a random sample of PREA files for those inmates who disclosed previous victimization for assurance of a medical/mental health follow up. The auditor is satisfied this is practiced with regularity.

The auditor spent time in the medical unit and discussed the 14 day assessment requirements with the nurses. They verified the process. They said that assessments actually occur within 1-3 days of referral. All inmates who express previous sexual victimization are referred for a medical/mental health assessment. They demonstrated to the auditor their medical management system containing health information and access to PREA Screening documents. The Risk Screening Officers communicate to them verbally and in writing which inmates require the referral. Medical and mental health staff also maintain secondary materials (e.g., form, log) documenting compliance with the above required services. The auditor was able to observe medical records, logs, and forms relative to this standard. The auditor specifically studied the Medical Health Assessment with PREA considerations and the CWCJ Mental Health Evaluation documents in support of this standard.

The auditor interviewed staff who perform screening for risk of victimization and abusiveness. She confirmed that medical and mental health assessments are conducted upon referral and in follow up to the intake PREA Risk Screening and Medical/Mental Health Screenings. She said that typically, the follow up meeting is offered within 24 hours. The **Sexual Violence Assessment Tool** indicates whether or not the subject has been referred to Mental Health staff. In addition to medical and mental health practitioners, the inmate is also offered SAS and to meet with the jail Social Workers. The PREA documentation piece was reviewed upon review of the Mental Health Practitioner's assessment and care plan documents. A sample of the completed screening documents were reviewed together with the inmate's medical/mental health assessment forms. The auditor spent a considerable amount of time during both days of the on-site audit in the medical unit and was shown a sample of additional medical/mental health secondary materials (the term secondary materials refers to materials maintained by health staff in a secure area but separate from the inmate's medical record that document compliance with the provisions of this

standard), including sick call forms and chart notes. The medical unit consists of an active team of Registered Nurses, Medical Technicians, Mental Health Practitioners and Medical Providers. There are also Social Workers who team up with the medical/mental health staff for help with victims of sexual abuse/harassment.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment. H. Screening of Inmates.**

3. Medical and Mental Health Screenings. a. Medical Policy/Procedures. Title: PREA and Sexual Assault. e.

Supporting Documents: **Health Assessment, Sexual Violence Assessment Tools, CWCJ Mental Health Evaluation.**

(b) If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. **Not applicable.**

Even though this standard is a requirement of prisons and not jails, the auditor was informed by medical and mental health practitioners that incarcerated persons at risk for abusiveness and/or alleged perpetrators are also offered medical and mental health services. The staff who perform screening for risk of victimization and abusiveness said that there are resources available for the inmate who previously perpetrated sexual abuse and they would be referred for a follow up meeting with a mental health practitioner as well.

(c) See 115.81 (a). This is a repeat of the same standard provision.

(d) Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

Part b. of the Medical and Mental Health Screenings require the same information limitations.

During the facility tour and observation period, the auditor paid attention to record storage practices within the medical unit. I observed the physical storage area of information/documentation collected and maintained in hard copy and electronically pursuant to the PREA Standards (e.g., risk screening information, medical records, sexual abuse allegations) to determine if the area is secured (e.g., key card, lock and key). The medical unit maintains records in locked offices or within their work stations. Only medical/mental health staff, jail administration and supervisors have access. Classification Officers/PREA Risk Screening Officers initiate and acquire this information as part of their job requirements. I observed electronic safeguards of any information/documentation collected and maintained electronically pursuant to the PREA Standards (e.g., risk screening information) to determine how access to the information is secured (e.g., password protected, accessible only in certain areas,

role-based security). The auditor had informal conversations with staff regarding access to secure information, including medical and mental health files, sexual abuse and sexual harassment reports, etc. and saw where and how, security of information is stored electronically and in hard copy, specifically who has access and how access is restricted). The auditor reviewed a sample of inmate confinement records/other records available to custody staff or non-health personnel. This information also affects an inmate's classification plan with housing assignments, work, education, and programs. Multiple jail and medical policies address the confidential information aspect. Information obtained in response to screening and assessment questions shall be considered confidential and shall only be made available to those who have a legitimate need to know. The auditor observed and asked questions per the tour instructions noting intake and medical unit processes. Information is kept as confidential as possible and there are access restrictions in place that separate inmate jail records from medical records and the sensitive nature of PREA information. Jail staff do not have access to inmate medical records within the medical unit.

The auditor reviewed the medical policy which contain their training requirements. They are PREA trained to comply with relevant laws related to mandated reporting of sexual abuse to outside authorities and the applicable age of consent while maintaining patient confidentiality. The auditor also noted that the **Health Assessment** Release Statement pertains to information that is accessible only to individuals who work in the jail medical unit or whose work requires it.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment.** H. **Screening of Inmates.** 3. Medical and Mental Health Screenings. b., Medical Policy/Procedures. Title: PREA and Sexual Assault. Training and Education.

Supporting Documents: **Health Assessment**, Sexual Violence Assessment Tools

(e) Medical and Mental Health Practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

The same jail policy addresses the informed consent aspect of reporting information. The PREA medical policy states that for those inmates indicating previous sexual victimization, health staff will complete the **Past Sexual Victimization Reporting Guidelines** form and follow directives based on data provided. Local and state regulations will be followed regarding mandated reporting requirements. The auditor was supplied with a copy of the form for review. The form separates whether the incident happened in the community or an institution and whether the person in custody is 18 years old or older at the time of the incident. For a community incident, If the individual is older than 18 and consents, then report. If it happened in an institution, then report. There is a patient consent section in the **Past Sexual Victimization Reporting Guidelines**.

The auditor had access to consent documentation/logs obtained from inmates over age 18. The auditor was provided with medical logs, forms, assessments, and

consent forms in support of this standard. If they receive treatment in the jail medical unit, they will be provided notice of additional privacy practices for their protected health information. (HIPPA) Jail and medical policies also ensure this requirement.

The auditor reviewed multiple jail and medical policies related to privacy of care and informed consent relative to this standard. For all aspects of this standard, medical staff receive PREA member training and specialized medical training in the detection and assessment of signs of sexual abuse and sexual harassment and how to respond effectively and professionally to victims of sexual abuse and sexual harassment. They have resources and referral capabilities as needed.

The medical and mental health staff that were interviewed were asked about whether they obtain informed consent from inmates before reporting about prior victimization that did not occur in an institutional setting (the standard does not require informed consent for youthful inmates). They responded "yes." They said this would be documented to the file. There are no inmates under the age of 18 held at the CWCJ.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **02. Prevention and Detecting Sexual Abuse and Harassment.** H. **Screening of Inmates.** 3. Medical and Mental Health Screenings, Medical Policy/Procedures. Title: PREA and Sexual Assault. Training and Education. b.

Supporting Documents: **Health Assessment**, Sexual Violence Assessment Tools

The auditor finds the CWCJ in substantial compliance in all material ways with the PREA medical and mental health screenings requirements.

115.82 Access to emergency medical and mental health services	
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) Inmate victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of these services are determined by medical and mental health practitioners according to policy, protocol, and their professional judgement.</p> <p>There are two primary policies with procedures that provides incarcerated persons who are victims of sexual abuse with emergency care and crisis intervention services. The jail's PREA Policy contains a section describing medical and mental health services of an emergency nature. The PREA and Sexual Assault Medical Policy describes the responsibilities of the correctional health staff in the event of a reported sexual assault. They are required to screen the patient for obvious physical trauma and provide essential emergency medical care and document that in the patient's health record. Upon return of the alleged victim from the ER, they ensure follow up</p>

services and any discharge instructions. A mental health evaluation and SAS are also offered. The First Responder and Supervisor Checklist requires staff to coordinate transportation to the emergency room and to notify Medical of the incident. The CWCJ provides sufficient staffing of medical/mental health staff who are educated and experienced professionals available to respond in the event of a medical emergency, and more specifically a reported sexual abuse. Jail and medical/mental health policies, protocols, and procedures set forth direction for medical and security staff to provide emergency medical care to inmate victims of sexual abuse. The auditor studied numerous medical and mental health secondary materials including logs, reports, assessment forms, and other related documents to ensure the timeliness of emergency medical treatment and crisis intervention services that are provided; and the appropriate response by non-health staff in the event that health staff are not present at the time the incident is reported. After initial emergency services, the primary assessment documents would be the CWCJ Mental Health Evaluation documents and the Medical Health Assessment. There is a section on the form for current risk assessment and follow-up.

Interviews with an RN and a Mental Health Practitioner indicated that inmate victims of sexual abuse receive timely and unimpeded access to emergency medical treatment and crisis intervention services. In the event of a sexual abuse at the jail, they respond as soon as they are notified. They said the inmate would be transported to Essentia Hospital for a forensic examination as soon as possible. The hospital is less than a mile from the jail. An on-call SANE would also respond to the hospital. SAS would be notified for advocacy. The nature and scope of these services are determined according to their medical professional judgement. The auditor spent a significant amount of time in the medical unit observing and discussing with the medical line staff their roles and responsibilities related to PREA and the inmate's access to services.

The inmate who had reported a sexual abuse said that they did not see a nurse after the reported abuse as it was not applicable. Jail staff offered her calls to family/friends and services. The inmate opted to call a friend and her ARMS worker. The professional visitor visited the victim twice.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. D. Medical and Mental Health Services.** 1. Emergency. a., Medical Policy/Procedures. Title: PREA and Sexual Assault. 6.

Supporting Documents: **FIRST RESPONDER-Sexual Assault Response Checklist CWCJ, On Duty Supervisor or Designee-Sexual Assault Response Checklist CWCJ, Health Assessment, CWCJ Mental Health Evaluation.**

(b) If no qualified medical or mental health practitioners are on duty at the time of a sexual abuse report, security staff first responders shall take preliminary steps to protect the victim (see Standard 115.62) and shall immediately notify the appropriate medical/mental health staff.

To respond to reported incidents of sexual abuse, the CWCJ has adopted and

implemented processes for security and medical staff to take immediately after receiving a report of an incident. At the time a recent report of abuse is made, the on duty Supervisor or designee will offer the alleged victim transport to the hospital for treatment. If medical staff are not on duty, the on duty Supervisor or designee will include necessary information on the medial pass-on sheet. First Responders and Supervisors on duty are required to follow the guidelines of the First Responder/ Supervisor checklist. If the victim has identified the abuser(s), an officer is assigned to remain with the abuser. The Supervisor instructs the First Responder to stay with the victim until responding deputies arrive. The victim and abuser are separated for the protection of the victim. The First Responder is also required to preserve and protect the crime scene by securing the immediate area until evidence is collected by an Investigator or Deputy. The victim is requested not to destroy any physical evidence. The First Responder ensures that the alleged abuser does not take any actions that could destroy physical evidence. Security staff and the on duty Supervisor will follow and complete their Sexual Assault Response Checklists. When the first responder is not a security staff member, they should request that the alleged victim not take any action that could destroy physical evidence and then notify security staff. Medical is notified of the incident.

The auditor interviewed security staff and non-security staff who have acted as first responders. They were asked to describe the actions you take as a first responder to an allegation of sexual abuse. The non-security staff is a nurse. The security staff referenced the First Responder Checklist. They both verbalized the following actions to include: separating the alleged victim and abuser, preserve and protect the crime scene until appropriate steps can be taken to collect evidence, request the alleged victim not to take any actions that could destroy physical evidence (wash, brush teeth, change clothes, urinate, defecate, drink or eat), Ensure that the alleged abuser does not take any of the above actions, and immediately notify medical and mental health practitioners. The Nurse would notify security staff. They both said that they would document their actions in a report.

A review of the related jail and medical policies, secondary materials, reports, and logs, and First Responder Checklists demonstrate procedures for immediate notification of the appropriate medical and mental health practitioners and the protection of the alleged victim.

Reference Policies: Chapter 2. Staff Information. 02/2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** D. **Medical and Mental Health Services.** 1. Emergency. b., Medical Policy/Procedures. Title: PREA and Sexual Assault. 6.

Supporting Documents: **FIRST RESPONDER-Sexual Assault Response Checklist CWCJ, On Duty Supervisor or Designee-Sexual Assault Response Checklist CWCJ.**

(c) Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care.

The **Medical and Mental Health Services** Policy verbalizes this standard subpart. The medical policy instructs that upon return of the alleged victim from the ER, to ensure the following: emergency contraception was offered and delivered, appropriate sexually transmitted disease prophylaxis or treatment was offered and delivered, follow-up pregnancy test if applicable, treatment of other injuries or medical issues are followed up appropriately. If pregnant because of a sexual assault, the victim will be offered all lawfully viable pregnancy-related medical services. This was also confirmed by medical staff. They have pregnancy tests and coordinate obstetrics care if needed.

The auditor read all medical and mental health secondary materials that were provided by the PREA Coordinator and medical staff. Forms, logs, charts, and medical notes document the timeliness of emergency medical treatment and crisis intervention services, appropriate response by non-health staff, and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.

Medical and mental health staff that were interviewed verified that victims of sexual abuse are offered timely information about access to emergency contraception and sexually transmitted infection prophylaxis. They described the SANE and emergency room procedures for victims of sexual assault along with any discharge instructions to follow. They have a medical provider on call or on duty to consult with and provide any prescriptions as needed.

The inmate who had reported sexual abuse said she did not need information about emergency contraception and sexually transmitted infection prophylaxis. Her allegation was not applicable to this standard.

(d) Treatment services shall be 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.

The same jail policy addresses this standard subpart to the letter. This was confirmed by the PREA Coordinator.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** D. **Medical and Mental Health Services.** 1. Emergency. c., Medical Policy/Procedures. Title: PREA and Sexual Assault. 6.

Supporting Documents: **FIRST RESPONDER-Sexual Assault Response Checklist CWCJ, On Duty Supervisor or Designee-Sexual Assault Response Checklist CWCJ.**

An analysis of the documents, evidence, facility observations, and interviews support the overall compliance determination for Access to Emergency Medical and Mental Health Services Standard.

115.83	<p>Ongoing medical and mental health care for sexual abuse victims and abusers</p> <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>(a) The CWCJ offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any corrections facility.</p> <p>The auditor reviewed policies governing ongoing medical and mental health care for sexual abuse victims and abusers. The jail's <u>Ongoing Medical and Mental Health Care Policy</u> provides for the treatment of all inmates who have been sexually abused. It also requires the jail to offer medical and mental health evaluation as appropriate. The medical policy also requires the correctional health care team to offer mental health evaluation and treatment to the victim which may include: referral to the mental health professional, medical provider referral for potential medication treatment, and referral for continued care following their transfer or release.</p> <p>The auditor reviewed the PREA Risk Screening forms, initial medical and mental health screening forms, the daily sick call lists which reference intake visits, assessment forms, a sample of inmate medical file notes, and other secondary materials referencing this standard. The auditor toured and observed the medical unit within the jail and discussed with the nurses the processes that correspond with ongoing medical and mental health services. Their outside resource is SAS for providing advocacy and emotional support services. They also have social workers employed who assist the correctional health care team in providing the services necessary for evaluation and treatment. They have connections to outside resources as needed.</p> <p>Primarily, the CWCJ Mental Health Evaluation forms address the patient's mental status, their current risk assessment, and any follow-up care necessary.</p> <p>Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. 03. Responding to Reports of Sexual Abuse and Sexual Harassment. D. Medical and Mental Health Services. 2. <u>Ongoing Medical and Mental Health Care</u>. a. Medical Policy/Procedures. Title: PREA and Sexual Assault. In the event of a reported assault. k.</p> <p>Supporting Documents: Medical and Mental Health Assessments, PREA Risk Screening documents, chart notes and secondary materials, CWCJ Mental Health Evaluation documents.</p> <p>(b) The evaluation and treatment for victims of sexual abuse shall include follow-up services, treatment plans, and referrals for continued care upon transfer or release from custody.</p> <p>According to jail and medical policies, a mental health evaluation and treatment to the victim will be offered. It may include referral to the Mental Health Professional,</p>
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follow-up services, treatment plans, referral to the Medical Provider for potential medication treatment, and referral for continued care following their transfer or release.

The auditor again reviewed a sample of medical records or secondary documentation that demonstrate victims receive follow-up services and appropriate treatment plans and, when necessary, referrals for continued care following their transfer to or placement in other facilities, or their release from custody. The Mental Health Evaluation documents contain a section for follow-up care and placement recommendations. The medical unit also has a Medical Inmate Transfer Form which lists current medications with an attached list, mental health/behavioral health issues, special housing issues, and treatment or miscellaneous information. This accompanies the inmate upon transfer so the next facility is informed as to status and any treatment requirements.

The auditor asked a jail nurse and a Mental Health Practitioner what evaluation and treatment of inmates who have been victimized entail. There will be a victim flag noted on their computer program. After an evaluation, treatment services would include any follow-up services, treatment plans, and when necessary referrals for continued care after leaving the facility. Sometimes, medication is prescribed, and so they would take care of any prescription renewals. They both described on-going care and connecting to community resources.

The inmate who had reported a sexual abuse said she did not ask for any follow up services or treatment because the incident did not rise to the need for services. The jail and medical staff did facilitate communication between her and her ARMS worker.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** D. **Medical and Mental Health Services.** 2. Ongoing Medical and Mental Health Care. b. Medical Policy/Procedures. Title: PREA and Sexual Assault. In the event of a reported assault. k.

Supporting Documents: Medical and Mental Health Assessments, PREA Risk Screening documents, chart notes and secondary materials.

(c) The CWCSD provides victims of sexual abuse with medical and mental health care consistent with the community level of care.

The jail policy also states that they shall provide such victims with medical and mental health services consistent with the community level of care.

The auditor reviewed a sample of medical records and secondary documentation that demonstrate victims receive medical and mental health services consistent with community level of care.

Medical and Mental Health interview responses indicated that services are definitely offered consistent with the community level of care and in fact are provided at a faster response time as opposed to waiting for open appointments in the

community.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** D. **Medical and Mental Health Services.** 2. Ongoing Medical and Mental Health Care. c. Medical Policy/Procedures. Title: PREA and Sexual Assault. In the event of a reported assault. k.

Supporting Documents: Medical and Mental Health Assessments, PREA Risk Screening documents, chart notes and secondary materials.

(d) Inmate victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests.

The jail policy provides for treatment to all victims, including the offering of pregnancy tests to all victims as appropriate and free of charge. The medical policy lists the services available upon return of the alleged victim from the ER, including follow-up pregnancy test if vaginal penetration is thought to have occurred.

The medical policy/protocol for pregnancy and reproductive health provides for all female patients to receive routine, age appropriate gynecological and obstetrical health care. Contraception is made available as clinically indicated. Pregnant patients are given comprehensive counseling and care in accordance with community standards and their expressed desire regarding the pregnancy.

This was verified by the correctional health care team. The auditor reviewed a sample of medical records and secondary documentation, and observed supplies and equipment to show that pregnancy tests are offered at the facility.

This standard subpart did not apply to the inmate who had reported a sexual abuse.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** D. **Medical and Mental Health Services.** 2. Ongoing Medical and Mental Health Care. d. Medical Policy/Procedures. Title: PREA and Sexual Assault. In the event of a reported assault. j., Medical Policy/Procedures. Title: Pregnancy and Reproductive Health.

Supporting Documents: Medical and Mental Health Assessments, PREA Risk Screening documents, chart notes and secondary materials.

(e) If pregnancy results from a sexual assault, inmate victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

The medical policy also requires that if a victim is pregnant because of a sexual assault, they are to be offered all pregnancy-related medical services. The jail policy states that services will include prenatal care and access to pregnancy termination services, where available. This was confirmed by the medical/mental health team. Inmates are provided this information and access to services as soon as possible through the referral process and is discussed at initial OB visits. This is an absolute. They said that ordinarily, victims are provided this information and access to services

within 24 hours, very quickly.

The medical policy/protocol for pregnancy and reproductive health provides for all female patients to receive routine, age appropriate gynecological and obstetrical health care. Contraception is made available as clinically indicated. Pregnant patients are given comprehensive counseling and care in accordance with community standards and their expressed desire regarding the pregnancy.

The auditor looked for documentation that victims received timely and comprehensive information about and timely access to all lawful pregnancy-related medical services commensurate with the community level of care.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** D. **Medical and Mental Health Services.** 2. Ongoing Medical and Mental Health Care. e. Medical Policy/Procedures. Title: PREA and Sexual Assault. In the event of a reported assault. j., Medical Policy/Procedures. Title: Pregnancy and Reproductive Health.

Supporting Documents: Medical and Mental Health Assessments, PREA Risk Screening documents, chart notes and secondary materials.

(f) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

The same policies ensure that appropriate sexually transmitted disease prophylaxis or treatment was offered and delivered at the ER. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate. Any follow-ups would be coordinated by the correctional health team and directed by the Medical Provider. This was also confirmed by the medical and mental health staff.

The auditor looked for a sample of medical records or secondary documentation that demonstrate victims were offered tests for sexually transmitted infections as medically appropriate.

This standard subpart did not apply for the inmate who had reported a sexual abuse that was interviewed.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** D. **Medical and Mental Health Services.** 2. Ongoing Medical and Mental Health Care. f. Medical Policy/Procedures. Title: PREA and Sexual Assault. In the event of a reported assault. j.

Supporting Documents: Medical and Mental Health Assessments, PREA Risk Screening documents, chart notes and secondary materials.

(g) Treatment services are provided to the victim without financial cost regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

This is guaranteed by the same jail policy. The PREA Coordinator confirmed that in the event of a sexual abuse incident, inmate victims would not be charged for treatment services and the CWCJ would pay all related hospital and pharmacy bills. There would be no internal medical co-pay fees either.

The auditor did not find any indication of fees for services in situations like this.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. D. Medical and Mental Health Services.** 2. Ongoing Medical and Mental Health Care. g.

Supporting Documents: Medical and Mental Health Assessments, PREA Risk Screening documents, chart notes and secondary materials.

(h) N/A. Facility is not a prison.

The CWCJ substantially complies with the ongoing medical and mental health care for sexual abuse victims PREA Standard through policy, protocol, documentation, and meaningful practices.

115.86	Sexual abuse incident reviews
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The CWCJ conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.</p> <p>The <u>Sexual Abuse Incident Review Policy</u> requires the same as the standard. The PREA Coordinator provided the auditor with two additional supporting documents relative to this standard. The CWCJ Sexual Assault Incident Review Checklist describes the policy and assessment criteria. There is a spot on the form for date and check all team members present. The Sexual Assault Incident Review form is a more detailed document with descriptions of jail policies or practices reevaluations, physical plant issues, staffing levels, monitoring technology, assault motivations, and recommendations for improvement. The final section of the form is open to document and ensure that recommendations for improvement from the Sexual Assault Review Team have been implemented. If no, explain.</p> <p>There were no substantiated or unsubstantiated sexual abuse allegations requiring determinations in the past 12 months. The auditor and the PREA Coordinator reviewed a sample of additional older documentation of completed criminal or administrative investigations of sexual abuse as evidence for compliance with the standard.</p>

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. F. Investigation of Incidents.** 17. Sexual Abuse Incident Review. a.

Supporting Documents: **CWCJ Sexual Assault Incident Review Checklist**, Sexual Assault Incident Review form.

(b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

The same policy also requires a 30-day review. The **CWCJ Sexual Assault Incident Review Checklist** also mandates that a review occur within 30 days of the conclusion of the investigation.

In the past 12 months, there were no criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only "unfounded" incidents. There was one staff-inmate abuse allegation and investigation with an unfounded determination.

The auditor and the PREA Coordinator reviewed a sample of additional and older documentation of completed criminal or administrative investigations of sexual abuse which ensured the 30 day review period.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. F. Investigation of Incidents.** 17. Sexual Abuse Incident Review. b.

Supporting Documents: **CWCJ Sexual Assault Incident Review Checklist**, Sexual Assault Incident Review form.

(c) The review team consists of upper-level management officials while allowing for input from the line supervisors, investigators, and medical/mental health practitioners.

The same policy addresses members of the review team. Further evidence includes the review team member requirements on the **CWCJ Sexual Assault Incident Review Checklist**. There is a spot to check all team members present. There are eight members listed who are upper-management, jail Sergeants, an RN and others. The document advises to seek input from line supervisors, investigators, and qualified medical and/or mental health professionals as appropriate.

The Jail Administrator was asked about whether their facility has a sexual abuse incident review team. He responded affirmatively. He described the makeup of the members according to policy and standard requirements.

The PREA Auditor and PREA Coordinator spent time reviewing samples of older documentation of review team reports in support of this standard.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. F. Investigation of**

Incidents. 17. Sexual Abuse Incident Review. c.

Supporting Documents: **CWCJ Sexual Assault Incident Review Checklist**, Sexual Assault Incident Review form.

(d) The review team shall: (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; (4) Assess the adequacy of staffing levels in that area during different shifts; (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the Jail Administrator and PREA Coordinator.

The Sexual Abuse Incident Review Policy mandates all considerations, examinations, and assessments as specified in the above standard language. The Sexual Assault Incident form also documents each variable to be reviewed with documentation.

The auditor interviewed the Jail Administrator and a member of the Incident Review Team relative to this standard. The Jail Administrator verified that the team uses information from the incident review to identify any policy, training, or other issue related to the incident that indicate a need to change policy or practices. He further described all considerations, examinations, and assessments as described in the language of the standard and according to their jail policy. He likens it to a use of force incident review. The PREA Coordinator informed the auditor that they have not had many substantiated or unsubstantiated sexual abuse findings, but assured the auditor that going forward the review team would consider all variables required by policy and standard, examinations of the areas in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse, assess the adequacy of staffing levels in that area during different shifts, and assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The PREA Auditor and the PREA Coordinator reviewed a small sample of older reports of findings from sexual abuse incident reviews.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment.** F. **Investigation of Incidents.** 17. Sexual Abuse Incident Review. d.

Supporting Documents: **CWCJ Sexual Assault Incident Review Checklist**, Sexual Assault Incident Review form.

(e) The facility shall implement the recommendations for improvement, or shall

document its reasons for not doing so.

The same policy requires the jail to implement the review teams recommendations or document otherwise. The Sexual Assault Incident Form has a section asking if the recommendations for improvement from the review team were implemented. If no, explain. An example of an incident review recommendation would be the deployment of additional cameras for monitoring to supplement supervision by staff.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **03. Responding to Reports of Sexual Abuse and Sexual Harassment. F. Investigation of Incidents.** 17. Sexual Abuse Incident Review. e.

Supporting Documents: **CWCJ Sexual Assault Incident Review Checklist**, Sexual Assault Incident Review form.

The CWCJ substantially complies with the intent of this standard and its subparts.

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.</p> <p>The CWCJ Data Collection and Review Policy ensures that the jail collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. This was confirmed by the PREA Coordinator.</p> <p>The auditor reviewed the standard set of definitions which can be found at the beginning of the PREA Policy and are similar to the nationally recognized definitions of the Survey of Sexual Victimization by the U.S. Bureau of Justice Statistics. The SSV is The Survey of Sexual Victimization (SSV) is part of BJS's National Prison Rape Statistics Program, which gathers mandated data on the incidence and prevalence of sexual victimization in adult correctional and juvenile justice facilities, under the Prison Rape Elimination Act of 2003 (PREA; P.L. 108-79). This is an administrative data collection based on allegations of sexual victimization by other inmates/youth or staff that are reported to authorities. The collection includes an enumeration of allegations and substantiated incidents reported to state prison systems; state juvenile correctional systems; the federal prison system; U.S. Immigration and Customs Enforcement (ICE); the U.S. military; and a sample of jail jurisdictions, privately operated adult prisons and jails, facilities in Indian country, and local and private juvenile justice facilities. Additional information is collected on substantiated incidents on the victim(s), perpetrator(s), characteristics of the incident, and outcomes.</p>

The CWCJ bases their collection of PREA data off of the SSV as the standardized instrument that is utilized across the country.

<https://bjs.ojp.gov/data-collection/survey-sexual-victimization-ssv>

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **Definitions. 05. Data Collection and Review. A. Data Collection. 1.**

Supporting Documents: SSV

b) The agency shall aggregate the incident-based sexual abuse data at least annually.

The data collection policy also requires the jail to aggregate the incident-based sexual abuse data annually.

The auditor studied the CWCJ website which publishes the PREA Annual Report. Incident-based sexual abuse statistics are documented for the previous two years.

The Crow Wing County Jail's continued commitment to maintaining an organizational culture of zero-tolerance toward all forms of sexual abuse and harassment through annual staff training, contractor and volunteer training, notification to all professional visitors, and inmate education are supported by comparing the final statistics for the previous two years.

The Crow Wing County Jail redacts all personal identifiers (name of victim, date of birth, sex of victim, date reported, and reporting party) when reporting annual statistics.

<https://www.crowwing.gov/1446/PREA-Annual-Report>

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **05. Data Collection and Review. A. Data Collection. 2.**

Supporting Documents: SSV

(c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

The same policy addresses this standard subpart.

The completion of the SSV as requested by the BJS is completed either online or sent through the mail. The Auditor reviewed the SSV from 2018 which was thorough and complete and met all the PREA Standard requirements. The auditor confirmed with the Federal Bureau of Justice Statistics that the 2018 survey for the CWCJ is the most recent document that was requested and accomplished. Specific for your jail, the SSV requests general information, inmate-on-inmate sexual victimization information, staff-on-inmate sexual abuse information, and the total number of substantiated incidents of sexual victimization.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **05. Data**

Collection and Review. A. Data Collection. 3.

Supporting Documents: SSV

(d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

This standard subpart is also required in the jail policy.

The Auditor and the PREA Coordinator spent a considerable amount of time reviewing the collected data on-site. Documentation included incident-based documents, reports, investigation files, and sexual abuse incident reviews. The PREA Coordinator keeps all related PREA records in his office and electronically secured.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **05. Data Collection and Review. A. Data Collection.** 4.

Supporting Documents: SSV

(e) Not applicable. The agency does not contract for the confinement of its inmates.

(f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

The same policy addresses this requirement. The PREA Coordinator informed the auditor that they have not received a recent request from the BJS to provide data from the previous year. The auditor confirmed with the Federal Bureau of Justice Statistics that the 2018 survey for the CWCJ is the most recent document that was requested and accomplished as required. Specific for your jail, the SSV requests general information, inmate-on-inmate sexual victimization information, staff-on-inmate sexual abuse information, and the total number of substantiated incidents of sexual victimization.

The auditor reviewed the 2018 CWCJ SSV which was thorough and complete.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **05. Data Collection and Review. A. Data Collection.** 5.

Supporting Documents: SSV

The CWCJ meets the Data Collection and Review requirements of the standard as evidenced above.

115.88	Data review for corrective action
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	Auditor Overall Determination: Meets Standard
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	Auditor Discussion
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(a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: (1) Identifying problem areas; (2) Taking corrective action on an ongoing basis; and (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.

The CWCJ accomplishes this in accordance with their jail policy **Data Review for Corrective Action.**

The auditor interviewed the Sheriff, Chief Deputy and the PREA Coordinator. The Sheriff, Chief Deputy and the auditor discussed how they use incident-based sexual abuse data to assess and improve sexual abuse prevention, detection, and response policies, practices, and training. They identify problem areas and take corrective action on an ongoing basis. They debrief and discuss as a team how to prevent incidents going forward. The PREA Coordinator, being new to this position, advised that he would ensure a thorough examination of data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies and training. Data collected are securely retained both hard copy and electronically. The jail takes corrective action on an ongoing basis based on these data. He described the annual report that is prepared and published on their website. He said they examine policy, training issues, staffing, electronic monitoring technology, and other variables that may have contributed to sexual abuse incidents.

As per the jail website, "...the Crow Wing County Jail's continued commitment to maintaining an organizational culture of zero-tolerance toward all forms of sexual abuse and harassment through annual staff training, contractor and volunteer training, notification to all professional visitors, and inmate education are supported by comparing the final statistics for the previous two years."

<https://www.crowwing.gov/1446/PREA-Annual-Report>

The PREA auditor and the PREA Coordinator discussed the obligation to document annual statistical comparisons and corrective actions in order to assess the jail's progress towards the goal of reducing and even eliminating sexual abuse and sexual harassment in their confinement.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **05. Data Collection and Review. B. Data Review for Corrective Action.** 1.

(b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

The same policy addresses this standard subpart. A review of the report shows a comparison of sexual abuse and sexual harassment statistics over the past few years.

The auditor found that the published annual report includes a comparison of the current year's data with those from prior years.

<https://www.crowwing.gov/1446/PREA-Annual-Report>

The CWCJ is committed to zero tolerance of any form of sexual abuse and sexual harassment in the facility it operates. A review of the annual data that is collected and aggregated assists in that process. The purpose of their policies and meaningful practices is to prevent, detect, respond, and report.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **05. Data Collection and Review. B. Data Review for Corrective Action.** 2.

(c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.

The jail policy also requires the report to be approved by the Sheriff prior to being published on the jail website. The auditor reviewed the published PREA report on the CWCJ website.

The Sheriff verified that he is the final authority for approval of annual reports written pursuant to this standard.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **05. Data Collection and Review. B. Data Review for Corrective Action.** 3.

(d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

The jail policy also requires the redaction of specific material from the reports and indicates the nature of the material redacted.

The auditor found that the Crow Wing County Jail redacts all personal identifiers (name of victim, date of birth, sex of victim, date reported, and reporting party) when reporting annual statistics, and describes the nature of the material redacted on the website.

<https://www.crowwing.gov/1446/PREA-Annual-Report>

The PREA Coordinator was asked about what types of material are typically redacted from the annual report. Basically, there are no personal identifiers for privacy purposes. They are careful not to publish anything that would pose a safety or security issue or threat.

<https://www.crowwing.gov/1446/PREA-Annual-Report>

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **05. Data Collection and Review. B. Data Review for Corrective Action.** 4.

115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The agency shall ensure that data collected pursuant to § 115.87 are securely retained.</p>
	<p>The agency ensures that incident-based and aggregate data are securely retained. The CWCJ policy that addresses this standard is the Data Storage, Publication, and Destruction Policy.</p>
	<p>The jail is inspected by the MN DOC to ensure rule compliance. As such, the CWCJ follows MN Administrative Rules 2911.2100, Storage and Preservation of Records, as well as their own policy. Space shall be provided for the safe storage of records.</p>
	<p>The PREA Coordinator described and demonstrated how data collected pursuant to 115.87 are securely retained. The auditor spent time in the PREA Coordinator's office and observed PREA data securely retained both electronically and hard copy. During the site review, the auditor observed the physical storage area of any information/documentation collected and maintained in hard copy pursuant to the PREA Standards (e.g., risk screening information, medical records, sexual abuse allegations) to determine if the area is secured (e.g., key card, lock and key). The correctional health care team, supervisors and administration, and the PREA Risk Screening/Classification Officers have access to this information. This is on a need to know basis for inmate housing, programs, and management purposes. This was learned through interviews and casual conversations with staff. I also observed the electronic safeguards of any information/documentation collected and maintained electronically pursuant to the PREA Standards (e.g., risk screening information) to determine how access to the information is secured (e.g., password protected, accessible only in certain areas, role-based security).</p>
	<p>The auditor was informed by the PREA Coordinator that they follow the Data Storage, Publication and Destruction Policy under the <u>Data Collection and Review</u> part of their PREA policy. The PREA Coordinator described the PREA restricted folder separate from their jail management system folder. The restricted shared drive contains PREA information for jail sergeants and classification/risk screening officers and administration. During the on-site portion of the audit, the PREA Coordinator showed the auditor that he retains historical PREA data in a locked file within a locked office.</p>
	<p>Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. 05. Data Collection and Review. C. Data Storage, Publication, and Destruction. 1.</p> <p>(b) The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.</p>

The same policy requires aggregated sexual abuse data from the facility readily available to the public at least annually through its website.

As previously established, aggregated sexual abuse data is readily available to the public annually through its website. The auditor again reviewed the CWCJ website for this compliance requirement.

<https://www.crowwing.gov/1446/PREA-Annual-Report>

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **05. Data Collection and Review.** C. **Data Storage, Publication, and Destruction.** 2.

(c) Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.

The policy also requires the removal of personal identifiers from the jail website of aggravated sexual abuse data.

A review of the PREA Annual Report verified compliance with this standard subpart. The auditor examined the jail's website which is available to the public for sexual abuse data and confirmed that personal identifiers were removed. Personal identifiers are names, dates of birth, incident dates, and the sex of the victim. The PREA Coordinator assured the auditor that they are very careful with personal information. It is not included in the statistical information comparisons.

<https://www.crowwing.gov/1446/PREA-Annual-Report>

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **05. Data Collection and Review.** C. **Data Storage, Publication, and Destruction.** 3.

(d) The agency shall maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

This standard and the same policy also requires the agency to maintain sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of initial collection, unless federal, state, or local law requires otherwise.

The PREA Coordinator and the auditor reviewed a sample of older reports and investigations for evidence of the minimum standard of 10 years of retention. We found older PREA files from the time of the first PREA audit. During the on-site portion of the audit, the auditor verified that historical data has been retained since at least 2014. The PREA Coordinator stated that PREA information is saved indefinitely. The CWCJ follows state and federal data practices, privacy, and retention regulations (reference MN Rule 2911.2100).

See <https://www.crowwing.us/1446/PREA-Annual-Report>.

Reference Policies: Chapter 2. Staff Information. 02.2702. PREA. **05. Data Collection and Review.** C. **Data Storage, Publication, and Destruction.** 4.

115.401	Frequency and scope of audits
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>(a) During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the CWCJ was audited. The CWCJ was found to be in full compliance with the PREA standards at the completion of the previous audit and reported on December 31, 2021.</p> <p>This is the fourth PREA audit for the facility. The auditor reviewed agency records, website, etc. to ensure that the CWCJ has been audited and reported. The auditor has first hand knowledge of previous audits, having previously audited their facility.</p> <p>(b) The CWCJ was audited initially on August 19, 2016. Their second audit was completed on November 20, 2018. Their third audit resulted in full compliance within the three-year anniversary requirement of December 31, 2021. The auditor reviewed agency records, website, etc. to ensure that the facility has been audited every three years.</p> <p>(h) During the on-site portion of the audit, the auditor was allowed access to all areas of the facility for touring, observing, informal questions/answers, additional document and electronic review, and interviews.</p> <p>(i) The auditor received the necessary and relevant information as a part of the pre-audit questionnaire, during the on-site audit, and up to and including completion of the audit report. Requests for information were responded to and received promptly. The auditor was allowed access to electronically stored material.</p> <p>(m) The auditor and assistant auditor were provided private rooms within the facility for inmate and staff interviews.</p> <p>(n) The PREA audit notice was posted 6 weeks in advance of the on-site audit and advised inmates and staff of their right to send confidential information or correspond with the auditor in the same manner as if they were communicating with legal counsel. My PO Box mailing address was posted on the notice. The auditor ensured that information about the PREA audit (e.g., Notice of Audit) was posted in all housing units. Inmates were asked about the notice and how long it has been posted for verification. The auditor requested photos of the Notice of Audit and their locations 6 weeks in advance of the onsite audit. The auditor received no PREA correspondence as of this date.</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>The auditor reviewed the 2021 CWCJ Final Audit Report that is published on the CWCJ website.</p> <p>https://www.crowwing.us/DocumentCenter/View/16316/2018---Final-Audit-Report.</p> <p>I was informed by the PREA Coordinator that the final report is published within the 90-day timeline requirement. The CWCJ signed the auditing contract which requires the PREA Final Audit Report to be published within 90 days of issuance. The PREA Coordinator agrees to accomplish this requirement in a timely manner.</p>

Appendix: Provision Findings

115.11 (a)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes
115.11 (b)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?	yes
115.11 (c)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	na
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	na
115.12 (a)	Contracting with other entities for the confinement of inmates	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	na
115.12 (b)	Contracting with other entities for the confinement of inmates	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure	na

	that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	
115.13 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into	yes

	consideration: Any applicable State or local laws, regulations, or standards?	
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
115.13 (b)	Supervision and monitoring	
	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	na
115.13 (c)	Supervision and monitoring	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes
115.13 (d)	Supervision and monitoring	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes

115.14 (a)	Youthful inmates	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (b)	Youthful inmates	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (c)	Youthful inmates	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.15 (a)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
115.15 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	yes
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the	yes

	facility does not have female inmates.)	
115.15 (c) Limits to cross-gender viewing and searches		
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	yes
115.15 (d) Limits to cross-gender viewing and searches		
	Does the facility have policies that enables inmates to shower, perform bodily functions, 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?	yes
	Does the facility have procedures that enables inmates to shower, perform bodily functions, 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?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
115.15 (e) Limits to cross-gender viewing and searches		
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes
115.15 (f) Limits to cross-gender viewing and searches		
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

115.16 (a)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.)	yes
	Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?	yes
	Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication	yes

	with inmates with disabilities including inmates who: Have intellectual disabilities?	
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	yes
115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes
115.17 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who 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?	yes
	Does the agency prohibit the hiring or promotion of anyone who	yes

	may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who 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?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
115.17 (b) Hiring and promotion decisions		
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes
115.17 (c) Hiring and promotion decisions		
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.17 (d) Hiring and promotion decisions		
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes

115.17 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes
115.17 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
115.17 (h)	Hiring and promotion decisions	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes
115.18 (a)	Upgrades to facilities and technologies	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na
115.18 (b)	Upgrades to facilities and technologies	

	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	na
115.21 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes

	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.21 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
115.21 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	na
115.21 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	na
115.22 (a)	Policies to ensure referrals of allegations for investigations	

	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes
115.22 (b)	Policies to ensure referrals of allegations for investigations	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
115.22 (c)	Policies to ensure referrals of allegations for investigations	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	na
115.31 (a)	Employee training	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes

	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
115.31 (b) Employee training		
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes
115.31 (c) Employee training		
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
115.31 (d) Employee training		
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a) Volunteer and contractor training		

	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b)	Inmate education	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.33 (c)	Inmate education	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes

	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes
115.33 (d) Inmate education		
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes
115.33 (e) Inmate education		
	Does the agency maintain documentation of inmate participation in these education sessions?	yes
115.33 (f) Inmate education		
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes
115.34 (a) Specialized training: Investigations		
	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (b) Specialized training: Investigations		
	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include proper use of Miranda and	yes

	Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (c) Specialized training: Investigations		
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.35 (a) Specialized training: Medical and mental health care		
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or	yes

	suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	
115.35 (b)	Specialized training: Medical and mental health care	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	na
115.35 (c)	Specialized training: Medical and mental health care	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes
115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective	yes

	screening instrument?	
115.41 (d)	Screening for risk of victimization and abusiveness	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10)	yes

	Whether the inmate is detained solely for civil immigration purposes?	
115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
115.41 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes
115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive	yes

	information is not exploited to the inmate's detriment by staff or other inmates?	
115.42 (a) Use of screening information		
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
115.42 (b) Use of screening information		
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
115.42 (c) Use of screening information		
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would	yes

	present management or security problems?	
115.42 (d)	Use of screening information	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes
115.42 (e)	Use of screening information	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
115.42 (g)	Use of screening information	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing	yes

	solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	
115.43 (a) Protective Custody		
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing 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?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes
115.43 (b) Protective Custody		
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
115.43 (c) Protective Custody		

	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
115.43 (d) Protective Custody		
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes
115.43 (e) Protective Custody		
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
115.51 (a) Inmate reporting		
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes
115.51 (b) Inmate reporting		
	Does the agency 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?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain	yes

	anonymous upon request?	
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	yes
115.51 (c) Inmate reporting		
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d) Inmate reporting		
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a) Exhaustion of administrative remedies		
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	no
115.52 (b) Exhaustion of administrative remedies		
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes
115.52 (c) Exhaustion of administrative remedies		
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from	yes

	this standard.)	
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
115.52 (d) <i>Exhaustion of administrative remedies</i>		
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes
115.52 (e) <i>Exhaustion of administrative remedies</i>		
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes
115.52 (f) <i>Exhaustion of administrative remedies</i>		

	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.).	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	yes
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
115.52 (g)	Exhaustion of administrative remedies	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes
115.53 (a)	Inmate access to outside confidential support services	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers,	yes

	including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
115.53 (b)	Inmate access to outside confidential support services	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes
115.53 (c)	Inmate access to outside confidential support services	
	Does the agency maintain or attempt to enter into 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?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
115.54 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes
115.61 (a)	Staff and agency reporting duties	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual	yes

	abuse or sexual harassment or retaliation?	
115.61 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes
115.61 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
115.61 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes
115.62 (a)	Agency protection duties	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
115.63 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes

115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
115.64 (a)	Staff first responder duties	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: 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?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does 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?	yes
115.64 (b)	Staff first responder duties	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes
115.65 (a)	Coordinated response	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in	yes

	response to an incident of sexual abuse?	
115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	Does the agency employ 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?	yes
115.67 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of	yes

	sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes
115.67 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
115.68 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
115.71 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations	yes

	of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes

	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes

115.73 (b)	Reporting to inmates	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes
115.73 (c)	Reporting to inmates	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually	yes

	abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	
115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes
115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) 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?	yes
115.76 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes

	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.77 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes
115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
115.78 (d)	Disciplinary sanctions for inmates	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes
115.78 (f)	Disciplinary sanctions for inmates	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish	yes

	evidence sufficient to substantiate the allegation?	
115.78 (g)	Disciplinary sanctions for inmates	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes
115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	yes
115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	na
115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	yes
115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior	yes

	sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	
115.82 (a)	Access to emergency medical and mental health services	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
115.82 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.82 (c)	Access to emergency medical and mental health services	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes
115.82 (d)	Access to emergency medical and mental health services	
	Are treatment services 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?	yes
115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the evaluation and treatment of such victims include, 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?	yes
115.83 (c)	Ongoing medical and mental health care for sexual abuse	

victims and abusers		
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
115.83 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	yes
115.83 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	yes
115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services 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?	yes
115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	na

115.86 (a)	Sexual abuse incident reviews	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes
115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider 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 other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes

115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes
115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	na
115.87 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes
115.88 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant	yes

	to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	
115.88 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
115.88 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes
115.88 (d)	Data review for corrective action	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes
115.89 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
115.89 (b)	Data storage, publication, and destruction	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes
115.89 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.89 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
115.401 (a)	Frequency and scope of audits	

	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes
115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	no
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	no
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	yes
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403	Audit contents and findings	

(f)		
	<p>The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)</p>	yes