

Prison Rape Elimination Act (PREA) Audit Report Community Confinement Facilities

Interim Final

Date of Interim Audit Report: N/A

Date of Final Audit Report: July 9, 2021

Auditor Information

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Mailing Address: 3105 S. Martin Luther King Blvd #236 City, State, Zip: Lansing, MI 48910

Telephone: 517 303 4081 Date of Facility Visit: June 8-9, 2021

Agency Information

Name of Agency: Sixth Judicial District Department of Correctional Services

Governing Authority or Parent Agency (If Applicable): [Click or tap here to enter text.](#)

Physical Address: 951 29th Ave. SW City, State, Zip Cedar Rapids, IA 52317

Mailing Address: [Click or tap here to enter text.](#) City, State, Zip: [Click or tap here to enter text.](#)

The Agency Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for Profit	<input type="checkbox"/> Private not for Profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input checked="" type="checkbox"/> State	<input type="checkbox"/> Federal

Agency Website with PREA Information: [Click or tap here to enter text.](#)

Agency Chief Executive Officer

Name: Bruce Vander Sanden, Director

Email: bruce.vandersanden@iowa.gov Telephone 319 730-1147

Agency-Wide PREA Coordinator

Name: Cynthia Dennis

Email: Cynthia.dennis@iowa.gov Telephone: 319 730-1126

PREA Coordinator Reports to: Robert Metzger, Division Manager	Number of Compliance Managers who report to the PREA Coordinator: 0
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Facility Information

Name of Facility: Gerald R. Hinzman

Physical Address: 1051 29th Avenue SW

City, State, Zip: Cedar Rapids, IA 52404

Mailing Address (if different from above):
Click or tap here to enter text.

City, State, Zip: Click or tap here to enter text.

The Facility Is:

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

Facility Website with PREA Information <http://www.sixthdcs.com>

Has the facility been accredited within the past 3 years? Yes No

If the facility has been accredited within the past 3 years, select the accrediting organization(s) – select all that apply (N/A if the facility has not been accredited within the past 3 years):

ACA

NCCHC

CALEA

Other (please name or describe:

N/A

If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:
State of Iowa Department of Corrections conducts external audits. The Bureau of Prisons (BOP) conducts audits as they house BOP inmates at this residential center.

Facility Director

Name: Bruce Vander Sanden, Director

Email: Bruce.vandersanden@iowa.gov

Telephone: 319 730-1147

Facility PREA Compliance Manager

Name: Cynthia Dennis

Email: Cynthia.dennis@iowa.gov

Telephone : 319 730-1126

Facility Health Service Administrator N/A

Name: Click or tap here to enter text.

Email: Click or tap here to enter text.

Telephone: Click or tap here to enter text.

Facility Characteristics

Designated Facility Capacity:

86

Current Population of Facility:

27

Average daily population for the past 12 months:

25

Has the facility been over capacity at any point in the past 12 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Which population(s) does the facility hold?	<input type="checkbox"/> Females <input checked="" type="checkbox"/> Males <input type="checkbox"/> Both Females and Males
Age range of population:	19-65
Average length of stay or time under supervision	4.2 months
Facility security levels/resident custody levels	Community confinement – probation, parole
Number of residents admitted to facility during the past 12 months	153
Number of residents admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:	149
Number of residents admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:	134
Does the audited facility hold residents for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Select all other agencies for which the audited facility holds residents: Select all that apply (N/A if the audited facility does not hold residents for any other agency or agencies):	<input checked="" type="checkbox"/> Federal Bureau of Prisons <input type="checkbox"/> U.S. Marshals Service <input type="checkbox"/> U.S. Immigration and Customs Enforcement <input type="checkbox"/> Bureau of Indian Affairs <input type="checkbox"/> U.S. Military branch <input checked="" type="checkbox"/> State or Territorial correctional agency <input type="checkbox"/> County correctional or detention agency <input checked="" type="checkbox"/> Judicial district correctional or detention facility <input type="checkbox"/> City or municipal correctional or detention facility (e.g. police lockup or city jail) <input type="checkbox"/> Private corrections or detention provider6 <input type="checkbox"/> Other - please name or describe: Click or tap here to enter text. <input type="checkbox"/> N/A
Number of staff currently employed by the facility who may have contact with residents:	16
Number of staff hired by the facility during the past 12 months who may have contact with residents:	6
Number of contracts in the past 12 months for services with contractors who may have contact with residents:	0
Number of individual contractors who have contact with residents, currently authorized to enter the facility:	0
Number of volunteers who have contact with residents, currently authorized to enter the facility:	0

Physical Plant

<p>Number of buildings:</p> <p>Auditors should count all buildings that are part of the facility, whether residents are formally allowed to enter them or not. In situations where temporary structures have been erected (e.g., tents) the auditor should use their discretion to determine whether to include the structure in the overall count of buildings. As a general rule, if a temporary structure is regularly or routinely used to hold or house residents, or if the temporary structure is used to house or support operational functions for more than a short period of time (e.g., an emergency situation), it should be included in the overall count of buildings.</p>	1
<p>Number of resident housing units:</p> <p>Enter 0 if the facility does not have discrete housing units. DOJ PREA Working Group FAQ on the definition of a housing unit: How is a "housing unit" defined for the purposes of the PREA Standards? The question has been raised in particular as it relates to facilities that have adjacent or interconnected units. The most common concept of a housing unit is architectural. The generally agreed-upon definition is a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, etc. In addition to the primary entrance and exit, additional doors are often included to meet life safety codes. The unit contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations. Many facilities are designed with modules or pods clustered around a control room. This multiple-pod design provides the facility with certain staff efficiencies and economies of scale. At the same time, the design affords the flexibility to separately house residents of differing security levels, or who are grouped by some other operational or service scheme. Generally, the control room is enclosed by security glass, and in some cases, this allows residents to see into neighboring pods. However, observation from one unit to another is usually limited by angled site lines. In some cases, the facility has prevented this entirely by installing one-way glass. Both the architectural design and functional use of these multiple pods indicate that they are managed as distinct housing units.</p>	1
<p>Number of single resident cells, rooms, or other enclosures:</p>	0
<p>Number of multiple occupancy cells, rooms, or other enclosures:</p>	29
<p>Number of open bay/dorm housing units:</p>	0
<p>Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Medical and Mental Health Services and Forensic Medical Exams

<p>Are medical services provided on-site?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Are mental health services provided on-site?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Where are sexual assault forensic medical exams provided? Select all that apply.</p>	<input type="checkbox"/> On-site <input checked="" type="checkbox"/> Local hospital/clinic <input type="checkbox"/> Rape Crisis Center <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.)

Investigations

Criminal Investigations

Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment:

6

When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-resident or resident-on-resident), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply.

- Facility investigators
- Agency investigators
- An external investigative entity

Select all external entities responsible for CRIMINAL INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for criminal investigations)

- Local police department
- Local sheriff's department
- State police
- A U.S. Department of Justice component
- Other (please name or describe: [Click or tap here to enter text.](#))
- N/A

Administrative Investigations

Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?

6

When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-resident or resident-on-resident), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply

- Facility investigators
- Agency investigators
- An external investigative entity

Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)

- Local police department
- Local sheriff's department
- State police
- A U.S. Department of Justice component
- Other (please name or describe: [Click or tap here to enter text.](#))
- N/A

Audit Findings

Audit Narrative

On June 8-9, 2021, an audit was conducted at the Gerald R. Hinzman Center Residential Correctional Facility to determine compliance with the Prison Rape Elimination Act standards finalized August 2012. The auditor was present at the facility from 8:30am to 5:00pm Tuesday, and 6:00am to 3:00pm Wednesday. The facility was previously audited in May 2018 and found to be in compliance with all standards. There were no barriers to completing the audit. The auditor was selected to complete the audit by responding to the Request for Proposal for the State of Iowa, Iowa Department of Corrections and being awarded the bid.

Audit Methodology:

The PREA Resource Audit Instrument used for Adult Prisons and Jails is furnished by the National PREA Resource Center. This tool includes the following: A) Pre-Audit Questionnaire (PAQ), B) the Auditor Compliance Tool; C) Instructions for the PREA Audit Tour; D) the Interview Protocols; E) the Auditor's Summary Report; F) the Process Map; and G) the Checklist of Documentation. In addition, the Auditor Handbook 2021 was used to guide the audit process. The established 12-month review period is April 1, 2020 to April 1, 2021. Any events relative to the standards occurring beyond that period were discussed during the on-site audit.

Pre-audit:

The facility reported that posters announcing the audit with the auditor's name and address were placed throughout the facility on April 26, 2021 announcing the audit and identifying the auditor address in English and Spanish. Photographs were also sent to the auditor for further verification. They were observed by the auditor throughout the facility during the tour; they were on goldenrod paper. The posters indicated that any correspondence sent to the auditor would be confidential and not disclosed unless required by law. The exceptions in the law were noted. No confidential correspondence letter was received in response to the posters announcing the audit. Documentation was provided to the auditor via Google Docs. Documentation was provided for each standard and provisions for the auditor to review prior to the on-site audit. The PAQ and corresponding documentation was reviewed prior to the on-site audit.

The facility website was reviewed. Educational information regarding PREA and the law, Contractor/Volunteer/Intern training Information, reporting to include a website form and PREA Abuse Hotline, prior audit reports and Annual reports for 2020 and 2019. The auditor reviewed the mandatory reporting laws, laws regarding where and how juveniles are housed and laws regarding vulnerable adults for the State of Iowa prior to the audit.

The auditor researched the Internet and found neither evidence of Department of Justice involvement, nor any concerning information. Contact was made with Just Detention International, a health and human rights organization that seeks to end sexual abuse in all forms of detention. They confirmed they had not received any concerns regarding this facility.

A tentative schedule was sent to the facility five days prior to the audit. In addition, the facility was provided specific requests for documentation of a random nature which assisted the auditor in determining compliance.

Contact was made with the Ombudsman office. It was confirmed that this organization would accept reports, forward them immediately to the Supervisor of the Inspector General Office, Iowa Department of Corrections. Additionally, the auditor contacted Riverview, who provides emotional support/advocacy services to residents of this facility who have experience sexual abuse and sexual harassment.

On-site audit:

A brief formal meeting was held with the PREA Coordinator and the auditor the morning of the first day of the audit. The following items were reviewed: purpose of audit, goals and expectations. Tentative schedules were developed regarding the tour, interviews and review of additional documentation. It had been arranged for interviews to be conducted in a private setting. Rosters of staff and residents were provided; a list of specialized, random and targeted interviews was developed.

A complete tour of the facility was conducted on June 8, 2021. The following areas and operations were visited and observed: administrative areas, resident living areas, dayrooms, laundry facilities, dining area/food storage, staff offices, treatment areas, outdoor recreation areas and staff supervision stations. All areas of the facility were visited that have resident access. Supervision practices, video monitoring, blind spots, bathroom facilities, and placement and number of telephones were observed. Cross-gender announcements were made prior to the opposite gender auditor entering the living units/bathrooms. Posters announcing the audit were observed throughout the facility.

Formal interviews were conducted with the following:

District Director

PREA Coordinator

Random staff – twelve total, Resident Officers (ROs) from all three shifts, food service staff and Resident Parole/Probation officers

Investigative staff – administrative investigations

Staff on the sexual abuse incident team

Designated staff charged with monitoring retaliation

Intake staff

Staff who complete the risk assessment

Human Resource staff

A total of ten residents were selected to be interviewed, no one declined the interview. There are no youthful offenders housed at this facility. No letters were received from residents in response to the audit postings. A list of residents for was provided. Residents with targeted issues were identified, residents were randomly selected. Targeted resident interviews included the following:

- one self-identified as transgender
- two who self-reported as having prior victimization
- one residents with a physical disability (cane)
- one hard of hearing resident
- zero legally blind resident
- one cognitively impaired resident
- zero with Limited English

Resident interviews were held in the private interview rooms.

Investigations can be conducted by six staff presently who have received the training regarding sexual abuse investigations, the PREA Coordinator and staff who work in the probation office. It was reported that there have been no investigations for sexual harassment resulting in an administrative investigation – Hinzman.

The auditor was allowed free access to all areas of the facility, access to interview residents and staff selected randomly and intentionally, and to see any documentation requested.

An Exit meeting was conducted with the PREA Coordinator. Observations of the audit were discussed.

Post-Audit Phase:

Additional information was requested and received. Upon review and analysis, it was incorporated into the report and the final report was completed. One area required corrective action that was corrected

before the auditor left the facility – 115.241. Comments are noted in the narrative section for this standard.

Facility Characteristics

The Sixth Judicial District Department of Correctional Services is one of eight judicial district correctional programs currently existing within the State of Iowa. These operations are the result of the statewide development of correctional programs with the objectives of providing total services at the community-based level to correctional residents, the court system and ultimately the public. The Sixth Judicial District operates its programs as mandated by Chapter 905 of the Code of Iowa. Additionally, a Board of Directors with established By-Laws governs the District. The Board of Directors is comprised of a county supervisor from each county in the district, a judicial appointee and two citizen advisory representatives. The Sixth district covers six counties in the state of Iowa.

The Gerald R. Hinzman Residential Correctional Facility, operated by the Sixth JD, is a single-level structure. The facility is located in Cedar Rapids, Iowa. The building was opened in 1991. It is connected to the Lary A. Nelson Center. The operations are separated by the food service operations. All programs and operations are separate, including separate dining rooms. Both operations were audited simultaneously.

The Gerald R. Hinzman Center is a 86 bed facility that provides services to males. The program provides housing and around-the-clock supervision for residents demonstrating an inability or unwillingness to function under less restrictive supervision. It consists of Work Release residents who are returning to the community from a State Institution. Parole as ordered by the Iowa Board of Parole in addition to 321J (OWI 3rd) program, and probation as ordered by the District Court. Also, individuals serving time under the Bureau of Prisons or due to placement as a condition of federal probation are housed at this facility. Each facility resident is involved in an individualized program. The goal is to enhance that resident's ability to be a success. Residents have access to the following: Education Opportunities, Money Management, Job Development, Iowa Domestic Violence Program (IDAP), Sex Offender Programming, AA/NA, Cognitive Programming, Community Service and Recreational Activities.

Medical and Mental Health care is provided to residents in collaboration with community providers. Residents are referred and will seek services in the community from their provider of choice. Trauma specific mental health services including sexual assault/sexual abuse services are provided in collaboration with community provider Riverview in accordance with an MOU last revised March 2019.

Meals are cooked and served at the facility. There is a full kitchen and staff employed by the Sixth Judicial District who oversees the food service operations. There is a separate dining area adjacent to the kitchen for this facility. Living areas consist of multiple occupancy dormitory-like rooms with shared showers and bathrooms. There are four wings in the facility – nine three-person bedrooms: eight two-person bedrooms and one ten-person bedroom. The facility previously housed female residents approximately eighteen months ago; they are now housed at a female residential facility in the district. Common bathrooms are available for residents. Bathrooms provided stall doors. Showers were in the same room, located beyond the toilets and sinks. Showers were single and separated from other showers by concrete walls. Laundry facilities are available for the residents. There are recreational activities at the facility, religious programs are available in the community. The facility also has classrooms, leisure activity areas with televisions. Residents have access to a resource computer, kiosks, pay phones, house phones and can earn cell phone privileges.

Count on the day of the audit was twenty-two residents. The facility houses male residents only. The facility on the day of the audit has the following categories based on the risk assessment conducted:
Aggressor incarcerated - 0
Aggressor potential - 6

Victim incarcerated – 0
Victim potential – 4
No score – 12
Sexual Predator – 0
Mixed score - 0

Currently, there are twenty staff who work at the facility. Resident Officers work three shifts a day: 7:00am to 3:00pm, 3:00pm to 11:00pm, 11:00pm to 7:00am shifts. Resident Officers conduct intake/orientation with residents. The facility does not use contractual staff to provide any services. Currently, due to the coronavirus pandemic, there have been no volunteers utilized to come into the facility and provide services. Residents are provided passes to attend outside services, as approved.

Summary of Audit Findings

Standards Exceeded

Number of Standards Exceeded: 0
List of Standards Exceeded:

Standards Met

Number of Standards Met: 41

Standards Not Met

Number of Standards Not Met: 0
List of Standards Not Met:

PREVENTION PLANNING

Standard 115.211: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

115.211 (a)

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment? Yes No
- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment? Yes No

115.211 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? Yes No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? Yes No
- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Organization chart
- Interview with the PREA Coordinator
- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Prevention Planning) 2400-17

(a) (b) Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Prevention Planning) 2400-17 states,

PURPOSE:

To establish a policy in regard to Prison Rape Elimination Act (PREA) Prevention Planning.

POLICY:

It is policy of the Sixth Judicial District, Department of Correctional Services, to provide a safe, humane, and secure environment, free from the threat of sexual violence and sexual harassment for all offenders, by maintaining a program of education, prevention, detection, response, investigation, prosecution and tracking. The Sixth Judicial District Department of Correctional Services has zero tolerance for sexual violence of any kind.

This policy applies to all employees, prospective employees, interns, volunteers and contractors of the Sixth Judicial District, Department of Correctional Services and is maintained current by the District Director or the designee.

PROCEDURE:

Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator §115.211:

The Department has a zero-tolerance policy toward all forms of sexual abuse and sexual harassment and outlines the agency's approach to preventing, detecting and responding to such conduct in the Prison Elimination Act policies.

The PREA Coordinator or designee develops, implements, and oversees the Department's efforts to comply with the PREA standards in all of the Department's confinement facilities.

The facility Organization Chart reflects that the PREA Coordinator oversees the operations at the residential centers and reports directly to the Division Director.

Interviews with the PREA Coordinator supports that she has the time and authority to complete all activities to ensure prevention, detection and response to sexual abuse and sexual harassment. She is currently a certified PREA Auditor. She is also a trained sexual abuse investigator. She is the person who received the phone messages from the established PREA hotline available to residents and posted on the facility website. She indicated she is directly involved with ensuring staff are trained in addition to communicating with staff frequently to support creating and maintaining an environment of safety and prevention. She conducts PREA training updates as needed. Current projects and accomplishments include updating the video monitoring. It was reported during the audit that she conducted training of effective communication with gender non-conforming residents in addition to searching transgender/intersex residents.

Policy supports the requirement of the standard, confirming a zero tolerance for sexual abuse and sexual harassment and providing information on the facility's plan to prevent, detect and respond to sexual abuse and sexual harassment. The interview and observations provided the auditor with sufficient evidence to support a finding of compliance with the requirements of this standard. Specifically, it was clear during the audit that the PREA Coordinator has the time and authority to develop, implement and oversee agency operations from the organization of the audit, and the swiftness in implementing correction.

Standard 115.212: Contracting with other entities for the confinement of residents

115.212 (a)

- If this agency is public and it contracts for the confinement of its residents 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 residents.) Yes No NA

115.212 (b)

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure 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 residents.) Yes No NA

115.212 (c)

- If the agency has entered into a contract with an entity that fails to comply with the PREA standards, did the agency do so only in emergency circumstances after making all reasonable attempts to find a PREA compliant private agency or other entity to confine residents? (N/A if the agency has not entered into a contract with an entity that fails to comply with the PREA standards.) Yes No NA
- In such a case, does the agency document its unsuccessful attempts to find an entity in compliance with the standards? (N/A if the agency has not entered into a contract with an entity that fails to comply with the PREA standards.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Prevention Planning) 2400-17 states,
The Department does not contract with other entities for the confinement of offenders.

The Sixth Judicial District Department of Correctional Services does not contract for the confinement of residents (nor has the Department entered into or renewed any contracts since August 20, 2012). Policy noted above supports this. The auditor found no reason to dispute this during the audit process. Therefore, this standard does not apply to this facility; the facility is compliant with the standard.

Standard 115.213: Supervision and monitoring

115.213 (a)

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The physical layout of each facility? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the resident population? Yes No

- 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 No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? Yes No

115.213 (b)

- 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.)
 Yes No NA

115.213 (c)

In the past 12 months, has the facility assessed, determined, and documented whether adjustments are needed to the staffing plan established pursuant to paragraph (a) of this section? Yes No

- In the past 12 months, has the facility assessed, determined, and documented whether adjustments are needed to prevailing staffing patterns? Yes No
- In the past 12 months, has the facility assessed, determined, and documented whether adjustments are needed to the facility's deployment of video monitoring systems and other monitoring technologies? Yes No
- In the past 12 months, has the facility assessed, determined, and documented whether adjustments are needed to the resources the facility has available to commit to ensure adequate staffing levels? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Prevention Planning) 2400-17
- Staffing plan summary
- Facility diagram
- PAQ
- Observations during the tour
- Interview with the District Director
- Interview with the PREA Coordinator

The PAQ indicates that the facility does not deviate from the staffing plan.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Prevention Planning) 2400-17 states,
Supervision and monitoring

There is a documented staffing plan that provides for adequate levels of staffing and where applicable video monitoring to protect offenders against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, consideration is given to:

- *The physical layout of each facility;*
- *The composition of offender population;*
- *The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and*
- *Any other relevant factors.*

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

Whenever necessary, but no less frequently, that once each year, the facility assesses, determines and documents whether adjustments are needed to:

- *The staffing plan established pursuant to paragraph (3.A.) of this section;*
- *Prevailing staffing patterns;*
- *The facilities deployment of video monitoring systems and other monitoring technologies; and*
- *The resources the facility has available to commit to ensure adequate staffing levels.*

(a,b,c)

The staffing plan review, April 2021, addresses all residential operations in the Sixth District. It states the following regarding staffing levels: *All facilities have been determined to be at a minimum staffing and safety capacity when 2 residential officers are on duty for all shifts with the exception of the Hinzman and Nelson Centers in which minimum staffing has been determined to be 3 residential officers on duty for 2nd shift. The staffing pattern is also comprised of forced extra shifts when staff are needed due to illness or other unforeseen reasons and relieved posts or positions, meaning a staff member would not leave unless a relief staff member has come on shift, resulting in always having two staff members on duty at a time. Therefore, the facilities should never drop below that minimum staffing pattern of 2 residential officers or a combination of a residential officers and a supervisor or other trained staff member having the appropriate level of training, experience and authority.*

Additionally, the annual staffing plan reviews the layout of the facility with specifics regarding video monitoring and assessment of blind spots. Programming and physical plant blind spots are evaluated in this report. A review of sexual abuse incident reports and recommendations resulting is again assessed. It included a review of video monitoring and staffing rounds. Covid-19 mitigation strategies were also reviewed and assessed in this annual review.

The interview with the Director confirmed that resources are available to ensure adequate staffing in addition to video monitoring. He confirmed that staffing plans are each year and approved by the Board of Directors. He indicated that the staffing plan is monitored daily by daily rounds. He further indicated that he does not recall a time when staffing levels were not met. He discussed with the auditor that approximately eighteen months ago, the facility had housed males and females. A plan was implemented, and approvals secured with clients, and females were then moved to another residential operation in the district. The change improved reduced concerns, increased privacy and afforded both operations to better focus on the needs of the residents.

The auditor was provided documentation to support that unannounced round are conducted on all three shifts by several supervisory staff.

After reviewing policy, camera operations, staffing plan documentation, documentation of unannounced rounds, overall observations during the on-site visit and discussing operations with the PREA Coordinator and Director, the auditor believe there is sufficient evidence to support a finding of compliance with the requirements of this standard.

Standard 115.215: Limits to cross-gender viewing and searches

115.215 (a)

- 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 No

115.215 (b)

- Does the facility always refrain from conducting cross-gender pat-down searches of female residents, except in exigent circumstances? (N/A if the facility does not have female residents.)
 Yes No NA
- Does the facility always refrain from restricting female residents' access to regularly available programming or other outside opportunities in order to comply with this provision? (N/A if the facility does not have female residents.) Yes No NA

115.215 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? Yes No
- Does the facility document all cross-gender pat-down searches of female residents? (N/A if the facility does not have female residents.) Yes No NA

115.215 (d)

- Does the facility have policies that enable residents 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 No
- Does the facility have procedures that enables residents 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 No
- Does the facility require staff of the opposite gender to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing? Yes No

115.215 (e)

- Does the facility always refrain from searching or physically examining transgender or intersex residents for the sole purpose of determining the resident's genital status? Yes No
- If a resident's genital status is unknown, does the facility determine genital status during conversations with the resident, 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 No

115.215 (f)

- 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 No
- Does the facility/agency train security staff in how to conduct searches of transgender and intersex residents in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Prevention Planning) 2400-20
- Sixth District Department of Correctional Services Search and Seizure/Contraband 2335-17
- Observations
- Interviews Random staff
- Training curriculum on searches, including transgender/intersex
- Staff training records
- PAQ
- FAQ (Frequently Asked Questions, PREA Resource Center)
- Review of monitors for all cameras in operation
- Resident intake documentation

The PAQ indicates that no cross-gender strip searches occurred during the 12-month audit review period that involved exigent circumstance. The auditor found no reason to dispute this during the audit process.

The PAQ indicates that 100% of all security staff who received training on conducting cross-gender pat-down searches and searches of transgender and intersex residents in a professional and respectful manner, consistent with security needs.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Prevention Planning) 2400-17 states,

Limits to cross-gender viewing and searches

Staff do not conduct cross-gender strip searches or cross gender visual body cavity searches (meaning a search of the anal or the genital opening) except in exigent circumstances or when performed by medical practitioners.

Effective August 20, 2015 facilities that house more than 50 offenders, or as of August 21, 2017 facilities that house less than 50 offenders, do not permit cross-gender pat-down searches of female offenders, absent exigent circumstances. The facility does not restrict female resident's access to regularly available programming or other outside opportunities in order to comply with this provision.

The facility documents all cross-gender/trans-gender strip searches and cross-gender/trans-gender visual body cavity searches, and all cross-gender pat down searches of female offenders (2400A, 2400B). This documentation is maintained by the Residential Manager, Residential Supervisor or Designee.

Offenders may shower, perform bodily functions and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine room checks. Staff of the opposite gender must announce their presence when entering an area where offenders are likely to be showering, performing bodily functions or changing clothing.

Employees do not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. If the offender's genital status is unknown it is determined during conversations with the offender, 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.

Staff are trained in how to conduct cross-gender pat down searches and searches of transgender and intersex offenders in a professional and respectful manner and in the least intrusive manner possible consistent with security needs.

(a) Policy supports the requirement of this standard.

(b) Only males are housed at this facility. As stated, it was reported that approximately eighteen months ago, the facility did house both males and females, but changes were implemented to ensure that all females were housed in another residential operation in the district.

(c) Policy supports this requirement to document all cross-gender strip searches and cross-gender visual body cavity searches. There were no examples or reported occurrences to review.

(d) The policy supports that all residents can 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. Observations during the tour of bathroom/shower areas demonstrated that showers have privacy, there are no curtains but there is an angle that staff can view to ensure safety and privacy. Showers are behind a door, as well as toilets/urinals. The auditor was informed that staff knock and announce opposite gender presence before entering resident rooms or resident bathrooms; rooms have doors with windows. All random resident interviews and random staff interviews confirmed this. Policy requires opposite gender staff to announce their presence. This was evident during the tour of the facility. All resident and random staff interviews confirmed this is occurring. Additionally, the auditor reviewed all monitors for the cameras used at the facility; no views afforded staff to view buttocks, genitalia, resident rooms or the bathrooms/showers.

(e) Policy supports this requirement of the standard. All random staff interviews confirmed that they absolutely know that policy forbids the search of or physical exam of a transgender or intersex resident for the sole purpose of determining the resident's genital status. Policy confirms that if the resident's genital status is unknown, it may be determined during conversations with the resident, 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.

(f) The auditor reviewed the power point presentation, "LGBTI and Cross-Gender Viewing and Searches". This training was presented to staff by the PREA Coordinator. Training records support that staff have received the training in addition to random staff interviews confirming the training as well. At this facility, it has been the practice to provide transgender/intersex residents the ability to designate the gender of the staff who can perform pat down, or strip searches consistent with the gender identity of the resident, which is an acceptable option to support compliance with this standard in accordance with the clarifications provided on the FAQ. This was supported to the auditor through resident intake documentation.

Policy addresses the requirements of the standard. Training curriculums, training records and staff interviews all confirmed that staff have been trained on cross-gender and transgender searches and searches would not be conducted just to determine genital status. Privacy has been afforded to the residents for showering, changing clothes and using the toilet. Residents confirmed, staff confirmed, and the auditor observed cross-gender announcements. This evidence provides the auditor with sufficient evidence to support a finding of compliance for this standard.

Standard 115.216: Residents with disabilities and residents who are limited English proficient

115.216 (a)

- Does the agency take appropriate steps to ensure that residents 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: Residents who are deaf or hard of hearing? Yes No
- Does the agency take appropriate steps to ensure that residents 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: Residents who are blind or have low vision? Yes No
- Does the agency take appropriate steps to ensure that residents 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: Residents who have intellectual disabilities? Yes No
- Does the agency take appropriate steps to ensure that residents 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: Residents who have psychiatric disabilities? Yes No
- Does the agency take appropriate steps to ensure that residents 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: Residents who have speech disabilities? Yes No

- Does the agency take appropriate steps to ensure that residents 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 No
- Do such steps include, when necessary, ensuring effective communication with residents who are deaf or hard of hearing? Yes No
- 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 No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Have intellectual disabilities? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Have limited reading skills? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with residents with disabilities including residents who: Are blind or have low vision? Yes No

115.216 (b)

- 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 residents who are limited English proficient? Yes No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No

115.216 (c)

- Does the agency always refrain from relying on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.264, or the investigation of the resident's allegations? Yes No

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Prevention Planning) 2400-17
- Observations during the tour
- Random staff
- List of court approved interpreters
- Written materials regarding PREA in Spanish
- PREA video – closed caption, Spanish

The PAQ indicates there have no instances where another offender was used to interpret for a LEP offender. The auditor found no reason to dispute this during the audit process.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Prevention Planning) 2400-17 states, *Offenders with disabilities and offenders who are limited English proficient* *Offenders with disabilities (including, for example, those who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of efforts to prevent, detect and respond to sexual abuse and sexual harassment. Such steps include when necessary to ensure effective communication with offenders who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, written materials are provided in formats or through methods that ensure effective communication with offenders with disabilities, including offenders who have intellectual disabilities, limited reading skills, or who are blind or who have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens, as those terms are used in regulations promulgated under Title II of the Americans With Disabilities Act, 28 CFR 35.164.*

The Department 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 offenders 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 (or a full roster of Iowa's State Court Interpreters go to <http://www.iowacourts.gov/wfdata/frame15169-1521/File1.pdf>).

The Department does not rely on offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first-response duties under §115.264 or the investigation of the offender's allegations.

(a) The facility does maintain a list of interpreters, state-wide, approved for use with the court system as a resource (list provided to the auditor). This list included staff who can interpret American Sign Language (ASL). The PREA video has closed caption capabilities.

(b) As stated, the facility maintains a list of approved interpreters for use. PREA materials and posters are available in English and Spanish (including the audit announcement posters). The PREA video is available in Spanish.

(c) Policy supports that the agency shall not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under § 115.64, or the investigation of the resident's allegations. The PAQ indicates the facility has not used another resident for these situations. Random staff interviews supported that this has not occurred. Staff articulated that they would contact their supervisor for ability to identify/use an interpreter in this situation.

Observations made during the on-site visit, policy, review of resources for communicating with LEP residents, interviews with staff and residents provided the auditor with sufficient evidence to support a finding of compliance.

Standard 115.217: Hiring and promotion decisions

115.217 (a)

- Does the agency prohibit the hiring or promotion of anyone who may have contact with residents 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 No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with residents 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 No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with residents 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 No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with residents 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 No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No

115.217 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with residents? Yes No

- Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor, who may have contact with residents? Yes No

115.217 (c)

- Before hiring new employees who may have contact with residents, does the agency: Perform a criminal background records check? Yes No
- Before hiring new employees who may have contact with residents, 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 No

115.217 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with residents? Yes No

115.217 (e)

- Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees? Yes No

115.217 (f)

- Does the agency ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? Yes No
- Does the agency ask all applicants and employees who may have contact with residents 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 No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? Yes No

115.217 (g)

- Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? Yes No

115.217 (h)

- 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 No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Prevention Planning) 2400-17
- Application for employment
- Interview with Human Resource staff
- Documents from personnel files last two recent hires
- PAQ
- Documentation of background check every year – status employees
- Documentation for a promotional candidate

The PAQ indicates there have been six new staff hired in the last twelve months, zero contractual staff. The interview with PREA Coordinator confirmed that there are no contractual staff who work at this facility.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Prevention Planning) 2400-17 states,

Hiring and promotion decisions:

The Department does not hire or promote anyone, or enlist the services of any contractor, who may have contact with offenders, that have:

- *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);*
- *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*
- *Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.*

The Department considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with offenders.

Before hiring new employees or promoting current employees who may have contact with offenders, the Department:

- *Performs a criminal background records check; and*
- *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. **All applicants who were previously employed by an institution must sign an Authority for Release of Information form.***
- *The Department also performs a criminal background records check before enlisting the services of any contractor who may have contact with offenders.*

The Department either conducts criminal background records checks when an employee is being considered for a promotion or at least every five (5) years on current employees and contractors who

may have contact with offenders or have in place a system for otherwise capturing such information for current employees.

The Department also asks all applicants and employees who may have contact with offenders directly about previous misconduct (described in section A) 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 Department also imposes upon employees a continuing affirmative duty to disclose any such misconduct.

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

Unless prohibited by law, the Department provides 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.

(a) Policy supports the requirements of this provision. Hiring authority interview confirmed compliance. The application, reference process and background check support that this facility will not hire or promote anyone who may have contact with residents, and shall not enlist the services of any contractor who may have contact with residents, 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.

These questions are directly asked of candidates, both new candidates and promotional candidates on the application.

(b) The interview with the Human Resource staff confirmed that incidents of sexual harassment are considered when deciding whether to hire or promote anyone who may have contact with residents. The auditor reviewed randomly requested applications for newly hired staff and confirmed that prior incidents of sexual harassment is asked of each candidate. The Human Resource staff further states that this is reviewed when conducting reference checks for potential staff.

(c) The provision requires the following: Before hiring new employees or promoting current employees who may have contact with residents, the agency shall: (1) Perform a criminal background records check; and (2) 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. The auditor randomly requested and received the documents for the last two new staff hired and last promotion granted – application, reference checks, background checks, acknowledge of PREA questions required in provision (a). One of the two randomly requested documents for newly hired demonstrated that one staff had worked at a prison in the state prior to getting employment at this facility. Documentation was provided that reference checks were made. Documentation was also provided demonstrating background checks which included the sex offender registry, National Crime Information Center (NCIC) and driver's license check.

(d) The facility does not utilize contractual staff. The auditor found no reason to dispute this during the audit process. Additionally, the interview with the Human Resource staff confirmed this to be true.

(e) The interview with the PREA Coordinator confirmed that background checks are conducted at least every five years. She articulated to the auditor the process in place to ensure that staff do get this background check and provided documents to support this. The auditor requested and received examples of this for five employees randomly selected, demonstrating that background checks have been conducted annually. As stated, this background check included the sex offender registry, driver's license and National Crime Information Center (NCIC).

(f) (g) The application requires the candidate to sign certifying that information provided is true and false statements or omissions may result in not getting hired or terminated. The PREA policy require that staff have an obligation to report any misconduct that occurred while employed.

(h) The interview with the Human Resource staff, in addition to policy support that the facility is compliant with the requirement to 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. She indicated that there are legal limitations depending on whether the candidate is from an in -state agency or from another state. She would check legal requirements before providing the recommendation. She indicated she has not be asked to do this in her recollection.

As outlined above, the auditor randomly requested documentation regarding the hiring and promotional process and background checks which all demonstrated compliance. Policy supports the requirements of the standard. Staff are sked the questions in provision (a) upon hiring, promotion and annually. The application requires the candidate to sign certifying that information provided is true and false statements or omissions may result in not getting hired or terminated. Policy and interviews with staff who hire and fire support that they would, with proper releases, provide information on former employees regarding substantiated allegations of sexual abuse. Therefore, the standard is deemed to be compliant.

Standard 115.218: Upgrades to facilities and technologies

115.218 (a)

- 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 residents 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.)
 Yes No NA

115.218 (b)

- 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 residents 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.)
 Yes No NA

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

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

Does Not Meet Standard (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Prevention Planning) 2400-17
- Observations during the tour
- Interview with the PREA Coordinator
- PAQ
- Interview with the District Director

The PAQ indicates there have been no substantial expansion or modification of existing facilities; there has been upgrades to the video monitoring system.

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Prevention Planning) 2400-17 states,

Upgrades to facilities and technologies

When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department considers the effect of the design, acquisition, expansion or modification upon the agency's ability to protect offenders from sexual abuse.

When installing or updating a video monitoring system, electronic surveillance system, other monitoring technology, the Department considers how such technology may enhance the agency's ability to protect offenders from sexual abuse.

The Staffing Plan Summary reviewed the use of live (and recording) video monitoring utilizing cameras. with specificity.

The interview with the District Director confirmed that when and if cameras are added and if modifications would be made, or technology added, the Department would consider the effect of the design, acquisition, expansion or modification upon the agency's ability to protect offenders from sexual abuse. This would be considered when reviewing reports of incidents. The auditor viewed the monitors and placement of cameras during the tour.

Policy, interview with the District Director and PREA Coordinator, in addition to observations, provided sufficient evidence for the auditor to support a finding of compliance.

RESPONSIVE PLANNING

Standard 115.221: Evidence protocol and forensic medical examinations

115.221 (a)

- 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 No NA

115.221 (b)

- 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 No NA
- 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 No NA

115.221 (c)

- Does the agency offer all residents who experience sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate? Yes No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? Yes No
- 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 No
- Has the agency documented its efforts to provide SAFEs or SANEs? Yes No

115.221 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? Yes No
- 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 agency *always* makes a victim advocate from a rape crisis center available to victims.) Yes No NA
- Has the agency documented its efforts to secure services from rape crisis centers? Yes No

115.221 (e)

- 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 No

- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? Yes No

115.221 (f)

- 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.) Yes No NA

115.221 (g)

- Auditor is not required to audit this provision.

115.221 (h)

- 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.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Iowa code Section 915.20
- MOU with Riverview victim advocacy agency
- Certifications for two staff PREA Qualified Staff Training, Iowa CASA
- Sexual Assault Examination Payment Program, Iowa Code section 709.22(1)©(8) brochure
- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Responsive Planning) 2401-17

The PAQ indicates there have been no SANE/SAFE exams, no forensic medical examinations or examinations conducted by a qualified medical practitioner in response to a sexual abuse allegation. The auditor found no reason to dispute this during the audit process.

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Responsive Planning) 2401-17 states,
Evidence protocol and forensic medical examinations:

To the extent the agency is responsible for investigating allegations of sexual abuse; the agency follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The protocol is adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women

publication “An National Protocol for Sexual Assault medical Forensic Examinations Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011.

Staff offers all victims of sexual abuse access to forensic medical examinations at a local hospital, without financial cost, where evidentiarily or medically appropriate. Such examinations are performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. Staff calls a local hospital and request a SANE when needed. If SAFEs or SANEs are not available, the examination is performed by other qualified medical practitioners. A list of SANEs (2401A) is attached to this policy.

Staff attempts to make available to the victim an internal Victim Advocate or a Victim Advocate from a rape crisis center. Staff documents attempts to secure services from the rape crisis centers, another qualified community-based provider or qualified agency staff.

As requested by the victim, the Victim Advocate, qualified agency staff member, or qualified community-based organization staff member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information, and referrals.

To the extent the agency itself is not responsible for investigating allegations of sexual abuse; the agency requests that the investigating agency follows the requirements of paragraphs A through E of this section.

The requirements of paragraphs A through E of this section also applies to:

Any State, county or city entity outside of the agency that is responsible for investigating allegations of sexual abuse in community confinement facilities; AND

Any Department of Justice Component that is responsible for investigating allegations of sexual abuse in community confinement facilities.

For the purposes of this standard, a qualified agency staff member or a qualified community-based staff member is an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

(a) The Iowa Sexual Assault: A Protocol for Adult Forensic and Medical Examination established the evidence protocol for sexual assault exams. The training given to investigators support the process in which to collect evidence to ensure uniform collection.

(b) The Iowa Sexual Assault: A Protocol for Adult Forensic and Medical Examination states, “Child Sexual Assault Victims the Iowa Code states that minors (under 18 years) who are victims of sexual assault can receive immediate medical and mental health services without prior consent of a parent or guardian. In addition, minors can consent to STI testing, treatment, and prevention (vaccination) without parental consent. The Iowa Codes specifies definitions of sexual abuse, mandatory reporting situations and age guidelines regarding sexual assault of a minor. In Iowa, those aged 16 and older are of legal age to give consent to have sex. If a sexual assault victim is under 12 years of age, it is a mandatory report to law enforcement or DHS (refer to Appendix A). Depending on the institutional policies and the sexual maturation of the victim, some victims may be referred to the closest Child Protection Center (CPC) for evaluation (refer to Appendix F). The CPCs have multi-disciplinary staffs that are uniquely trained to provide services to children and their families. Forensic physical examinations and histories of children are uniquely different than adults. Children are not small adults either physiologically or emotionally.” This protocol is used specifically for adults 18 yrs. and older. This facility does not housed residents under the age of 18 yrs. old.

(c) Iowa code Section 915.20 and Sexual Assault Examination Payment Program, Iowa Code section 709.22(1)©(8) supports that a forensic exam will be conducted, SANE exam, and the exam will be provided free of costs.

(d) (e) The Iowa Sexual Assault: A Protocol for Adult Forensic and Medical Examination states, "Iowa law states that a victim advocate cannot be denied access to a sexual assault victim if the victim has specifically requested an advocate be present." Iowa code Section 915.20 additionally states, "You have the right to request the presence of a victim counselor at any proceeding related to the offense. This includes but is not limited to, medical examination, law enforcement investigations, pretrial court hearings, trial and sentencing proceedings "The MOU with RVAP indicates this organization will provide a trained Sexual Abuse Advocate at no cost to the victim. The MOU indicates the advocate will provide support to the victim through the forensic medical examination process and investigatory interviews if requested. Additionally, this MOU indicates it will provide hotline numbers. Counseling, information and referrals.

(f) The district has on staff a certified officers unit. They are certified law enforcement officers who have the powers of arrest and the ability to submit charges to the County Attorney's Office.

(g) Auditor is not required to audit this provision.

(h) This facility provides a qualified victim advocate from a rape crisis center per the MOU with Riverview.

To summarize the information above, policy supports all aspects of the requirement of this standard. MOU's with Riverview, and the Iowa Code ensure that the alleged victim would receive a SANE exam in accordance with Adult Forensic and Medical Examination established protocols. Additionally, the victim will have a trained victim advocate present, if requested, to support them through all aspects of the process. The auditor finds there is ample evidence to support a finding of compliance.

Standard 115.222: Policies to ensure referrals of allegations for investigations

115.222 (a)

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? Yes No
- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? Yes No

115.222 (b)

- 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 No
- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? Yes No
- Does the agency document all such referrals? Yes No

115.222 (c)

- 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 conducting criminal investigations. See 115.221(a).) Yes No NA

115.222 (d)

- Auditor is not required to audit this provision.

115.222 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Responsive Planning) 2401-17
- Interview with Investigative Staff
- PAQ
- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Investigations) 2406-17

The PAQ indicates there have been no allegations of sexual abuse and/or sexual harassment during the previous twelve months; zero, referrals for criminal investigation. The auditor found no reason to dispute this during the audit process and review of the investigations.

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Responsive Planning) 2401-17 states,
Policies to ensure referrals of allegations for investigations

An administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

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. All referrals for investigation are documented and tracked. If a separate entity is responsible for conducting criminal investigations, such publication describes the responsibilities of both the agency and the investigating entity.

Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in community confinement facilities have in place a policy governing the conduct of such investigations.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Investigations) 2406-17 states,

Criminal investigations:

- 1.) *Are 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.*
- 2.) *When outside agencies are investigating allegations of sexual abuse, the facility cooperates with outside investigators and their endeavors to remain informed about the progress of the investigation.*
- 3.) *Substantiated allegations of conduct that appears to be criminal are referred for prosecution.*

(a) All interviews with staff confirmed if knowledge of an allegation/or suspicion is made that an investigation will be initiated. There is a statewide data base also used by the Iowa Department of Corrections. Staff reported that this data base holds all information related to the initiation and conducting of investigations.

(b) As confirmed documentation and interviews, there are six staff who have received training to conduct sexual abuse investigations. In the interview with one investigator, it was confirmed that the local police department or state authority would be asked to investigate if the matter appeared to be criminal.

(c) The district has on staff a certified officers unit. They are certified law enforcement officers who have the powers of arrest and the ability to submit charges to the County Attorney's Office.

(d) Auditor is not required to audit this provision.

(e) Auditor is not required to audit this provision.

It was confirmed to the auditor by all staff interviewed that all allegations, even suspicions would be investigated. The Department wide data base supports that it would document even suspicions. Therefore, the auditor found ample evidence to support a finding of compliance with this standard.

TRAINING AND EDUCATION

Standard 115.231: Employee training

115.231 (a)

- Does the agency train all employees who may have contact with residents on: Its zero-tolerance policy for sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with residents on: How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? Yes No
- Does the agency train all employees who may have contact with residents on: Residents' right to be free from sexual abuse and sexual harassment Yes No
- Does the agency train all employees who may have contact with residents on: The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment? Yes No

- Does the agency train all employees who may have contact with residents on: The dynamics of sexual abuse and sexual harassment in confinement? Yes No
- Does the agency train all employees who may have contact with residents on: The common reactions of sexual abuse and sexual harassment victims? Yes No
- Does the agency train all employees who may have contact with residents on: How to detect and respond to signs of threatened and actual sexual abuse? Yes No
- Does the agency train all employees who may have contact with residents on: How to avoid inappropriate relationships with residents? Yes No
- Does the agency train all employees who may have contact with residents on: How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents? Yes No
- Does the agency train all employees who may have contact with residents on: How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? Yes No

115.231 (b)

- Is such training tailored to the gender of the residents at the employee's facility? Yes No
- Have employees received additional training if reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa? Yes No

115.231 (c)

- Have all current employees who may have contact with residents received such training? Yes No
- 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 No
- 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 No

115.231 (d)

- Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? Yes No

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Training and Education) 2402-17
- Training records with passing score
- FAQ
- PAQ
- eLearning training curriculum.
- Interviews with random staff

The PAQ states there are sixteen staff who have contact with residents who were trained or retrained on the PREA requirements.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Training and Education) 2402-17

This policy applies to all employees, prospective employees, interns, volunteers and contractors of the Sixth Judicial District, Department of Correctional Services and is maintained current by the District Director or the Designee.

Employee training

A. *All employees who may have contact with offenders are trained on:*

- 1) *The zero-tolerance policy for sexual abuse and sexual harassment;*
- 2) *How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;*
- 3) *Offenders' right to be free from sexual abuse and sexual harassment;*
- 4) *The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment;*
- 5) *The dynamics of sexual abuse and sexual harassment in confinement;*
- 6) *The common reactions of sexual abuse and sexual harassment victims;*
- 7) *How to detect and respond to signs of threatened and actual sexual abuse;*
- 8) *How to avoid inappropriate relationships with offenders;*
- 9) *How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders; and*
- 10) *How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.*

B. *Such training is tailored to the gender of the offenders at the employee's facility. The employee receives additional training if the employee is reassigned from a facility that houses only male offenders to a facility that houses only female offenders, or vice versa.*

C. *All current employees who have not received such training are trained within one (1) year of the effective date of the PREA standards, and the agency provides each employee with refresher training EVERY TWO (2) 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 provides refresher information on current sexual abuse and sexual harassment policies.*

D. *The Department documents, through employee signature or electronic verification, that employees understand the training they have received.*

(a) The auditor reviewed the eLearning training module. It addressed the following topics in nine modules: Introduction (video of a survivor talking), IDOC policy, definitions related to PREA, Incarcerated Individuals rights, red flags, all staff responsibilities (prevent, detect, respond), professional boundaries, communication (including gender non-conforming individuals) and a summary. The video and the policy address all the required topics of the standard.

(b) All staff interviewed confirmed they have received training regarding PREA, at least annually. This facility houses male residents.

(c) Records were provided demonstrating that all employees have received this training. It was confirmed by random staff interviews that it is included in the new employee orientation and annually thereafter. It was reported that staff are trained before being assigned without supervision, which confirms compliance in accordance with the FAQ.

(d) The training records reflect that staff have to pass a quiz in order to be considered to have understood and completed the training.

Finding of compliance based on the following: Policy, review of training curriculum, review of training records, and interviews with staff.

Standard 115.232: Volunteer and contractor training

115.232 (a)

- Has the agency ensured that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures? Yes No

115.232 (b)

- Have all volunteers and contractors who have contact with residents 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 residents)? Yes No

115.232 (c)

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Training and Education) 2402-17
- PREA Training for volunteers and contractors - website for the facility
- Observations
- PAQ
- Interview with a former intern

The PAQ states there are zero volunteers or contractors who have contact with residents who were trained or retrained on the PREA requirements. Due to the coronavirus pandemic, they have not had volunteers' services within the facility. The facility does not utilize contractual staff.

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Training and Education) 2402-17

Volunteer and contractor training

The agency ensures that all volunteers and contractors who have contact with offenders have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

The level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with offenders, but all volunteers and contractors who have contact with offenders are notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

The agency maintains documentation confirming that volunteers and contractors understand the training they have received (2402A).

On the facility website is the PREA Training for Contractors/Volunteers. It is a video presentation on expectation for volunteers/contractors and the requirements of the standards. It addresses zero tolerance, how to fulfill responsibilities under the law, right of offenders to be free of sexual abuse and sexual harassment, the right for all to be free from retaliation for reporting such behavior, dynamics of abuse and sexual harassment, common reactions of victims, how to avoid inappropriate relations with offenders, how to communicate with gender non-confirming offenders and how to comply with mandatory reporting laws. It concludes with a twenty-question assessment.

(a) (b) (c) Policy supports the requirements of this provision to ensure that the level and type of training provided to volunteers and contractors is based on the services they provide and level of contract they have with residents, but all volunteers and contractors who have contact with residents shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

Although it was reported that there are no volunteers or contractors, the auditor found sufficient evidence to support a finding of compliance – policy, interviews with the PREA Coordinator and the curriculum for volunteer training which supports compliance with the provisions of the standard.

Standard 115.233: Resident education

115.233 (a)

- During intake, do residents receive information explaining: The agency's zero-tolerance policy regarding sexual abuse and sexual harassment? Yes No

- During intake, do residents receive information explaining: How to report incidents or suspicions of sexual abuse or sexual harassment? Yes No
- During intake, do residents receive information explaining: Their rights to be free from sexual abuse and sexual harassment? Yes No
- During intake, do residents receive information explaining: Their rights to be free from retaliation for reporting such incidents? Yes No
- During intake, do residents receive information regarding agency policies and procedures for responding to such incidents? Yes No

115.233 (b)

- Does the agency provide refresher information whenever a resident is transferred to a different facility? Yes No

115.233 (c)

- Does the agency provide resident education in formats accessible to all residents, including those who: Are limited English proficient? Yes No
- Does the agency provide resident education in formats accessible to all residents, including those who: Are deaf? Yes No
- Does the agency provide resident education in formats accessible to all residents, including those who: Are visually impaired? Yes No
- Does the agency provide resident education in formats accessible to all residents, including those who: Are otherwise disabled? Yes No
- Does the agency provide resident education in formats accessible to all residents, including those who: Have limited reading skills? Yes No

115.233 (d)

- Does the agency maintain documentation of resident participation in these education sessions? Yes No

115.233 (e)

- In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats? Yes No

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Training and Education) 2402-17
- Random resident interviews
- Intake Staff interviews
- Observations Posters, other information
- Resident Handbook
- Documentation of resident participation in education sessions
- Residential Officer Intake Checklist

The PAQ indicates that 142 residents were admitted to the program and were given resident education at intake in the previous twelve months.

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Training and Education) 2402-17states, *During the intake process all offenders, including those offenders transferred from other community confinement facilities, receive information explaining the zero-tolerance policy regarding sexual abuse and sexual harassment. Also included is information on how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and information regarding agency policies and procedures for responding to such incidents.*

Offender education is provided in formats accessible to all offenders, including those who are limited English proficient, deaf, visually impaired or otherwise disabled as well as offenders who have limited reading skills.

Documentation of offender participation in these education sessions is maintained.

Key information is continuously and readily available and visible to offenders through posters, and offender rule handbooks or other written materials and formats.

(a) (d) (e) Resident Officers conduct intake. It was reported that each resident arriving receives the Resident Handbook. It is listed on the Resident Intake Checklist. Interviews with intake staff confirm that all residents view the video when they arrive. The video is entitled, PREA: What You Need to Know, produced by JDI; it is approximately sixteen minutes long and discusses the following: confined persons right to be free from sexual abuse and sexual harassment, there is a zero tolerance to any form of sexual abuse or sexual harassment, right to report privately and safely, free medical, mental health and trained sexual abuse counseling, definitions of sexual harassment, sexual abuse, avoiding behaviors that will help maintain safety, third party reports, the facility's requirement to continually provide information on how to report, including outside the facility; and reasonable communication with sexual abuse advocacy groups. This requirement is noted on the Residential Officer Intake Checklist. Additionally, all random resident interviews confirmed they saw the video on the same day they arrive.

Posters were visible throughout the facility educating residents of their right to be free from sexual abuse and harassment, retaliation and the option to report anonymously and third party. The resident handbook addresses the following: address for the Director, phone number for the sexual abuse

advocacy center – Riverview; acknowledgement of use of the grievance process; Sixth Judicial District PREA Hotline; website for the Iowa community based center; email to 6th.PREA@iowa.gov; address and phone number (toll free) to the Iowa Ombudsman Office; and the Riverview Center. It additionally reinforces that there is a zero tolerance for any form of sexual abuse or sexual harassment. It addresses third party reports, reports verbally and in writing.

(b) The PAQ reports that all residents have received this education.

(c) It was reported by staff that the video has closed captioning and can be shown in Spanish also. See comments to 115.216. This was confirmed by the auditor when searching the internet. Intake staff indicated that they would read the information to the resident if the resident was not capable of understanding the information in the written form.

Finding of compliance based on the following: Observations of posters with information about PREA, phone numbers by the resident telephones, Resident Handbook, review of the PREA video, interviews with the residents, interviews with intake staff, supporting documentation randomly requested all provided the auditor with sufficient evidence to support a finding of compliance.

Standard 115.234: Specialized training: Investigations

115.234 (a)

- In addition to the general training provided to all employees pursuant to §115.231, 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 115.221(a).)
 Yes No NA

115.234 (b)

- 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 115.221(a).) Yes No NA
- Does this specialized training include: Proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.221(a).) Yes No NA
- 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 115.221(a).) Yes No NA
- 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 115.221(a).)
 Yes No NA

115.234 (c)

- 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 115.221(a).)
 Yes No NA

115.234 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Training and Education) 2402-17
- Investigator Training curriculum
- Investigator Training certificates
- Interview with Investigator
- Documentation demonstrating general PREA training received

The PAQ indicates that this facility has six staff qualified to conduct sexual abuse in confinement investigations.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Training and Education) 2402-17 states, *In addition to the general training provided to all employees pursuant to §115.231, the agency ensures that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.*

Specialized training includes 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 agency maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

Any State, County or City entity or Department of Justice component that investigates sexual abuse in confinement settings provides such training to its agents and investigators who conduct such investigations.

(a) (c) Certificates of completion were provided for six staff demonstrating completion of the Training for Correctional Investigators, Iowa Department of Corrections. Interviews and training records provided reflected that the trained investigators have also received the general PREA training annually.

(b) A review of the curriculum for the PREA Investigator Iowa Department of Corrections confirmed that it addresses the following:

- Identify techniques for interviewing juveniles during investigations of sexual abuse in confinement settings.
- Describe the dynamics of sexual abuse and sexual harassment in confinement settings.
- Identify best practice and policy requirements on first response procedures.
- Identify best practice and policy requirements on evidence collection in confinement settings, per the requirements of 115.(3)34.
- Understand what a final investigative report should contain.
- Identify techniques for writing the final report to ensure accuracy
- Explain criteria required for administrative action and prosecutorial referral, per requirements of PREA standard 115.(3)34.
- Identify techniques for writing the final report to ensure accuracy and clarity.
- Explain criteria required for administrative action and prosecutorial referral, per requirements of PREA standard 115. (3)34.
- Apply your understanding to increase prosecutions of cases that are substantiated and criminal in nature.

Miranda v Arizona is addressed throughout the training module. Garrity warnings is also addressed. Weingarten Rights are reviewed.

The curriculum for the NIC training includes the following:

- Trauma and Victim Response
- Legal Issues and Agency Liability
- First Response and Evidence Collection
- Interviewing Techniques
- Report Writing
- Forensic Medical Exam
- Prosecutorial Collaboration

(d) Auditor is not required to audit this provision.

The interview with the investigator supported all the requirements of the standard. Records reflect that the six auditors received training either through the IDOC or previously through a National Institute of Corrections. Interview with the PREA Coordinator (investigator) confirmed that all investigators have access to the IDOC database; she coordinates the assignments in the database and submits the final reports.

Policy, training curriculum, training records and interview with one of the qualified trainers all provide the auditor with sufficient evidence to support a finding of compliance.

Standard 115.235: Specialized training: Medical and mental health care

115.235 (a)

- 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 No NA

- 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 No NA
- 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 No NA
- 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 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.) Yes No NA

115.235 (b)

- 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 does not employ medical staff or the medical staff employed by the agency do not conduct forensic exams.) Yes No NA

115.235 (c)

- 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 No NA

115.235 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.231? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.) Yes No NA
- Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.232? (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 No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Training and Education) 2402-17
- Interview with PREA Coordinator

According to the PAQ, the facility does not employ medical or mental health staff. The auditor found this credible.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Training and Education) 2402-17 states,

Specialized training: Medical and Mental Health Care

The Department ensures that all 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;

How to preserve physical evidence of sexual abuse;

*How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
How and to whom to report allegations*

Interview with the PREA Coordinator indicated that when needed, medical and mental health are provided in the community. Policy is in place should this change. Therefore, the auditor finds that this requirement does not apply to this facility and is therefore deemed to be in compliance.

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.241: Screening for risk of victimization and abusiveness

115.241 (a)

- Are all residents assessed during an intake screening for their risk of being sexually abused by other residents or sexually abusive toward other residents? Yes No
- Are all residents assessed upon transfer to another facility for their risk of being sexually abused by other residents or sexually abusive toward other residents? Yes No

115.241 (b)

- Do intake screenings ordinarily take place within 72 hours of arrival at the facility?
 Yes No

115.241 (c)

- Are all PREA screening assessments conducted using an objective screening instrument?
 Yes No

115.241 (d)

- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has a mental, physical, or developmental disability? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: The age of the resident? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: The physical build of the resident? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has previously been incarcerated? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident's criminal history is exclusively nonviolent? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has prior convictions for sex offenses against an adult or child? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the resident about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the resident is gender non-conforming or otherwise may be perceived to be LGBTI)? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: Whether the resident has previously experienced sexual victimization? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: The resident's own perception of vulnerability? Yes No

115.241 (e)

- In assessing residents for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior acts of sexual abuse? Yes No
- In assessing residents for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior convictions for violent offenses? Yes No
- In assessing residents for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: history of prior institutional violence or sexual abuse? Yes No

115.241 (f)

- Within a set time period not more than 30 days from the resident's arrival at the facility, does the facility reassess the resident's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening? Yes No

115.241 (g)

- Does the facility reassess a resident's risk level when warranted due to a: Referral?
 Yes No
- Does the facility reassess a resident's risk level when warranted due to a: Request?
 Yes No
- Does the facility reassess a resident's risk level when warranted due to a: Incident of sexual abuse? Yes No
- Does the facility reassess a resident's risk level when warranted due to a: Receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness?
 Yes No

115.241 (h)

- Is it the case that residents 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 No

115.241 (i)

- 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 information is not exploited to the resident's detriment by staff or other residents? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Screening & Risk of Sexual Victimization & Abusiveness) 2403-17
- PAQ
- Randomly requested SVP forms
- Observations
- Interviews Staff who perform risk screens
- Interview random residents
- Interview PREA Coordinator

- FAQ
- SVP Scoring Guide (Objective screening instrument) - Confidential
- Residential Officer Intake Checklist

The PAQ indicates that 149 residents entered the facility in the twelve month review period that were screening within 72 hours for risk of victimization and/or sexual abusiveness towards other residents.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Screening & Risk of Sexual Victimization & Abusiveness) 2403-17 states,

Screening for Risk of Victimization and Abusiveness

All offenders are assessed via the Sexual Violence Propensity Assessment (SVP) during an intake screening and upon transfer to another facility for their risk of being sexually abused by other offenders or sexually abusive toward other offenders.

Intake screening ordinarily takes place within seventy-two (72) hours of arrival at the facility.

The intake screening (SVP) considers, at a minimum, the following criteria to assess offenders for risk of sexual victimization:

- *Whether the offender has a mental, physical, or developmental disability;*
- *The age of the offender;*
- *The physical build of the offender;*
- *Whether the offender has previously been incarcerated;*
- *Whether the offender's criminal history is exclusively nonviolent;*
- *Whether the offender has prior convictions for sex offenses against an adult or child;*
- *Whether the offender is or is perceived to be gay, lesbian, bisexual, transgender, intersex or gender nonconforming;*
- *Whether the offender has previously experienced sexual victimization; and*
- *The offender's own perception of vulnerability.*

The intake screening considers 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 offenders for risk of being sexually abusive.

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

An offender's risk level is reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness.

Offenders are not disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs C.1., or C.7. through C.9. of this section.

The Department implements 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 offender's detriment by staff or other offenders.

(a) (b) IDOC conducts a screen called a Sexual Violence Propensity Assessment Scoring Guide for Offenders (SVP-R) during the intake screening, within 30 days of admission or transfer, and annually. Instructions for completing this assessment is in the Sexual Violence Propensity Assessment Scoring

Guide for Offenders (confidential document). Per facility procedure, *All residents coming into the facility will have a SVP assessment completed prior to assigning housing. The SVP will also be updated within 30 days of arrival.* The auditor confirmed through interviews with staff and residents that the screening occurs immediately upon arrival. Random interviews of Resident Officers confirmed that they complete the SVP and have been trained on how to complete the assessment.

(c) Sexual Violence Propensity Assessment Scoring Guide for Offenders is a 29-page guide on how to complete the assessment. Additionally, it was reported by staff that they have been trained in conducting the assessments and one staff is designated as the master trainer. There are seventeen items assessed based on records available, resident responses and scorer interpretation.

(d) The auditor reviewed and analyzed the assessment tool. The risk assessment includes the following in addition to other questions:

- (1) Whether the resident has a mental, physical, or developmental disability;
- (2) The age of the resident;
- (3) The physical build of the resident;
- (4) Whether the resident has previously been incarcerated;
- (5) Whether the resident's criminal history is exclusively nonviolent;
- (6) Whether the resident has prior convictions for sex offenses against an adult or child;
- (7) Whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- (8) Whether the resident has previously experienced sexual victimization;
- (9) The resident's own perception of vulnerability;

Other assessment questions relate to non-sexual predatory violence, aggressive behavior demonstrating an intimidating attitude, experience or familiarity with prison culture or "street wise" behavior and possible gang involvement.

(e) The initial screening does also 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 residents for risk of being sexually abusive.

(f) Per facility procedure, all residents coming into the facility will have a SVP assessment completed prior to assigning housing. The SVP will also be updated within 30 days of arrival. Resident and intake staff interviews confirmed this process, ensuring the auditor that the initial assessments is completed individually, privately and verbally – not by having the resident complete a questionnaire. The auditor requested and received the SVP for the last five residents to arrive at the facility. All confirmed that an initial assessment has been conducted. It was revealed that all initial assessments were not conducted after arrival, some were completed by the sending facility. Additionally, a reassessment within thirty days was occurring but not with a subsequent interview with the resident. Documentation demonstrating the new process was discussed and changed during the audit. Follow up documentation was provided to the auditor showing compliance with intake assessments completed upon arrival and follow up assessments completed based on the resident's file and private interview, prior to the completion of the report.

(g) Policy and the Sexual Violence Propensity Assessment Scoring Guide for Offenders both require that a resident's risk level will be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness. It requires transgender residents to be reassessed every six months and all other residents to be reassessed annually. Interviews with staff who perform the risk assessment indicated that they know that an updated risk assessment could be completed if referred, requested, or related to an incident of substantiated sexual abuse but did not recall having to do one.

(h) Policy, Sexual Violence Propensity Assessment Scoring Guide for Offenders, interviews with staff who complete the assessment and resident interviews all confirmed that residents would 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.

(i) During the audit, the auditor confirmed that all staff have access to the information that led to the score. The auditor finds this is appropriate controls on the dissemination within the facility, due to the small size of the facility and that resident officers are trained and complete the risk assessment upon arrival.

Policy supports all aspects of the standard provisions. Review of the SVP confirmed that it addresses all requirements of the provision. Update of the intake check list for resident officers to complete on residents was changed on-site. Random requests for completed risk assessments confirmed that it is being conducted upon arrival. The 30-day review has been revised to include affirmative interviews with the residents as required in the most recent FAQ for this standard. On site, resident interviews confirmed that they are asked the key questions verbally, and privately. Interviews with intake staff confirmed that they are trained, use the guidance of the written directions and evaluate all residents for risk of vulnerability or aggressiveness upon intake and within 30 days. Therefore, based on the changes implemented, the auditor found ample evidence to support a finding of compliance

Standard 115.242: Use of screening information

115.242 (a)

- Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? Yes No
- Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.241, with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? Yes No

115.242 (b)

- Does the agency make individualized determinations about how to ensure the safety of each resident? Yes No

115.242 (c)

- When deciding whether to assign a transgender or intersex resident to a facility for male or female residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns residents to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? Yes No
- When making housing or other program assignments for transgender or intersex residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems? Yes No

115.242 (d)

- Are each transgender or intersex resident'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 No

115.242 (e)

- Are transgender and intersex residents given the opportunity to shower separately from other residents? Yes No

115.242 (f)

- 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 residents, does the agency always refrain from placing: lesbian, gay, and bisexual residents 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 residents pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA
- 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 residents, does the agency always refrain from placing: transgender residents 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 residents pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA
- 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 residents, does the agency always refrain from placing: intersex residents 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 residents pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Screening & Risk of Sexual Victimization & Abusiveness) 2403-17
- Observations facility tour – housing/living conditions
- Interviews PREA Coordinator
- Interview with staff who conduct Risk screens
- Sexual Violence Propensity Assessment Scoring Guide for Offenders - Confidential
- Residential Officer Intake Checklist
- Institutional Count sheet showing SVP score and placement

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Screening & Risk of Sexual Victimization & Abusiveness) 2403-17 states, *Use of Screening Information*

Staff uses information from the SVP risk screening required by §115.241 to inform housing, bed, work, education and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive.

The Department makes individualized determinations about how to ensure the safety of each offender.

In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the Department considers on a case-by-case basis whether a placement ensures the offender's health and safety, and whether the placement presents management or security problems.

A transgender or intersex offender's own view with respect to his or her own safety is given serious consideration.

Transgender and intersex offenders are given the opportunity to shower separately from other offenders.

The Department does not place lesbian, gay, bisexual, transgender or intersex offenders in dedicated facilities, units or wings solely on the basis of such identification or status, unless such 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 such offenders.

The Institutional Count sheet shows SVP score and placement. This provides additional evidence to ensure that the facility uses the information from the risk assessment to safety house residents. It is noted on the Residential Officer Intake Checklist that the SVP score is verified before assigning to a room.

(a) (b) The Sexual Violence Propensity Assessment Scoring Guide for Offenders give specific directions on how residents are to be housed based on the outcome of the assessment. Based on the operation of the facility and that residents are leaving to go to work assignments/programming, the auditor concluded that this provides sufficient guidance on keeping residents safe by making informed decision on housing, per facility procedure.

(c) (d) (e) (f) It was confirmed in policy and interviews that a transgender or intersex resident's own view with respect to his or her own safety will be given serious consideration. Generic notes provided to the auditor additionally confirmed that showers were arranged for individual use, searches were conducted by female staff however urinalysis samples were conducted by male staff per the transgender female's preference, female pronouns will be used, per her preference, male staff will announce their presence (male staff interviews confirmed this to be occurring), she is housed individually, etc. Additionally, policy and interviews confirmed that a transgender and intersex resident would be given the opportunity to shower separately from other residents. As stated, per the SVP Scoring Guide, transgender residents are re-assessed every six months.

(g) The auditor concludes that the agency, nor this facility places lesbian, gay, bisexual, transgender, or intersex residents in dedicated facilities, units, or wings solely on the basis of such identification or status. There is no consent decree, legal settlement, or legal judgment in place requiring this. This is based on agency policy, facility policy and observations of three prisons and three residential facilities.

Policy supports the requirements of the standard. Based on the policy, the SVP guide, interview with the staff who is a master trainer, anecdotal information provided regarding how transgender/intersex residents have been housed, review of resident rosters with SVP score, staff knowledge of the score and its use, and the interview with the Program Managers all provided ample evidence for the auditor to find the facility in compliance with the requirements of this standard.

REPORTING

Standard 115.251: Resident reporting

115.251 (a)

- Does the agency provide multiple internal ways for residents to privately report: Sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for residents to privately report: Retaliation by other residents or staff for reporting sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for residents to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents? Yes No

115.251 (b)

- Does the agency also provide at least one way for residents to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? Yes No
- Is that private entity or office able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials? Yes No
- Does that private entity or office allow the resident to remain anonymous upon request?
 Yes No

115.251 (c)

- Do staff members accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? Yes No
- Do staff members promptly document any verbal reports of sexual abuse and sexual harassment? Yes No

115.251 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of residents? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Reporting) 2404-17
- Interviews with residents
- Interview random staff
- FAQ
- Resident Handbook
- Communication with the Ombudsman's Office

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Reporting) 2404-17 states,
PROCEDURE:

Offender Reporting

The Department provides multiple internal ways for offenders to privately report sexual abuse and sexual harassment, retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

Report to staff verbally;

Report to staff in writing;

Report via a kite or grievance form and give to staff.

The Department also informs offenders of at least one (1) way to report abuse or harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward offender reports of sexual abuse and sexual harassment to agency officials, allowing the offender to remain anonymous upon request.

Report to the State Ombudsman's Office;

Report to State Victim Services Coordinator;

Report to District PREA Coordinator or PREA Compliance Manager.

Staff reporting:

Staff accepts reports made verbally, in writing, anonymously and from third parties and promptly documents any verbal reports (2404A, 2404B).

Staff may privately report sexual abuse and sexual harassment of offenders to the PREA Coordinator or designee(s). Initial reports taken from an offender where the alleged incident occurred at a federal, state, county, juvenile correctional or jail setting; treatment facility or while under field services supervision at the federal, state, county or juvenile level are reported immediately to the PREA Coordinator or designee (s).

(a) (b) At intake, the residents are provided with the Resident Handbook. Residents sign acknowledging receipt of this information. In the Handbook, it provides information on how to write or call the Ombudsman. The Iowa Office of Citizens' Aide/Ombudsman is a public entity that is not part of the agency, and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous upon request. The auditor confirmed this with this office via email exchange.

(c) Policy supports the requirements of this provision which includes that staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports. All random staff interviews confirmed to the auditor that staff are aware of these requirements regarding reporting as well. Residents are able to mail letters directly through the post office and do not have to rely on staff for processing mail.

(d) All random staff interviews confirmed to the auditor that they have numerous options for reporting privately and provided the auditor specific examples of how they would accomplish this.

Therefore, the auditor concluded that the facility is compliant with the standard based on the following: policy, review of the investigation, interviews with the residents, interviews with the staff, review of the resident information, observations of the posters and announcements in the facility.

Standard 115.252: Exhaustion of administrative remedies

115.252 (a)

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address resident grievances regarding sexual abuse. This does not mean the agency is exempt simply because a resident 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. Yes No

115.252 (b)

- Does the agency permit residents 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 No NA
- Does the agency always refrain from requiring a resident 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 No NA

115.252 (c)

- Does the agency ensure that: A resident 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 this standard.) Yes No NA
- 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 No NA

115.252 (d)

- 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 residents in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) Yes No NA
- If the agency determines that the 90-day timeframe is insufficient to make an appropriate decision and claims an extension of time (the maximum allowable extension of time to respond is 70 days per 115.252(d)(3)), does the agency notify the resident 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 No NA
- At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, may a resident consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) Yes No NA

115.252 (e)

- Are third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- Are those third parties also permitted to file such requests on behalf of residents? (If a third-party files such a request on behalf of a resident, 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 No NA
- If the resident declines to have the request processed on his or her behalf, does the agency document the resident's decision? (N/A if agency is exempt from this standard.) Yes No NA

115.252 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA

- After receiving an emergency grievance alleging a resident 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 No NA
- 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 No NA
- 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 No NA
- Does the initial response and final agency decision document the agency's determination whether the resident is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- 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 No NA
- 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 No NA

115.252 (g)

- If the agency disciplines a resident for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the resident filed the grievance in bad faith? (N/A if agency is exempt from this standard.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Reporting) 2404-17
- Observations
- Interviews PREA Coordinator
- Review of grievances filed for the previous twelve months
- PAQ
- Review of an investigation
- Resident Handbook

The PAQ indicated the following:

zero grievances regarding sexual abuse
zero of emergency grievances
zero grievances written in bad faith
zero third party grievances.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Reporting) 2404-17 states
Exhaustion of Administrative Remedies

There is no time limit on when an offender may submit a grievance regarding an allegation of sexual abuse.

The Department may apply otherwise applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.

The Department does not require an offender to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

Nothing in this section restricts the Department's ability to defend against a lawsuit filed by an offender on the ground that the applicable statute of limitations has expired.

The Department ensures that:

An offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and

Such grievance is not referred to a staff member who is the subject of the complaint.

The Department issues a final agency decision on the merits of any portion of a grievance alleging sexual abuse within ninety (90) days of the initial filing of the grievance.

Computation of the ninety (90) day time period does not include time consumed by offenders in preparing any administrative appeal.

The Department may claim an extension of time to respond, of up to seventy (70) days, if the normal time period for response is insufficient to make an appropriate decision. The Department notifies the offender in writing of any such extension and provides a date by which a decision is made.

At any level of the administrative process, including the final level, if the offender does not receive a response within the time allotted for reply, including any properly noticed extension, the offender may consider the absence of a response as a denial at that level.

Third parties, including fellow offenders, staff members, family members, attorneys and outside advocates, are permitted to assist offenders in filing requests for administrative remedies relating to allegations of sexual abuse, and are also permitted to file such requests on behalf of offenders.

If a third-party files such a request on behalf of an offender, 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.

If the offender declines to have the request processed on his or her behalf, the agency documents the offender's decision.

The Department establishes procedures for the filing of an emergency grievance alleging that an offender is subject to a substantial risk of imminent sexual abuse.

After receiving an emergency grievance alleging an offender is subject to a substantial risk of imminent sexual abuse, staff immediately forwards the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to management, who provides an initial response within forty-eight (48) hours and issues a final agency decision within five (5) calendar days. The initial response and final Department decision documents the Department's determination whether the offender is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

Offenders may be disciplined for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the offender filed the grievance in bad faith.

The Resident Handbook addresses the Grievance Procedure/Appeal process.

(a) (b) (c)(d) (e) (f) (g) Policy supports the requirements of this standard. At the request of the auditor, the auditor was provided copies of all grievances filed for the year. None specifically grieved an allegation of sexual abuse or sexual harassment. Review of the process demonstrated that grievances can be filed and answered by facility management.

For the reasons stated above, the auditor found the facility to be compliant with the requirements of this standard.

Standard 115.253: Resident access to outside confidential support services

115.253 (a)

- Does the facility provide residents with access to outside victim advocates for emotional support services related to sexual abuse by giving residents mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? Yes No
- Does the facility enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible? Yes No

115.253 (b)

- Does the facility inform residents, 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 No

115.253 (c)

- Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse? Yes No
- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Reporting) 2404-17

- Observations
- Interviews Random residents
- Resident Handbook
- MOU with Riverview
- Interview with Sexual Assault Advocate from Riverview
- Riverview Advocacy Postings

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Reporting) 2404-17 states

Offender Access to Outside Confidential Support Services

The facility provides offenders with access to outside Victim Advocates for emotional support services related to sexual abuse by giving offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State or national victim advocacy or rape crisis organizations, and by enabling reasonable communication between offenders and these organizations, in as confidential a manner as possible (2404C).

The facility informs offenders, prior to giving them access, of the extent to which such communications are monitored and the extent to which reports of abuse are forwarded to authorities in accordance with mandatory reporting laws.

The Department maintains or attempts to enter into a Memorandum of Understanding or other agreements with community service providers that are able to provide offenders with confidential emotional support services related to sexual abuse. The Department maintains copies of agreements or documentation showing attempts to enter into such agreements.

(a) Policy supports the requirement of the standards. As noted above, several options are available to the residents to obtain services. Posters were visible informing residents of the services provided by the Riverview Advocacy, phone number and address. The phone number is available 24 hours a day, 7 days a week. The phone number is posted by the phones and also noted in the Resident Handbook.

(b) Resident interviews confirmed to the auditor that they are aware of a number available, posted by the phones. They believe the call is free and confidential. Currently, telephones available to the residents are pay phones. They indicated to the auditor that they can use the “house phone” , a phone in a private office next to the Resident Officer’s station). Additionally, some residents earn cell phone privileges which can be used when outside the facility.

(c) The facility has a signed MOU with Riverview. A copy was provided to the auditor. Agreements include the following:

- Provide advocacy services
- Assist with safety planning
- Provide support during forensic medical examinations
- Provide support with the investigatory process
- Comply with PREA standards
- Forward reports of abuse once an offender signs a release of information; reports will be forwarded to the facility’s PREA Coordinator.
- Provide assurance that providers meet professional standards of advocacy

An interview was conducted with a Sexual Assault Advocate via telephone on June 18, 2021. She confirmed to the auditor the following:

- Staff maintain qualifications in accordance with those set forth by the Crime Victims Assistance Division in the Attorney General's office, which is a minimum 30 hour training requirement. She confirmed all staff have received the training.
- Her organization has received calls from this facility, but not to report an allegation.
- The phone call is free and confidential by her organization.
- Residents can write the organization
- Her organization does provide emotional support services, crisis intervention, information and relevant referrals.
- The organization is willing to meet with the resident in person in a confidential area at the facility (the MOU confirms that the facility does agree to arrange this).

Finding of compliance is based on the following: The facility does provide access to outside victim support advocates for emotional support services by giving both a phone number and mailing address. Resident's are informed that it is confidential; additionally they have the ability to use a pay phone, house phone or cell phone (when earned). They are able to send mail without having to have a staff do it for them. As noted, there is an MOU with Riverview Advocacy Services.

Standard 115.254: Third-party reporting

115.254 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? Yes No
- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of a resident? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Reporting) 2404-17
- PAQ
- Interviews random offenders
- Interviews with random staff
- Publicly distributed information on how to report resident sexual abuse or sexual harassment on behalf of residents – facility website
- Results of test of website report form

The PAQ indicates that information regarding how to file a third party complaint is posted on the facility website.

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Reporting) 2404-17 states,

Methods of Third-party Reporting

Third parties to offenders may report sexual abuse and/or sexual harassment by contacting any staff member, filing a verbal or written report, assisting an offender with a report or via the Department's website.

The facility website provides a form to submit via the website for reporting. It was tested by the auditor. A response to it was received from one of the investigators within one hour, demonstrating its effectiveness.

Policy, facility website and random staff interviews all confirm that information is publicly posted regarding how to report, and all staff are aware that they are to accept third party allegations. Interviews with residents mostly confirmed that they are aware they can report on behalf of another resident.

OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

Standard 115.261: Staff and agency reporting duties

115.261 (a)

- 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 No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against residents or staff who reported an incident of sexual abuse or sexual harassment? Yes No
- 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 abuse or sexual harassment or retaliation? Yes No

115.261 (b)

- Apart from reporting to designated supervisors or officials, do 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 No

115.261 (c)

- 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 No
- Are medical and mental health practitioners required to inform residents of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services? Yes No

115.261 (d)

- 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 No

115.261 (e)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following An Offender Report) 2405-17
- Interview with an investigator
- Interviews Random staff
- Interview with the PREA Coordinator

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following An Offender Report) 2405-17 states, *Staff and Department Reporting Duties*

A. Staff are required to immediately report any knowledge, suspicion or information regarding an incident of sexual abuse or sexual harassment that occurred in the Men's or Women's Residential Facility; retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

B. Apart from reporting to designated supervisors, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation and other security decisions.

C. Unless otherwise precluded by Federal, State, or local law, mental health practitioners shall be required to report sexual abuse pursuant to paragraph (1) of this section and to inform offenders of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

D. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the Department shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

E. The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the District PREA Coordinator, the Assistant Director, and the District Director.

(a) All random staff interviews confirmed to the auditor that staff are aware they are required 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; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation as required in policy. The interview with the District Director further confirmed that the expectation of this operation is for all allegations of sexual abuse and sexual harassment, including third party and anonymous reports are immediately reported to supervisors and the PREA Coordinator/investigators, for proper action to be initiated.

(b) Staff interviews confirmed that they are aware they are to maintain confidentiality after making a report as required to make treatment, investigation, and other security and management decisions.

(c) This does not apply to this agency; they do not employ medical or mental health professionals.

(d) The facility reports there are no documents of reports to designated State agency in accordance with mandatory reporting for under 18 years old or those considered a vulnerable adult. The interview with the PREA Coordinator confirmed that the investigator/PREA Coordinator would ensure that if an allegation was regarding an elder as defined by state law, a report would be forwarded to the Elder Abuse hotline number. They confirmed that the facility does not allow for residents under the age of 18 to be housed at this program. The auditor found no reason to dispute this during the audit process.

(e) All random staff confirmed their knowledge of who completes investigations. The investigator confirmed that all investigations, or potential investigations (knowledge, suspicion, retaliation, staff neglect) have been immediately reported to the person assigned to conduct the investigation.

Policy supports the requirements of the standard. Resident and staff interviews all confirmed to the auditor that if an allegation or suspicion is received, it will be immediately forwarded to the supervisor. Staff all confirmed they are aware of the requirement to maintain confidentiality. The PREA Coordinator confirmed that mandatory reporting to other agencies would occur. Therefore, this standard is deemed to be in compliance.

Standard 115.262: Agency protection duties

115.262 (a)

- When the agency learns that a resident is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the resident? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following An Offender Report) 2405-17
- Interviews with random staff

- Interview with an investigator
- Interview District Director

The PAQ indicates there have been no instances in which a resident was subject to substantial risk of imminent sexual abuse. The auditor found no reason to dispute this during the audit process.

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following an Offender Report) 2405-17 states, *Agency Protection Duties*

When staff learns that an offender is subject to a substantial risk of imminent sexual abuse, staff shall take immediate action to protect the targeted offender.

Interviews with the District Director, PREA Coordinator and all random staff confirmed that intervention would occur if a staff believed a resident was at imminent risk of sexual abuse, and be supported by supervisors, management and administration. It was relayed to the auditor that they can reassign the resident to a different housing area, or even another district if the situation warranted it.

Policy supports the findings of the standard. Based on the interviews with staff and residents, the auditor believes this facility has a culture of supporting all staff who believe an incident is prevalent and stopping it before it gets physical.

Standard 115.263: Reporting to other confinement facilities

115.263 (a)

- Upon receiving an allegation that a resident 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 No

115.263 (b)

- Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? Yes No

115.263 (c)

- Does the agency document that it has provided such notification? Yes No

115.263 (d)

- Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following An Offender Report) 2405-17
- Interviews PREA Coordinator
- Interview District Director

The PAQ indicates there were no allegations received that resident was abused while confined at another facility, no allegations received from another facility. The auditor found this statistic credible.

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following An Offender Report) 2405-17 states, *Reporting to Other Confinement Facilities*

Upon receiving an allegation that an offender was sexually abused while confined at another facility, the staff receiving such a report contacts the District PREA Coordinator or designee who notifies the head of the facility or appropriate office of the agency where the alleged abuse occurred.

Such notification is provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation.

The PREA Coordinator documents such notification.

The facility head or agency office that receives such notification ensures that the allegation is investigated in accordance with these standards.

(a), (b) (c) (d) Interviews with the District Director and PREA Coordinator affirmed to the auditor that action would be taken immediately (within 72 hours), from the head of the facility to the head of the other facility, if allegations were received at their facility about abuse that occurred at another facility; an investigation would commence upon receiving information from another facility regarding abuse that allegedly occurred at this facility.

Policy supports compliance with the standard. Interviews with the District Director, PREA Coordinator, the PAQ and observations provided the auditor with sufficient evidence to support a finding of compliance.

Standard 115.264: Staff first responder duties

115.264 (a)

- Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?
 Yes No
- Upon learning of an allegation that a resident 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 No
- Upon learning of an allegation that a resident 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 No

- Upon learning of an allegation that a resident 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 No

115.264 (b)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following An Offender Report) 2405-1
- Interviews with the District Director
- Interviews with Random staff security and non security

The PAQ indicates there were no instances where a resident was sexually abused allowing for the collection of evidence. The auditor found this credible.

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following An Offender Report) 2405-1 states, *IV. Staff First Responder Duties*

A. Upon learning of an allegation that an offender was sexually abused, the first security staff member to respond to the report shall be required to:

Separate the alleged victim and abuser;

Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence (when law enforcement arrives);

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

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.

C. 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.

(a), (b) Interviews with resident officers, probation officers and food service staff confirmed that they are knowledgeable regarding the first responder duties should they be the first employee to become aware of allegations of sexual abuse.

Review of the policy and staff interviews provided the auditor with sufficient evidence to support a finding of compliance.

Standard 115.265: Coordinated response

115.265 (a)

- 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 response to an incident of sexual abuse? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following An Offender Report) 2405-1
- Offender on Offender Sexual Assault Allegation Flow sheet
- Staff on Offender Sexual Assault Allegation Flow sheet
- Random staff interviews

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following An Offender Report) 2405-17 states, *Coordinated Response*

There is a written plan (flow charts) 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. (Attachment-flow chart)

The sexual assault flow sheets include all requirements of the standard. All staff interviewed clearly understood the process on how to respond, including the notification to supervisors, investigators, and how to obtain outside medical and mental health services, if warranted.

Review of policy, the response plan, flow charts for Offender-on-Offender Sexual Abuse and Staff on Offender Sexual Abuse, and staff interviews confirmed that the facility has provided sufficient evidence to support a finding of compliance with the requirements of this standard.

Standard 115.266: Preservation of ability to protect residents from contact with abusers

115.266 (a)

- 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 limits the agency's ability to remove alleged staff sexual abusers from contact with any residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? Yes No

115.266 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- AFSCME 2019-2021
- Interview with the District Director
- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following An Offender Report) 2405-17

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following an Offender Report) 2405-17 states, *Preservation of Ability to Protect Offenders From Contact With Abusers*

Neither the Department nor any other governmental entity responsible for collective bargaining on the Departments behalf enters into or renews any collective bargaining agreement or other agreement that limits the Department's ability to remove alleged staff sexual abusers from contact with offenders pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

Nothing in this standard restricts the entering into or renewal of agreements that govern:

The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §115.272 and §115.276; or

Whether a no-contact assignment that is imposed pending the outcome of an investigation is expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

Review of the contract, policy and interview with the District Director confirmed that this union has no power or authority to interfere with changing staff assignments ending an investigation. Therefore, the standard is concluded to be compliant.

Standard 115.267: Agency protection against retaliation

115.267 (a)

- Has the agency established a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff? Yes No
- Has the agency designated which staff members or departments are charged with monitoring retaliation? Yes No

115.267 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? Yes No

115.267 (c)

- 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 residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff? Yes No
- 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 residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff? Yes No
- 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: Act promptly to remedy any such retaliation? Yes No
- 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 resident disciplinary reports? Yes No
- 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 resident housing changes? Yes No
- 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 resident program changes? Yes No
- 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 No
- 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 No

- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? Yes No

115.267 (d)

- In the case of residents, does such monitoring also include periodic status checks?
 Yes No

115.267 (e)

- 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 No

115.267 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following An Offender Report) 2405-17
- Observations:
- Interview with the District Director
- Interview with the Designated staff member charged with monitoring for retaliation
- PAQ

The PAQ indicates there have been no instances of retaliation; there have been no instances of reported sexual abuse or sexual harassment. The auditor found no reason to dispute this during the audit process.

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Official Response Following An Offender Report) 2405-17 states, *Agency Protection Against Retaliation*

The Department protects all offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other offenders or staff and designates which staff members or departments are charged with monitoring retaliation. The PREA Coordinator, Compliance Manager or designee monitors any reports of retaliation as noted above.

The Department employs multiple protection measures, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims and emotional support services for offenders or staff who fear retaliation for reporting sexual abuse or sexual

harassment or for cooperating with investigations.

For at least ninety (90) days following a report of sexual abuse, the Department monitors the conduct and treatment of offenders or staff who reported the sexual abuse and of offenders who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by offenders or staff, and acts promptly to remedy any such retaliation. Items the agency monitors include any offender disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. The Department continues such monitoring beyond ninety (90) days if the initial monitoring indicates a continuing need.

In the case of offenders, such monitoring also includes periodic status checks.

If any other individual who cooperates with an investigation expresses a fear of retaliation, the Department takes appropriate measures to protect that individual against retaliation.

The Department's obligation to monitor terminates if the Department determines that the allegation is unfounded.

The interview with the Director confirms a strong commitment to ensuring that no one experiences retaliation for reporting sexual abuse, sexual harassment, retaliation or staff neglect that may have led to sexual abuse or sexual harassment. He supported this with indicating that the situation would be dealt with swiftly, quick removal of the retaliator, and even considering movement that person experiencing abuse to the other operation in the district, if needed.

The PREA Coordinator would also conduct retaliation monitoring for any allegations received in the district. The interview with the Director and PREA Coordinator all confirmed that they are aware of the requirements of the standard and will monitor using the IDOC data base upon report of an allegation. The auditor reviewed the IDOC data and determined it does prompt the person monitoring for retaliation to meet all of the provisions of the standard. Policy supports the requirements of the standard. Therefore, the auditor deems this to be compliant.

INVESTIGATIONS

Standard 115.271: Criminal and administrative agency investigations

115.271 (a)

- When the agency conducts its own investigations into allegations 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 115.221(a).) Yes No NA
- 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 115.221(a).) Yes No NA

115.271 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.234? Yes No

115.271 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? Yes No
- Do investigators interview alleged victims, suspected perpetrators, and witnesses?
 Yes No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? Yes No

115.271 (d)

- 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 No

115.271 (e)

- 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 resident or staff?
 Yes No
- Does the agency investigate allegations of sexual abuse without requiring a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? Yes No

115.271 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? Yes No
- 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 No

115.271 (g)

- 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 No

115.271 (h)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?
 Yes No

115.271 (i)

- Does the agency retain all written reports referenced in 115.271(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? Yes No

115.271 (j)

- 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 No

115.271 (k)

- Auditor is not required to audit this provision.

115.271 (l)

- 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 115.221(a).) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Investigations) 2406-17
- Interviews Investigative staff
- PAQ
- Review of the agency wide data base
- Interview with the District Director

The PAQ indicates there have been no substantiated allegations referred for criminal prosecution since last PREA audit. The auditor found no reason to dispute this during the audit process.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Investigations) 2406-17 states,

1. *Criminal and Administrative Investigations*

Investigations into allegations of sexual abuse and sexual harassment are done promptly, thoroughly and objectively for all allegations, including third-party and anonymous reports.

A. *Where sexual abuse is alleged, the agency uses investigators who have received special training in sexual abuse investigations pursuant to §115.234.*

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

C. *When the quality of evidence appears to support criminal prosecution, the agency conducts compelled interviews only after consulting with the local legal authorities having jurisdiction to*

determine if further investigation is warranted.

D. *The credibility of an alleged victim, suspect or witness is assessed on an individual basis and is not determined by the person's status as offender or staff. The Department does not require an offender who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.*

E. *Administrative investigations:*

Include an effort to determine whether staff actions or failures to act contributed to the abuse; and Are documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and investigative facts and findings.

F. *Criminal investigations:*

Are 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.

When outside agencies are investigating allegations of sexual abuse, the facility cooperates with outside investigators and their endeavors to remain informed about the progress of the investigation. Substantiated allegations of conduct that appears to be criminal are referred for prosecution.

G. *The Department retains all written reports referenced in paragraphs F-G of this section for as long as the alleged abuser is incarcerated or employed by the Department, plus five (5) years.*

H. *The departure of the alleged abuser or victim from the employment or control of the facility or Department does not provide a basis for terminating an investigation.*

I. *Any State entity or Department of Justice component that conducts such investigations does so pursuant to the above requirements.*

(a)(b)(c)(d) (e) (f) (g)(h)(i)(j) The policy supports the requirements of all provisions of the standard. The interview with the investigator indicates that she uses the Department wide data base for initiating and tracking investigations, including suspicions. Additionally, the interview confirmed the following: all allegations of sexual abuse and sexual harassment as well as retaliation are and have been referred for investigation; third party and anonymous complaints would also be investigated in the same manner; once an investigation appears to be criminal, the investigator would contact the prosecutor's office for direction; staff actions or failures are analyzed in the course of the investigation to identify areas needing additional training and the investigation will continue even if the alleged victim or alleged perpetrator left the facility. The facility utilizes the IDOC database for logging, initiating, tracking and closing all investigations, including suspicions. Additionally, both investigators confirmed to the auditor that evidence is preserved in the PREA Coordinator's office, the auditor viewed evidence in the secure area.

(k) Auditor not required to audit this provision.

The policy requires that all provisions of the standard be addressed. The interview with the investigator confirmed that all provisions of the standard is a part of any investigation initiated.

Standard 115.272: Evidentiary standard for administrative investigations

115.272 (a)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Investigations) 2406-17
- Interviews with the investigator(s)/PREA Coordinator
- Review of one completed investigation

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Investigations) 2406-17 states, *Evidentiary Standard for Administrative Investigations*
The Department imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Policy and the interview with investigators/PREA Coordinator confirm that this is the standard to substantiate an administrative hearing. Review of the completed investigation supported compliance with this standard. Therefore, the standard is deemed compliant.

Standard 115.273: Reporting to residents

115.273 (a)

- Following an investigation into a resident's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? Yes No

115.273 (b)

- If the agency did not conduct the investigation into a resident's allegation of sexual abuse in the agency's facility, does the agency request the relevant information from the investigative agency in order to inform the resident? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) Yes No NA

115.273 (c)

- Following a resident'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 posted within the resident's unit? Yes No
- Following a resident'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 No

- Following a resident'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 No
- Following a resident'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 No

115.273 (d)

- Following a resident's allegation that he or she has been sexually abused by another resident, 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 No
- Following a resident's allegation that he or she has been sexually abused by another resident, 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? Yes No

115.273 (e)

- Does the agency document all such notifications or attempted notifications? Yes No

115.273 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Investigations) 2406-17
- PAQ
- Interview with the District Director
- PREA Notification form

The PAQ indicates the following:

Zero investigations of alleged sexual abuse completed

Zero investigations of alleged sexual abuse completed where resident was notified of the results (verbally or in writing)
Zero sexual abuse investigations completed by an outside agency
Zero notifications of the results of an investigation completed by an outside agency
Zero substantiated cases of staff sexual abuse
Zero notifications made pursuant to those
Zero notification provided to residents
Zero of those that is documented

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Investigations) 2406-17 states,
Reporting to Offenders

Following an investigation into an offender's allegation of sexual abuse suffered in a Department facility, the Department informs the offender as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.

If the Department did not conduct the investigation, it requests the relevant information from the investigative agency in order to inform the offender.

Following an offender allegation that a staff member has committed sexual abuse against the offender the Department subsequently informs the offender (unless the Department has determined that the allegation is unfounded) whenever:

- 1) *The staff member is no longer in the offender's facility;*
- 2) *The staff member is no longer employed at the facility;*
- 3) *The Department learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or*
- 4) *The Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.*

Following an offender's allegation that he or she has been sexually abused by another offender, the Department subsequently informs the alleged victim whenever:

- 1) *The Department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or*
- 2) *The Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.*

All such notifications or attempted notifications are documented.

The Department's obligation to report under this standard is terminated if the offender is released from the Department's custody.

(a) (b)(c)(d) (e) The facility's policy supports the requirements of the standard. Additionally, the investigator(s)/PREA Coordinator confirmed that notices are required and would be sent. The interview with the District Director further supported that the facility would make a notification of whether the investigation was substantiated, unsubstantiated or unfounded to all residents who have made an allegation of sexual abuse or sexual harassment.

Policy and interviews all confirmed to the auditor that there is sufficient evidence to support a finding of compliance.

DISCIPLINE

Standard 115.276: Disciplinary sanctions for staff

115.276 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies? Yes No

115.276 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? Yes No

115.276 (c)

- 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 No

115.276 (d)

- 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 No
- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Discipline) 2407-17
- Interviews with the PREA Coordinator
- Interview with the District Manager
- PAQ

The PAQ indicates there have been zero of staff who have been disciplined for violation of agency sexual abuse or sexual harassment policies, zero staff who have been reported to law enforcement or licensing bodies following termination or resignation for violating agency sexual abuse or sexual harassment policies. The auditor found no reason to dispute this during the audit process.

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community

Confinement Standards (PREA Discipline) 2407-17 states,
Disciplinary Sanctions for Staff

Staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.

Termination is the presumptive disciplinary sanction for staff who has engaged in sexual abuse.

Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed the staff member's disciplinary history and the sanctions imposed for comparable offenses by other staff with similar histories.

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, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

(a) (b) (c)(d) Policy supports the requirements of the standard. The PREA Coordinator and District Director confirmed that these provisions would be followed in the event that a staff is the subject of a sexual abuse investigation, which is substantiated. Therefore, the auditor finds sufficient evidence to find the facility to be compliance with the requirements of this standard.

Standard 115.277: Corrective action for contractors and volunteers

115.277 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with residents? Yes No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies unless the activity was clearly not criminal? Yes No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? Yes No

115.277 (b)

- 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 residents? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Discipline) 2407-17
- Interviews PREA Coordinator

- PAQ
- Interview with the District Director

The PAQ indicates there have been no contractors or volunteers who have been reported to law enforcement and/or relevant licensing bodies. The auditor found no reason to dispute this during the audit process. Specifically, there have been no volunteers in the facility in the last year due to the coronavirus pandemic, nor does the facility use contractual staff.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Discipline) 2407-17 states,

Corrective Action for Contractors and Volunteers

Any contractor or volunteer who engages in sexual abuse is prohibited from contact with offenders and is reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

The facility takes appropriate remedial measures, and considers whether to prohibit further contact with offenders, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

(a) (b) Policy supports the requirements of the standard. The PREA Coordinator and District Director confirmed that these provisions would be followed in the event that a volunteer or contractual staff is the subject of a sexual abuse investigation, which is substantiated. As noted, there has been no volunteers in the facility due to the coronavirus pandemic. There has been no contractual staff assigned to this facility. Therefore, the auditor finds sufficient evidence to find the facility to be compliance with the requirements of this standard.

Standard 115.278: Interventions and disciplinary sanctions for residents

115.278 (a)

- Following an administrative finding that a resident engaged in resident-on-resident sexual abuse, or following a criminal finding of guilt for resident-on-resident sexual abuse, are residents subject to disciplinary sanctions pursuant to a formal disciplinary process? Yes No

115.278 (b)

- Are sanctions commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories? Yes No

115.278 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether a resident's mental disabilities or mental illness contributed to his or her behavior? Yes No

115.278 (d)

- 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 resident to participate in such interventions as a condition of access to programming and other benefits? Yes No

115.278 (e)

- Does the agency discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact? Yes No

115.278 (f)

- 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 evidence sufficient to substantiate the allegation? Yes No

115.278 (g)

- If the agency prohibits all sexual activity between residents, does the agency always refrain from considering non-coercive sexual activity between residents to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between residents.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Discipline) 2407-17
- Interviews PREA Coordinator
- Resident Handbook
- State of Iowa Department of Corrections Chapter 8 Work Release/OWI Programs Community Based Programs Rule Violations, Disciplinary Process, time loss and Appeals
- Interview with the District Director and Division Director
- Federal Bureau of Prisons (BOP) Disciplinary Procedure

The PAQ indicates there have been no administrative or criminal findings of guilt for resident-on-resident sexual abuse during the audit reporting period.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Discipline) 2407-17 states,

Disciplinary Sanctions for Offenders

Offenders are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse or following a criminal finding of guilt for offender-on-offender sexual abuse.

Sanctions are commensurate with the nature and circumstances of the abuse committed the offender's disciplinary history and the sanctions imposed for comparable offenses by other offenders with similar

histories.

The disciplinary process considers whether an offender's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, are imposed.

If the facility offers therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility considers whether to require the offending offender to participate in such interventions as a condition of access to programming or other benefits.

The Department may discipline an offender for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

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 does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

The Department may, in its discretion, prohibit all sexual activity between offenders and may discipline offenders for such activity. The Department may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

(a) (b) (g) State of Iowa Department of Corrections Chapter 8 Work Release/OWI Programs Community Based Programs Rule Violations, Disciplinary Process, time loss and Appeals is a 24-page policy that applies to community programs that dictates all the requirements for the disciplinary process including a formal hearing, the sanctioning process and confirms that sanctions are commensurate with the nature and circumstances of the abuse, disciplinary sanctions are progressive.

The auditor reviewed the BOP disciplinary regulations. It confirms that it applies to all persons in the custody of the Federal Bureau of Prisons or Bureau contract facilities . . . It states that Community Corrections Managers may take disciplinary action on inmates in contract RRC s. Disciplinary sanctions are commensurate with the charge of the offense. Additionally, it confirms that If a resident appears mentally ill or unable to understand the disciplinary process at any stage of the discipline process, he will be examined by mental health staff. "Staff may take no discipline action against an inmate who is determined by a mental health professional to be incompetent to participate in the disciplinary proceedings or not responsible for his/her behavior."

(c) (d) (e) (f) Policy supports the following: the disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed; if the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending resident to participate in such interventions as a condition of access to programming or other benefits; the agency may discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact; and 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, even if an investigation does not establish evidence sufficient to substantiate the allegation. The auditor discussed the myriad of possibilities with the District Director. These discussions supported those sanctions can include in-house sanctioning to revocation to prison, to being arrested for new charges. Additionally, it was stated that the facility would treat every case individually and look for mitigating and aggravating factors before making decisions on discipline. The facility had no examples of disciplinary action for sexual abuse to review. Additionally, the Resident Handbook advises residents of potential disciplinary action for minor and major infractions.

Finding of compliance is based on the following: Facility policy directs that all requirements of the standard be enforced. As stated, the PAQ indicates there have been no administrative or criminal findings of guilt for resident-on-resident sexual abuse during the audit reporting period. The interview with the Director and PREA Coordinator provided further assurance that the provisions of the standard would be followed.

MEDICAL AND MENTAL CARE

Standard 115.282: Access to emergency medical and mental health services

115.282 (a)

- Do resident 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 No

115.282 (b)

- 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 § 115.262? Yes No
- Do security staff first responders immediately notify the appropriate medical and mental health practitioners? Yes No

115.282 (c)

- Are resident 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 No

115.282 (d)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Medical and Mental Health Care) 2408-17
- Iowa SAE Protocol
- MOU Victim Advocacy Services
- Interviews with potential first responders
- Coordinated response plans - Offender on Offender, Staff on Offender

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Medical and Mental Health Care) 2408-17 states, *Access to Emergency Medical and Mental Health Services*

Offender victims of sexual abuse receives timely, unimpeded access to emergency medical treatment in the community and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

A. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders take preliminary steps to protect the victim pursuant to §115.262 and immediately notify appropriate medical and mental health practitioners.

B. Offender victims of sexual abuse while incarcerated/in the residential facility are 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.

C. Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Attorney General's Crime Victim Compensation Fund (1-800-373-5044).

(a)(b) Policy supports that victim will receive unimpeded access to emergency medical treatment and crisis intervention services. This is further supported by the MOU with Riverview. The coordinated response plans and responses to random staff interviews both provided evidence for the auditor to believe that medical assistance would be immediately sought for the resident victim of sexual abuse.

(c) Policy confirm that the resident victims of sexual abuse would be 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. The Iowa SAE protocol supports that this treatment would be provided.

(d) Iowa SAE Protocol states, APPENDIX C - PAYMENT FOR SEXUAL ASSAULT EXAMS

The State of Iowa pays for a sexual assault examination regardless of whether the victim reports the crime to law enforcement.

All resident medical treatment is provided in a community setting. Based on this and the documentation provided, the auditor finds that the requirements of the standard are required to be met if a sexual abuse incident occurred at this facility.

Standard 115.283: Ongoing medical and mental health care for sexual abuse victims and abusers

115.283 (a)

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? Yes No

115.283 (b)

- 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 No

115.283 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care? Yes No

115.283 (d)

- Are resident 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 residents 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 No NA

115.283 (e)

- If pregnancy results from the conduct described in paragraph § 115.283(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 residents 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 No NA

115.283 (f)

- Are resident victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? Yes No

115.283 (g)

- 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 No

115.283 (h)

- Does the facility attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

Does Not Meet Standard (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Medical and Mental Health Care) 2408-17 states,
- Iowa SAE appendix

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Medical and Mental Health Care) 2408-17 states, *Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers*

A. *Medical and mental health evaluation and, as appropriate, treatment to all offenders who have been victimized by sexual abuse in any prison, jail, lockup or juvenile facility is available in the community.*

B. *The evaluation and treatment of such victims includes, as appropriate, follow-up services, treatment plans and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody.*

C. *Offender victims of sexually abusive vaginal penetration while incarcerated/in the residential facility are offered pregnancy tests at the hospital.*

D. *If pregnancy results from conduct specified in paragraph (C) of this section, such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services in the community.*

E. *Offender victims of sexual abuse while incarcerated/in the residential facility are offered tests for sexually transmitted infections as medically appropriate.*

F. *Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.*

G. *The facility attempts to conduct a mental health evaluation of all known offender-on-offender abusers within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.*

(a) (b) (c) (e) (f) In addition to policy, SAE Iowa Protocol provides the following information regarding resources for follow up care which can be used by the residents of this facility and continued onto release:

Sexually Transmitted Infections For current treatment guidelines: Centers for Disease Control & Prevention Sexually Transmitted Diseases Treatment Guidelines 2015:

<http://www.cdc.gov/std/tg2015/tg-2015-print.pdf> or, the Pocket Guide can be downloaded at:

<http://www.cdc.gov/std/tg2015/2015-pocket-guide.pdf>). For information on HIV prophylaxis in

adults/adolescents, see: Centers for Disease Control & Prevention, Preexposure Prophylaxis for the Prevention of HIV Infection in the United States – 2014 Clinical Practice Guidelines.

<http://www.cdc.gov/hiv/pdf/prepguidelines2014.pdf> See also Antiretroviral Postexposure Prophylaxis After Sexual, Injection-Drug Use, or Other Nonoccupational Exposure to HIV in the United States.

MMWR, January 21, 2005 / 54(RR02); 1-20. Centers for Disease Control & Prevention homepage:

<http://www.cdc.gov/> New York Health Department HIV Clinical Resources:

<http://www.hivguidelines.org/clinicalguidelines/post-exposure-prophylaxis/hiv-prophylaxis-following-non-occupationalexposure-including-sexual-assault/> National Clinician's HIV/AIDS Consultation Center for

warm/hot lines: <http://www.nccc.ucsf.edu/> For STD clinic sites in Iowa see the Iowa STD Clinics

website: <http://yourstdhelp.com/iowa.html> For Iowa STD program information/statistics:

<http://idph.iowa.gov/hivstdhlep/std/resources> For information on HIV testing and treatment sites and

HIV/AIDS information/stats in Iowa see Iowa Department of Public Health website:

<http://idph.iowa.gov/hivstdhep/hiv> Emergency Contraception The Emergency Contraception Website. Operated by Princeton University and the Association of Reproductive Health Professionals (it has no connection with pharmaceutical companies). <http://ec.princeton.edu/>. Iowa Adult Sexual Assault Protocol Appendix C APPENDIX C - PAYMENT FOR SEXUAL ASSAULT EXAMS The State of Iowa pays for a sexual assault examination regardless of whether the victim reports the crime to law enforcement. This is done to ensure that prosecutors and law enforcement officers will have evidence efficiently and effectively collected if the victim later reports that crime. Funds for the Sexual Abuse Examination Payment Program come from the Crime Victim Compensation Fund. That fund is comprised entirely of fines and penalties paid by convicted criminals. Iowa Code 709§10, states that "The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing venereal disease shall be paid from the fund established in section 915.94." Hospitals, physicians and other medical providers who collect and process evidence of sexual abuse submit bills directly to the Sexual Abuse Examination Payment Program. In the event that a victim is erroneously billed and pays for the cost of the evidence collection, the program will reimburse that victim. Bills should be sent to: Sexual Assault Examination Program Iowa Attorney General's Office Lucas Building, Ground Floor 321 E. 12th St. Des Moines IA 50319 For questions, contact (515) 281-5044 or Toll Free: (800) 373-5044 See also the Iowa Attorney General's Office website, "Sexual Assault Examination Payment Program:" (<https://www.iowaattorneygeneral.gov/for-crime-victims/sexual-assault-examinationpayment-program/>) For more information regarding how to apply for payment for sexual assault exams in your institution, see the Iowa Administrative Rules website, section 61-9.82(915), "Application for Sexual Abuse Examination Payment." In some cases, particularly when the victim does choose to report the crime to law enforcement, additional expenses for medical treatment, counseling, lost wages due to the crime, or reimbursement for clothing may be covered by the Iowa Crime Victim Compensation Program. For more information, go to: <https://www.iowaattorneygeneral.gov/for-crimevictims/crime-victim-comp>. Additionally, the facility also provided the following resources in the State of Iowa that would be afforded to residents of the facility and continued into the community: Crime Victim Compensation Program and Iowa Protective Order Notification for Domestic Abuse Program (IPONDA).

In addition to policy, the SAE Iowa Protocol supports that treatment is provided in the community and therefore consistent with community level of care.

(d) is not applicable to this facility as it houses only males.

(g)The policy confirms that 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. SAE Iowa Protocol additionally supports this requirement.

(h) It is highly unlikely that a known resident-on-resident abuser would be allowed to remain at the residential center, therefore, attempts to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners would be conducted at the receiving prison. The auditor reviewed policy at the Iowa DOC when conducting audits at the prison and found this provision would be compliant, for those residents who would be sent to the prison system.

Finding of compliance is based on the following: Policy supports the requirements of the standard. Medical and mental health care for residents is through community providers therefore services would be consistent with community standards of care. Additionally, the State of Iowa offers numerous resources that would be afforded to the residents as they are in the community to get follow up care as required by this standard.

DATA COLLECTION AND REVIEW

Standard 115.286: Sexual abuse incident reviews

115.286 (a)

- 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 No

115.286 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation? Yes No

115.286 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? Yes No

115.286 (d)

- 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 No
- 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 No
- 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 No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? Yes No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? Yes No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.286(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? Yes No

115.286 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Data Collection and Review) 2409-17
- Iowa Department of Corrections Investigation Data base
- Interviews PREA Coordinator /Incident Review Team Member
- PAQ
- Interview with the Director

Upon review of the PAQ and incidents that have occurred since it was compiled, there have been zero criminal investigations, zero administrative investigations for sexual abuse completed. One was for resident-on-resident harassment and the other for staff on resident harassment/retaliation.

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Data Collection and Review) 2409-17 states,

Sexual Abuse Incident Reviews:

The facility 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.

Such review ordinarily occurs within thirty (30) days of the conclusion of the investigation.

The review team includes upper-level management officials, with input from line supervisors, investigators and medical or mental health practitioners.

The review team:

Considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse;

Considers 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;

Examines the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;

Assesses the adequacy of staffing levels in that area during different shifts;

Assesses whether monitoring technology is deployed or augmented to supplement supervision by staff; and

Prepares a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs D1 through D4 of this section, and any recommendations for improvement, and submits such report to the PREA Compliance Manager, PREA Coordinator and District Director.

The facility implements the recommendations for improvement, or documents its reasons for not doing so.

(a) (b) (c) (d) (e) Policy and interview with the staff who are on the sexual abuse incident review team (PREA Coordinator) support all aspects of the standard provisions. It was reported that these findings would be documented on the Iowa DOC data base. Evidence of prior reviews at other operations from the data base confirmed to the auditor that all provisions of the standard are addressed through this

data base. The interview with the District Director provided to the auditor a strong commitment to the requirements of the review, ensuring that all aspects as required by this standard would be addressed. Therefore, the auditor believes the facility would review an incident as required and considers the facility to be in compliance.

Standard 115.287: Data collection

115.287 (a)

- 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 No

115.287 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually? Yes No

115.287 (c)

- 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 No

115.287 (d)

- 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 No

115.287 (e)

- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents? (N/A if agency does not contract for the confinement of its residents.) Yes No NA

115.287 (f)

- 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 No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Interview - Facility PREA Coordinator

- Definitions used for collecting data
- Annual report of findings from data reviews/corrective actions
- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Data Collection and Review) 2409-17
- PREA 2400 DEFINITIONS 08-2013

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Data Collection and Review) 2409-17 states,
Data Collection

The Department collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.

The Department aggregates the incident-based sexual abuse data at least annually.

The incident-based data collected includes, 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 Department maintains, reviews, and collects data as needed from all available incident-based documents including reports, investigation files and sexual abuse incident reviews.

Upon request, the Department provides all such data from the previous calendar year to the Department of Justice no later than June 30.

The Department reviews data collected and aggregated pursuant to §115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training, including:

- *Identifying problem areas;*
- *Taking corrective action on an ongoing basis; and*
- *Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.*

Such report includes a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of the agency's progress in addressing sexual abuse.

The Department's report is approved by the District Director and made readily available to the public online at 6th.PREA@iowa.gov

The Department 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.

PREA 2400 DEFINITIONS 08-2013 supports the following definitions:

Agency - means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

Agency head - means the principal official of an agency.

Community confinement facility - means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.

Contractor - means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Detainee - means any person detained in a lockup, regardless of adjudication status.

Direct staff supervision - means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee - means a person who works directly for the agency or facility.

Exigent circumstances - means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility - means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

Facility head - means the principal official of a facility.

Full compliance - means compliance with all material requirements of each standard except for de minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance.

Gender nonconforming - means a person whose appearance or manner does not conform to traditional societal gender expectations.

Inmate - means any person incarcerated or detained in a prison or jail.

Intersex - means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Jail - means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

Juvenile - means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

Juvenile facility - means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Law enforcement staff - means employees responsible for the supervision and control of detainees in lockups.

Lockup - means a facility that contains holding cells, cell blocks, or other secure enclosures that are:
(1) Under the control of a law enforcement, court, or custodial officer; and
(2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

Medical practitioner - means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental health practitioner - means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Pat-down search - means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

Preponderance of the Evidence – SAME AS PREA INVESTIGATION FINDINGS means the greater weight of the evidence; superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other. This is the burden of proof in a civil trial, in which the jury is instructed to find for the party that, on the whole, has the stronger evidence, however slight that may be.

Prison - means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Resident - means any person confined or detained in a juvenile facility or in a community confinement facility.

Secure juvenile facility - means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

Security staff - means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

Staff - means employees.

Strip search - means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia.

Substantiated allegation - means an allegation that was investigated and determined to have occurred. PREA INVESTIGATION FINDINGS (The investigation found a preponderance of the evidence that shows the allegation to be true.)

Transgender - means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.

Unfounded allegation - means an allegation that was investigated and determined not to have occurred. PREA INVESTIGATION FINDINGS (A preponderance of the evidence indicates the allegation to be untrue. Does not mean that the investigation failed to prove that the misconduct happened.)

Unsubstantiated allegation - means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred. PREA INVESTIGATION FINDINGS (The evidence is insufficient to prove the allegation true or false, a

preponderance of credible evidence has not been obtained. The evidence is inconclusive, cannot show the allegation did happen nor that it did not happen.

Volunteer - means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

Youthful inmate - means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

Youthful detainee - means any person under the age of 18 who is under adult court supervision and detained in a lockup.

Sexual abuse includes:

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and*
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.*

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;*
- (2) Contact between the mouth and the penis, vulva, or anus;*
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and*
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.*

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;*
- (2) Contact between the mouth and the penis, vulva, or anus;*
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;*
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;*
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;*
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;*
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and*
- (8) Voyeurism by a staff member, contractor, or volunteer.*

Voyeurism by a staff member, contractor, or volunteer - means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes:

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and*
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.*

(a) Policies define the behavior relevant to a PREA violation. It is consistent with the standard definitions.

(b) An annual report has been completed which aggregates the incident-based sexual abuse data at least annually. It includes the following categories:

Offender-on-Offender Abusive Contact
Offender-on-Offender Non-Consensual Acts
Offender on Offender Precursor Behavior
Offender on Offender Retaliation
Staff Sexual Harassment
Staff Sexual Misconduct
Staff Retaliation

(c) The data can provide information consistent with the questions from the most recent version of the Survey of Sexual Victimization conducted by the Department of Justice. It was reported by staff that they have not been asked to complete the survey.

(d) All data, including investigation summaries and sexual abuse incident reviews would be stored in the Department of Corrections (Iowa) data base and therefore is securely stored.

(e) This facility does not contract with private facilities.

(f) Not applicable

The auditor found the standard to be in compliance for the following reasons: Policy supports the requirements including using standardized definitions of behavior, the auditor reviewed the annual reports and found it has uniform data from all sexual harassment, sexual misconduct, or sexual abuse allegations, which occurred in the 6th District Residential Facilities.

Standard 115.288: Data review for corrective action

115.288 (a)

- Does the agency review data collected and aggregated pursuant to § 115.287 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 No
- Does the agency review data collected and aggregated pursuant to § 115.287 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 No
- Does the agency review data collected and aggregated pursuant to § 115.287 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? Yes No

115.288 (b)

- 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 No

115.288 (c)

- 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 No

115.288 (d)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Data Collection and Review) 2409-17
- Interviews PREA Coordinator
- Interview with District Director
- Annual report of findings from data reviews/corrective actions
- Facility website 6th.PREA@iowa.gov

Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Data Collection and Review) 2409-17 states,
Data Review for Corrective Action

The Department reviews data collected and aggregated pursuant to §115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training, including:

- *Identifying problem areas;*
- *Taking corrective action on an ongoing basis; and*
- *Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.*

Such report includes a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of the agency's progress in addressing sexual abuse.

The Department's report is approved by the District Director and made readily available to the public online 6th.PREA@iowa.gov

The Department 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.

(a) Upon review of the annual report for 2020, approved by the Director April 2021, there an assessment of data aggregated from 2020. The report has sections for the following:

(1) Identifying problem areas; emphasis on continuing to create a culture of zero tolerance for sexual abuse and sexual harassment was noted.

(2) Taking corrective action on an ongoing basis; it addressed continued training for staff. It additionally addresses an assessment of the Department's progress in addressing sexual abuse. Statistics would conclude that there is progress towards prevention of sexual abuse and sexual harassment. The conclusion was to continue to increase awareness and reporting of sexual related incidents and encourage staff to be mindful of potential areas of concern. It reinforces continual education to all staff.

(b) The report includes a comparison of the current year's data and corrective actions with those from prior years and a review of the decreased allegations that have occurred, concluding this to represent progress in achieving the goal of eliminating sexual abuse and sexual harassment.

(c) The report is approved by the District Director. The auditor found the report on the facility webpage.

(d) The auditor reviewed the most current Annual report. No redactions were required on the Corrective Action Plan.

Policy, review of the Annual Report, and interview with the Director and PREA Coordinator provided the auditor with sufficient evidence to support a finding of compliance.

Standard 115.289: Data storage, publication, and destruction

115.289 (a)

- Does the agency ensure that data collected pursuant to § 115.287 are securely retained?
 Yes No

115.289 (b)

- 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 No

115.289 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? Yes No

115.289 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.287 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Sixth District Department of Correctional Services Sexual Misconduct With Offenders Community Confinement Standards (PREA Data Collection and Review) 2409-17
- Interviews PREA Coordinator
- Annual report of findings from data reviews/corrective actions – 2019 and 2020
- Facility website

Sixth District Department of Correctional Services Sexual Misconduct with Offenders Community Confinement Standards (PREA Data Collection and Review) 2409-17 states, *Data storage, Publication and Destruction*

- A. *The Department ensures that data collected pursuant to §115.287 are securely retained.*
- B. *The Department makes 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 online.*
- C. *Before making aggregated sexual abuse data publicly available, the Department removes all personal identifiers.*
- D. *The Department maintains sexual abuse data collected pursuant to §115.287 for at least ten (10) years after the date of the initial collection unless Federal, State or local law requires otherwise.*

(a) (b) (c) (d) Facility policy ensures that data collected pursuant to § 115.87 are securely retained. Review of the report supports that it includes data from all residential operations in the 6th district. The facility does not contract with private facilities. The auditor checked the facility webpage and found reports for 2019 and 2020. Review of the reports concluded that no personal identifiers need to be removed. Policy supports that the data collected will be retained for at least ten years. The interview with the PREA Coordinator confirmed compliance with the requirements of the data collection standards. Based on above, the auditor finds the requirements of the standard have been met.

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

115.401 (a)

- 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 No

115.401 (b)

- Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.) Yes 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.) Yes No NA
- 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 No NA

115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility? Yes No

115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? Yes No

115.401 (m)

- Was the auditor permitted to conduct private interviews with residents? Yes No

115.401 (n)

- Were residents permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

(a) During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once. (b) During each one-year period starting on August 20,

2013, the agency shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.

Lary A. Nelson/Gerald R. Hinzman Residential Facility are two of four facilities contracted by the Iowa Department of Corrections in the 6th district. They have been audited every three years.

(c) The Department of Justice may send a recommendation to an agency for an expedited audit if the Department has reason to believe that a particular facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the agency with PREA-related issues.

No referral or recommendation has been made by the Department of Justice regarding these facilities.

(d) The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.

The PREA Resource Audit Instrument used for Adult Prisons and Jails is furnished by the National PREA Resource Center. This tool includes the following: A) Pre-Audit Questionnaire, sent by Fort Des Moines Men's Residential Facility; B) the Auditor Compliance Tool; C) Instructions for the PREA Audit Tour; D) the Interview Protocols; E) the Auditor's Summary Report; F) the Process Map; and G) the Checklist of Documentation. In addition, the Auditor Handbook 2021 was used to guide the audit process.

(e) The agency shall bear the burden of demonstrating compliance with the standards. **Documentation used to support compliance was provided by the agency/facility.**

(f) The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility type. **See comments in the report.**

(g) The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period. **See comments in the report.**

(h) The auditor shall have access to, and shall observe, all areas of the audited facilities. **See comments in the report.**

(i) The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information). **The auditor was not denied access to or copies of any documents requested.**

(j) The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request. **The auditor has retained documents used to determine compliance.**

(k) The auditor shall interview a representative sample of residents, residents, and detainees, and of staff, supervisors, and administrators. **See report – methodology.**

(l) The auditor shall review a sampling of any available videotapes and other electronically available data (e.g., Watchtour) that may be relevant to the provisions being audited.

The auditor was able to view and analyze video monitoring stations at the facility.

(m) The auditor shall be permitted to conduct private interviews with residents, residents, and detainees.

The auditor was allowed to conduct private interviews with residents, and staff.

(n) Residents, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

Posters were visible during the audit. The auditor asked residents if they saw the posters and/or were aware of the audit. Most did not indicate yes but were not concerned about sexual abuse or sexual harassment. No confidential correspondence letter was received from staff or residents.

(o) Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility. **The auditor was able to communicate with a sexual assault advocate from the organization who has an MOU with these facilities. Comments of the interview are noted in the report.**

Standard 115.403: Audit contents and findings

115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY 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 that there has never been a Final Audit Report issued.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

(a) Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review. – **noted in report**

(b) Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards - **noted in report**

(c) For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings: Exceeds Standard (substantially exceeds requirement of standard); Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period); Does Not Meet Standard (requires corrective action). The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level. – **noted in report**

(d) Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility, and shall include recommendations for any required corrective action. – **noted in report**

(e) Auditors shall redact any personally identifiable resident or staff information from their reports, but shall provide such information to the agency upon request, and may provide such information to the Department of Justice. **No redactions required**

(f) The agency shall ensure that the auditor's final report is published on the agency's website if it has one or is otherwise made readily available to the public. **See policy.**

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any resident or staff member, except where the names of administrative personnel are specifically requested in the report template.

Amy J. Fairbanks

July 9, 2021

Auditor Signature

Date