

PREA Facility Audit Report: Final

Name of Facility: Kanabec County Jail

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 03/25/2025

Auditor Certification

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.



I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.



Auditor Full Name as Signed: Debora A. Zauhar

Date of Signature: 03/25/2025

AUDITOR INFORMATION

Auditor name: Zauhar, Debora

Email: debora.zauhar@gmail.com

Start Date of On-Site Audit: 02/11/2025

End Date of On-Site Audit: 02/12/2025

FACILITY INFORMATION

Facility name: Kanabec County Jail

Facility physical address: 100 South Vine Street, Mora, Minnesota - 55051

Facility mailing address:

Primary Contact

Name:	Derek Hippen
Email Address:	derek.hippen@co.kanabec.mn.us
Telephone Number:	3206798402

Warden/Jail Administrator/Sheriff/Director

Name:	Chris Bergwick
Email Address:	chris.bergwick@co.kanaebc.mn.us
Telephone Number:	320-679-8416

Facility PREA Compliance Manager

Name:	
Email Address:	
Telephone Number:	

Facility Health Service Administrator On-site

Name:	Judy Schneider
Email Address:	judy.schneider@co.kanabec.mn.us
Telephone Number:	320-679-6447

Facility Characteristics

Designed facility capacity:	88
Current population of facility:	10
Average daily population for the past 12 months:	11
Has the facility been over capacity at any point in the past 12 months?	No
What is the facility's population designation?	Both womens/girls and mens/boys

In the past 12 months, which population(s) has the facility held? Select all that apply (Nonbinary describes a person who does not identify exclusively as a boy/man or a girl/woman. Some people also use this term to describe their gender expression. For definitions of “intersex” and “transgender,” please see https://www.prearesourcecenter.org/standard/115-5)	
Age range of population:	18+
Facility security levels/inmate custody levels:	Minimum, General Population, Maximum
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	20
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	2
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	7

AGENCY INFORMATION	
Name of agency:	Kanabec County Sheriff's Office
Governing authority or parent agency (if applicable):	
Physical Address:	317 East Maple Avenue , Suite 143, Mora, Minnesota - 55051
Mailing Address:	
Telephone number:	

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

Agency-Wide PREA Coordinator Information			
Name:	Derek Hippen	Email Address:	derek.hippen@co.kanabec.mn.us

Facility AUDIT FINDINGS	
Summary of Audit Findings	
<p>The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.</p> <p>Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.</p>	
Number of standards exceeded:	
1	<ul style="list-style-type: none"> 115.14 - Youthful inmates
Number of standards met:	
44	
Number of standards not met:	
0	

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2025-02-11
2. End date of the onsite portion of the audit:	2025-02-12

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	☒ Yes ☐ No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	Family Pathways - Refuge Network Attn DV/SA 6413 Oak St. North Branch, MN 55056 (800) 338-7233 or (320) 679-1737 Cambridge Medical Center Emergency Department for SAFE/SANE 701 S Dellwood St Cambridge, MN 55008 (763) 689-7700

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	88
15. Average daily population for the past 12 months:	11
16. Number of inmate/resident/detainee housing units:	6

17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	☐ Yes ☒ No ☐ Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)
Audited Facility Population Characteristics on Day One of the Onsite Portion of the Audit	
Inmates/Residents/Detainees Population Characteristics on Day One of the Onsite Portion of the Audit	
18. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	12
19. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:	0
20. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:	1
21. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	0
22. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	0

23. Enter the total number of inmates/ residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:	0
24. Enter the total number of inmates/ residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:	0
25. Enter the total number of inmates/ residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:	0
26. Enter the total number of inmates/ residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:	0
27. Enter the total number of inmates/ residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:	0
28. Enter the total number of inmates/ residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:	0

<p>29. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</p>	<p>The auditors worked with the PREA Coordinator, supervisors, security staff, and medical unit to determine the availability of targeted persons and facility population characteristics in custody. Being a co-ed facility, the Kanabec County Jail (KCJ) had male and female persons in custody during the on-site audit. We started with 12 inmates. One was released, which left 11 to interview. Two of the eleven persons in custody were female. A review of jail files, classification and risk screening documents, as well as medical records, determined only one targeted inmate, which was a cognitive/mental health issue.</p>
<p>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</p>	
<p>30. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:</p>	<p>23</p>
<p>31. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>7</p>
<p>32. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>5</p>

<p>33. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:</p>	<p>The auditor observed and reviewed documentation of the staff, volunteers, and contractor population characters that were in the facility on day one of the onsite portion of the audit. The PREA Coordinator provided the auditor with the daily staff schedule for two shifts with assignments. The auditor included Jail Administration and Specialized Staff in addition to security line-staff. On the first day of the onsite portion of the audit, there were two contractors and two volunteers who were in the facility. There was one Programmer working in the jail during the onsite audit. Jail staff consisted of more than the minimum of three staff per shift. They were training in new staff. There was a Jail Sergeant, PREA Coordinator/Sergeant and the Jail Administrator within the jail division of the Sheriff's Office. The auditor responded as to the number of staff, contractors, and volunteers employed or assigned to the KCJ during the onsite portion of the audit in this response.</p>
<p>INTERVIEWS</p>	
<p>Inmate/Resident/Detainee Interviews</p>	
<p>Random Inmate/Resident/Detainee Interviews</p>	
<p>34. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>9</p>

<p>35. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</p>	<p>☐ Age</p> <p>☐ Race</p> <p>☐ Ethnicity (e.g., Hispanic, Non-Hispanic)</p> <p>☐ Length of time in the facility</p> <p>☐ Housing assignment</p> <p>☐ Gender</p> <p>☐ Other</p> <p>☐ None</p>
<p>If "Other," describe:</p>	<p>Being a small jail, the auditor and assistant auditor attempted to interview all persons in custody. There were a total of 11 persons in custody and two declined to be interviewed.</p>
<p>36. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</p>	<p>The auditor was provided with an inmate roster which contained information such as name, age, charges, housing assignment, and length of stay. The auditor reviewed the characteristics of the inmate population with the PREA Coordinator. The auditor ascertained with the names provided as to ethnicity. The auditor inquired about racial demographics in order to achieve a diverse set of interviewees. The auditor and assistant auditor discussed the random inmate interview process with the PREA Coordinator with the goal of meeting with a diverse population from all housing units and classifications.</p>
<p>37. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</p>	<p>☐ Yes</p> <p>☒ No</p>

<p>37. Explain why it was not possible to conduct the minimum number of random inmate/resident/detainee interviews:</p>	<p>The KCJ is a small jail facility. There were 11 inmates in custody during the interview process. The auditor and the assistant auditor attempted to interview all eleven inmates, but two declined. The auditor based the number of random inmates to interview on the auditor handbook graph according to population size of persons confined in the facility. For a population of less than 50, 10 overall inmate interviews are required. We met the 5 inmate minimum for random inmate interviews, but there was only one targeted inmate available. We interviewed a total of nine inmates including the targeted inmate, so we were one inmate shy of the 10 inmate minimum requirement.</p>
<p>38. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>The PREA Coordinator and jail staff accommodated all requests and escorted the inmates individually to private interview rooms for auditor interviews. They were efficient with our requests. All inmates were available to the auditor, but two declined to be interviewed. There were no barriers to completing the interviews and ensuring representation from all housing units, with the exception of the two inmates who declined to be interviewed. The auditor and assistant auditor ensured a well rounded representation of the KCJ for their inmate interviews. Safety and security protocols were maintained, as well as continued jail operations and programs. The auditor was also able to ask the inmates questions and make observations during the facility tour. The auditor based the number of random inmates to interview on the auditor handbook graph according to population size of persons confined in the facility. For a population of less than 50, 10 overall inmate interviews are required. Prior to the interview, the auditor informed staff of the audit's purpose and the reason for their requested participation as per the PREA Compliance Audit Instrument Guidelines.</p>

Targeted Inmate/Resident/Detainee Interviews

39. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	1
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
40. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	0
40. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:	<p>☒ Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p>☐ The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
40. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the KCJ. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates.</p>

41. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:	1
42. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:	0
42. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:	<p>☒ Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p>☐ The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
42. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).	All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the KCJ Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates.
43. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:	0
43. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:	<p>☒ Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p>☐ The inmates/residents/detainees in this targeted category declined to be interviewed.</p>

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

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

<p>47. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the KCJ. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates. The auditor and PREA Coordinator reviewed PREA Risk Screening information and lack of evidence for reporting sexual abuse in custody. There were none.</p>
<p>48. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>0</p>
<p>48. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p>☒ Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p>☐ The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>48. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the KCJ. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates. The auditor and PREA Coordinator reviewed PREA Risk Screening information and lack of evidence for reporting sexual abuse in custody. There were none.</p>

<p>49. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>
<p>49. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p>☒ Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p>☐ The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>49. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the KCJ. Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, and discussions with staff and other inmates. A tour and observation of the housing units and special management areas indicated no inmates assigned to segregated housing.</p>

<p>50. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>All corroboration strategies were considered in determining whether certain demographics of the inmate population existed at the KCJ during the on-site portion of the audit.</p> <p>Information was gathered from the Pre-audit questionnaire, initial documentation as well as additional documentation reviewed onsite, with discussions with staff and other inmates. There were no other targeted populations noted during the on-site audit and interview process. There were no barriers to completing the interviews of persons in custody, and interviews were conducted in a private location. There was only one targeted inmate interviewee available during the day we interviewed. The auditor reviewed the Required Number of Interviews with Persons Confined at the Facility for Prisons and Jails as provided in the PREA Auditor Handbook. The goal was to have 5 targeted inmates for a population less than 50, but discussions with the PREA Coordinator and a review of current inmates in custody only resulted in a total of 1 targeted inmate to interview. We interviewed as many inmates as possible.</p>
<p>Staff, Volunteer, and Contractor Interviews</p>	
<p>Random Staff Interviews</p>	
<p>51. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>12</p>
<p>52. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p>☒ Length of tenure in the facility</p> <p>☒ Shift assignment</p> <p>☒ Work assignment</p> <p>☒ Rank (or equivalent)</p> <p>☒ Other (e.g., gender, race, ethnicity, languages spoken)</p> <p>☐ None</p>

<p>If "Other," describe:</p>	<p>The auditor and assistant ensured that random staff interviewees consisted of male and female correctional officers in addition to the standard characteristics considered.</p>
<p>53. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p>☒ Yes</p> <p>☐ No</p>
<p>54. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>The auditor and assistant considered shift assignments, post assignments, length of service, rank, gender and nights/weekend personnel when selecting a number of random staff to interview. The auditors interviewed after business hours to ensure a diverse sample of random staff. The auditor discussed the random staff interview process with the PREA Coordinator to ensure a well represented sample of posts and shifts. The PREA Coordinator provided the auditor with the staff schedule and assignments. The auditor and assistant auditor interviewed male and female Corrections Officers as well as officers with the rank of Sergeant. Experience levels ranged from one month to 23 years experience. Five staff had 2.5 years of experience or less. The KCJ has a mix of veteran and younger staff. A total of 12 random staff were interviewed with the goal of a diverse cross section of staff. Prior to the interview, the auditor informed staff of the audit's purpose and the reason for their requested participation as per the PREA Compliance Audit Instrument Guidelines. The auditor had informal conversations with correctional staff during both days of the onsite audit.</p>
<p>Specialized Staff, Volunteers, and Contractor Interviews</p>	
<p>Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.</p>	

55. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):	17
56. Were you able to interview the Agency Head?	☒ Yes ☐ No
57. Were you able to interview the Warden/Facility Director/Superintendent or their designee?	☒ Yes ☐ No
58. Were you able to interview the PREA Coordinator?	☒ Yes ☐ No
59. Were you able to interview the PREA Compliance Manager?	☐ Yes ☐ No ☒ NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

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

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

	☐ Other
61. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	☒ Yes ☐ No
61. Enter the total number of VOLUNTEERS who were interviewed:	2
61. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)	☒ Education/programming ☐ Medical/dental ☐ Mental health/counseling ☒ Religious ☐ Other
62. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	☒ Yes ☐ No
62. Enter the total number of CONTRACTORS who were interviewed:	2
62. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)	☐ Security/detention ☐ Education/programming ☒ Medical/dental ☒ Food service ☐ Maintenance/construction ☐ Other

63. Provide any additional comments regarding selecting or interviewing specialized staff.	<p>The auditor asked questions of the contract staff during the facility tour with observations, in addition to the formal interviews conducted. The auditor had the full cooperation of the KCJ for the selection process and interviewing of specialized staff, contractors, and volunteers in a private setting. Prior to the interview, the auditor informed staff of the audit's purpose and the reason for their requested participation as per the PREA Compliance Audit Instrument Guidelines. The auditor interviewed two volunteers, the Registered Nurse and the Food Services Director as well as the specialized positions designated above.</p>
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SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

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

64. Did you have access to all areas of the facility?	<p>☒ Yes</p> <p>☐ No</p>
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Was the site review an active, inquiring process that included the following:

65. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?	<p>☒ Yes</p> <p>☐ No</p>
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66. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?	☒ Yes ☐ No
67. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?	☒ Yes ☐ No
68. Informal conversations with staff during the site review (encouraged, not required)?	☒ Yes ☐ No

69. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).

The auditor was allowed access to all areas of the facility as requested and able to observe signage, and all facility practices. The auditor monitored the jail's cross-gender viewing and searches procedures. The auditor paid attention to the critical functions of the facility such as the risk screening process, access to outside emotional support services, and interpretation services. The auditor asked questions of the contract staff, jail staff, and persons in custody during the facility tour with observations, in addition to the formal interviews conducted. The auditor had the full cooperation of the KCJ for the selection process and interviewing of specialized staff, contractors, and volunteers in a private setting. The auditor was provided access to all areas of the facility starting with the sally port and continuing throughout the facility.

All housing units were entered. The auditor was allowed unlimited access to all areas of the KCJ - their documents, resources, and personnel. The auditor was able to observe and paid attention to how well supervised inmates are, and how cameras and other monitoring technologies are used. There were no blind spots or other indicators that an area of the facility is not being monitored in a way that keeps inmates safe from sexual abuse. The auditor had the full cooperation of interviewees in a private setting. Inmates and staff answered the auditor's questions about the safety and supervision provided throughout the jail. During the on-site portion of the audit and with community outreach, the auditor was able to test critical functions of the PREA standards relative to persons in custody ability to send and receive mail, the intake process for PREA Information and Risk Screening, Internal and External Reporting methods, staff reporting, third-party reporting, and outside emotional support services. Continued and ongoing comprehensive PREA Education and Interpretation services were also assessed by the auditor.

Documentation Sampling

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

70. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?

☒ Yes

☐ No

71. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).

The auditor was provided with all material requested either in written or electronic form at all stages of the audit process. The auditor followed the guidelines from the National PREA Resource Center and the Bureau of Justice Assistance, U.S. Department of Justice PREA Compliance Instrument and Auditor Handbook with the checklist of policies, procedures, reports, and other documents recommended for review during the pre-audit, during the audit, and post-audit follow-ups. The PREA Coordinator and team responded to requests for information and were transparent with allegations of sexual abuse and harassment investigations. The auditor analyzed the responses and evidence for each measure based on a review of all policies and procedures, documentation, data, informal and formal interviews with inmates and staff, and active facility tour observations.

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

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

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

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

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

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

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

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

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

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

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

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	0	0	0	0
Staff-on-inmate sexual abuse	0	2	0	0
Total	0	2	0	0

Sexual Harassment Investigation Outcomes

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

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

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

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

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

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

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

5

79. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any sexual abuse investigation files)
Inmate-on-inmate sexual abuse investigation files	
80. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	2
81. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)
82. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)
Staff-on-inmate sexual abuse investigation files	
83. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	3
84. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)

85. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)
Sexual Harassment Investigation Files Selected for Review	
86. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:	4
87. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any sexual harassment investigation files)
Inmate-on-inmate sexual harassment investigation files	
88. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	2
89. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)
90. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	☒ Yes ☐ No ☐ NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)

Staff-on-inmate sexual harassment investigation files

91. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:

2

92. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?

☒ Yes

☐ No

☐ NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)

93. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?

☒ Yes

☐ No

☐ NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)

94. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.

The auditor reviewed the KCJ website reporting statistics, the previous PREA Final Report with supporting investigative files, current allegations and findings, as well as a review of onsite additional documentation that the PREA Coordinator provided for a review of sexual abuse and sexual harassment investigation files.

SUPPORT STAFF INFORMATION**DOJ-certified PREA Auditors Support Staff**

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

☐ Yes

☒ No

Non-certified Support Staff

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

☒ Yes

☐ No

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

1

AUDITING ARRANGEMENTS AND COMPENSATION

97. Who paid you to conduct this audit?

☒ The audited facility or its parent agency

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

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

☐ Other

Standards	
Auditor Overall Determination Definitions	
<ul style="list-style-type: none"> Exceeds Standard (Substantially exceeds requirement of standard) Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period) Does Not Meet Standard (requires corrective actions) 	
Auditor Discussion Instructions	
<p>Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.</p>	

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The Kanabec County Jail (KCJ) maintains a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.</p> <p>The KCJ Prison Rape Elimination Act (PREA) Policy states that the office has zero tolerance with regard to sexual abuse and sexual harassment in this facility. This office will take appropriate affirmative measures to protect all inmates from sexual abuse and harassment, and promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment. The PREA Policy describes its purpose and scope. It provides guidance for compliance with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse and sexual harassment. The policy in its entirety describes in detail the procedures required to address this standard and to provide for sexual safety in their facility. The auditor confirmed that the PREA Policy also includes definitions of prohibited behaviors of sexual abuse/harassment, as well as sanctions for those found to have participated in those behaviors. The policy</p>

includes procedures with a description of strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates.

The zero-tolerance philosophy is promoted throughout the facility with PREA signage, repeated daily jail orientation videos containing a PREA section, a PREA brochure entitled "End the Silence" Zero Tolerance for Sexual Abuse and Sexual Harassment, and PREA information provided within the **KCJ Inmate Handbook** which is available to the inmates in hard copy and electronically. The handbook lists **Inmate Rights** to include protection from personal injury, verbal, physical, or sexual abuse, corporal punishment, and harassment. The **PREA** section introduction states: "The KCSO has a **zero** tolerance policy for any sexual behavior, harassment, or misconduct of inmate-on-inmate or staff-on-inmate. Staff includes: employee, volunteer, official visitor, or contract staff."

The auditor toured all areas of the jail. The tour is an active, inquiring process that includes Standards-driven observations, tests of critical functions, and informal conversations with persons confined in the facility, staff, volunteers, and contractors. Everyone I spoke with had knowledge and understanding of the zero-tolerance stance against sexual abuse and sexual harassment at the jail. I observed that inmates were well supervised by a sufficient number of corrections officers, supervisors, and support staff. Cameras and other monitoring technologies are used as a supplement to help keep inmates safe from sexual abuse. Additional documents such as inmate and staff files, training records, video footage, incident reports and investigative files were reviewed to ensure the sexual safety and supervision of inmates. PREA-related inmate education documents and risk-screening instruments and indications of decision-making based on screenings was also observed during the facility tour and observation period. Information about PREA and the zero-tolerance mandate is posted. PREA information can be made available in manners that accommodate non-English proficient inmates and inmates with disabilities. The Correctional Officers (CO) have a laptop for interpretive services. The staff demonstrated to the auditor how it works. The auditor observed where the signage was placed in the facility as it was accessible to staff and to those confined in the facility. The auditor observed consistent and accurate PREA posters, PREA Statement forms, inmate handbooks, texters, and brochures throughout the facility in support of this standard. Signage and information included audit notices, how to report sexual abuse and sexual harassment, access to outside victim emotional support services, and other relevant PREA information. Consulate information is provided within the inmate handbook. Jail staff are able to access a list of telephone numbers and addresses for all known Consular Offices. The PREA Coordinator said that they will also be ordering civil immigration signs for the booking room. The signage language is clear and easy to understand. Administration, staff, contractors, volunteers, and inmates verified awareness and understanding of this policy through informal and formal questions/ answers. Inmates demonstrated to the auditor where to find inmate handbook information specifically for PREA. The auditor reviewed the KCJ website and the posted annual reports for further verification of the zero tolerance standard. Prior to the on-site audit, the auditor also read and reviewed the KCSO and the KCJ Mission Statements, recent MN Department of Corrections (DOC) Jail Inspection Reports,

Facility Schematic Design, Inmate Population Reports, and a sample of staff training content and records for a total and inclusive overview of the facility with its goals and objectives relative to PREA. The KCJ exhibits a positive PREA culture.

The auditor also reviewed the County Handbook which contains a section on OFFENSIVE CONDUCT, HARASSMENT AND VIOLENCE POLICY. "It is the policy of Kanabec County (hereinafter "County") to maintain an environment that is free from offensive conduct, harassment and violence including that which is based on race, national origin, gender, religion, disability, age, marital status, status with regard to public assistance or sexual orientation. The County prohibits any form of discrimination, harassment or violence based upon religion, race, gender, marital status, age, national origin, status with regard to public assistance, sexual orientation or disability."

The goal of the staff at the KCJ is to provide a safe and secure environment that encourages positive behavior while treating all inmates in a fair, impartial, and humane manner. According to the jail's website on PREA: "The Kanabec County Sheriff's Office has a zero tolerance policy toward all forms of sexual abuse and sexual harassment. It is the policy of the Kanabec County Sheriff's Office to provide a safe, humane and appropriately secure environment, free from the threat of sexual abuse and sexual harassment for all inmates, by maintaining a program of prevention, detection, response, investigation and tracking. Any inmate who has been the victim of an act of sexual abuse or sexual harassment shall be monitored to prevent any further harm. Special attention will be paid to jail placement and a specific treatment plan will be developed for the victim of an act of sexual abuse."

See <https://www.kanabecounty.org/departments/jail.php>

Reference Policies: Policy 606 **PREA. 606.1 PURPOSE AND SCOPE. 606.1.1 DEFINITIONS. 606.2 POLICY.**

Supporting Documents: **KCJ Inmate Handbook** pgs. 5-6, **Kanabec County Employee Handbook** pgs. 101-110.

(b) The Kanabec County Sheriff's Office (KCSO)/jail division, employs and designates an upper-level, agency-wide PREA Coordinator (PC) with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.

The **PREA** Policy directs that a PREA Coordinator be appointed to oversee office efforts to comply with the PREA Standards. The policy also directs that the PREA Coordinator review facility policies and practices and make recommendations to the Jail Administrator. The **PREA COORDINATOR** Policy lists their responsibilities. The PREA Coordinator is one of the Jail Sergeants (Sgt.) who is assigned to the dayshift, Monday through Friday and reports to the Jail Administrator. The auditor was provided with the PREA Organizational Chart for review. The auditor also received and reviewed the Kanabec County Position Description for Jail Sergeant which aligns with the PREA Standard requirements with authority to oversee PREA efforts and staff supervision.

The PREA Coordinator was asked if he feels that he has enough time to manage all of their PREA-related responsibilities. He responded affirmatively. He explained that their jail is at full compliment for staffing and there are other Jail Sergeants available to supervise the Corrections Officers (CO). His schedule provides for the flexibility to separate himself from the jail itself as needed. He recently completed a 16-week PREA Coordinator course provided by the PREA Resource Center (PRC), which gave him a greater understanding of his roles and responsibilities. The auditor found the PREA Coordinator to be a dedicated, experienced, and organized corrections professional who was efficient, informative, and responsive during the pre-audit, on-site audit, and reporting period. During the on-site audit, the PREA Coordinator provided escort as needed throughout the facility and provided additional documents to review as requested. All areas of the facility were accessible to the PREA Auditor. All persons in custody, staff, volunteers, contractors, and specialized staff were also made available for informal and formal interviews as coordinated by the PREA Coordinator. If a PREA standard compliance issue is identified, actions and processes are taken to work toward compliance with that standard. He added that he is consulted regarding any assessments of, or adjustments to, the staffing plan for the KCJ. He ensures that the PREA team reviews data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies and training. He is also responsible for preparing the annual report of findings from its data review and any corrective actions for the facility. The PREA Coordinator is dedicated to the facility's zero tolerance policy and positive PREA culture.

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

Reference Policies: Policy 606 **PREA. 606.4 PREA COORDINATOR** (a) - (o).

Supporting Documents: PREA Organizational Chart, **JAIL SERGEANT** Position Description.

	(c) N/A. The KCSO operates one jail facility which is the KCJ. Where an agency operates more than one facility, each facility shall designate a PREA compliance Manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.
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115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The KCJ shall include in any new contract or contract renewal the obligation to adopt and comply with PREA standards.</p> <p>Section (e) of the PREA COORDINATOR Policy states the PREA coordinator's responsibility: "Ensuring that any contract for the confinement of office detainees or inmates includes the requirement to adopt and comply with the PREA standards including obtaining incident-based and aggregated data, as required in 28 CFR 115.187. Any new contract or contract renewal shall provide for office contract monitoring to ensure that the contractor is complying with the PREA standards."</p> <p>I was informed by the PREA Coordinator that the KCJ does not contract for the confinement of its inmates with private agencies or other entities, including other government agencies. The jail also does not currently receive inmates for boarding at their facility. The auditor reviewed prior boarding contracts with the MN Department of Corrections (DOC). Section 12 of the Agreement addresses PREA Compliance. It states: "The contractor must comply with PREA of 2003 (Federal Law 42 U.S.C. 15601 et. seq.), with all applicable Federal PREA standards, and with all State policies and standards related to PREA for preventing, detecting, monitoring, investigating, and eradicating any form of sexual abuse within facilities/programs/offices owned, operated, or contracted. Contractor acknowledges that, in addition to self-monitoring requirements, the State will conduct compliance monitoring and PREA standards require an outside independent audit." Thus, there would be three levels of monitoring at the jail for PREA standard compliance.</p> <p>Other service contracts were reviewed. Some of the contracts require the employees to comply with and observe all applicable rules and regulations concerning conduct on the premises. They shall be subject to a criminal background check. Their staff shall follow established security procedures and shall take direction from the client in an emergency situation.</p> <p>The Jail Administrator is involved with agency contract administration. I asked him how they monitor new and renewed contracts for confinement services to determine if the contractor complies with required PREA practices. He explained the contract process with approval by the Sheriff, County Administration and the County Board.</p>

	<p>Jail Administration ensures that service contracts and in-house inmate boarding contracts contain the necessary PREA language regarding standard requirements and audits, background investigations for contractors and PREA training requirements.</p> <p>Reference Policies: Policy 606 PRISON RAPE ELIMINATION ACT, 606.4 PREA COORDINATOR, (e).</p> <p>Supporting Documents: A'Viands, LLC (Summit) Food Service Management Agreement.</p> <p>(b) Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.</p> <p>The same policy section provides for the continued monitoring of contracts for PREA compliance.</p> <p>The Jail Administrator described his experience in the past when dealing with PREA compliance for housing inmates as described in section (a).</p> <p>Reference Policies: Policy 606 PRISON RAPE ELIMINATION ACT. 606.4 PREA COORDINATOR (e).</p>
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115.13	Supervision and monitoring
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) The KCJ ensures that it develops, documents, and makes its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the Jail takes into consideration: (1) Generally accepted detention and correctional practices; (2) Any judicial findings of inadequacy; (3) Any findings of inadequacy from Federal investigative agencies; (4) Any findings of inadequacy from internal or external oversight bodies; (5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated); (6) The composition of the inmate population; (7) The number and placement of supervisory staff; (8) Institution programs occurring on a particular shift; (9) Any applicable State or local laws, regulations, or standards; (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and (11) Any other relevant factors.</p> <p>The Auditor reviewed the KCJ PREA Policy, Staffing Policy, and the 2024 Staff Planning document in support of this standard. The KCJ staffing plan itself consists of the following personnel: Sheriff, Chief Deputy, Jail Administrator, Jail Sergeants, Correctional Officers, Jail Programmer, food service and medical department. The Jail Administrator reviews the KCJ staffing plan at a minimum of once each calendar year.</p>

Assignments are described with Chain of Command, and there is a list of the staff on duty and their responsibilities. The purpose of the Staffing Policy is to establish a comprehensive staffing plan and analysis to identify staffing needs sufficient to maintain the safety and security of the facility, staff, visitors, persons in custody and the public. In accordance with Minn. R. 2911.0900, it is the policy of the KCSO to ensure the safety, security and efficient operation of this facility by assigning custody personnel according to a detailed staffing plan. No person shall be detained at the KCJ without a minimum of two Correctional staff on duty. Staff members of the opposite sex in positions of responsibility for the supervision and welfare of inmates of the opposite sex are not placed in circumstances that can be described as invasion of privacy, degrading, of humiliation to the inmates. The plan details all custody personnel assignments, including work hours and weekly schedules, and should account for holidays, vacations, training schedules, military leave, sick time and other atypical situations. (Shift Relief Factors) The plan and analysis is also reviewed by the MN DOC (Minn. R. 2911.0900).

The Jail Administrator, in conjunction with the PREA Coordinator, ensure that staffing levels are sufficient to consistently and adequately fill essential positions, as determined by the staffing plan requirements of this standard. The staffing analysis includes recommendations regarding what corrective measures may be needed, including the following:

1. Operational changes
2. Equipment requirements
3. Additional training
4. Supervisory intervention
5. Additional personnel.

Specifically, section (c) of the **PREA COORDINATOR** Policy, requires the staffing plan to help protect detainees from sexual abuse and to calculate adequate staffing levels and determine the need for video monitoring by utilizing all considerations listed in this standard.

The average daily inmate population at the KCJ in 2024 was 16. According to jail records and the Department of Corrections (DOC) Facility Inspection Report, the approved capacity of the KCJ is 60 and the operational capacity is 51. There are 9 segregation units capable of handling a large diversity of inmates. A 330' tunnel linking the jail to the existing courthouse enables secure and discreet transfer of inmates between the two buildings, although most court proceedings are now held remotely.

The KCJ also follows the Minnesota 2911 rules which provide minimum standards for public and private correctional facilities throughout the state established and operated for the detention and confinement of persons detained or confined according to law except to the extent that they are inspected or licensed by other state regulating agencies. Rule 2911.0900 addresses the Staffing Requirements. Subpart 1. Staffing plan and staffing analysis. The facility administrator shall prepare

and retain a staffing plan. The staffing plan shall identify: A. jail personnel assignments for: (1) facility administration and supervision; (2) facility programs including exercise and recreation; (3) inmate admission, booking, supervision, and custody; (4) support services including medical, food service, maintenance, and clerical; and (5) other jail-relevant functions such as escort and transportation of inmates; B. the days of the week that the assignments are filled; C. the hours of the day that the assignments are covered; and D. any deviations from the plan with respect to weekends, holidays, or other atypical situations must be considered. The facility administrator or designee shall review the facility's staffing plan at least once each year. The review shall be documented in written form sufficient to indicate that staffing plans have been reviewed and revised as appropriate to the facility's needs or referred to the facility's governing body for funding consideration. This staffing analysis shall include all posts, functions, net annual work hours appropriate to each post, and total number of employees to fill the identified posts and functions. The facility administrator shall prepare and retain a staffing plan. The facility administrator or designee shall review the facility's staffing plan at least once each year. The review shall be documented in written form sufficient to indicate that staffing plans have been reviewed and revised as appropriate to the facility's needs or referred to the facility's governing body for funding consideration. Subpart 10 of this rule also describes the supervision of inmates of opposite gender. Staff members shall not be placed in positions of responsibility for the supervision and welfare of inmates of the opposite gender in circumstances that can be described as invasion of privacy, degrading, or humiliating to the inmates. When staff of one gender are used as program resource personnel with inmates of the opposite gender, staff of the inmates' gender must be on duty and in the facility. Being a co-ed facility, there are always both genders working in the facility to supervise inmates of both genders. See <https://www.revisor.mn.gov/rules/2911.0900/>.

A study of the KCJ Staffing Plan for 2024 and the Facility Inspection Report by the Inspection and Enforcement Unit of the Minnesota Department of Corrections (MN DOC) assured the auditor that their staffing plans are developed, documented, and reviewed on a regular basis that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. Of note, flexibility of the facility was an important component in the building design of the KCJ. As the inmate population fluctuates, adjustments in housing unit usage is implemented to best maintain a safe environment for staff and inmates. Video surveillance consists of approximately 138 cameras and digital recording capabilities. Video surveillance is maintained by the Central Control post and Dispatch. Supervisory review of the housing units to ensure proper completion of well-being checks, unit cleanliness, and to detect warning signs of staff/inmate sexual abuse are conducted on a scheduled and un-scheduled basis. The auditor verified the placement and monitoring of the cameras as a supplement to staff supervision. I also observed supervisory staff unannounced rounds taking place during the on-site audit process. The auditor also studied post orders in accordance with the State 2911 Rules. The orders are reviewed annually and updated as needed. The purpose of the policy is to provide jail staff with updated post orders providing them a guideline of the daily operation and functions of each post within the facility. Jail staff are required

to read, sign, and date applicable post orders quarterly and as needed for new posts or revisions. Upon review, the auditor noted that each position requires responsibility towards the safe, secure and efficient operations. This includes monitoring inmates, well-being checks, formal head counts, and pat downs and searches according to policy. The KCJ addresses the facility's staffing plan relative to the supervision and monitoring of inmates for safety, security, health, and welfare purposes through a variety of additional policies, procedures, staffing reviews, and ongoing checks and balances. As per the 2911.0900 STAFFING REQUIREMENTS: (1) Subpart. 15. Ratio of custody staff to inmates, reporting incidents, and responding to emergencies. A. A facility with a design capacity of 60 or fewer beds shall meet the staffing ratios in this item. For inmate supervision, the overall facility wide minimum ratio of custody staff to inmates shall be one custody officer to 25 inmates. These staff must be in the facility and on duty at all times and not involved in temporary duties outside of the facility. Included in this ratio are all staff who are assigned and trained in the custody and supervision of inmates as their primary duty. Staff not directly responsible for custody and supervision of inmates such as administrative, supervisory, program, bailiff, or support staff shall not be included in this ratio. The KCJ complies with the MN DOC 2911 minimum staffing requirements. The current staffing ratio by policy recognizes the differences between waking and non-waking hours, the unique needs for additional auxiliary staff during the business week and complies with the staffing plan except during limited and discreet exigent circumstances, and fully documents deviations from the plan. The KCJ considers all 11 requirements of the PREA standard. During the site review, the auditor paid attention to the supervision practices of the KCJ by comparing the written staffing plan against observations made during the onsite inspection. It was determined that the staffing plan adequately assesses the staffing and/or electronic monitoring needs of the facility with sexual safety in mind, and, that the facility is staffed according to the plan, as it is written. The auditor was provided with a list of staff who have contact with inmates in the facility by shift, housing unit, and assignments. The auditor observed the number of staff, contractors, and volunteers present and staffing patterns covering two shifts in the general housing units and in isolated areas such as administrative/disciplinary segregation and/or protective custody for compliance. The auditor paid attention to staff line of sight to assess whether there are blind spots for concerns regarding cross-gender viewing. Also examined were areas where inmates are not allowed such as property rooms, and closets and I verified that movement in and out of that space is monitored and surveilled to ensure that confined persons never enter those areas. Specifically, the auditor studied and observed the written and actual staffing for custody unit housing, emergency response, the booking unit, programs unit, central control, support unit sergeants, contractors and special services, and Administration/Command staff schedules. The KCJ has 16 Corrections Officers that work 12-hour shifts with some overlap for communication purposes. There are 5 jail Sergeants, one on every shift, including nights and weekends. The jail has a designated Programmer. The Jail Administrator leads this division of the KCSO. Shift relief factors (sick call, vacation, family and military leave) and full-time equivalent issues have been analyzed and considered in the development and implementation of the staffing plan. The auditor was informed that there have been no deviations from the plan and that they are required to report any deficiency to the DOC in an incident report. The

auditor was provided with a copy of the KCJ duty roster with staff coverage for both days of the on-site audit which helped the auditor understand the adequate staffing levels in line with the facility programs and daily jail routine. The auditor was also provided with the orders for each post. The auditor also reviewed the program activities schedule. Male and female staff and supervisors were working within the secure perimeter of the jail. The auditor observed frequent well-being checks (30-minute intervals required) and positive inmate interactions throughout the facility. The auditor also observed the monitoring of cameras in the Control Center and in Dispatch as a supplement to the supervision of persons in custody. Cameras are not placed in areas which would be considered an invasion of privacy such as showers and change outs. A review of the KCJ Camera List was studied in addition to personal observation. Additionally, privacy screens and shower curtains are in place for showering and changing. Toilet and changing areas are edited out on camera. There are window coverings in booking, and at other holding locations as needed for sight and sound separation requirements. Supervisors and Administration have camera access. Informal discussions with staff and persons confined reflected safe supervision practices and strong staffing presence for safety and security of the jail. The KCJ is a full-service jail with programs, services, and work release opportunities. The auditor was provided access to the change out area where inmates are properly and safely supervised. There are cameras within the facility and staff were observed making rounds. The auditor also spent time in the medical unit and observed medical provider interactions and staff providing security while respecting the privacy of the inmate's medical examinations and discussions. Educational, self-help, and recreational programs were also on-going under appropriate supervision during the on-site review. Much of the court appearances are held remotely now and are coordinated by assigned jail staff. Both male and female corrections officers and supervisors are assigned and working in all units of the jail. The auditor witnessed opposite gender announcements (via doorbell) before entering housing units and unannounced rounds were conducted by sergeant level and above throughout the facility tour. The auditor also witnessed same-sex pat-down searches or female CO on male inmate pat-downs and same sex change outs during the observation period. The auditor studied current and past staffing plans, staff schedules, shift reports, jail logs, the list of authorized positions, the organizational chart, post orders, jail schematic, and the 02/01/2024 DOC inspection report all relative to this standard. The staff/inmate ratio is above the minimum requirements. There is more than sufficient coverage of video monitoring that is utilized as a supplement for personal staff supervision of persons in custody. All staffing plans that are changed or developed are reviewed and approved by the MN DOC Inspection Unit.

The Jail Administrator was interviewed and verified their staffing plan. Adequate staffing levels to protect inmates against sexual abuse are considered in this plan and video monitoring is part of the plan. The plan considers ancillary positions, court responsibilities, and training needs. Blind spots are considered for video monitoring. The plan is documented annually on-site and submitted to the DOC facility inspector for approval. All PREA criteria are considered when assessing staffing levels and the need for video monitoring. Staffing compliance checks are made on-going through the daily roster of staff positions and assignments. All staff have access to the

schedule. There is a 3-staff minimum and the required ratios are always met. Financial considerations and Full Time Equivalent (FTE) numbers are examined. There have been no incidents of noncompliance. This is a special incident they would have to report to the DOC. Prior to the last PREA audit, they implemented an upgrade to their cameras and electronic monitoring system. They added a number of cameras for supplemental supervision purposes. The PREA Coordinator said that he is consulted regarding any assessments of, or adjustments to, the staffing plan for the jail annually. He assisted the Jail Administrator with the most recent staffing plan.

Reference Policies: Policy 606 **PRISON RAPE ELIMINATION ACT. 606.4 PREA COORDINATOR** (c). Policy 223 **Staffing**.

Supporting Documents: KCJ **Staff Planning** 02/15/2024 , KCJ Facility Inspection Report by MN DOC Inspection and Enforcement Unit 02/01/2024.

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

The **PREA COORDINATOR** Policy addresses this standard. The policy requires developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse. This includes documenting deviations and the reasons for deviations from the staffing plan.

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

Reference Policies: Policy 606 **PRISON RAPE ELIMINATION ACT. 606.4 PREA COORDINATOR** (c). Policy 223 **Staffing**.

Supporting Documents: KCJ **Staff Planning** 02/15/2024 , KCJ Facility Inspection Report by MN DOC Inspection and Enforcement Unit 02/01/2024, Labor Agreements through 12/31/2025 and 12/31/2027.

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

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

This was confirmed by the Jail Administrator and the PREA Coordinator. The PREA Coordinator confirmed that he is consulted as part of team management efforts regarding the staffing plan with assessments and adjustments. This is accomplished through meetings and informal discussions as well as the daily monitoring of the schedule, in addition to the formal annual review process. As always, PREA incident reviews and aggregated annual reviews are a consideration with any adjustments to the staffing plan. Video monitoring is widely utilized as a supplement to staff supervision and are utilized for PREA investigations. The auditor reviewed relative documents related to staffing with the PREA Coordinator both pre-audit and on-site audit. The budget process was also discussed. The Sheriff reports any findings of the staff analysis to the officials responsible for funding the jail operation. Additional video cameras with monitoring capabilities are also considered on an ongoing basis and reviewed after every PREA allegation, and in conjunction with any staffing reviews.

Reference Policies: Policy 606 **PRISON RAPE ELIMINATION ACT. 606.4 PREA COORDINATOR** (c). Policy 223 **Staffing. 223.4 STAFFING ANALYSIS.**

Supporting Documents: **Staff Planning** 02/15/2024.

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

Found within the **PREA COORDINATOR** Policy, the PREA Coordinator is responsible for implementing a protocol requiring mid-level or higher-level supervisors to conduct and document unannounced inspections to identify and deter sexual abuse and sexual harassment. The protocol shall prohibit announcing when such inspections are to occur, unless it is necessary for operational considerations.

The auditor was provided with Administrative checks and tracking logs of unannounced supervisory rounds which were examined. Sergeants work side-by-side with COs and accomplish a well-being check at least once per day and usually multiple times per day. Administrative checks are also accomplished and

	<p>documented. Higher level supervisors also conduct PREA specific unannounced rounds and these are also documented. They cover all shifts, nights, weekends, and holidays. In speaking with the Jail Administrator, they also conduct unannounced rounds frequently. The importance of PREA specific unannounced rounds by administration was discussed. The auditor requested to review a sampling of video footage of supervisory unannounced rounds in comparison to what was documented in the jail logs covering all shifts and was able to verify for compliance. The auditor also made observations and asked questions of staff and inmates during the facility tour which verified supervisory participation. The PREA Coordinator seemed familiar to the inmates, and he verbally confirmed that he checks the housing units frequently. The auditor also witnessed other supervisors within the housing areas of the facility. The COs also verified other supervisory involvement and unannounced rounds. Through training and other means, they instruct and coach staff from alerting other staff when they are conducting unannounced rounds. This is accomplished to identify and deter staff sexual abuse and sexual harassment among other safety, security, health and welfare purposes.</p> <p>The auditor interviewed intermediate-level facility staff relative to unannounced rounds. He does not advise in advance and accomplishes the rounds at varying times, including lockdown. The rounds are documented in the computer. PREA compliance rounds are conducted and documented by this officer at least monthly.</p> <p>Reference Policies: Policy 606 PRISON RAPE ELIMINATION ACT. 606.3 PREA COORDINATOR (m).</p> <p>Supporting Documents: 2022, 2023, 2024 Administrative Checks, Jail logs.</p> <p>The PREA Supervision and Monitoring Standard is met as evidenced in this compliance determination narrative as it substantially complies in all material ways with this standard.</p>
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115.14	Youthful inmates
	<p>Auditor Overall Determination: Exceeds Standard</p>
	<p>Auditor Discussion</p> <p>N/A. The KCJ does NOT house youthful offenders within the secure perimeter of the jail.</p> <p>A youthful inmate is any person under the age of 18 who is under adult court supervision and incarcerated or detained in the jail. The auditor reviewed the KCJ Juvenile Housing Policy which govern the housing of youthful inmates, specifically those prohibiting sight, sound, and physical contact with any adult inmate and the use of isolation to comply with sight and sound separation, and governing sight and sound separation or direct staff supervision of youthful inmates in areas outside of housing units. The purpose of this policy is to ensure the safety and security of</p>

	<p>juvenile inmates. It is the policy of this office to prohibit the housing of juveniles in the adult detention facility, unless upon approval of the Sheriff and/or Jail Administrator, and not more than 24 hours. Juveniles under the age of 14 will never be held in the facility.</p> <p>I was informed that juveniles requiring detention are brought to the East Central Regional Juvenile Center. The East Central Regional Juvenile Center (RJC) is a 36-bed maximum-security facility, serving males and females, 10 to 18 years old, who have committed delinquent acts. The RJC is a PREA-compliant facility. See https://www-anokacountymn.gov/2283/PREA</p> <p>I also reviewed daily population reports for the last 12 months and the daily population reports during the days of the on-site audit. Jail files and other jail records were also sampled. There were no indications of youthful offenders being housed in the jail. The auditor held informal and formal discussions with staff, the PREA Coordinator, and Jail Administration who all verified that juveniles are not held or processed within the KCJ. The auditor also reviewed the recent Facility Inspection Report by the DOC Inspection and Enforcement Unit. Here is an excerpt from DOC Facility Inspection Report:</p> <p>"JJDNA Compliance.</p> <p>Compliance Report for the monitoring Facilities Pursuant to the Juvenile Justice Delinquency Prevention Act of 2002.</p> <p>On February 1, 2024, a Juvenile Justice and Delinquency Prevention Act audit was conducted. The Kanabec County Jail has a 24 hour hold approval (exclusive of weekends and holidays). There are three core requirements that are looked at during our facility review. Those core requirements are Deinstitutionalization of Status Offenders (DSO), Removal of Juveniles for Adult Jail and Adult Lockups (Jail Removal), and Sight and Sound Separation. The Kanabec County Jail held or processed zero (0) juveniles since October 1, 2023. I reviewed 100 percent of the juvenile data. The findings are as follows: SO: I did not find any violations of the facility holding status offenders in the jail. Jail Removal: I did not find any violations for the jail removal standard. Sight and Sound Separation: The facility design and policies allow for proper sight and sound separation. Juveniles are held in a cell and sub-dayroom off of booking away from the general population."</p> <p>Reference Policies: Policy 507 Juvenile Housing. Policy 606 Prison Rape Elimination Act.</p> <p>Supporting Documents: Facility Inspection Report of 02/01/2024, JJDNA Compliance, Inspection and Enforcement Unit DOC.</p> <p>The KCJ substantially exceeds the requirements of this standard with the jail removal of youthful offenders who are under the age of 18.</p>
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	<div data-bbox="256 114 959 152" data-label="Section-Header"><p>Auditor Overall Determination: Meets Standard</p></div> <div data-bbox="256 192 542 226" data-label="Section-Header"><p>Auditor Discussion</p></div> <div data-bbox="256 268 1436 387" data-label="Text"><p>(a) The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.</p></div> <div data-bbox="256 423 1436 542" data-label="Text"><p>The KCJ does not conduct cross-gender strip or cross-gender visual body cavity searches of inmates. The KCJ does not conduct strip searches or visual body cavity searches of any kind.</p></div> <div data-bbox="256 577 1481 1323" data-label="Text"><p>The KCJ Searches Policy addresses this topic. The purpose of the policy is to provide clear direction on maintaining the safety and security of the jail by conducting searches in balance with protecting the constitutional rights of inmates. The introduction of contraband into the jail poses a serious risk to the safety and security of members, inmates, and the public. Any item that is not available to all inmates may be used as currency by those who possess the item and will allow those in possession of the item to have control over other inmates. Any item that may be used to disengage a lock or other electronic security device or that could compromise the physical plant jeopardizes the safety and security of this jail. Carefully restricting the flow of contraband into the jail can only be achieved by thoroughly searching inmates and their environment (Minn. R. 2911.5300). The policy also provides a set of definitions which describes the types of personal searches: "It is the policy of this office to promote the safety of members, inmates, and visitors by conducting effective and appropriate searches of inmates and areas within the jail in accordance with applicable laws. Members shall always be alert to the possible presence of contraband and shall take immediate action to seize and appropriately handle contraband when found. Searches shall not be used for intimidation, harassment, punishment, or retaliation."</p></div> <div data-bbox="256 1359 1481 1731" data-label="Text"><p>Pat-down searches are the method of search at the KCJ and are performed on all inmates/arrestees upon entering the secure booking area of the jail. Additionally, pat-down searches shall occur frequently within the jail. They encourage all pat-down searches to be conducted by a member of the same gender as the inmate. Further policy requires the Training Officer to provide training for members on this policy, including how to conduct pat-down searches, modified strip searches, and strip searches in a professional and respectful manner and in the least intrusive manner possible, consistent with jail security needs. This training shall include cross-gender pat downs and searches, as well as searches of transgender and intersex inmates.</p></div> <div data-bbox="256 1767 1452 2056" data-label="Text"><p>In the past 12 months there were zero cross-gender strip/cross-gender visual body cavity searches of inmates reported at the KCJ. There were zero cross-gender strip/cross-gender visual body cavity searches of inmates that did not involve exigent circumstances or were performed by non-medical staff. Numerous other jail policies, staff training, and supporting documents address the limits to cross-gender viewing and searches. The KCJ Inmate Handbook contains a Contraband section and describes that searches for contraband may occur at anytime. The search may</p></div>
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include the entire housing unit, the inmate's cell, and their person. "You and your property may be searched at any time for any reason determined by staff."

The auditor asked about logs of exigent circumstances, if any, that might require deviation from the policy. The PREA Coordinator informed me that there are no logs documenting cross-gender strip searches or viewing. They do not conduct cross-gender strip searches or strip searches of any kind. The auditor did not find any jail or medical documentation or indicators of cross-gender strip searches/viewing by security or medical staff.

The auditor interviewed a non-medical staff who verified that cross-gender strip searches do not occur at the KCJ. There are no strip or visual searches. Only female COs can provide cross-gender pat-downs for the male population if needed. She provided the auditor with a description of their search techniques with verbal explanation while physically searching. They have received Field Training Orientation (FTO) and video training on this subject. She could not think of any urgent circumstances that would require cross-gender strip searches and visual body cavity searches at the jail, but explained that if necessary they would send the inmate to the hospital for a medical search.

During the site review, the auditor observed all areas where confined persons may be in a state of undress, such as showering, using the toilet, and/or changing their clothes. All areas included housing units, medical areas, intake, holding areas, and recreation areas. I also observed the use of electronic surveillance monitoring in the control room and officer stations. Both male and female staff monitor the cameras. The video monitoring technology does not allow staff to see confined persons in a state of undress or showering or on the toilet. There are no cameras in the showers and changing areas and the toilets are edited out on the screens. Opposite-gender supervisors do not supervise or observe strip searches. The auditor noted that the intake areas have curtains and closed doors for change-outs and privacy. There are no instances where nearby staff and other personnel would be within viewing distance to be kept at a sufficient distance where the contours of the breasts, genitalia, or buttocks are not readily distinguishable. The auditor also toured the work release exit/entry changing area. Pat-down searches are also conducted on all inmates returning to jail from work release prior to returning to general population or special housing. The auditor reviewed the electronic jail management system (JMS) for search documentation. The PREA Coordinator and Programmer escorted the auditor to the change out/locker room and described the search process. Pat-down searches are conducted in the most noninvasive manner possible. There are no cameras in the changing area. According to the KCJ Searches Policy, all inmate searches will comply with state and federal laws and follow current Standards of the MN DOC. See <https://www.revisor.mn.gov/rules/2911.5300/>

The auditor reviewed the training curricula and jail training logs regarding searches. Jail staff are trained initially during their initial orientation and then provided continuing education with PREA topics to include cross-gender searches. The auditor spent time reviewing the training documents and training rosters for completion. The PREA Coordinator had previously provided the auditor with cross-gender and

transgender training documents. The auditor was provided with and reviewed the power point training from the PREA Resource Center (PRC), by the Moss Group and the Bureau of Justice Assistance. The course they instruct staff on is entitled *Guidance in Cross-Gender and Transgender Pat Searches*. The auditor also reviewed the written directives for step-by-step systematic procedures for the pat-searching of female inmates. Informal conversations and formal interviews with staff and persons confined in the facility regarding search procedures indicated safe, secure, and respectful searches with limits to cross-gender strip searches and viewing. The auditor did not find any evidence of cross-gender strip searches of incarcerated persons at the KCJ.

Reference Policies: Policy 513 **Searches. 513.1 PURPOSE AND SCOPE. 513.1.1 DEFINITIONS. 513.2 POLICY. 513.3 PAT-DOWN SEARCHES. 513.8 TRAINING.**

Supporting Documents: **KCJ Inmate Handbook: Contraband**, Power Point *Guidance in Cross-Gender and Transgender Pat Searches*, Staff Training Records and logs, Pat-search step-by-step memo.

(b) Similarly, the KCJ does not permit cross-gender pat-down searches of female inmates absent exigent circumstances. Facilities shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

The KCJ **Pat-Down Searches** Policy address this standard sub-part. Except in emergencies, all pat-down searches will be conducted by a member of the same gender as the inmate. Absent the availability of a member of the same gender, it is recommended that a witnessing member be present during a pat-down search of an individual of another gender. All cross-gender pat-down searches shall be documented. According to the written instructions for pat-downs of female inmates, the jail will make every attempt to have same sex pat searches on females. Additionally, the KCJ does not restrict female inmates' access to regularly available programs and out of-cell opportunities in order to comply with this provision. Similarly, the policy requires the Training Officer to provide training for members on this policy, including how to conduct pat-down searches, modified strip searches, and strip searches in a professional and respectful manner and in the least intrusive manner possible, consistent with jail security needs. This training shall include cross-gender pat downs and searches, as well as searches of transgender and intersex inmates. Training on this subject was verified through staff verification and a review of training records and logs.

The auditor and assistant auditor interviewed all of the female inmates at the KCJ. No females interviewed reported being kept from out of cell activities because female staff were not present to do pat searches. A random sample of 12 Corrections Officers (CO) staff were interviewed. They were asked about the jail's search policies and their training relative to this standard. 10 of the 12 staff interviewed confirmed that they have received training on how to conduct cross gender pat down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs. (one CO was a new hire, the other CO was

on vacation during the training but within days of the on-site audit had completed the required training as documented by the PREA Coordinator). All jail staff interviewed indicated that female inmates are not restricted from out of cell activities due to the unavailability of female staff to pat search. The auditor spoke with some of the jail staff, the PREA Coordinator, and the Programmer. They all explained that on the rare occasion there wouldn't be a female CO available, they have back up plans utilizing the female dispatchers within the facility and there are female patrol officers available as well. The auditor read written instruction to this effect. The auditor was informed by the PREA Coordinator that in the past twelve months, there were zero cross-gender pat searches of female inmates conducted at the KCJ. The auditor did not find any violations of the cross-gender pat down search policies and standard requirements.

During the on-site audit, the auditor observed same-sex pat searches of inmates at intake and upon return to their housing units from programs, work assignments, or recreation. The auditor also observed the occasional pat search of a male inmate by a female CO. The PREA Coordinator and Jail Administrator confirmed that there are always both male and female Corrections Officers working in their co-ed jail. The auditor also reviewed the programming schedules and the inmate handbook which verified equal access to programs, services, and recreational activities. A spot-check of jail logs and video also confirmed that male jail staff do not pat-down female inmates at the KCJ.

Reference Policies: Policy 513 **Searches. 513.1 PURPOSE AND SCOPE. 513.1.1 DEFINITIONS. 513.2 POLICY. 513.3 PAT-DOWN SEARCHES. 513.8 TRAINING.**

Supporting Documents: **KCJ Inmate Handbook: Contraband, Inmate Programs, Recreation,** Power Point *Guidance in Cross-Gender and Transgender Pat Searches*, Staff Training Records and logs, Pat-search step-by-step memo, program records and logs.

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

The same policies described above address this standard sub-part.

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

Reference Policies: Policy 513 **Searches. 513.1 PURPOSE AND SCOPE. 513.1.1 DEFINITIONS. 513.2 POLICY. 513.3 PAT-DOWN SEARCHES. 513.8 TRAINING.**

Supporting Documents: **KCJ Inmate Handbook: Contraband, Inmate Programs, Recreation**, Power Point *Guidance in Cross-Gender and Transgender Pat Searches*, Staff Training Records and logs, Pat-search step-by-step memo, program records and logs.

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

The primary policy that addresses inmate privacy concerns are the **Inmate Hygiene Policy**.

During the pre-audit portion of the audit, the auditor received and read all relative policies, procedures, reports, and documents to confirm the limits to cross-gender viewing and searches. Security staff are trained on PREA to include cross-gender viewing and the male/female housing announcement of the opposite gender. The PREA lesson plans were reviewed by the auditor to confirm this course content. The auditor reviewed the inmate handbook as well which provides for inmate showers and advises inmates to cover up when using the facilities. They are also required to be fully clothed at all times except when changing clothes, showering, or using the restroom. Inmates should change inside the shower area. Correctional staff are required to be considerate of inmate privacy rights and dignity while supervising and monitoring inmate activity. Instructions are provided to the staff for conducting well-being checks in opposite gender housing units with the announcement of their entry. 12 jail staff were interviewed. They verified the announcement of opposite gender staff entering the unit via the doorbell system. All staff indicated that they feel inmates are able to dress, shower, and toilet without being viewed by staff of the opposite gender. Viewing is limited to exigent circumstances or incidental to routine cell checks. Recently, a new doorbell system has been installed to better serve the meaningful practice of this standard. Opposite gender staff press the doorbell prior to entry into the opposite gender housing unit. The doorbell sound is loud and clear. There are signs posted inside the housing units for inmates as to what the doorbell sound means. 9 inmates were interviewed at the KCJ. There were only 11 in custody during the interview process with two declining to be interviewed. All 9 inmates reported that opposite gender announce prior to entry into their housing unit. They mentioned the doorbell system. They said that system has been used properly for the past month or so.

The PREA Coordinator and the auditor conducted a walk-through of the facility and housing units in observance of opposite gender privacy considerations. The auditor witnessed consistent opposite gender announcements via the doorbell system. Occasionally, there were verbal announcements. Every cell within the housing units contain their own shower. There are privacy curtains and no cameras inside the shower areas. Toilets are edited out on the monitoring system.

Transgender and intersex inmates are given the opportunity to shower separately from other inmates. There are no group showers at the KCJ. Every person in custody has their own shower. Sometimes, inmates are double-bunked, so two per shower, taking turns. The auditor paid attention to the showers and change out areas for privacy. There are shower screens or doors for all showers and change out areas. Various visual angles were inspected by the auditor. These areas are not camera monitored. Toilets are edited out on the monitors. Specifically, during the site review, the auditor observed all areas where confined persons may be in a state of undress, such as showering, using the toilet, and/or changing their clothes. All areas included housing units, medical areas, intake, holding areas, and recreation areas. I also observed the use of electronic surveillance monitoring in the control area with officer stations. Both male and female staff monitor the cameras. The video monitoring technology does not allow staff to see confined persons in a state of undress or showering or on the toilet. There are no cameras in the showers and changing areas and the toilets are edited out on the screens. The announcement requirement in this standard is intended to put inmates on notice as to the presence of opposite-gender staff on the unit. This regulation is meant to balance privacy concerns of the inmate population with the security and operational needs of the facility. This is also known as the "cover up rule." If there is an accidental viewing during a well-being check, staff are to document in the incidental viewing Log. The auditor also held informal conversations with the correctional officers and inmates about cross-gender viewing. The auditor was informed that inmates are able to change clothes, use the toilet, and shower without staff of the opposite gender being able to view. Staff advised the auditor that there are procedures in place to prevent cross-gender viewing physically and via electronic monitoring. The alert method of announcing male/female entry is sufficient to allow persons in custody to cover-up as needed. Accommodations are made for persons who are deaf or hard-of-hearing. Additionally, the auditor reviewed miscellaneous jail logs and incident reports for compliance. During a tour of the medical unit, the RN verified the privacy of the inmates with respect to sick call and examinations. Upon review of the **KCJ Inmate Handbook**, the rules address inmate rights and privileges with expected behavior and housing unit rules including showering and personal hygiene.

Reference Policies: Policy 806 **Inmate Hygiene. 806.8 INMATE SHOWER. 806.11 ADDITIONAL PRIVACY REQUIREMENTS.**

Supporting Documents: **KCJ Inmate Handbook - Inmate Rights, pg. 3, PREA, pg. 5, Personal Hygiene, pg. 12.**

(e) The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

The facility has a policy prohibiting staff from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, the jail policy directs staff to

determine an inmate's status through conversation, a review of medical records, or as part of a broader medical examination. The KCJ **Searches** Policy enforces this standard.

I was informed by the PREA Coordinator that no searches as referenced above occurred at the KCJ in the past twelve months. I did not find any violations of the facility strip searching a transgender or intersex inmate for the purpose of determining genital status. There are no strip searches or visual searches conducted at the KCJ. Pat searches are conducted in a professional and respectful manner. Staff are also trained through the Minnesota Sheriff's Association (MSA) Jail Standardized Training *Defensive Tactics - Use of Force with Pat Searches*. There were no transgender inmates available to interview.

The corrections staff were also interviewed regarding searches of transgender inmates. They were asked if they were aware of the jail's policy prohibiting from searching or physically examining a transgender or intersex inmate for the sole purpose of determining that inmate's genital status. All 12 jail staff indicated that they are aware of the policy prohibiting searches to determine genital status. The facility does not do strip searches.

The auditor further reviewed the PREA Screening forms in support of this standard. This PREA Standard imposes a complete ban on searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Guidance from the Department of Justice (DOJ) on this PREA Standard states that staff should never conduct "dual gender" pat searches where the staff of one gender searches the top half, and the staff of another gender searches the bottom half of an inmate. The Transgender and Cross-Gender Searches training materials are provided to the KCJ staff to guide them in the right direction when it comes to these types of searches. Jail Staff receive this specific training for transgender and cross-gender search procedures. The auditor was provided with the training materials relative to this standard. These trainings were verified by the PREA Coordinator. He also provided an attendance roster of staff who participated in the course which was scenario based.

Reference Policies: Policy 513 **Searches. 513.1 PURPOSE AND SCOPE. 513.1.1 DEFINITIONS. 513.2 POLICY. 513.3 PAT-DOWN SEARCHES. 513.4 PROHIBITED SEARCHES OF TRANSGENDER AND INTERSEX INMATES. 513.8 TRAINING.**

Supporting Documents: **KCJ Inmate Handbook - Contraband**, Power Point *Guidance in Cross-Gender and Transgender Pat Searches*, MSA Jail standardized Training *Defensive Tactics - Use of Force with Pat Searches*, Staff Training Records and logs, Pat-search step-by-step memo.

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

The same searches policy requires that the facility provide the mandatory training

	<p>required to educate jail staff in the procedures to conduct cross-gender pat-down searches and searches of transgender and intersex inmates. By policy, staff are also informed that they are to search inmates in a professional and respectful manner, and in the least intrusive way, keeping consistent with safety and security needs. The PREA Training Policy also mandates all staff, volunteers and contractors who may have contact with inmates receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility.</p> <p>The Training Officer supplied the auditor with staff training records, class rosters, PREA test samples, staff training acknowledgements, training files, curriculum and other training material in support of this standard. The PREA Coordinator assured me that all staff are provided with initial and on-going training specific to how to search an inmate. The auditor read and reviewed the training curriculum and the jail staff training logs and records to assure compliance with this standard.</p> <p>In addition to the general PREA training topics, correctional staff were asked specifically about cross-gender searches and searches of transgender and intersex inmates. We discussed jail policy and training. All respondents answered yes that they have received training on how to conduct cross gender pat down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs. All reported recent training on this subject, with the exception of a new CO. They are not allowed to search solely for the purpose of determining genital status.</p> <p>Reference Policies: Policy 513 Searches. 513.8 TRAINING. Policy 306 PREA Training.</p> <p>Supporting Documents: MSA Jail Standardized Training <i>Defensive Tactics - Use of force with Pat Searches, Guidance in Cross-Gender and Transgender Pat Searches</i>, Female Pat Search instructional memo, Cross Gender/Transgender Training Scenarios,</p> <p>The KCJ accomplished this three-part standard by prohibiting all cross-gender strip and body cavity searches and disallowing the use of cross-gender pat searches for female inmates. Second, they provide for an announce practice when an opposite gender staff member enters a housing unit and provide policies/procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except when viewing is incidental to routine cell checks. Third, they meet the standard by providing protection from intrusive searches for the purpose of determining gender for transgender or intersex inmates. For these reasons, the KCJ is in substantial compliance with the limits to cross-gender viewing and searches PREA Standard.</p>
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115.16	Inmates with disabilities and inmates who are limited English proficient
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Auditor Overall Determination: Meets Standard
Auditor Discussion
<p>(a) The KCJ has established procedures to provide disabled inmates equal opportunity to participate in and benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and harassment.</p> <p>The primary policy that requires PREA equality for inmates with disabilities is the Inmates with Disabilities Policy. The policy provides guidelines for addressing the needs and rights of inmates detained at the KCJ in accordance with the Americans with Disabilities Act (ADA) and Minnesota Human Rights Act (MHRA). At the KCJ, it is the responsibility of the Jail Administrator, in coordination with the responsible physician and the ADA Coordinator to establish procedures to assess and reasonably accommodate disabilities of inmates. One of the procedures listed is to establish guidelines for services, programs, and activities for the disabled and ensuring that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The JA is also responsible for ensuring the jail is designed or adapted to reasonably accommodate inmates with disabilities. This includes:</p> <ul style="list-style-type: none">• Access to telephones equipped with a telecommunications device for the deaf (TDD) for inmates who are deaf or hard of hearing or speech impaired.• Subtitles to be displayed on the video presentation to assist inmates who have impaired hearing. <p>Corrections Officers are responsible to work with health care professionals to aid in making accommodations for those with disabilities. Inmates are asked during the intake classification process to reveal any accommodation requests. Requests for accommodation after the initial entry into the facility should be made through the standard facility request process and reviewed by a supervisor within 24 hours. The reviewing supervisor evaluates the request and, if approved, notifies the Jail Administrator, ADA Coordinator and any other staff as necessary to meet the accommodation. A record of the accommodation is made into the inmate's file. The ADA Coordinator should work with the Training Officer to provide periodic training.</p> <p>The auditor was also provided with Interpreter/Translator information called <i>Stratus</i>. <i>Stratus</i> is used on the jail tablet to video call an interpreter/translator whenever needed. This service is available 24/7 and instantly. American Sign Language (ASL) and a multitude of languages were listed.</p> <p>The inmate handbook contains a section for Assistive Equipment for Deaf & Hard of Hearing Inmates. TTY: Has a keyboard with a visual display screen that allows people to communicate with each other over the telephone lines by typing and reading their conversations. iPods: iPods allow inmates to communicate via text message. Interpreters: Interpreters can be contacted for in-person communication or via video chat. Interpreters can be requested for assistance in the court room during proceedings. Tablet: The KCJ has software which provides communication for</p>

the deaf & hard-of-hearing and other languages. This tablet will be utilized as a first attempt to provide effective communication with an inmate who is unable to hear well or speak English.

The auditor was provided with a Power Point *Zero Tolerance - Rights - Inmate Education*. Part of the training deals with inmate PREA education and requires training to inmates to be provided in a format they understand, Language or disability should not prevent inmates from receiving proper PREA education.

During the on-site audit, the auditor was also provided with additional notices, forms, and documents which were reviewed in support of compliance with this standard. The **KCJ Inmate Handbook** provides a list of inmate's rights to include equal access to programs, work assignments and involvement in decisions regarding their classification status and freedom from discrimination based on race, religion, national origin, sex, age, sexual orientation, disability, or political belief. The auditor confirmed the availability of TTY. The CO's have a laptop for interpretive services. The staff demonstrated to the auditor how it works. The auditor and PREA Coordinator discussed procedures for ensuring adequate forms of communication for persons who are deaf, hard of hearing, blind, or speech impaired. For inmates who have low vision or are blind, staff can verbally read all PREA notices, and educational materials that are provided to all other inmates. They can listen to the orientation video with PREA content. The orientation video and televisions are closed caption. The Programmer assisted the auditor with a quick review of the orientation video which contained PREA information. The orientation video is shown to inmates initially after the booking process and is also replayed continually on channel 10 within the housing units. Materials and equipment are available at intake and in Central Control. The auditor and PREA Coordinator reviewed a few files of disabled inmates to ensure PREA benefits.

The Sheriff verified that the agency has established procedures to provide inmates with disabilities equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse/harassment. He described the iPad interpretation system available for staff. They work with inmates with disabilities to ensure their personal safety. He said that they are ADA compliant.

There was only one targeted inmate to be interviewed as disabled and Limited English Proficient (LEP). They responded yes, that the jail provided information about sexual abuse and sexual harassment that they were able to understand. They described the orientation and PREA video and said that they were able to understand the content of the video when it was shown. This was regarding the understanding of information about their rights in the facility, and rights related to sexual abuse, and how to report sexual abuse and sexual harassment.

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

least annually.

Reference Policies: Policy 602. **Inmates with Disabilities. 602.1 PURPOSE AND SCOPE. 602.2 POLICY. 602.3 JAIL ADMINISTRATOR RESPONSIBILITIES. 602.4 CORRECTIONS OFFICERS RESPONSIBILITIES. 602.5 ACCOMMODATION REQUESTS. 602.6 TRAINING.**

Supporting Documents: **KCJ Inmate Handbook**, INMATE RIGHTS, pg. 3, PREA pg. 5, ASSISTIVE EQUIPMENT FOR DEAF & HARD OF HEARING INMATES, pg. 29. Interpreter/Translator document. Power Point *Zero Tolerance - Rights - Inmate Education*. Jail training records and logs.

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

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

Additionally, and during the facility tour of the on-site audit, the auditor looked for information about PREA. The PREA Coordinator is in the process of updating their Spanish language PREA information through the inmate handbook and posters. In the mean time, interpreter/translator services are utilized. The auditor tested the facility's access to interpretation services. The PREA Coordinator provided the auditor with information and demonstrated various equipment and technologies for interpretation services. Accommodations are made for inmates who are unable to read or who are blind. The Programmer can also work with the disabled by providing the resources necessary for PREA benefits. During the on-site audit, some of the inmates also demonstrated PREA information on their texters to read.

Reference Policies: Policy 602. **Inmates with Disabilities. 602.1 PURPOSE AND SCOPE. 602.2 POLICY. 602.3 JAIL ADMINISTRATOR RESPONSIBILITIES. 602.4 CORRECTIONS OFFICERS RESPONSIBILITIES. 602.5 ACCOMMODATION REQUESTS. 602.6 TRAINING.**

Supporting Documents: **KCJ Inmate Handbook**, INMATE RIGHTS, pg. 3, PREA pg. 5, ASSISTIVE EQUIPMENT FOR DEAF & HARD OF HEARING INMATES, pg. 29. Interpreter/Translator document. Power Point *Zero Tolerance - Rights - Inmate Education*. Jail training records and logs.

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

	<p>The PREA Policy addresses this standard subpart within the FIRST RESPONDERS section.</p> <p>The PREA Coordinator confirmed that inmate interpreters are not utilized. He also verified that in the past 12 months, no inmate interpreters were used in this way. The auditor did not find any indicators of inmate interpreters, readers, or assistants when it comes to PREA allegations.</p> <p>Corrections Officers were interviewed about the use of inmate interpreters or readers for assisting inmates with disabilities or inmates who are LEP when making an allegation of sexual abuse or sexual harassment. 5 jail staff indicated that initial information might be gathered through an inmate interpreter. (third-party reporting) 7 jail staff said they would only use professional interpreter services that are available to the jail. None of the 12 jail staff recalls actual use of inmate interpreters.</p> <p>Reference Policies: Policy 606 PREA. 606.7 First Responders.</p> <p>Supporting Documents: KCJ Inmate Handbook, ASSISTIVE EQUIPMENT FOR DEAF & HARD OF HEARING INMATES, pg. 29. Interpreter/Translator Stratus document.</p> <p>In conclusion, the KCJ/KCSO has provided appropriate and relevant evidence in support of the Inmates with Disabilities and LEP Standard. The auditor has observed the implementation of the written policies, procedures, and relative documents and on-site in order to make the compliance determination. The KCJ Administration and staff take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to professional interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency ensures that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision. The agency also takes reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are LEP, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. The agency does not rely on inmate interpreters for PREA purposes in any way. The KCJ meets the requirements of the equal opportunity standard for disabled or LEP inmates.</p>
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115.17	Hiring and promotion decisions
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

(a) The KCJ does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor who may have contact with inmates, who— (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.

The KCJ maintains a **Recruitment and Selection** Policy which covers mandatory disqualifications as described in the standard. The **Special Assignments and Promotions** Policy also addresses the same disqualifications according to this standard.

The auditor examined these policies pertaining to hiring and promotional decisions, recruitment and selection processes, as well as disqualification guidelines in accordance with the high standards of integrity and ethics valued by the KCJ and the community. During the pre-audit, the PREA Coordinator provided the policies as well as the KCSO Code of Conduct - 10 Principles and the County Handbook which contains a Harassment and Respectful Conduct section in support of this standard.

During the on-site audit, the PREA Coordinator and the Human Resources staff provided files of persons hired or promoted in the past 12 months for review to determine whether proper criminal record background checks have been conducted and questions regarding past conduct were asked and answered. The auditor interviewed the Administrative/Human Services staff member who coordinates the hiring and promotional process within the KCJ. I was able to review personnel files of employees and contractors who had been hired within the past year in order to verify that the contents of the file included proper and thorough criminal background record checks, and that investigations had been conducted. The representative walked me through the application to hiring process. Correctional Officers are asked the specific questions as required by this PREA Standard. The auditor examined the Release of Information Consent Form. It informs the applicant that a criminal background check will be conducted before allowing them to work in their jail facility and asks about previous convictions and incarcerations. It is signed and dated by the applicant and reviewer. The Background Investigation reports contain civil and criminal record histories. Acquaintances are questioned as to the moral character of the applicant. The background investigation also includes information related to the applicant's employment history. KCJ security requirements are met through fingerprint analysis. Contract staff require a similar background check through fingerprinting and criminal history examinations. The auditor also reviewed the KC website pertaining to the hiring process for a jail position. The hiring process for jail positions include application, screening, background check, and interviews. See <https://www.google.com/search?q=kanabec+county+jail+hiring+process>

Reference Policies: Policy 304 **Recruitment and Selection. 304.5.1 MANDATORY DISQUALIFICATION.** Policy 106 **Special Assignments and Promotions. 106.3.4**

DISQUALIFICATION.

Supporting Documents: County Handbook. **HARASSMENT & RESPECTFUL CONDUCT**, pgs. 39-42. **EMPLOYEE ACKNOWLEDGEMENT** of KC Employee Handbook. KCSO Code of Conduct - 10 Principles.

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

The KCJ **Recruitment and Selection** Policy describes the general **DISQUALIFICATION GUIDELINES**. As a general rule, performance indicators, candidate information, and records shall be evaluated by considering the candidate as a whole, and taking into consideration: patterns of past behavior, severity of behavior, past behavior if repeated or made public, the likelihood of recurrence, the relevance of past behavior to public safety employment and other relevant considerations.

According to the PREA Coordinator, prior incidents of sexual harassment is considered when determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates. The Human Resources Representative was unsure of the promotional aspects of this requirement, but stated that this type of information would be documented in the background summary report for review. Criminal Record and background checks are accomplished to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the KCJ. They do this for contractors who may have contact with inmates as well. She explained that not only is this information considered, but with sufficient evidence the candidate would not be eligible for hiring, promoting, or enlisting contract services. The auditor again reviewed background investigative reports and corresponding materials within the personnel files.

Reference Policies: Policy 304 **Recruitment and Selection**. **304.5.1 MANDATORY DISQUALIFICATION**. Policy 106. **Special Assignments and Promotions**. **106.3.4 DISQUALIFICATION**.

Supporting Documents: County Handbook. **HARASSMENT & RESPECTFUL CONDUCT**, pgs. 39-42. **EMPLOYEE ACKNOWLEDGEMENT** of KC Employee Handbook. KCSO Code of Conduct - 10 Principles.

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

The **RECRUITMENT AND SELECTION PROCESS** Policy addresses this standard subpart. The Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects.

Minimally, the Office should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes reviews and verifications. Every candidate shall undergo a thorough background investigation to verify their personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the KCSO. The policy also requires that the Office shall make reasonable efforts to contact prior institutions that the candidate has been employed by to inquire about sexual abuse allegations.

This was confirmed by the PREA Coordinator and the Human Services staff. The auditor verified the practice of criminal record background checks through the background investigation process. The auditor reviewed a sampling of Background Summary Reports. One specific example of a thorough background investigation process was a CO who applied to become a Deputy. He had been a CO at the KCJ and was applying to become a field deputy within the same department. They were still required to go through a new background process. The auditor reviewed the hiring file of the employee.

The PREA Coordinator informed the auditor that in the past 12 months, 2 persons were hired who may have contact with inmates who have had criminal background record checks. The auditor confirmed the validity of this information through a review of the employee/contractor hiring files.

Reference Policies: Policy 304 **Recruitment and Selection. 304.5 DISQUALIFICATION GUIDELINES. 304.5.1 MANDATORY DISQUALIFICATION.** Policy 106 **Special Assignments and Promotions. 106.3.4 DISQUALIFICATION. 304.7 SELECTION PROCESS. 304.8 BACKGROUND INVESTIGATION.**

Supporting Documents: Review of Background Investigation Summary Reports, Release of Information Consent Forms.

(d). Agency policy requires that a criminal background record check be completed before enlisting the services of any contractor who may have contact with inmates.

The Recruitment and Selection Policy also requires criminal background record checks for contractors who may have contact with inmates. The **MANDATORY DISQUALIFICATION** POLICY also includes members or contractors. The **BACKGROUND INVESTIGATION** POLICY requires every candidate to undergo a thorough background investigation to identify any past behavior that may be indicative of their unsuitability to perform duties relevant to the operation of the KCSO. The PREA Coordinator and the Administrative/Human Resources representative confirmed that employees and contractors undergo criminal record background checks. They provided me with a sample of files of newer hired contract staff for review.

Reference Policies: Policy 304 **Recruitment and Selection. 304.5.1 MANDATORY DISQUALIFICATION. 304.8 BACKGROUND INVESTIGATION.**

Supporting Documents: Review of Background Investigation Summary Reports, Release of Information Consent Forms.

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

The **PREA** and **PREA Coordinator** Policies address this standard requirement.

The agency also imposes a continuing duty to disclose any such misconduct as described in the **Special Assignments and Promotions** Policy. Under **DISQUALIFICATION**, employees who may have contact with inmates shall disclose any conduct described above in written applications or interviews for promotion or special assignment. The PREA Coordinator explained the system currently in place to conduct criminal record background checks of current employees and contractors who may have contact with inmates. The process they maintain is a fingerprint and records check upon hire and then every 5 years. The PREA Coordinator provided me with a spreadsheet of current employees with accomplished 5-year checks. An Initial Complaint Report (ICR) is initiated and fingerprints are accomplished and submitted through the Criminal Justice Information Services (CJIS) system. The Bureau of Criminal Apprehension's Minnesota Justice Information Services (MNJIS) facilitates access to and exchange of information between sources of criminal justice data, providing technology and services to help agencies solve crimes, prosecute offenders and protect Minnesotans and all who visit our state. Some of these services include: background checks and criminal histories. The PREA Coordinator maintains a list of current employees and contractors for documentation of background records checks at five-year intervals which was verified by the auditor. This is coordinated by the PREA Coordinator and requested through dispatch who have state clearance. See <https://dps.mn.gov/divisions/bca/bca-divisions/criminal-justice>

Reference Policies: Policy 106 **Special Assignments and Promotions. 106.3.4 DISQUALIFICATION.** Policy 606 **PREA. 606.4 PREA COORDINATOR** (o).

Supporting Documents: 5-year Criminal History spreadsheet.

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

The **MANDATORY DISQUALIFICATION** Policy addresses this standard subpart. The Office shall ask all candidates who may have contact with inmates to disclose any conduct described above in written applications or interviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

This was also verified by the PREA Coordinator and the Administrative/Human Resources Staff. They said this is required by policy that applicants and employees are asked during written applications and interviews for hiring or promotion. The **SPECIAL ASSIGNMENTS AND PROMOTIONS** Policy also under the **DISQUALIFICATION** Policy states that employees who may have contact with inmates shall disclose any conduct described above in written applications or interviews for promotion or special assignment.

The PREA Coordinator confirmed that they have incorporated these questions into their hiring process for any promotional opportunity and they are on the application. As per policy, the KCJ imposes on all current employees a continuing affirmative duty to disclose any of the misconduct described in this section. Jail staff receive PREA training and policy review in support of this standard. The auditor reviewed the curricula which educates employees on the PREA standards and their roles and responsibilities.

Reference Policies: Policy 304 **Recruitment and Selection. 304.5.1 MANDATORY DISQUALIFICATION.** Policy 106 **Special Assignments and Promotions. 106.3.4 DISQUALIFICATION.**

Supporting Documents: Review of application, hiring, and promotional documents.

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

The **MANDATORY DISQUALIFICATION** Policy within the Recruitment and Selection Policy contains this standard requirement. The Office shall ask all candidates who may have contact with inmates to disclose any conduct described above in written applications or interviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

The auditor reviewed the jail policies with procedures and confirmed the practice with the PREA Coordinator and the Administrative staff representative. Jail staff receive PREA training and policy review in support of this standard. The auditor reviewed the curricula which educates employees on the PREA standards and their roles and responsibilities.

Reference Policies: Policy 304 **Recruitment and Selection. 304.5.1 MANDATORY DISQUALIFICATION.**

Supporting Documents: Review of employee hiring files - applications, interviews, criminal records checks, and background investigations.

(h) Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

626.87 LAW ENFORCEMENT BACKGROUND INVESTIGATIONS.

	<p>Subd. 2. Disclosure of employment information.</p> <p>Upon request of a law enforcement agency, an employer shall disclose or otherwise make available for inspection employment information of an employee or former employee who is the subject of an investigation under subdivision 1 or who is a candidate for employment with a law enforcement agency in any other capacity. The request for disclosure of employment information must be in writing, must be accompanied by an authorization and release signed by the employee or former employee, and must be signed by an authorized representative of the law enforcement agency conducting the background investigation. See https://www.revisor.mn.gov/statutes/cite/626.87#:~:text</p> <p>The Human Resources representative verified that with the receipt of a legal release form, as authorized by the candidate and agency, they would provide a summary report upon request. This as confirmed by the PREA Coordinator.</p> <p>The auditor discussed this process with the PREA Coordinator and the Human Services/Administrative Representative. We discussed data practices, proper executed Release of Information (ROI) form requests, and the release of certain records. When a former employee applies for work at another institution, upon request from that institution, the KCSO/Jail does indeed provide information on substantiated allegations of sexual abuse/harassment involving the former employee. The Administrative/Human Resources staff said that they work together with the County Personnel office to ensure legal requirements are met for the release of information.</p> <p>The KCJ meets the requirements of the hiring and promotions PREA Standard.</p>
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115.18	Upgrades to facilities and technologies
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.</p> <p>The PREA Policy contains the Upgrades to Facilities and Technologies Policy within the PREA Coordinator Policy section. The KCJ has not acquired a new facility or made a substantial expansion to existing facilities since the last PREA Audit in 2022.</p> <p>The Sheriff, Jail Administrator and PREA Coordinator, verified that the KCJ has not acquired a new facility nor have they made a substantial expansion to existing facilities since the last PREA Audit. The auditor toured and observed the KCJ inside and out and is familiar with the facility having conducted previous audits there and</p>

verified no expansions or modifications to the facility. The facility is licensed by the State of Minnesota to house up to 60 inmates with an operational capacity of 51. It is separated into 6 housing units. The facility is not experiencing any overcrowding issues and is clean, well maintained, and continues to run at a high level of compliance with Chapter 2911 rules.

According to the Sheriff, the safety of inmates is first and foremost. The Jail Administrator said that the facility was opened in 2011. They said when they built their new jail, they absolutely considered the effect of the facility upon its ability to protect inmates from sexual abuse. The KCJ still looks new, being well-maintained, clean, and organized. The auditor witnessed safety and security procedures practiced within the structure of the jail.

Reference Policies: Policy 606 **PREA. 606.4 PREA COORDINATOR** (d).

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

The same policy addresses this provision of the standard.

The KCJ has not installed or updated a new video monitoring system, electronic system, or other monitoring technology since 2021. The Sheriff said they upgraded and added cameras/monitors for improved coverage after Covid. He explained that it is a useful tool and significantly helps the security staff operate more efficiently. At the time, the agency considered the effect of such changes on their ability to protect inmates from sexual abuse. The Jail Administrator said that they installed and updated their monitoring technology for improved electronic surveillance, as a supplement to staff supervision. The PREA Coordinator provided the auditor with a current camera location list which the auditor observed at Central Control and in the Dispatch Center. The project was completed in January of 2022. Specifically, the Jail updated its cameras with newer models in the form of Accurate Controls and almost doubled the number of cameras in and around the facility. This is a combination security door and monitoring technology system for safety and security purposes. Cameras were installed in all housing units. The Sheriff and Jail Administrator described the new system to the auditor. They said it was a high-priority project focused on the overall safety and security of the facility and to enhance the protection of inmates from incidents of sexual abuse by providing continual observation. Any allegations of sexual abuse are investigated and electronic video evidence is available for review in virtually every area of the jail. The auditor did not notice any blind spots or gaps in areas that were not monitored during the facility tour. The auditor toured all areas of the facility and checked the camera locations and the video monitoring system capabilities from the dispatch center and central control. I was also provided with a list of cameras and locations totaling 138 sites within the secure perimeter of the jail and throughout the building. Also monitored are the routes to court and the courtrooms. The outside perimeter of the jail also has security cameras. The KCSO has made great strides in providing electronic supplemental supervision and monitoring for their staff in the form of cameras and

	<p>monitors. Security staff and the PREA Coordinator had input as to camera placement and deployment of the video monitoring system. According to the Accurate Controls website, since 1982, Accurate Controls has designed integrated security automation systems for more than 500 correctional facilities across the United States. Accurate Controls' non-proprietary security systems provide proven technology and offer easy-to-operate touch-screen capability, architectural flexibility, and added security. In speaking with the dispatchers, corrections officers, and investigators that monitor and utilize the system, it has been an improvement in clarity and camera angles. Shower areas, toilet, and changing areas are not monitored and are custom edited out by the system administrator. See https://accuratecontrols.com/markets-served/corrections/.</p> <p>Please reference the auditor's previous Final Report for a description of the 2021-22 video monitoring and electronic surveillance camera system.</p> <p>Reference Policies: Policy 606 PREA. 606.4 PREA COORDINATOR (d).</p> <p>Supporting Documents: 2022 KCJ PREA Final Report.</p> <p>The KCSO/KCJ meets the requirements of the PREA Upgrades to Facilities and Technology Standard in all material and physical ways.</p>
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115.21	Evidence protocol and forensic medical examinations
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) The KCSO is responsible for investigating allegations of sexual abuse and follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.</p> <p>The auditor reviewed the applicable jail and field division policies relative to sexual abuse investigations. The Sexual Abuse and Sexual Harassment Investigations Policy addresses this standard as well as the Sheriff's Office Sexual Assault Investigations Policy and the Model Sexual Assault Investigation Policy.</p> <p>As we learned in the first PREA Standard, the office has zero tolerance with regard to sexual abuse and sexual harassment in this facility. This office will take appropriate affirmative measures to protect all inmates from sexual abuse and harassment, and promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment. The agency/facility is responsible for conducting criminal sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct). "Evidence collection shall be based on a uniform evidence protocol that is developmentally appropriate for youth, if applicable, and adapted from or otherwise based on the most recent edition of the DOJ's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols</p>

developed after 2011." The Model Sexual Assault Investigations Policy was adopted by Minnesota Peace Officer Standards and Training Board on January 24, 2019. The KCSO follows this model. The policy provides employees with guidelines for responding to reports of sexual assault. The **PREA Training** Policy requires **SPECIALIZED INVESTIGATIVE TRAINING**. Specialized investigative training for investigators shall include the uniform evidence protocol to maximize potential for obtaining useable physical evidence; 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 referral for prosecution. A review of investigator training records provides Certificates of Completion for PREA: Investigating Sexual Abuse in a Confinement Setting by the National Institute of Corrections (NIC), for Sheriff's Office Investigators. Criminal Investigators are Deputy Sheriffs of the KCSO. They are licensed by the State of Minnesota after completing an educational and skills program and passing a state board exam. Licensing itself only occurs when eligible candidates are appointed to a peace officer position and certain selection standards are met. The PREA Coordinator is also certified to conduct PREA Investigations. The auditor studied numerous policies, procedural documents, training and curriculum records, and investigative files as evidence of this standard.

The auditor also interviewed an Investigator, COs, the Sheriff, Jail Administrator and PREA Coordinator who detailed this response practice. Allegations of sexual abuse are always referred and investigated by agency investigators, but if it involves a staff member, it will be referred to internal affairs, or an outside agency may conduct the investigation. If the investigation is referred to another agency for investigation, the Office shall request that the investigating agency follow the requirements as provided in 28 CFR 115.21 (a) through (e). All investigations are prompt, thorough, and objective. This KCJ Policy is also published on its website: "The Kanabec County Sheriff's Office, and the Department of Corrections, has a zero-tolerance standard for incidence of sexual abuse and sexual harassment and also makes prevention of inmate sexual abuse a top priority. The Kanabec County Sheriff's Office also extends this zero tolerance policy to include any personnel, volunteers, interns, or contract personnel, who may have contact with inmates and will thoroughly investigate and hold accountable person(s) who violate these policies and Minnesota State laws." See <https://www.kanabecounty.org/departments/jail.php>

The **KCJ Inmate Handbook** briefly describes the investigation process. An investigation will be done, and if warranted, the perpetrator(s) will be charged and prosecuted.

All jail staff interviewed had knowledge of and understood the agency's protocol for obtaining physical evidence if an inmate alleges sexual abuse and the investigation requirements. 10/12 jail staff could give examples of how physical evidence would be preserved and collected. One staff mentioned the importance of chain of custody. The jail staff were also asked if they know who is responsible for conducting sexual abuse investigations. All 12 jail staff answered with investigators and/or PREA Coordinator.

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

Reference Policies: Policy 606 **PREA. 606.2 POLICY. 606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS.** Policy 601. **Sexual Assault Investigations. Model Sexual Assault Investigation Policy.** Policy 306 **PREA Training. 306.5 SPECIALIZED INVESTIGATIVE TRAINING.**

Supporting Documents: Certificates of Completion. PREA: Investigating Sexual Abuse in a Confinement Setting by NIC. **KCJ Inmate Handbook**, pg. 5.

(b) Specialized investigative training for investigators includes the uniform evidence protocol to maximize the potential for obtaining useable physical evidence; techniques for interviewing abuse victims; proper use of *Miranda* and *Garrity* warnings; sexual abuse evidence collection in confinement settings; and the criteria and evidence required to substantiate a case for administrative action or referral for prosecution.

The PREA **SPECIALIZED INVESTIGATIVE TRAINING** Policy covers this subpart of the Evidence Protocol and Forensic Medical Exams standard. The auditor again reviewed the **Model Sexual Assault Investigation Policy** for uniformity purposes. It covers all the requirements of this standard subpart. The auditor reviewed the Investigating Sexual Abuse in Confinement Settings training curriculum. This training program "is designed to address the requirements outlined in the Prison Rape Elimination Act (PREA) standard 115.34/.134/.234/.334 requiring specialized training for individuals tasked with investigating alleged incidents of sexual abuse in confinement settings. Additionally, this curriculum contains the information fundamental to understanding the concepts required by PREA standard 115.34/.134/.234/.334 and best practice in investigating incidents of sexual abuse." The Department of Justice Model (DOJ) was taught to the investigators for uniform evidence protocols. The protocol was based on the most recent edition of the DOJ's Office on Violence Against Women publication, "A National Protocol for Sexual Assault medical Forensic Examinations, Adults/Adolescents," and other similarly comprehensive and authoritative protocols developed after 2011. The auditor reviewed a sample of current and older jail PREA incident reports and investigation files and focused on the consistent uniform evidence protocols for compliance of this standard requirement. The auditor also reviewed the specialized training materials for investigators.

The auditor spoke with one of the investigators who is trained to investigate sexual assault allegations in confinement settings. She confirmed the standard practice of uniform evidence collection (DNA and physical evidence), including electronic monitoring data, and interviewing sexual abuse victims. She said that training included techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative or prosecution

referral. *Miranda* warnings are a set of rights that law enforcement must inform a suspect of before questioning them in custody. The purpose of the warnings is to protect the suspect's rights and ensure that statements made during questioning are admissible in court. *Garrity* warnings are designed to protect public employees from being compelled to incriminate themselves during job related investigations. The typical *Garrity* warning informs the employee of their right to remain silent, but also that their silence could lead to job termination. The auditor again reviewed the policies, training curriculum, and PREA investigation files for uniform evidence protocols.

Reference Policies: Policy 601 **Sexual Assault Investigations. Model Sexual Assault Investigation Policy.** Policy 306.5 **SPECIALIZED INVESTIGATIVE TRAINING.**

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

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

The **SEXUAL ABUSE VICTIMS AND PREA EXAMINATION, TESTING AND TREATMENT** Policy requires this standard subpart. The Model Sexual Assault Investigations Policy also contains a Sexual Assault Medical Forensic Examination requirement as part of the investigation process. Inmates who are victims of sexual abuse shall be transported to the nearest appropriate location for treatment of injuries and collection of evidence, and for crisis intervention services. A victim advocate from a rape crisis center should be made available to the victim.

The Investigator I interviewed informed me that in the event of a sexual assault at the jail, they would bring the victim to the Cambridge Medical Center Emergency Department. They have access to Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs).

Cambridge Medical Center

701 S Dellwood St
Emergency Department
Cambridge, MN 55008

(763) 688-7891

See <https://www.allinahealth.org/cambridge-medical-center/health.org/cambridge-medical-center/services/emergency-department>

A list of MN SANE programs can be found on the Minnesota Forensic Nurses website:

See <https://mnforensicnurses.org/minnesotasane-programs/>.

The auditor researched the Forensic Nursing Service through the Allina Health System in Minnesota. According to their website: "Forensic Nurse Services. Compassionate treatment for those who have experienced sexual assault, intimate partner violence or abuse. If you have been sexually assaulted or are a victim of intimate partner violence, you have experienced a serious personal trauma affecting the mind, body and spirit. You did not deserve it, and it is not your fault. If you've experienced violence in your life, you have immediate access to compassionate, sensitive medical care and treatment. Forensic nurse examiners (FNEs) are specially trained nurses who evaluate patients for health risks associated with sexual assault, intimate partner violence or abuse and provide appropriate treatment. Remember: Sexual assault is a crime, and you have the right to report it if you wish. Regardless of whether you choose to report the assault, there are a variety of support services, including crisis intervention, counseling, support groups, medical care and legal help available. Violence is a significant public health problem. Understanding is the first step toward intervention. We are here to support you. There is hope, and you are not alone."

See <https://account.allinahealth.org/services/859#locations>

The auditor also conducted community outreach to the Allina Cambridge Medical Center Emergency Department. I called the number as referenced and spoke with one of the assistants in the emergency department. She confirmed with a nurse that they have a list of qualified SAFE/SANE to call in on an emergency basis and they would accept victims from the KCJ. I also reached out to Family Pathways during the audit process. I spoke with a representative who confirmed that they would accept calls from the jail or from third parties of allegations of sexual abuse or harassment. I verified the Memorandum of Understanding (MOU) for the purpose of providing confidential reporting and support services to the inmate population. I spoke with the person who oversees PREA related matters. They verified that they would provide an advocate/escort to accompany a victim to the forensic examination upon request.

According to the PREA Coordinator, in the past 12 months, there were no SANE examinations necessary. The PREA Coordinator and the RN employed at the jail, confirmed that all victims of sexual abuse would be offered access to forensic medical examinations at the local hospital, (Cambridge Medical Center) without financial cost to the victim, where evidentiary or medically appropriate. Forensic examinations are not performed at the KCJ by the facility's contracted medical provider. Medical staff verified that they are not trained to conduct forensic examinations. The auditor read and reviewed further documentation and secondary medical materials to corroborate that all inmate victims of sexual abuse have access to forensic medical examinations as well as documentation made available that delineates responsibilities of medical and mental health practitioners.

Reference Policies: Policy 601 **Sexual Assault Investigations** and Model Sexual Assault Investigation Policy. **PREA Policy 606.8 SEXUAL ABUSE VICTIMS. 606.9 EXAMINATION, TESTING AND TREATMENT** (a) and (h).

Supporting Documents: Family Pathways Memorandum of Understanding of December 19, 2024, Medical History and Health Appraisal form.

(d) The KCSO/KCJ makes available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency makes available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member.

The **PREA SEXUAL ABUSE VICTIMS** Policy addresses this standard subpart. The Family Pathways MOU also provides for this standard subpart. Upon request, Family Pathways will make every attempt to meet with the reporting inmate to provide support and services to include advocacy and accompanying to the hospital. This was verified by the PREA representative of Family Pathways. They are available 24/7 for reporting and victim advocacy services.

The KCJ Inmate Handbook also provides the Family Pathways contact information for reporting sexual abuse or sexual harassment. The *End the Silence Brochure* that is given to new inmates provides the external reporting options to include Family Pathways. If they are abused, support services are available.

There were no incarcerated persons who had reported a sexual abuse during the on-site audit.

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

Reference Policies: Policy **PREA 606.8 SEXUAL ABUSE VICTIMS**.

Supporting Documents: MOU 12/19/2024, *END THE SILENCE: Zero Tolerance for Sexual Abuse and Sexual Harassment: PREA*.

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

The **SEXUAL ABUSE VICTIMS AND EXAMINATION, TESTING AND TREATMENT** Policies address this standard subpart. Not only is the KCSO/KCJ required to provide a victim advocate for intervention and related assistance to the victim, but if requested, a qualified community organization staff member shall accompany the victim through the forensic medical examination process and investigatory interviews. If they are not available, a qualified office staff member steps in. The MOU provides for inmate support services as they relate to reports of criminal sexual conduct or sexual harassment. The KCSO/KCJ and Family Pathways "... agree to work together in the true spirit of partnership to ensure all possible services are offered and/or provided to the inmates of the KCJ." These services were also verified by the PREA Coordinator and the PREA contact for Family Pathways.

Reference Policies: **PREA 606.8 SEXUAL ABUSE VICTIMS. 606.9 EXAMINATION, TESTING AND TREATMENT (b)**.

	<p>Supporting Documents: MOU 12/19/2024, <i>END THE SILENCE</i> Brochure.</p> <p>(f) Not applicable.</p> <p>The KCSO/KCJ conducts its own Administrative and Criminal Investigations.</p> <p>(g) Not applicable.</p> <p>Prior records and reports were reviewed for compliance of this standard. Investigator and Administrator interviews confirm PREA investigative standards when an outside agency investigates.</p> <p>(h) Not applicable. The auditor was informed by the PREA Coordinator that the KCJ will always makes a victim advocate from a rape crisis center available to victims.</p> <p>The KCSO/KCJ complies in all material ways with this standard for the relevant review period.</p>
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115.22	Policies to ensure referrals of allegations for investigations
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) The KCSO/KCJ insures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.</p> <p>The PREA Coordinator provided the auditor with policies and procedures governing investigations of allegations of sexual abuse and sexual harassment during the preaudit stage of the audit process. The auditor reviewed all policies and documents relative to this standard. The SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS Policy addresses this standard.</p> <p>According to the PREA Coordinator, In the past 12 months, there were two allegations of sexual abuse or sexual harassment that were received. They were reviewed by the auditor. They were both unfounded. All PREA allegations are investigated via criminal investigation. All reports are referred to the field division PREA Investigators. The auditor reviewed the incident reports and investigative files according to auditing instructions. The auditor also reviewed past documentation of reports of sexual abuse and harassment and documentation of investigations, including full investigative reports with findings and/or disciplinary sanctions. Some of the incident reports described a previous abuse allegation which were referred to the appropriate agency.</p> <p>The PREA Coordinator is responsible for ensuring that the following are published on the office website: 1. The Office policy governing investigations of allegations of sexual abuse and sexual harassment or the referral of such investigations. 2. Information on how to report sexual abuse and sexual harassment on behalf of an</p>

inmate. The **PREA Investigations** Policy is advertised on the jail's website: "The Kanabec County Sheriff's Office, and the Department of Corrections, has a zero-tolerance standard for incidence of sexual abuse and sexual harassment and also makes prevention of inmate sexual abuse a top priority. The Kanabec County Sheriff's Office also extends this zero tolerance policy to include any personnel, volunteers, interns, or contract personnel, who may have contact with inmates and will thoroughly investigate and hold accountable person(s) who violate these policies and Minnesota State laws." See <https://www.kanabecounty.org/departments/jail.php>

The **KCJ Inmate Handbook** also provides information to persons in custody that ensures referrals for investigations for all allegations of sexual abuse/harassment. Posters and PREA Notices also ensure prompt, thorough, and complete investigations for all allegations of sexual abuse/harassment.

The auditor spoke with the Sheriff regarding PREA investigations. He confirmed that their agency ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse or sexual harassment. He described their criminal investigation process, since all PREA allegations are referred to the Deputy PREA Investigators. The report can come from any source. There are four investigators and they are PREA trained.

Reference Policies: **PREA Policy 606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS.** Policy 601 **Sexual Assault Investigations** and Model Sexual Assault Investigations Policy.

Supporting Documents: **KCJ Inmate Handbook PREA** section, pgs. 5-6.

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

The auditor received and reviewed all relative policies as described in the first part of this standard. The auditor also researched the legal authority aspect of this standard. As previously established, the KCSO is the agency with legal authority to conduct criminal investigations that handles all referrals. The KCSO employs peace officers as licensed through the MINNESOTA BOARD OF PEACE OFFICER STANDARDS AND TRAINING (POST). Minnesota Statute 626.84 charges Minnesota's licensed peace officers with the prevention and detection of crime and the enforcement of general criminal laws of the state, and, gives them full power of arrest. But Minnesota's peace officers do more. They work to solve problems and respond to emergencies in our communities. They do what it takes to protect and promote the peace and safety of Minnesotans. The Minnesota POST Board licenses nearly 11,000 profession peace officers who are employed at more than 400 law enforcement agencies in the state. These officers have received specialized education and training before being employed at state, county, and local levels. Licensed peace officers include municipal police officers, sheriffs and deputy sheriffs, Minnesota State Patrol officers,

enforcement officers of the Department of Natural Resources, special agents of the Bureau of Criminal Apprehension, and officers at other law enforcement agencies. Additionally, the KCSO also provides further education and training to its deputies. Investigators receive specialized training in their field and PREA investigators have received specialized training to investigate sexual assaults or sexual abuse in confinement. Thus, they have the legal authority to conduct PREA investigations. See <https://dps.mn.gov/entity/post/becoming-a-peace-officer/Pages/who-are-minnesota-peace-officers.aspx>. ❖❖

If there is a conflict of interest, or the allegation involves a staff member, the investigation may be referred to another Sheriff's Office for investigation. The KCJ publishes their policy on its website. The KCSO has licensed, trained, and experienced investigators who are responsible for investigating criminal and administrative allegations of sexual abuse using a uniform evidence protocol. KCSO investigators are trained in sexual abuse investigations involving victims and investigate all allegations of sexual abuse including third-party and anonymous reports, promptly, thoroughly, and objectively. They are trained specific to investigating sexual abuse in custody settings. Investigators gather and preserve direct and circumstantial evidence. This includes any available physical and DNA evidence and any available electronic monitoring data. Investigators will interview alleged victims and suspected perpetrators as well as all witnesses. Allegations of sexual assault/sexual harassment by staff, contractors, or volunteers will be referred to an outside agency for investigation. Administrative investigations shall include an effort to determine whether staff actions or failure to act facilitated the abuse. It shall be documented in written reports which include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative findings. The auditor reviewed the jail policies and procedures, PREA incident reports, specialized investigator training records, documentation of referrals for investigation of allegations of sexual abuse/sexual harassment, the KCJ website, and interviewed an investigator of the KCSO to confirm the accuracy of this standard. See <https://www.kanabeccounty.org/departments/jail.php>

The *END THE SILENCE* brochure that is given to all new inmates, describes their RIGHT TO REPORT. It states: "If you, or someone you know, are experiencing sexual abuse or sexual harassment, KCJ wants to know...we want to keep you safe, it is our job! It is your right to be free from sexual abuse and sexual harassment. We want to conduct an investigation of the reported incident."

The Investigator said that agency policy requires allegations of sexual abuse/sexual harassment be referred for investigation. Their own department conducts its own investigations, and investigators are available to respond quickly to a report of sexual abuse. There are two main PREA Investigators for the jail. She described their legal authority to conduct criminal investigations or administrative investigations if the allegation does not involve potentially criminal behavior. She described their role and responsibilities as investigators and described their experience and verbal examples of their work. She also confirmed receipt of training specific to conducting sexual abuse investigations in confinement settings.

	<p>The auditor again verified that the policy to ensure referrals of allegations for investigations is on the jail's website. The auditor examined a sample documentation of referrals of allegations of sexual abuse and/or sexual harassment supporting this standard.</p> <p>Reference Policies: PREA Policy 606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS. Policy 601 Sexual Assault Investigations and Model Sexual Assault Investigation Policy.</p> <p>Supporting Documents: KCJ Inmate Handbook, PREA Section pgs. 5-6. <i>END THE SILENCE</i> brochure.</p> <p>(c) N/A. If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.</p> <p>The same policies referenced above require that the KCSO/KCJ to cooperate with outside investigators who are conducting investigations regarding inmate sexual abuse and shall endeavor to remain informed about the progress of the investigation. If the investigation is referred to another agency for investigation, the Office shall request that the investigating agency follow the requirements as provided in 28 CFR 115.21 (a) through (e). The referral shall be documented. The Office shall cooperate with the outside agency investigation and shall request to be informed about the progress of the investigation.</p> <p>The auditor spoke with the Sheriff, Jail Administrator, and Investigator who verified this policy. In the rare event there would be a conflict of interest, they may request an outside agency or neighboring county Sheriff's Office conduct the investigation to ensure an unbiased process. They would coordinate with other law enforcement agencies and assist them appropriately and as needed. Everyone agreed that it is important to remain informed about the progress of the investigation and the outcome.</p> <p>Reference Policies: PREA Policy 606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS.</p> <p>The CWCJ meets the requirements of the of the PREA Standard to ensure referrals of custodial sexual abuse or sexual harassment for investigations at the jail.</p>
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115.31	Employee training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	(a) The CWCJ trains all employees who have contact with inmates on all the mandated elements of the employee training standard as referenced above.

The auditor reviewed all training policies, procedures, and training records and logs, including PREA curriculum. The **PREA Training** Policy establishes an education and training process related to the PREA of 2003 and the implementing regulation. They endeavor to comply with the training standards in the PREA Rule and to ensure that all staff, volunteers and contractors are aware of their responsibilities and that all staff, volunteers, contractors and inmates are aware of the policies and procedures of the facility as they relate to PREA. The Training Officer/PREA Coordinator is responsible for developing and administering this training and covers at a minimum all categories of this standard. The **Custody Staff Training** Policy establishes training requirements for corrections officers, support personnel, supervisors and managers. It is their policy to assign all new corrections officers to a structured jail training program designed to prepare the new correctional officer to perform in a correctional assignment with the skills needed to operate in a safe, productive and professional manner. Training completed before independent assignment to a particular post includes PREA. Beyond that, the Training Officer ensures that members undergo annual training and intermittent refresher training that covers the office's sexual abuse and sexual harassment policies and related procedures.

The auditor spent time with the Training Officer/PREA Coordinator and Programmer. They provided me with lists of jail staff, administrative staff, medical staff, kitchen staff, investigators, and volunteers that have been PREA trained. They verified the initial training for new employees and the continuing education for jail staff. We discussed curriculum sources. They utilize the PREA Resource Center (PRC), the National Institute of Corrections (NIC), and the Minnesota Sheriff's Association (MSA) primarily. These are considered the reputable sources for technical assistance and PREA training. Staff are provided education in a variety of formats including classroom style, online training, PREA exercises and assignments, and reading the PREA Policy/Procedures. The auditor was also provided with staff training curriculum for content. A review of a sample of the training records and rosters on-site verified their initial training, ongoing education, and refreshers. The PREA Coordinator provided the auditor with a sample of employee acknowledgement forms which require signing and dating, that they acknowledge that they have completed and understand the PREA training. I was informed that staff always have the opportunity to ask any questions they have. I was also provided with a sampling of post-tests for understanding. Staff are current and up to date with their PREA training requirements.

The auditor was provided with PREA educational curriculum for review. The auditor examined the course content. Some of the training included PREA Basic Training, *RESPONDING TO VICTIMS OF SEXUAL ASSAULT, IQ - ZERO TOLERANCE - INMATE RIGHTS*, and *RED FLAGS*.

The assistant auditor and auditor interviewed correctional officers regarding this standard. All jail staff confirmed that they had received PREA training on all elements required of the standard.

A review of training documents, jail staff responses, and discussion with the training officers and PREA Coordinator assured the auditor that the employees who have contact with inmates receive thorough and complete training covering all the

mandatory topics as specified in the standard.

Reference Policies: Policy 306 **PREA Training. 306.3 MEMBER TRAINING** (a) - (i).
Policy 305 **Custody Staff Training. 305.4 MINIMUM TRAINING REQUIREMENTS.**

Supporting Documents: Staff Training Acknowledgement form, KCJ PREA training rosters, PREA Basic Training, *RESPONDING TO VICTIMS OF SEXUAL ASSAULT, IQ - ZERO TOLERANCE - INMATE RIGHTS, and RED FLAGS.*

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

The PREA **MEMBER TRAINING** Policy covers this part of the standard: The KCJ is a co-ed facility. Staff receive additional training on security measures and the separation of male and female populations in the same facility staff has been assigned. Corrections Officers also receive training on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming inmates. They also receive training on cross-gender and transgender searches. Orientation training includes topics such as vulnerable inmates, interpersonal relations and communication skills, and diversity training.

The auditor read and reviewed a sample of the training records in support of this standard. The auditor continued to read and review the content of the PREA training material that is provided for its staff as listed in subdivision (a) of this standard. Thorough and comprehensive PREA training is provided frequently and is documented. The training comes from reputable sources such as the PRC and the NIC. Some of the related training topics include how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming inmates, how to avoid inappropriate relationships with inmates, and cross-gender searches and pat-downs as described previously in PREA Standard 115.15 - Limits to Cross-Gender Viewing and Searches. Additionally, jail staff are trained on the PREA policies and procedures including searches and male/female announcements prior to entering a housing unit. See <https://www.prearesourcecenter.org/training-and-technical-assistance> and <https://nicic.gov/>

Reference Policies: Policy 306 **PREA Training. 306.3 MEMBER TRAINING** (a) - (i).
Policy 305 **Custody Staff Training. 305.4 MINIMUM TRAINING REQUIREMENTS.**

Supporting Documents: Staff Training Acknowledgement form, KCJ PREA training rosters, PREA Basic Training, *RESPONDING TO VICTIMS OF SEXUAL ASSAULT, IQ - ZERO TOLERANCE - INMATE RIGHTS, and RED FLAGS.*

(c) All current employees of the KCJ have been PREA trained as required in provision (a) of this standard. The agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does

not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

As per the **PREA Training** Policy, the Training Officer shall ensure that members undergo annual refresher training that covers the office's sexual abuse and sexual harassment policies and related procedures. The auditor reviewed a sample of the training records for compliance with this standard. Annual PREA training was verified by the PREA Coordinator/Training Officer. Refresher training is accomplished annually, if not more.

Reference Policies: Policy 306 **PREA Training. 306.3 MEMBER TRAINING** (a) - (i). Policy 305 **Custody Staff Training. 305.4 MINIMUM TRAINING REQUIREMENTS.**

Supporting Documents: Staff Training Acknowledgement form, KCJ PREA training rosters, PREA Basic Training, *RESPONDING TO VICTIMS OF SEXUAL ASSAULT, IQ - ZERO TOLERANCE - INMATE RIGHTS, and RED FLAGS.*

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

The PREA **Training** Policy reads: "Training should include written testing to validate knowledge and understanding of the material. The Training Officer shall document, through signature or electronic verification, that staff, volunteers and contractors have received and understand the training. The Training Unit will maintain training records on those receiving training in accordance with procedures developed by the Training Officer."

The auditor reviewed a sample of the documentation of employee signatures signifying comprehension of the training. The PREA Coordinator provided the auditor with PREA Training Acknowledgement forms which contained the employee's printed name and signature with date, along with a witness signature. It was documented: "I acknowledge on this date; I received and understand the training on the PREA. I understand the KCJ maintains a zero-tolerance policy regarding offender sexual abuse and harassment and I have a statutory obligation to report ALL forms of offender sexual abuse and/or sexual harassment." Also reviewed were the related class rosters, post-tests, and course Certifications in support of this standard. Staff are given opportunities to ask questions at the time of training and continuing with their open-door policy and availability of supervisors and the PREA Coordinator. Some of the classes had sign-in sheets. These training records are maintained by the PREA Coordinator/Training Officer.

Reference Policies: PREA 306.3 **MEMBER TRAINING.**

Supporting Documents: Signed Staff Training Acknowledgement forms, Post-tests.

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

115.32	Volunteer and contractor training
	<p data-bbox="256 185 959 219">Auditor Overall Determination: Meets Standard</p> <p data-bbox="256 264 544 297">Auditor Discussion</p> <p data-bbox="256 342 1461 454">(a) The KCJ ensures that all contractors and volunteers who have contact with inmates have been trained on their responsibilities under the agency's policies and procedures regarding sexual abuse/harassment prevention, detection, and response.</p> <p data-bbox="256 499 1461 947">As we read in the previous standard narrative, the PREA Training/MEMBER TRAINING Policy ensures that all staff, volunteers and contractors are aware of their responsibilities as well as the policies and procedures of the facility as they relate to PREA. The Training Officer needs to ensure that members have sufficient knowledge to answer any questions the inmates may have regarding sexual assault or abuse, and that they are familiar enough with the reporting process to take an initial report of sexual assault or abuse. Topics that are covered include their individual responsibilities under sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures by policy. There is also a Support Personnel Orientation and Training Policy for support and contractor personnel. PREA is listed as one of the training requirements.</p> <p data-bbox="256 992 1473 2022">There are currently a total of 7 volunteers and 5 individual contractors (3 medical and 2 food services) at the KCJ and 100% have been PREA trained according to the PREA Coordinator and Programmer. The Programmer is also involved with volunteer PREA training. A review of the training documents corroborated that all volunteers and contractors are initially educated with PREA and from there, trained annually. The auditor reviewed a sample of volunteer and contractor PREA Training Acknowledgement forms in support of this standard. The Summit Food Services Director showed the auditor the additional training they are provided through their company. I reviewed the training documents and curriculum at her office. I also spent time in programs with the Programmer and reviewed a sample of the volunteer handbooks, training records, and signed acknowledgements. The PREA Coordinator also provided me with contract staff PREA training records for my review. The KCJ PREA: Guide on Sexual Abuse Prevention and Response is designed for program volunteers and paid contract workers. The handout content consists of the Zero Tolerance Policy, How to Report Sexual Abuse or Sexual Harassment, Detecting Sexual Abuse and Sexual Harassment, and Maintaining Professional Relationships with Inmates. The training packet also contains contact information for the Programmer and PREA Coordinator. The final pages contain an AUDIT INTERVIEW, review questions, and the KCJ PREA Training Acknowledgement. The acknowledgement requires signature and date for understanding that inmates have the right to be free from sexual abuse and sexual harassment, understanding and compliance with the KCJ zero tolerance and reporting policies and procedures, understanding "consent" is no excuse for sexual activity between a volunteer/contractor and an inmate, and acknowledgement that they have completed the 10 review questions to the best of their ability.</p>

The auditor was provided with a PREA Power Point entitled: *PREA - Guide on Sexual Abuse Prevention and Response*. This course is designated for volunteers.

In addition to informal discussion with contractors, I formally interviewed two volunteers and a contractor about their PREA training received. I asked if they had been trained in their responsibilities regarding sexual abuse and sexual harassment prevention, detection, and response, per agency policy and procedure. They all answered affirmatively. One of them said they were grateful for the initial training and every year training. One described their training as being online and a meeting in person. The other described a power point online. The contractor also receives training from their own company twice annually. They all said that the PREA training consists of the zero tolerance policy and how to report any sexual abuse or harassment incidents. They knew that they would have to write a report and to report to a Jail Sgt. or the PREA Coordinator. They said they also have frequent reminders verbally and through posters or brochures.

Reference Policies: PREA **306.3 MEMBER TRAINING**. Policy 310 **Support Personnel Orientation and Training**.

Supporting Documents: KCJ PREA: *Guide on Sexual Abuse Prevention and Response* handbook and Power Point, **KCJ PREA Training Acknowledgement** forms - test and training acknowledgement, KCJ Volunteer and Contractor list, Summit PREA Training Records.

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

The **MEMBER TRAINING** Policy states: "The Training Officer shall ensure that the staff receives training and testing in prevention and intervention techniques, that they have sufficient knowledge to answer any questions the arrestees and inmates may have regarding sexual assault or abuse, and that they are familiar enough with the reporting process to take an initial report of a sexual assault or abuse." The zero-tolerance policy for sexual abuse and sexual harassment and how to report such incidents is the first topic for mandatory training. The **Support Personnel Orientation and Training** Policy addresses personnel with minimal inmate contact vs. personnel with regular inmate contact training requirements. The KCSO developed an orientation and training program for support and contractor personnel, whether full- or part-time, to increase competency in their assigned tasks and to help ensure that all support personnel understand the issues that are unique to their positions as they relate to the KCJ.

Program Staff have a policy dedicated to their orientation and training. **PROGRAM STAFF ORIENTATION AND TRAINING** is for custody assistants, vocational supervisors, and teachers for example, but do not involve the custodial supervision of inmates involving discipline and control. All new program staff who have regular or daily inmate contact shall receive a minimum of 40 hours of orientation and training

during the first year of employment. These hours shall be completed prior to being independently assigned to a particular job function. These employees will also be provided with at least 16 hours of training in each subsequent year.

The volunteers and contractors who were interviewed all confirmed that they have been trained in their responsibilities regarding sexual abuse and sexual harassment prevention, detection, and response, per agency policy and procedure. Specifically, the agency's zero-tolerance policy and how to report incidents of sexual abuse or sexual harassment.

Again, I reviewed a sample of training records of volunteers and contractors in support of compliance of the standard.

Reference Policies: Policy 310 **Support Personnel Orientation and Training. 310.3 PERSONNEL WITH MINIMAL INMATE CONTACT. 310.4 PROGRAM STAFF ORIENTATION AND TRAINING. 310.5 PERSONNEL WITH REGULAR INMATE CONTACT.** Policy 306 **PREA Training.** 306.3 MEMBER TRAINING (a).

Supporting Documents: Volunteer and Contractor training records.

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

The same jail policies require the maintenance of volunteer and contractor PREA training documentation. "Training should include written testing to validate knowledge and understanding of the material. The Training Officer shall document, through signature or electronic verification, that staff, volunteers and contractors have received and understand the training. The Training Unit will maintain training records on those receiving training in accordance with procedures developed by the Training Officer." **TRAINING OFFICER RESPONSIBILITIES** are also addressed by policy: "The Training Officer is responsible for coordinating training and will ensure that the training and orientation given to all support or contract personnel is properly documented and placed in the worker's training file. At a minimum, the record should contain the name of the individual, the assignment, the date that the orientation and training was presented, and the orientation outline indicating the subject material and the name of the instructor. To the extent applicable, copies of tests and passing scores should also be included as a part of the record." All training delivered to support personnel should also include testing to document that the employee understands the subject matter presented.

The auditor discussed PREA training for volunteers and contractors with the Training Officer/PREA Coordinator and the Programmer. The PREA Coordinator provided the auditor with the relevant policies, procedures, and related training documents during the preaudit process. On-site, I was able to review a sample of training records for volunteers and contractors who have contact with inmates. I observed the relevant documentation for signed acknowledgements and understanding by volunteers and contractors. The training records contained post-tests. The training curriculum was further discussed.

	<p>Reference Policies: Policy 310 Support Personnel Orientation and Training. 310.2 TRAINING OFFICER RESPONSIBILITIES. 310.6 TESTING. PREA Policy 306.3 MEMBER TRAINING.</p> <p>Supporting Documents: KCJ Training records of contractors and volunteers.</p> <p>The facility has demonstrated full compliance with this standard.</p>
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115.33	Inmate education
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) During the intake process, inmates at the KCJ receive information explaining the zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.</p> <p>The Inmate Handbook and Orientation Policy addresses this standard. To assist with the inmate's transition into a custody environment, the initial orientation includes sexual abuse and sexual harassment information. The facility's zero tolerance policy as well as reporting information is required per policy. As with all PREA training and education, the PREA Training Policy establishes an education and training process related to implementation of the PREA. The KCSO endeavors to comply with the training standards in the PREA Rule to ensure that staff, volunteers, contractors and inmates are aware of the policies and procedures of the facility as they relate to PREA.</p> <p>At the time of intake, jail staff review the booking form with the new inmate. It contains the <i>Tennessee</i> Warning, Booking Fee information, PREA information and Jail Orientation. This initial PREA information advises the inmates that the KCJ is a zero tolerance facility and they are to report all incidents of sexual behavior, harassment, or misconduct immediately. If they are a victim, or in fear of or have concerns about being a victim, report it immediately. It is noted that they will be provided with a copy of the PREA pamphlet. There are two PREA brochures: <i>End the Silence. Zero Tolerance for Sexual Abuse and Sexual Harassment: PREA</i> and the <i>KCJ Sexual Assault AWARENESS Zero Tolerance</i> brochure. Each item on the Booking Form requires the inmate to initial and upon completion to also sign/date for acknowledgement that they have read all the listed information and asked any questions pertaining to the information. The Officer is also required to sign/date. The Jail Orientation section of the Booking Form informs the inmate that they have been provided the opportunity to view/listen to the KCJ Orientation video or Jail Handbook. Each cell block is issued a handbook. The handbook is also contained within the inmate texters electronically. The video and the handbook both contain a PREA section which provides education and training to the inmates on the zero tolerance policy for any sexual behavior, harassment, or misconduct of inmate-on-inmate or staff-on-inmate. Staff includes employee, volunteer, official visitor, or contract staff. There is also information on</p>

reporting sexual abuse/harassment. The Orientation video is shown in the booking room.

The auditor was provided a copy of all relevant documents. The PREA Coordinator informed the auditor that the number of inmates admitted during past 12 months who were given this information at intake were 367. 100% of those admitted to the jail received the initial PREA information. The auditor conducted a spot check of inmate files which contained documentation of initial PREA education. The auditor spent time in the booking area of the KCJ and spoke with intake officers while observing a booking process. Inmates are provided the required PREA information during the booking process. The officers advised that the booking process usually takes place within minutes of intake and definitely within 24 hours. I noted immediate signage in the booking room regarding PREA zero tolerance and reporting instructions. The PREA Coordinator has acquired and posted Spanish language Zero Tolerance posters as well. There is also signage advising that both male and female officers work at this facility and all housing units. The posters are entitled: Zero Tolerance for Sexual Abuse and Sexual Harassment. It describes the Right to Report and How to Report with contact information. Throughout the facility tour, the auditor observed visible signage and hard copies and electronic copies of the inmate handbook in the housing units and throughout the jail advising inmates of their right to be free from sexual abuse and how to report incidents. The Programmer showed the auditor the Orientation Video with PREA information which is replayed on a specific channel for inmate review. The auditor also reviewed Spanish language information. Informal conversation with a few inmates provided the auditor with assurances that the inmates had sufficient PREA knowledge-how to report and the zero tolerance policy. Some of the inmates demonstrated how to access PREA information on their texters.

The auditor interviewed a CO who worked at intake. He said yes, they provide inmates with information about the zero tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. He said that the PREA pamphlet is given during the intake process and the Orientation video is provided. They ensure that all current inmates, as well as those transferred from other facilities have been educated on the zero tolerance policy. Classification/PREA Risk Screening Officers can follow up to provide further PREA education and answer any questions they may have as needed.

The auditor and assistant auditor interviewed a random sample of inmates. 11 inmates were in custody at the time of the on-site audit. 9 inmates were interviewed with 2 declining to be interviewed. 8 inmates reported getting PREA information at booking or shortly after. Some referred to a video watched at or after booking. One inmate reported receiving the information late. That inmate admitted to being incoherent during and sometime after booking. They were asked when they first came here, did they receive information about the jail's rules against sexual abuse and sexual harassment. There were 8 yes responses. As part of the site review, the auditor observed portions of the intake process of inmates. It was confirmed that the intake officers are responsible for providing the initial education.

Reference Policies: Policy 306 **PREA Training. 306.2 POLICY. 504 Inmate Handbook and Orientation. 504.3 INITIAL ORIENTATION** (K) 1-7.

Supporting Documents: KCJ Inmate Handbook pgs. 5-6, KCJ Booking Form, PREA pamphlets: *End the Silence and KCJ Sexual Assault AWARENESS, ZERO TOLERANCE poster.*

(b) Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

The **Inmate Handbook and Orientation** Policy requires the orientation to take place within 24 hours of an inmate's admission and in any event prior the inmate being moved to general population housing, and should be an ongoing process in the housing area so that the information is available to the inmates throughout their entire time in custody.

The PREA Coordinator calculated that 42 inmates were admitted during the past 12 months (whose length of stay in the facility was for 30 days or more) who received comprehensive education on their rights to be free from both sexual abuse and sexual harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents within 30 days of intake. The **PREA COORDINATOR** Policy states the responsibilities of the PREA Coordinator. One of their assignments is to ensure that within 30 days of intake, inmates are provided with this comprehensive education. The auditor verified the meaningful practice of this requirement by reviewing a spot check of additional intake records of inmates entering the facility in the past 12 months and those whose length of stay was greater than 30 days. Inmate population statistics and jail logs were also reviewed in support of this standard. Every inmate receives access to the inmate handbook which contains comprehensive PREA information, including their right to be free from sexual abuse/sexual harassment and to be free from retaliation when reporting sexual abuse or sexual harassment. The handbook and orientation video receipt is maintained in the jail file. During the on-site facility tour and active observation period, the auditor observed inmate handbooks within the housing units. Informal conversations with persons in custody indicated acknowledgement of the replay availability of the Orientation video. Some of the inmates demonstrated where to find ongoing PREA information on their texters. The jail staff verified the television PREA videos on channel 10. There are also PREA Notices and signs with contact information in the housing units and throughout the facility for ongoing and continuous education.

To assist with the inmate's transition into a custody environment, the orientation is supplemented by a more detailed inmate handbook that is provided to each inmate electronically or hard copy. In addition to zero tolerance and reporting information, the handbook contains

1. Prevention and intervention

2. Reporting of sexual abuse or sexual harassment incidents, including how to report such incidents anonymously
3. Instruction on how inmates can avoid being victims of sexual abuse/harassment through self-protection techniques
4. Treatment and counseling for victims of sexual abuse or sexual harassment
5. Mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state or national victim advocacy or rape crisis organizations, and for persons detained solely for civil immigration purposes, immigrant services agencies
6. Information regarding confidentiality, monitoring and mandatory reporting

The auditor reviewed the inmate handbook and orientation video relative to this standard. It also contains a list of Inmate Rights including protection from personal injury, verbal, physical, or sexual abuse, corporal punishment, and harassment. The PREA section of the inmate handbook describes sexual assault/abuse and provides rules that are in place to prevent sexual harassment and misconduct. The zero tolerance policy and ways to report are emphasized. The PREA brochures inform on overall Sexual Assault Awareness, zero tolerance, and reporting with contact information. It also covers consequences for the inmate who assaults others. The **ZERO TOLERANCE** Posters emphasize right to report, how to report with contact information, and victim support services.

Policy **606.6 RETALIATION** states that all inmates and staff who report sexual abuse or sexual harassment, or who cooperate with investigations, shall be protected from retaliation.

The auditor interviewed one of the intake staff. They were asked how the agency ensures that inmates are educated regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. He explained that staff follow the policy and inmates are educated and trained at booking and continuing in the inmate handbook, ongoing orientation video and within the texters. Continuing PREA education is provided almost right away and continuing throughout an inmate's stay. The auditor and assistant auditor interviewed a random sample of inmates. They were asked when they first came here, did they receive information about the jail's rules against sexual abuse and sexual harassment. Were they told about their right to not be sexually abused or harassed, how to report, and their right not to be punished for reporting. 8 inmates said they were asked right away and one said about 3-4 days later.

Reference Policies: Policy 504 **Inmate Handbook and Orientation. 504.2 Policy. 504.3 INITIAL ORIENTATION** (k) 1-7. PREA Policy **606.4 PREA COORDINATOR** (b). **606.6 RETALIATION**

Supporting Documents: **KCJ Inmate Handbook**, pgs. 3, 5-6, **ZERO TOLERANCE** poster, KCJ Orientation Video, PREA brochures.

(c) All inmates who are transferred from one facility to another shall be educated

regarding their rights to be free from sexual abuse/harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents.

The **Inmate Handbook and Orientation** Policy mandates the effective method of orienting ALL incoming inmates that includes an inmate handbook. (Minn. R. 2911.2700). The KCJ operates one jail facility. The PREA Coordinator advised the auditor that ALL new inmates are provided PREA initial information and continuing education whether they are arrested in the community or whether they have been transferred from another facility.

A review of the relevant PREA policies, inmate files, and interviews with the PREA Coordinator and Intake Staff verified this practice.

Reference Policies: Policy **306 PREA Training. 306.2 POLICY.** Policy 504 **Inmate Handbook and Orientation. 504.2 POLICY.**

Supporting Documents: Booking Form, **KCJ Inmate Handbook**, PREA Posters and signs.

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

The **Inmate Handbook and Orientation Policy/ORIENTATION FOR NON-READERS, VISUALLY IMPAIRED AND DEAF OR HARD-OF-HEARING INMATES** Policy addresses this standard subpart. "Inmates who cannot read, are visually impaired, or have intellectual, psychiatric or speech disabilities or limited reading skills, shall have the materials read to them by a staff member or to them using audible recorded media. Inmates who are deaf or hard of hearing shall be provided with interpretation services. Reasonable efforts should be made by the staff to assist the inmate in understanding the information (Minn. R. 2911.2700)." "Inmates who are deaf or hard of hearing shall be provided with interpretation services. Reasonable efforts should be made by the staff to assist the inmate in understanding the information (Minn. R. 2911.2700)." The KCJ **Inmates with Disabilities** Policy also addresses this standard.

As per the narrative of PREA Standard 115.16 Inmates with Disabilities and Inmates who are LEP, the KCJ has established procedures to provide disabled inmates equal opportunity to participate in and benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and harassment. This would include the specific aspects of inmate PREA education. The KCJ makes reasonable efforts to ensure that written materials are provided in formats and through methods that ensure effective communication with inmates with disabilities. These requirements are based on the Americans with Disabilities Act, 28 CFR 35.164. The KCJ has a training curriculum that addresses inmate education. Training to inmates must be provided in a format they understand. Language or disability should not prevent inmates from receiving proper PREA education. As previously written, the KC jail staff have tablets with ASL and Interpreter services that was demonstrated to the auditor

by the jail staff. The auditor was also provided with notices, forms, and documents which were reviewed in support of compliance with this standard. The **KCJ Inmate Handbook** provides a list of inmate's rights and privileges and states that the jail does not discriminate against anyone based on their race, religion, national origin, gender, sexual orientation, age or disability, or political belief. The handbook also describes assistive equipment that is available. There is information provided on TTY, iPods allowing inmates to communicate via text message, Interpreters, and Tablet.

The PREA Coordinator discussed procedures for ensuring adequate forms of communication for persons who are deaf, hard of hearing, LEP, or speech impaired. During the initial booking process, staff can read the PREA information out loud for those unable to read or who are blind. During their stay they have all of the above described options. For inmates who have low vision or are blind, staff can verbally read all PREA notices, and educational materials that are provided to all other inmates. Materials are available at intake and in Central Control.

The Sheriff verified that the agency has established procedures to provide inmates with disabilities equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse/harassment. He said that they are ADA compliant. He informed the auditor of the iPad interpreter services. He said that any communication issues will be resolved in order to work with inmate disabilities to ensure safety and PREA benefits. The Programmer and medical staff also can help coordinate resources. There are community resources available as needed.

The auditor received and reviewed the evidence which supported this standard. All jail televisions are placed on closed captioning for hearing impaired inmates. Programs staff are available to meet with any inmates who have limited reading and/or comprehension abilities. All staff are trained in the PREA policies and procedures, including PREA for inmates with disabilities and continue with refresher training at least annually. The auditor reviewed the inmate orientation and education policies in addition to the inmates with disabilities policies. Translation and Interpretive services are provided as needed and as referenced in the auditor's narrative of Standard 115.16: Inmates with Disabilities. The PREA Coordinator discussed and provided the auditor with a list of resources available to enhance the inmate PREA education experience to include accessibility for all inmates with various degrees of disabilities or language barriers. The orientation video is visual and audio, with closed caption. The auditor tested how the facility provides the necessary PREA information to all confined persons, regardless of ability and language, including whether written information, if applicable, is clear and provided at an appropriate reading-level and is accessible for all persons confined in the facility, including those who are LEP. The PREA Coordinator provided the auditor with updated Spanish language posters. There are also notices, forms, documents available for review in support of this standard. Staff are prepared to read written information out loud, if applicable, to make accommodations for persons confined in the facility when necessary and can recruit the assistance of program staff when necessary. (e.g., Blind or have low vision, limited reading skills). Additionally, Mental Health staff or other skilled educators/staff are involved in providing the required information to confined persons with cognitive

or functional disabilities. The assistant auditor interviewed a disabled and LEP inmate. The inmate confirmed that the jail was able to provide information about sexual abuse and sexual harassment that they were able to understand. They understood the content of the orientation video and PREA information.

Reference Policies: Policy **504 Inmate Handbook and Orientation**. 504.2.1 ORIENTATION FOR NON-READERS, VISUALLY IMPAIRED AND DEAF OR HARD-OF HEARING INMATES. **504.4 ORIENTATION FOR NON-READERS, VISUALLY IMPAIRED, AND DEAF OR HARD-OF-HEARING INMATES**. Policy 602 **Inmates with Disabilities**. **602.3 JAIL ADMINISTRATOR RESPONSIBILITIES** (e) - (i).

Supporting Documents: **KCJ Inmate Handbook**, *Zero Tolerance - Rights - Inmate Education Power Point*, PREA posters/signs,

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

The Initial Orientation Policy requires the jail to maintain records of initial and continuing PREA education in the inmate files.

The written and signed acknowledgement of the orientation and receipt of the handbook is maintained in the inmate's permanent file. The auditor reviewed a spot check of jail logs, inmate files, and other documentation of inmate participation in education sessions to verify this standard compliance. The auditor was able to view electronic files and printed copies.

Reference Policies: Policy **504.3 INITIAL ORIENTATION**.

Supporting Documents: **KCJ Inmate Handbook**, BOOKING FORM.

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

The **Inmate Handbook and Orientation** Policy desires inmate orientation to be an ongoing process in the housing area so that the information is available to the inmates throughout their entire time in custody.

In addition to providing the previously referenced PREA education, the KCJ ensures that key information is continuously and readily available and visible to inmates through posters, the inmate handbook (hard copy and electronically), orientation video, inmate PREA brochures.

During the on-site audit, the auditor looked for and paid attention to the educational and informational materials (posters, inmate handbook, etc.) in compliance with the standard. I had informal conversations with persons in custody and jail staff regarding ongoing PREA information. I was informed on the replay orientation video available on channel 10 and inmates and staff pointed out the PREA posters and signage. I was also shown the inmate handbook. Some of the inmates demonstrated where to find PREA information on their texters.

	<p>Reference Policies: Policy 504 Inmate Handbook and Orientation. 504.2 POLICY. 504.3 INITIAL ORIENTATION.</p> <p>Supporting Documents: KCJ Inmate Handbook, KCJ Inmate Orientation video, PREA Posters and signs, PREA pamphlets.</p> <p>For the reasons and evidence described in the body of this narrative, the KCJ substantially complies with all sub-parts of the Inmate Education PREA Standard.</p>
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115.34	Specialized training: Investigations
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) In addition to the general training provided to all employees pursuant to § 115.31, the agency ensures its investigators have received training in conducting PREA investigations in confinement settings.</p> <p>The auditor reviewed the agency policy for Sexual Assault Investigations and the Model Policy, the PREA Training Policy, and the PREA Policy on SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS as they address this training standard for investigators.</p> <p>I also received and reviewed the investigator training curriculum, training records of investigative staff, and documentation that agency investigators have completed the required training which supports compliance of this standard. Only investigators who have completed office-approved training on sexual abuse and sexual harassment investigation shall be assigned to investigate these cases.</p> <p>There are a total of 4 officers who are trained and available to conduct investigations for sexual abuse/harassment allegations upon referral, all from the field division. The auditor was provided with the Certifications of Completion on the PREA: Investigating Sexual Abuse in a Confinement Setting, which is a 3-hour online course by the NIC for the investigators. The KCSO conducts its own investigations of allegations of sexual abuse.</p> <p>During the on-site audit, the auditor interviewed a Deputy Sheriff/Investigator and asked about her training specific to conducting sexual abuse investigations in confinement settings. She said that she recently accomplished her refresher training by re-taking the class online. The auditor reviewed the training records for proof of specialized training in PREA Investigations. The PREA Coordinator was also recently certified. The auditor has taken the initial course and the advanced course for a better understanding of course content. Classes and curriculum were provided to the auditor. See https://nicic.gov/about-nic#mission</p> <p>Reference Policies: Policy 306 PREA Training. 306.5 SPECIALIZED</p>

INVESTIGATIVE TRAINING. Policy 606 PREA. **606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS.** Policy 601 **Sexual Assault Investigations. Model Sexual Assault Investigation Policy.**

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

(b) Specialized training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The **SPECIALIZED INVESTIGATIVE TRAINING** Policy addresses this standard provision to the letter. The Model Sexual Assault Investigation Policy describes the procedures investigators will take when responding to reports of sexual assault.

The investigator interviewed confirmed the training and use of the uniform evidence protocol and informed the auditor of the training topics to include:

- Techniques for interviewing sexual abuse victims;
- Proper use of *Miranda* and *Garrity* warnings;
- Sexual abuse evidence collection in confinement settings; and,
- The criteria and evidence required to substantiate a case for administrative or prosecution referral.

The auditor further reviewed the investigator's training records and logs of investigative staff, as well as the curriculum in support of this standard.

Reference Policies: Policy 306 **PREA Training. 306.5 SPECIALIZED INVESTIGATIVE TRAINING. Model Sexual Assault Investigation Policy.**

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

(c) The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

Training records are maintained by the KCSO and the KCJ. According to the **PREA Training** Policy, training records will be maintained.

The auditor had access to the documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. The PREA Coordinator confirmed the importance of keeping thorough training records. The PREA Coordinator/Training Officer maintains all PREA training records for jail staff. On-site, the PREA Coordinator and Auditor reviewed the staff training files and Certificates of Completion specifically for the Specialized Investigator Training in a Confinement Setting.

Reference Policies: Policy 306 **PREA Training.**

	Supporting Documents: NIC Training Certificates, training records and logs.
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115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The KCSO/KCJ ensures that all full and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: (1) How to detect and assess signs of sexual abuse and sexual harassment; (2) How to preserve physical evidence of sexual abuse; (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.</p> <p>The PREA Training Policy and SPECIALIZED MEDICAL TRAINING Policy address this standard. The auditor examined training records and personnel records to verify that regular practitioners have been trained. There are 3 medical staff contracted for the jail. There is one primary RN that works regularly in the medical unit. The mental health worker is via tele-health. I also examined the relative jail and medical policies as well as secondary medical documents and verified that all required elements are addressed. The auditor studied the Medical History and Health Appraisal with PREA section and informed acknowledgement. I also reviewed the Jail Mental Health Screening form with a sexual abuse section.</p> <p>The auditor spent time in the medical unit on both days of the on-site audit observing and conversing with the RN. We discussed various PREA topics including training. She verified receipt of both employee and medical training relative to this PREA Standard.</p> <p>The auditor also formally interviewed the Registered Nurse (RN). I asked her about the specialized training regarding sexual abuse and sexual harassment. She said that training was Spark training and all four elements of the standard were taught in accordance to the policies. I was supplied a copy of the Spark Training Certificate of Completion for staff successfully completing Comprehensive PREA Training. Spark Training is an approved provider of continuing education by the Iowa Board of Nursing. Spark Training is a nationally recognized center of excellence that sets the standard for training and compliance through high-quality programs and quality improvement. At the forefront of medical and behavioral/mental health training for county jails, Spark Training is currently collaborating with over 200 sites to deliver training. The medical staff also receive member training as well as contractor training for PREA. See https://www.sparktraining.us/</p> <p>The KCJ PREA: Guide on Sexual Abuse Prevention and Response is designed for paid contract workers. The medical staff are also required to participate in this training. It covers the zero tolerance policy with definitions, how to report sexual abuse or sexual harassment, detecting sexual abuse and sexual harassment, and maintaining</p>

professional relationships with inmates.

Reference Policies: Policy 306 **PREA Training. 306.4 SPECIALIZED MEDICAL TRAINING** (a) - (d).

Supporting Documents: PREA training documents and curriculum, exam logs, health assessments, mental health screening forms.

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

The auditor was informed by the PREA Coordinator, Jail Administrator and medical/mental health practitioners that forensic examinations are NOT conducted at the jail. A review of the **Sexual Abuse Victims** Policy advised that inmates who are victims of sexual abuse shall be transported to the nearest appropriate location for treatment of injuries and collection of evidence. Upon return of the alleged victim from the ER, the medical team ensure follow up according to discharge instructions and offer a mental health evaluation and treatment to the victim.

The auditor interviewed the RN. She said they do not conduct forensic examinations at the jail and therefore, have not received that training.

Reference Policies: Policy 606 **PREA. 606.8 SEXUAL ABUSE VICTIMS.**

(c) The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.

The **SPECIALIZED MEDICAL TRAINING** Policy mandates that specialized PREA training documentation for the facility's health care and mental health professionals be maintained and that they have received the training as previously referenced above. The auditor was provided with the training records on-site and in follow-up.

Training logs of medical and mental health care practitioners were examined to ensure they received the training for employees and contractors in the referenced standards, as well as the requirements of specialized medical training. The PREA Coordinator/Training Officer provided the auditor with both member, contractor, and specialized medical training records which consisted of class rosters and signed acknowledgement forms.

Reference Policies: Policy 306 **PREA Training. 306.4 SPECIALIZED MEDICAL TRAINING.**

Supporting Documents: Jail training records, documents and curriculum. Certificates of Completion.

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

The **Support Personnel Orientation and Training** Policy describes the training

	<p>program for support and contractor personnel. Orientation and training consist of safety and security training, custody policies and procedures, emergency procedures, and job-specific training. Training topics also include PREA. Training delivered to support personnel should include testing to document that the employee understands the subject material presented.</p> <p>The auditor reviewed the medical staff's PREA training guide. The KCJ PREA: Guide on Sexual Abuse Prevention and Response is designed for paid contract workers. It contains an audit interview asking if they have been trained in their responsibilities regarding sexual abuse/harassment prevention, detection, and response, per agency policy and procedure, and what the training consists of, and the zero tolerance and reporting of incidents. There is a post-test to review. And, it ends with a training acknowledgement with signature/date.</p> <p>The MEMBER TRAINING Policy requires all staff, volunteers, and contracts who may have contact with inmates to receive office-approved training PREA training. The Training Officer ensures the training, testing, and written staff acknowledgements. The auditor verified the annual member training for medical and mental health staff. The PREA Coordinator said that medical staff is included for any PREA training that is provided to security staff.</p> <p>Reference Policies: Policy 306 PREA Training. 306.3 MEMBER TRAINING. Policy 310 Support Personnel Orientation and Training.</p> <p>Supporting Documents: PREA training records and logs, class rosters, Course Curriculum.</p> <p>The medical and mental health division of the jail meet the requirements of this standard based on the comprehensive analysis as evidenced in the policies, procedures, training records, interview responses, observations, and use of health screening and assessment documents.</p>
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115.41	Screening for risk of victimization and abusiveness
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) All inmates are assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.</p> <p>The Inmate Classification Policy describes the KCSO/KCJ classification process, which is designed to identify security and health issues so that inmates may be held in such a way as to foster a safe and security facility. The Jail Administrator and PREA Coordinator maintain a classification plan to guide staff in the processing of individuals brought into the facility. The plan should include an initial screening</p>

process, as well as a process for determining appropriate housing assignments. The plan should include use of an objective screening instrument, procedures for making decisions about classification and housing assignments, intake and housing forms and a process to ensure that all classification and housing records are maintained in each inmate's permanent file.

Relative to PREA, the KCJ screens for risk of sexual victimization or abusiveness. The PREA Coordinator provided the auditor with the accompanying **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST** which was also reviewed for standard compliance. The KCJ has a policy addressing **PREA CONSIDERATIONS** when it comes to risk screening and classification of inmates: "Housing, bed, work and program assignments should be made to separate inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. Inmates identified as being at high risk for sexually aggressive behavior will be monitored and housed in an area that will minimize the risk to other inmates and staff. All inmates identified as being at risk of victimization shall be monitored and housed in an area to minimize the risk to their safety."

The auditor toured the KCJ and spent a considerable amount of time in the booking room. I observed portions of the intake process for new inmates and spoke with the intake officers. New inmates are provided initial PREA information, specifically of the jail's zero tolerance policy for sexual abuse and sexual harassment and ways to report incidents. The screening process takes place in the booking room. Being a small facility, there is no assigned risk screening/classification officer, and all jail staff perform the intake duties. I assessed that the screening process occurs in private settings given the potentially sensitive information within the booking room, one arrestee at a time, and one-on-one with the officer. This is out of earshot of confined persons and other staff who would not otherwise participate in the screening process. The process is both verbal and written, and the officer explains the process as they go along. All COs are assigned the responsibility of screening inmates upon admission for risk of sexual abuse victimization or sexual abusiveness toward other inmates. The classification process helps ensure that inmates are assigned to housing units based on their classification in order to provide a safe and secure facility for inmates and jail staff. Jail Sergeants are also responsible for inmate classification and PREA risk screening. I also assessed that screening staff ask screening questions in a manner that fosters comfort and elicits responses. The screening method was tested for assessing confined persons for risk of being sexually abused by other persons confined in the facility or sexually abusive toward other persons confined in the facility, by confirming that screening staff use objective screening and classification instruments to collect information during the risk screening process. Screening staff affirmatively ask persons confined in the facility about their sexual orientation and gender identity by directly inquiring if they identify as LGBTQI in addition to making a subjective determination about perceived status. Screening staff use additional sources of information, outlined in the standards, to complete the initial risk screening assessment. The screening tool documents responses and staff observations as well as data. The Classification Officer/PREA Risk Screening Officer communicates with the Sgt. at the completion of the risk screening.

The risk assessment information is utilized as part of the classification tool and which results in a score for assigning security levels and/or special housing and program considerations. There are also override options available based on a case by case system for aggravating or mitigating circumstances. The PREA Risk Screening Officer demonstrated and provided the auditor with the screening documents consistent with this standard. The PREA Coordinator had provided the auditor with relative screening documents prior to the on-site audit. They verified what questions are asked for the purpose of determining their risk status. The auditor was provided with the documents and forms relative to this standard as well as conducting a spot check of inmate files to ensure the risk screening process prior to housing assignments. The PREA risk screening document is kept separate from the inmate file. The PREA Coordinator provided the auditor with all Classification and risk screening documents which were examined together.

The auditor formally interviewed a staff member who performs screening for risk of victimization or abusiveness as part of their job duties. She verified that they screen inmates upon admission to their jail or transfer from another facility for risk of sexual abuse victimization or sexual abusiveness toward other inmates.

A random sample of inmates were asked if they recalled when they first came here, if they were asked any questions like whether they had been in jail or prison before, whether having been sexually abused, whether they identify with being gay, lesbian, or bisexual, and whether they think they might be in danger of sexual abuse at the jail. 8 of the inmates answered yes and that those questions occurred at booking. One inmate answered no, but admitted to being incoherent at booking. The PREA Coordinator followed up with the inmate in question. The standard calls for within 72 hours of arrival.

The auditor reviewed the screening forms and a sample spot check of recent inmate files to include the completed assessments. Documentation and staff and inmate responses indicate that risk screening for sexual victimization or abusiveness occurs well under 24 hours of arrival.

Reference Policies: Policy 508 **Inmate Classification. 508.3 CLASSIFICATION PLAN. 508.10 PREA CONSIDERATIONS.**

Supporting Documents: **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ INITIAL CUSTODY ASSESSMENT.**

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

The **INITIAL CLASSIFICATION** Policy directs that inmates should be interviewed by an intake correctional officer as soon as possible in the booking process. The KCJ **CLASSIFICATION UPON HOUSING** Policy states that once it has been determined that the person arrested will not be released from custody on bail or own recognizance, a more in-depth classification of the inmate will be conducted as soon as possible but no later than 24 hours after the inmate's arrival at the facility. The **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST** requires that the initial

intake screening is to be completed within 24 hours of arrival. Any "yes" responses are forwarded to the Sergeant and to health services. There is a notation that this is private data, do not copy, and place in the confidential file. Inmate and staff signatures with dates are documented and saved.

The PREA Coordinator provided inmate population reports and statistics and reviewed with the auditor that 170 inmates stayed longer than 72 hours. A spot check of completed risk screening and classification documents verified this time requirement, being well under the 72 hour limit. The auditor was informed that ALL new inmates are screened shortly after admission.

The auditor interviewed inmates and staff who perform screening for risk of victimization or abusiveness. When asked how soon were they asked screening questions, as referenced in the previous narrative, the inmates said they were asked those questions during booking. The PREA Screening Officer said that assessments are accomplished within minutes and well within 24 hours or less.

Reference Policies: Policy 508 **Inmate Classification. 508.4 INITIAL CLASSIFICATION. 508.5 CLASSIFICATION UPON HOUSING.**

Supporting Documents: **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKIST.**

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

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

numerically scored, representing the security level and housing assignment appropriate for each inmate. Individualized determinations shall be made about how to ensure the safety of each inmate. The auditor studied the PREA risk screening instrument and the inmate classification tools in addition to the policies in support of this standard for evidence of this standard subpart compliance.

Reference Policies: Policy 508 **Inmate Classification. 508.3 CLASSIFICATION PLAN. 508.4 INITIAL CLASSIFICATION. 508.5 CLASSIFICATION UPON HOUSING. 508.5.1. INTERVIEW.**

Supporting Documents: **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ** Initial Custody Assessment.

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

The **CLASSIFICATION PLAN** Policy contains a plan to include an evaluation of criteria, including the criteria listed in the standard.

The auditor reviewed the risk screening instruments and the classification forms to ensure that each item prescribed by the PREA standard is included/assessed. In order to meet the requirements of the standard, the screening should use all criteria (1-10), at a minimum, to assess risk. Upon completion of the classification, the inmate will be assigned to the appropriate housing unit based on a status of custody levels of minimum, general population, or maximum security. Inmates are also classified according to special management issues such as protective custody, serious violence threat, known management problem, suicide risk, physical impairment, medical problem, and others. This plan is based on the evaluation criteria of Minn. R. 2911.2500; Minn. R. 2911.2600. The auditor reviewed the risk screening and classification instruments procedurally to ensure that each item prescribed by the PREA standard is included/assessed. Previous sexual offense convictions are always documented as well as a documented history of acts of sexual abuse/harassment. Additional potential victim or potential predator information is also reviewed in determining housing and programming. Additionally, the auditor and the PREA Screening Officer discussed what the initial risk screening considers. He verified that all ten criteria is considered. He described the process for conducting the initial screening which utilizes a set format with checklist with yes or no answers to questions in addition to requests for data and staff observations. A criminal history is run first before the face-to-face screening process. The KCJ intake screening process considers more than the criteria (1-10) required of the standard to assess inmates for risk of sexual victimization.

The auditor formally interviewed a staff member who performs screening for risk of victimization and abusiveness. She was asked what the initial risk screening considers. She went over the risk screening document and process with the auditor and was able to articulate all ten considerations relative to the standard requirement. She said that the initial screening is a checklist that is used with yes/no answers to questions, staff observations and requests for data. She added that privacy is important and the screening is a one-on-one process.

Reference Policies: Policy 508 **Inmate Classification. 508.3 CLASSIFICATION PLAN.**

Supporting Documents: **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ** Initial Custody Assessment.

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

The **CLASSIFICATION PLAN** Policy requires these specific considerations. The **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST** asks if this is the arrestee's first incarceration and have they ever been charged or convicted/adjudicated of a violent/person offense. Also asked is if they have ever been charged or convicted/adjudicated for a sex offense (adult or child victim), and if they have a history of acts or threatened acts of sexual abuse/harassment (violent offense, history of institutional violence or sexual abuse/harassment or threats of violence of sexual abuse/harassment). The PREA risk screening works hand-in-hand with the facility classification tools. These point-based documents also contain requests for information regarding institutional disciplinary history, prior felony convictions, the severity of current charges and convictions, and serious offense history. These items are prescribed by the PREA Standards and are included in the facility's instruments for risk of victimization and abusiveness. The auditor verified the content of the screening instruments for compliance. The auditor also spot checked recent executed screening documents.

The intake officers who conduct the risk screening verified that prior sexual abuse is a consideration when determining risk of potential assaultive behaviors. Mandatory housing separations further provides for the safety and security of inmates and staff. The facility provides for separate housing of the following categories of inmates:

- Classification level
- Age
- Gender (males and females housed in separate units)
- Legal status (pretrial, sentenced)
- Special problems or needs
- Behavior
- Any other criteria identified by the Jail Administrator
- Civil detainees shall be housed separately from pretrial and sentenced inmates

Reference Policies: Policy 508 **Inmate Classification. 508.3 CLASSIFICATION PLAN. 508.7 HOUSING ASSIGNMENTS. 508.7.1 SEPARATION.**

Supporting Documents: **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ** Initial Custody Assessment, Housing Assignment review. (Inmate Roster)

(f) Within a set time period, not to exceed 30 days from the inmate's arrival at the

facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

The PERIODIC CLASSIFICATION REVIEWS Policy addresses this standard subpart. The review should examine changes in the inmate's behavior or circumstances and should either raise, lower or maintain the classification status.

The auditor examined the KCJ Inmate Reclassification Assessment intended for 30-day reviews with regard to the inmate's personal safety or the security of the facility. The custody evaluation documents the classification review circumstances with aggravating or mitigating circumstances. There is a PREA component addressing high risk and special conditions such as assaultive and protective custody. The document requires the review of the PREA risk screening results according to predator or victim continuum. The evaluation is completed with a classification summary and recommendation for custody level and requires CO signature/date as well as supervisor approval for recommended housing assignment. The PREA Coordinator is now implementing a 30-Day Sexual Violence Re-Assessment Tool and provided the auditor with sample executed documents for review. This is a face-to-face interview process to ask inmates about changes in status, any fears for their safety, any questions about PREA or how to report, or any threats received. Any "yes" responses are acted upon and a referral is made to mental health. From there, further referrals can be made to Family Pathways or other resources. A change in housing or program assignments are considered. The auditor and PREA Coordinator discussed the 30-Day review processes for risk of sexual victimization and abusiveness for ways to improve for the ultimate goal of sexual safety in custody.

The PREA Coordinator informed the auditor that there were 42 inmates entering the facility (either through intake or transfer) within the past 12 months whose length of stay in the facility was for 30 days or more and who were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival at the facility based upon any additional, relevant information received since intake. Records of initial assessment and reassessment for risk of sexual victimization or abusiveness were reviewed.

The auditor spoke with one of the PREA Risk Screening/Classification Officers regarding this standard. She said that the Sergeants reassess inmate classifications and any PREA Risk Screenings as needed. This is based on a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. The inmates were interviewed and asked if staff asked these types of questions again while at the jail. Only one had been asked twice and that was due to a furlough and rebooking. Three of the inmates interviewed had not yet been there longer than 30 days. Five inmates answered no. The auditor reviewed in custody classification and risk screening records. No inmates had reported a previous sexual abuse/harassment or any other PREA issues.

Reference Policies: Policy 508 **Inmate Classification.** 508.6.1 PERIODIC

CLASSIFICATION REVIEWS.

Supporting Documents: **KCJ Initial Custody Assessment, KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ Inmate Reclassification Assessment, 30-Day Sexual Violence Re-Assessment Tool.**

(g) An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

The KCJ Policy requires that an inmate's risk level be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. This is the PERIODIC CLASSIFICATION REVIEWS Policy.

The auditor spoke with one of the PREA Risk Screening/Classification Officers regarding this standard. She said that the Sergeants reassess inmate classifications and any PREA Risk Screenings as needed. This is based on a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. The inmates were interviewed and asked if staff asked these types of questions again while at the jail. Only one had been asked twice and that was due to a furlough and rebooking. Three of the inmates interviewed had not yet been there longer than 30 days. Five inmates answered no. The auditor reviewed in custody classification and risk screening records. No inmates had reported a previous sexual abuse/harassment or any other PREA issues.

The auditor and PREA Coordinator reviewed a small sample of files of inmates who had reported PREA allegations or previous sexual victimization. They had been reassessed for risk of sexual victimization or abusiveness as part of the investigation/ findings process or through classification reassignments. We also tracked the 14-day medical/mental health assessment process in follow up to the risk screening form which sometimes results in reclassifications or program assignments.

The PREA Coordinator informed the auditor that any referral, request, incident of sexual abuse, or receipt of additional information that may increase the inmate's risk of sexual victimization or abusiveness initiates a classification review/PREA reassessment. They have numerous screening and assessment tools at their disposal to aid in the review process.

Reference Policies: Policy 508 **Inmate Classification**. 508.6.1 PERIODIC CLASSIFICATION REVIEWS.

Supporting Documents: **KCJ Initial Custody Assessment, KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ Inmate Reclassification Assessment, 30-Day Sexual Violence Re-Assessment Tool.**

(h) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1),

(d)(7), (d)(8), or (d)(9) of this section.

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

Reference Policies: Policy 508 **Inmate Classification**. 508.3.1 INMATE RESPONSE TO SCREENING (a) - (d).

Supporting Documents: **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST**, **KCJ** Initial Custody Assessment.

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

As per the **CLASSIFICATION PLAN** Policy, information obtained in response to screening questions shall be considered confidential and shall only be made available to those with a legitimate need to know. The **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST** states that this PREA information is private data, do not copy, and place in the confidential file. Forward any "yes" responses to the Sergeant and Health Services for review and further assessment.

The auditor spoke with the PREA Coordinator, jail nurse, and a CO who performs screening for risk of victimization and abusiveness. The jail staff are the ones who conduct the assessments and any "yes" responses are forwarded to the nurse, which initiates the 14-day medical/mental health assessment requirement. All screenings are scanned into a separate file with access limited to supervisory staff and Correctional Officers assigned as the Classification/PREA Risk Screening Officer. I was allowed to view the electronic files of inmates to observe the separate and secure screenings. Medical and Mental Health Practitioners that work in the jail are also allowed access according to the 14-day health assessment requirements and reassessment procedures. These employees abide by the rules of confidentiality to ensure that sensitive information is kept private. The auditor was advised that information provided is used for classification, housing, and programming purposes. Referrals are made to medical and mental health staff as deemed necessary. The PREA Coordinator assured the auditor that appropriate controls have been implemented on the dissemination within the facility referencing this standard. He described how the agency has outlined who should have access to an inmate's risk assessment within the facility in order to protect sensitive information from exploitation. Although the document itself is kept separate, the jail staff are the ones who conduct the assessment, so have the information related to the sensitive

	<p>information. There are also ethics policies (reference County Handbook and 10 Principles) in place which require staff to adhere to data practices standards. During the site review, the auditor paid attention to records storage procedures. I observed the physical storage area of information/documentation collected and maintained in hard copy pursuant to the PREA Standards (e.g., risk screening information, medical records, sexual abuse allegations) to determine if the area is secured. The PREA Screening, Medical Screening and Classification hard copy documents are securely maintained and electronically. Classification officers require the information for programming and housing assignments. Medical and mental health practitioners are provided the information as part of their 14-day assessment follow ups. Information is shared on a need to know basis for safety, security, health and welfare decisions.</p> <p>The auditor also observed electronic safeguards of information/documentation collected and maintained electronically pursuant to the PREA Standards (e.g., risk screening information) and determined that access to the information is secured (e.g., password protected, accessible only in certain areas, role-based security).</p> <p>Reference Policies: Policy 508 Inmate Classification. 508.3 CLASSIFICATION PLAN.</p> <p>Supporting Documents: KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ Initial Custody Assessment, County Handbook and 10 Principles.</p> <p>The facility meets the standard and is in substantial compliance for the relevant review period.</p>
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115.42	Use of screening information
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p>
	<p>(a) The KCJ uses information acquired from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.</p> <p>The KCJ PREA CONSIDERATIONS Policy represents this standard. This standard review is a follow-up from the previous standard whereby information was objectively collected through the risk screening and classification tools in order to obtain information to aid in decisions made for housing, program assignments and custody level based on their classification and risk level in order to provide a safe and secure facility for inmates and staff.</p> <p>Inmates identified as being at high risk for sexually aggressive behavior will be monitored and housed in an area that will minimize the risk to other inmates and staff. The comprehensive classification process reviews initial classification information obtained during reception and booking process, as well as an interview by</p>

the classification officer. The review of initial classification documents and the questions, answers, and observations from the inmate's interview is documented and numerically scored, representing the security level and housing assignment appropriate for each inmate (Minimum, General Population, or Maximum Security). Maximum security inmates have indications towards posing a high risk to the security of the jail or safety of the staff, visitors, and other inmates. These inmates require close supervision by staff and a high security housing assignment. This means an area that provides the greatest degree of physical security for the control and separation of inmates. Administrative segregation means the physical separation of an inmate prone to escape, prone to assault staff or other inmates, or likely to need protection from other inmates or self, an inmate determined to be mentally deficient who is in need of medical care, or an inmate on medical isolation. Disciplinary segregation means that status assigned an inmate following a hearing in which the inmate was found guilty of violating a facility rule or state or federal law or the status assigned an inmate before a hearing. The status results in separating the inmate from the general population. Special management inmate means an inmate who presents a serious threat to safety or security of the facility, staff, general inmate population or self. Special needs inmate means an inmate whose mental or physical condition requires special handling and treatment by staff. Inmates assigned to minimum security classifications have displayed a level of behavior that is acceptable and in compliance with jail rules. They may be eligible for work release or the position of inmate worker status. Inmates who are court ordered to be on Huber (outside work) or educational release providing they meet jail requirements for the program or sentenced inmates are low risk based on their classification assessment. These inmates require very little supervision within the facility and are routinely released to the community. Medium Security inmates are considered general population.

In speaking with the Programmer, all inmates are eligible for programs on a rotating schedule keeping in mind inmate separation requirements. They ensure equal opportunity for programs and services for female inmates, handicapped individuals, and all other classifications of inmates. Medical watch or disciplinary sanctions restrict programming during those designated periods. The auditor met with the Programmer. I was shown the library, program area, and gym. I was provided with a list of volunteers, and programs attended by housing unit. Offerings and opportunities are well documented. Some of the programs available to inmates are: recreation (gym), library - books, religious services, Alcoholics Anonymous (AA), parenting class, Narcotics Anonymous (NA), art program, GED program, life skills/financial literacy, and work release. The inmate handbook provides persons with a list of available programs. Classification is also described in the inmate handbook: "Your age, medical condition, offense, prior criminal record, behavior, available space, and other information determine your housing status. You may submit a written request for reclassification to the Jail Sergeant using an inmate request form (kite). If you think that another inmate might harm you, report it to staff. Staff will look into it. If staff believes it is needed, a plan will be made to keep certain inmates apart. Staff cannot protect you if you don't tell them you are in danger and give them enough information to help you."

Classification/Risk Screening Officers and Jail Sergeants receive training specific to inmate classification and PREA screening for risk of victimization or abusiveness before being assigned primary classification duties. The KCJ maintains a **STAFF TRAINING IN CLASSIFICATION** Policy.

The jail staff who perform screening for risk of victimization and abusiveness were asked how the facility uses information from the risk screening during intake to keep inmates safe from being victimized or from being sexually abusive. Information is used to make individualized determinations for housing and programming assignments to ensure inmate safety. If they are high risk, either way, they are managed through housing assignment. They can be given a single-occupancy cell.

See **SINGLE-OCCUPANCY CELLS** Policy. In turn, the auditor again reviewed a sample of jail files containing classification and screening forms for housing assignments and program opportunities. I reviewed documentation of risk-based housing decisions. I was also provided with a sample of protective custody or administrative segregation classifications and housing assignments. It appears that inmates are being classified in a manner to enhance sexual safety at the jail with consideration of their personal needs.

Reference Policies: Policy 508 **Inmate Classification. 508.3 CLASSIFICATION PLAN. 508.5 CLASSIFICATION UPON HOUSING. 508.5.1 INTERVIEW. 508.7 HOUSING ASSIGNMENTS. 508.9 SINGLE-OCCUPANCY CELLS. 508.10 PREA CONSIDERATIONS. 508.13 STAFF TRAINING IN CLASSIFICATION.**

Supporting Documents: **KCJ Inmate Handbook**, pgs. 4 and 22-24, **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ** Initial Custody Assessment.

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

The INTERVIEW Policy specifically addresses this standard subpart.

The correctional officers/classification officers and supervisors are the ones who make individualized determinations about how to ensure the safety of each inmate. Any housing assignment other than that recommended by the assessment must be approved by the Correctional Sgt. Inmates are also housed based upon the criteria according to (Minn. R. 2911.2500). Overrides are an option and can be applied for a documentable reason. The classification/correctional officer has the authority to override the scores when it appears necessary to more appropriately assign housing. The override capability exists to use the classification correctional officer's training and expertise in those instances when the numerical scores are not reflective of the inmate's potential security risk. All overrides are reviewed and documented by a supervisor and are intended to be an exception rather than the rule. See **OVERRIDE Policy**. A review of the **KCJ** Initial Custody Assessment shows an override section requiring written rationale and recommended custody level with the classification officer's signature and date as well as the written approval of override by the supervisor. At any point during an inmate's incarceration, a staff member may request a review of the inmate's classification. Inmate risk levels shall be reassessed when required due to a referral, request, incident of sexual abuse, or receipt of

additional information that increases the inmate's risk of sexual victimization or abusiveness.

As described in part (a) of this standard, an inmate can request reclassification. The jail's **REVIEWS AND APPEALS** Policy also allows for this process. Once an inmate is classified and housed, he/she may appeal the decision of the classification correctional officer as per (Minn. R. 2911.2600). The appeal process begins at the first-line supervisor level and is finalized by the Jail Administrator.

The auditor read the policies which require individualized safety assessments on a case-by-case basis. Screening forms recognize the inmate's perceived vulnerability and whether they verbalize fear of personal safety as a consideration.

The auditor asked the staff who perform screening for risk of victimization and abusiveness how the information is utilized to benefit the inmate's safety. They described the face-to-face risk screening process with individualized determinations that are made for housing, programs, work assignments, and services.

Reference Policies: 508.5.1 INTERVIEW. 508.5.2 OVERRIDE. **508.6 REVIEWS AND APPEALS**. 508.6.1 PERIODIC CLASSIFICATION REVIEW. 508.6.2 STAFF REQUESTED REVIEW.

Supporting Documents: **KCJ** Initial Custody Assessment, **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST**, **KCJ INMATE HANDBOOK**, PG. 4.

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

The **PREA CONSIDERATIONS** Policy is the relevant policy for this standard subpart.

The jail training policies also require security staff employees to be trained how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates and how to conduct searches of transgender and intersex inmates in a professional and respectful manner.

I was assured by the PREA Coordinator that the Correctional/Classification/PREA Risk Screening Officers, Jail Sergeants, Jail Administration, and PREA Coordinator work together as a team when determining housing and program assignments for the best interest of the inmate's health and safety and any related supervisory, management, or facility security concerns for the transgender or intersex inmate. The PREA Coordinator and auditor reviewed a sample of files of previous transgender inmates. The auditor was convinced that the jail considers all aspects of the risk screening/classification process and makes management decisions based on individualized considerations for the inmate's health and safety.

During the on-site audit there were no transgender or intersex inmates in custody. The auditor observed the monitors in the control center, officer's station, and supervisor offices that toilet areas are digitally blocked from view. There are no

cameras in the change out areas or shower rooms. There are either privacy doors or curtains at the shower entries. The auditor read the policies which require individualized safety assessments on a case-by-case basis. Screening forms recognize the inmate's perceived vulnerability and whether they verbalize fear of personal safety as a consideration. The auditor asked the staff who perform screening for risk of victimization and abusiveness how the information is utilized to benefit the inmate's safety. They described the face-to-face risk screening process with individualized determinations that are made for housing, programs, work assignments, and services.

Reference Policies: **508.10 PREA CONSIDERATIONS. 306. PREA TRAINING.**

Supporting Documents: **KCJ Initial Custody Assessment, KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ INMATE HANDBOOK**, pg. 4.

(d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

The PERIODIC CLASSIFICATION REVIEWS policy specifically addresses this standard subpart. I was informed by the PREA Coordinator that the jail would follow policy. At least two times per year, the jail will reassess and review any threats to safety experienced by the inmate regarding placement and programming assignments for each transgender or intersex inmate. The risk screening staff that were interviewed verified that transgender and intersex inmates would be reassessed at least twice annually by a Sgt. or committee for safety purposes and throughout their stay as needed. This would be a special management situation. There were no jail files to review for any transgender inmate who had stayed for any length of time.

The auditor and the PREA Coordinator examined and discussed the review documents currently in place for segregation (administrative or disciplinary) and inmate reclassification assessments. There is a sexual violence assessment category based on predator or victim continuum. Transgender or intersex inmate status would be reviewed more than twice annually. The PREA Coordinator and auditor examined a file of a transgender female for appropriate housing and program assignments. In this case, the individual requested protective custody which was accommodated. The transgender inmate was not in custody for any great length of time. The transgender inmate's own views with respect to her own safety was given serious consideration.

The Reference Policies: Policy 508.6.1 **PERIODIC CLASSIFICATION REVIEWS.**

Supporting Documents: KCSO Weekly Segregation Review, KCJ Inmate Reclassification Assessment.

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

The PREA CONSIDERATIONS policy enforces this standard subpart. This was confirmed by the PREA Coordinator and the staff who perform screening for risk of

victimization and abusiveness. The screening officer said their their primary concern would be safety.

The screening policies, procedures, and assessment and reassessment tools verify through documentation that the transgender/intersex inmate's own views regarding safety is given serious consideration. Housing assignments reviewed seemed appropriate to the auditor. There was no transgender or intersex inmate in custody available to interview during the on-site audit, however, the sample files that I reviewed documented consideration of the inmate's personal view as to their own safety for placement and programming. I reference the transgender inmate who had personally requested protective custody and was accommodated. This was documented and verified by the PREA Coordinator. *See previous standard subpart narrative.*

Reference Policies: **508.10 PREA CONSIDERATIONS.**

Supporting Documents: KCJ Initial Custody Assessment, **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ INMATE HANDBOOK**, pg. 4.KCSO Weekly Segregation Review, KCJ Inmate Reclassification Assessment.

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

The **INMATE SHOWERS** of the **Inmate Hygiene** Policy requires this standard subpart. The auditor reviewed accommodations made for transgender and intersex inmates to shower separately from other inmates. The auditor toured the facility and paid close attention to the shower areas at intake, within the housing units, and in the medical units. Each cell within the housing units have their own plumbing (toilet and shower). Each cell is double-bunked, however mostly filled with a single inmate. There are no group showers at the KCJ. There is no camera access within the showers. Jail policy provides for transgender or intersex inmates to be given the opportunity to shower separately from other inmates. Staff showed the auditor which private showers are available away from the housing units if needed. All showers have modesty screens, curtains, or partial doors for coverage. The auditor toured all areas of the jail including intake and housing units. Staff who perform screening for risk of victimization and abusiveness said that transgender and intersex inmates are given the opportunity to shower separately from other inmates.

Earlier informal conversations with jail staff and inmates provided opinions that they felt the inmates privacy was respected for changing, toiletry, and showers.

Reference Policies: Policy 806 **Inmate Hygiene. 806.8 INMATE SHOWERS.**

Supporting Documents: **KCJ Inmate Handbook**, pg. 12.

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

The **PREA CONSIDERATIONS** Policy states: "Lesbian, gay, bisexual, transgender or intersex inmates shall not be placed in dedicated facilities, units or wings solely on the basis of such identification or status, unless such placement is pursuant to a

	<p>consent decree, legal settlement or legal judgment." This was verified by the PREA Coordinator. The auditor researched for any title, status, and findings of any consent decree, legal settlement, or legal judgment requiring the KCSO/KCJ to establish a dedicated facility, unit, or wing for lesbian, gay, bisexual, transgender, or intersex inmates. There are none. I also reviewed documentation of housing assignments of inmates identified to be lesbian, gay, bisexual, transgender, or intersex for compliance with the standard. The auditor reviewed the housing assignments of inmates and documentation of risk-based housing decisions during the on-site audit and did not detect any designated housing units for the LGBTI inmate population.</p> <p>The PREA Coordinator was interviewed and verified that there are no dedicated wings or housing units for LGBTI inmates and that inmates are screened and classified objectively and assigned housing on a case by case and individualized basis.</p> <p>Reference Policies: 508.10 PREA CONSIDERATIONS.</p> <p>Supporting Documents: Review of jail files, screening, classification, and assessments.</p> <p>The KCJ has provided the auditor with evidence of the appropriate use of the screening information and classification process for housing and program assignments in order to protect inmates from sexual abuse and sexual harassment. The auditor reviewed the policy and procedural documents for use of screening information as well as all relative classification, screening documents, and housing assignments for the goal of sexual safety in the jail. Jail staff interview responses corroborated this standard. The KCJ complies in all material ways with the standard during the relevant review period.</p>
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115.43	Protective Custody
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) The KCJ has a policy prohibiting the placement of inmates at high risk of sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.</p> <p>The KCJ PROTECTIVE CUSTODY Policy and the INMATE CLASSIFICATION Policy address this standard provision.</p> <p>As we learned in the previous standard discussions, the KCJ makes individualized determinations about how to ensure the safety of each inmate. The jail provides for administrative segregation classifications, meaning the physical separation of an</p>

inmate prone to escape, prone to assault staff or other inmates, or likely to need protection from other inmates or self. The KCJ has single-occupancy cells available for housing certain categories of inmates including sexual predators or any inmate with an elevated risk of being taken advantage of, being mistreated or becoming a victim of sexual abuse or harassment. See **SINGLE-OCCUPANCY CELLS** Policy.

The auditor was informed by the PREA Coordinator that in the past 12 months there were zero inmates at risk of sexual victimization who were held in involuntarily segregation for one to 24 hours awaiting completion of assessment. The auditor requested records and documentation of housing assignments of inmates at high risk of sexual victimization or abusiveness. The auditor was provided with documentation of risk screening, classification, and assessments. The auditor had access to inmate rosters with housing assignments and locations. Assessments are determined on a case-by-case basis considering all information including whether the inmate has any reason to believe that they may be vulnerable to sexual abuse/harassment while incarcerated. Special Management Issues such as protective custody are documented on the Classification tool. See **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST** and the **KCJ Initial Custody Assessment**.

The Jail Administrator advised the auditor that they do not place inmates at high risk for sexual victimization or those who have alleged sexual abuse in involuntary segregated housing in lieu of other housing areas, unless an assessment has determined there are no available alternative means of separation from potential abusers. He explained their classification process with capability to override. Safety and security are their top priority. He further said that they have enough housing units to separate inmates at high risk for sexual victimization with those inmates at risk of abusiveness. There are no overcrowding issues in their facility which allows for flexibility.

The auditor reviewed records and documentation of housing assignments in support of this standard and did not note inmates held in involuntary segregation for these reasons.

Reference Policies: Chapter 606 **PREA. 606.12 PROTECTIVE CUSTODY. 508 INMATE CLASSIFICATION. 508.9 SINGLE-OCCUPANCY CELLS.**

Supporting Documents: **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ Initial Custody Assessment tool.**

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

The **PROTECTIVE CUSTODY** Policy also addresses program and services privileges for inmates in protective custody. The policy also requires documentation for program and services limitations.

The Programmer verified that logs and records are kept of program participation and

limitations. I reviewed pages of program records for inmate offerings and opportunities according to housing unit. I did not note any restrictions or limitations for protective custody or administrative segregation inmates.

The auditor interviewed staff who supervise inmates in segregated housing. They said that inmates placed in segregated housing for protection from sexual abuse or after having alleged sexual abuse, still have access to programs, privileges, and education and work opportunities. They described it as full privileges. He said that they might have to keep separate from another inmate or a group of inmates, but that program privileges are always available on an alternating basis. If the facility were to restrict access to programs, privileges, education, or work opportunities, they would document in the log and report the reasons why (what opportunities were limited, the duration of the limitations, and the reasons for such limitations).

There were no inmates in segregated housing for risk of sexual victimization during the on-site audit to interview.

During the facility tour with observations, there were no inmates in involuntary segregation for risk of sexual victimization. I reviewed the program participation logs in support of this standard. There seems to be equal access to programs and recreation for all those incarcerated at the KCJ. Jail policy requires access to programs, privileges, education, and work opportunities to the extent possible for inmates placed in segregated housing.

Reference Policies: Chapter 606 **PREA. 606.12 PROTECTIVE CUSTODY. 508 INMATE CLASSIFICATION.**

Supporting Documents: **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ** Initial Custody Assessment tool, Program logs and records.

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

The same policy directs that this classification shall not exceed a period of 30 days unless exigent circumstances exist.

Staff who supervise inmates in segregated housing were asked about involuntary segregation for these inmates at risk of sexual victimization. They said that if there was involuntary segregation, their status would be reviewed weekly to see if they can be moved based on various factors. This is accomplished by the Jail Sergeants. He explained that the classification process would assign the perpetrator to a higher classification. Any involuntary segregated housing would involve input from medical staff and mental health. He said that any segregation situations are assessed by the whole team, everyone is involved. The Jail Administrator verified that inmates at high risk of sexual victimization or who have alleged sexual abuse are only placed in involuntary segregation until an alternative means of separation from likely abusers can be arranged. This is accomplished through the classification process. He said that it is a case-by-case determination. They gather as much information as possible in

preparation for decision-making. He said ordinarily, if there were an involuntary segregation, it would be during the assessment process and be well less than 24 hours, the least amount as possible. He also expressed their team approach, getting input from the key players and coming to a consensus. The PREA Coordinator documented that there were no inmates placed in involuntary segregation for longer than 30 days in the last 12 months while awaiting alternative placement.

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

Reference Policies: Chapter 606 **PREA. 606.12 PROTECTIVE CUSTODY. 508 INMATE CLASSIFICATION.**

Supporting Documents: **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ** Initial Custody Assessment tool, jail files, housing assignments.

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

The same policy addresses this standard subpart.

The PREA Coordinator and the Jail Administrator verified that they document all relative information in cases of involuntary segregation for protective custody reasons. If there would be a situation of an involuntary protective custody assignment because of a high risk for victimization, they would clearly document the basis for the concern for the inmate's safety and the reasons why there are no alternatives. They said they would follow their policy.

There were no case files of inmates at risk of sexual victimization held in involuntary segregated housing past 24 hours or 30 days in the past 12 months. The auditor requested case files of inmates at risk of sexual victimization held in involuntary segregated housing in the past 12 months. The auditor reviewed classification records, risk screening forms, and housing assignments. The auditor did not find any documentation of involuntary segregated housing because of a high risk of victimization.

Reference Policies: Chapter 606 **PREA. 606.12 PROTECTIVE CUSTODY. 508 INMATE CLASSIFICATION.**

Supporting Documents: **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ** Initial Custody Assessment tool, jail files, housing assignments.

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

	<p>The Classification Policy enforces this standard subpart. The classification officer will complete a classification review on inmates within 30-days using the Inmate Reclassification Assessment tool. The classification officer or Jail Sgt. can re-classify an inmate at any time based on changes in the inmate's behavior or circumstances that affect the care of the inmate, the security of the facility or the staff or other inmates, or by the reasonable request of staff, the inmate or other authority. They can additionally review an inmate's classification at the request of the Jail Administrator or medical, or following a disciplinary action. The auditor observed that there are special management units available for housing with the flexibility to house high risk inmates for various reasons. The SINGLE-OCCUPANCY CELLS Policy states that single-occupancy cells may be used to house certain categories of inmates including sexual predators or any inmate with an elevated risk of being taken advantage of, being mistreated or becoming a victim of sexual abuse or harassment. Staff who supervise inmates in segregated housing said that once an inmate is assigned to involuntary segregated housing, there are weekly reviews that are documented with status reviews to determine whether continued placement is needed.</p> <p>The auditor reviewed various logs and inmate records for documentation of status reviews unrelated to sexual victimization risk for evidence of compliance. The Weekly Segregation Reviews are for administrative or disciplinary reasons. Protective Custody is one of the options of segregation type. There are 8 factors reviewed including the validity for initial placement, whether the inmate poses a threat to self, others, property, or security, whether the inmate is defiant towards authority, if they are willing or unwilling to live in general population, and whether the inmate's language and behavior is fitting for general population. The Sergeant will recommend or not recommend removal from segregation to the Jail Administrator for authorization. The Classification Reviews contain a list of aggravating and mitigating circumstances based on behaviors, past history, and legal status. Protective Custody is one of the special conditions listed. There is also a sexual violence assessment component for the victim continuum and the predator continuum for likely, more likely or highly likely. The CO makes a recommendation which must be approved or override by the Supervisor.</p> <p>Reference Policies: Chapter 606 PREA. 606.12 PROTECTIVE CUSTODY. 508 INMATE CLASSIFICATION. 508.9 SINGLE-OCCUPANCY CELLS.</p> <p>Supporting Documents: KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, KCJ Initial Custody Assessment tool, KCJ Inmate Reclassification Assessment, KCSO Weekly Segregation Review.</p> <p>The KCJ complies in all material ways with the requirements of the Protective Custody standard.</p>
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115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard

Auditor Discussion

(a) The KCJ provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse/sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

The **PREA COORDINATOR** Policy and the **REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION** Policy address this standard. The auditor examined the inmate reporting policies, procedures and documents relative to this standard. The **Inmate Handbook and Orientation** Policy describes the procedures for staff to take in order to provide sexual abuse and sexual harassment information to the inmate including reporting sexual abuse or sexual harassment incidents, and how to report such incidents anonymously.

To assist with the inmate's transition into a custody environment, the orientation is supplemented by a more detailed inmate handbook that is provided to inmates within the housing unit and electronically on their texters. They can request a personal copy of the handbook as well. The orientation video also contains a PREA section about ways to report sexual abuse/harassment. Inmates are informed through multiple sources, that if they are a victim in fear of or have concerns of being a victim, report it immediately to detention staff. Confidential reporting methods are available via telephone and in-writing (kite). Inmates who cooperate with a sexual abuse/harassment investigation will be protected against retaliation. They are also advised if they believe they have been victimized by another offender, contractor, volunteer or staff - REPORT it immediately to a staff member or call:

- Kanabec County Dispatch (320) 679-8400
- Pine County Dispatch Center (320) 629-8438
- Mile Lacs County Dispatch (320) 983-8257 or
- Family Pathways (320) 379-1737

These numbers will accept free calls from any offender phone. Their report will be handled respectfully and confidentially.

The brochure information lists the multiple ways to report sexual abuse and sexual harassment:

- Telephone: (320) 679-8400
- Report to any staff, volunteer, contractor, or medical or mental health staff
- Submit a grievance or sick call slip
- Report to the PREA Coordinator
- Tell a family member, friend, legal counsel, or anyone else outside the facility. They can report on your behalf by calling (320) 679-8400
- You can also submit a report on someone's behalf, or someone at the facility can report for you using the ways listed here.

The BOOKING FORM documents receipt and understanding of initial PREA information and jail orientation opportunities. (handbook and video). New inmates are also provided with a copy of the PREA pamphlet containing reporting information. Reports of sexual abuse or harassment can be made to any staff member in person, in writing, anonymously, or through a third-party. The jail orientation video with reporting information is shown on channel 10 in replay mode in the housing units. All correctional staff members have been informed of their responsibility to report such activity and will accept reports made to them verbally, in writing, anonymously, and from third-parties.

During the facility tour and observation period, the auditor held informal conversations with inmates and staff about reporting sexual abuse/sexual harassment. The inmates were knowledgeable about ways to report a sexual abuse/harassment and showed the auditor posters and the inmate handbook which contain ways to report. A few of the inmates demonstrated how to find PREA information on their texters. Some of them told me about the orientation video. They said they could speak with a CO or write a note. The auditor had similar conversations with some of the housing unit officers. They were able to articulate the various internal ways for inmates to report a PREA incident. The auditor observed various posters and signage with reporting information at intake, within the housing units, and throughout the facility. I also saw the PREA brochure distributed at booking. The KCJ website also publishes instructions for reporting sexual abuse/harassment: "Inmates who are a victim of sexual abuse and sexual harassment are encouraged to talk to any staff member immediately. This will allow for the quickest response. Inmates may also report through a written Inmate Request Form (Kite), through the inmate grievance procedure or contact the Kanabec County Sheriff's Office at 320-679-8400. the Jail Administrator's Office at 320-679-8416, Monday thru Friday between the hours of 8:00am and 4:00pm, otherwise call 320-679-8400." The auditor tested the KCJ reporting process for the jail phone number provided. I called during business hours and non-business hours. A CO and a Jail Sgt. verified that they would accept reports of sexual abuse/sexual harassment and forward them for investigation. I also called Pine County, Mille Lacs County, and Family Pathways. All confirmed that they would accept phone calls from KCJ inmates or third-parties regarding any PREA issue. See <https://www.kanabecounty.org/departments/jail.php>

The assistant auditor and auditor interviewed a random sample of jail staff and inmates. Corrections Officers were asked about the ways in which inmates are able to report sexual abuse/sexual harassment, retaliation, or staff neglect. Sexual abuse and sexual harassment reporting is one of the PREA topics that the jail staff are trained on. All staff responded with three or more of the following: call other counties, call family members, go to investigators, jail supervisors and jail staff, call attorney, call Family Pathways, file a grievance, report with texter, use PREA hotline. Most of the inmates interviewed were able to articulate some of the ways to report an abuse. Some of their responses included at least two of the following methods to report: tell a CO or Sergeant, report by phone, speak to Family Pathways, call PREA Hotline, report on texter, report to therapist, report to Recovering Hope Treatment Center and write letters to friends. All inmates were aware of outside resources as well.

The auditor tested the phone numbers as being available for inmates or third-party reporting. Specifically during the site review, the auditor actively observed signage throughout the facility. Signage included audit notices, how to report sexual abuse and sexual harassment, access to outside victim emotional support services, and other relevant PREA information. Information provided on signage is readable and accessible, consistent, and placed throughout the facility to convey vital sexual safety information specific to the facility. The signage language is clear and easy to understand. The auditor noted emotional support services and advocacy, civil immigration, and external reporting, clearly detailing what services are available and for what purposes. The auditor confirmed that signage is provided in English and now translated in Spanish with PREA posters. The signage text size, formatting, and physical placement accommodates most readers, including those of average height, low vision/visually impaired, or those physically disabled/in a wheelchair. The information provided by the signage is not obscured, unreadable by graffiti, or missing due to damage. Information on the postings were accurate and consistent throughout the facility. The PREA Coordinator also informed the auditor that they will be translating the inmate handbook into the Spanish language for PREA benefits. The auditor noted that signage was located near the phone(s), so persons confined in the facility can easily access the phone number if needed. Informal conversations with inmates and staff indicated knowledge of PREA posters with reporting information and understanding of ways to report sexual abuse/sexual harassment within the jail. Internal reporting includes multiple ways for submitting a written report. The auditor asked the jail staff to describe and demonstrate the process for sending and receiving mail. Mail is accepted and delivered M-F via the Officer's station. Inmate's are provided writing utensils and envelopes for mailing. The officers discussed the confidential manner of dealing with legal mail or mail to Family Pathways as being sensitive in nature and should not be read. The auditor reviewed the staff training records and inmate education documents which affirmed that they are instructed on the ways to privately report sexual abuse or sexual harassment. The inmate handbook also describes the mail process.

Reference Policies: Policy 606 **PREA. 606.4 PREA COORDINATOR** (f) and (h). **606.5 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION.** 504 **Inmate Handbook and Orientation. 504.3 Initial Orientation** (k).

Supporting Documents: **KCJ Inmate Handbook** pgs. 5-6,10-11, Zero Tolerance poster, Zero Tolerance poster (Spanish language), PREA pamphlets, jail training records.

(b) The KCJ provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

The **PREA COORDINATOR** Policy covers this standard subpart. The **Inmate**

Handbook and Orientation and the **Foreign Nationals and Diplomats** Policy addresses the **CONSULAR NOTIFICATIONS** requirement.

As established in the previous standard subpart review, the inmate handbook provides outside reporting options with phone numbers. The handbook also provides consulate information: "If you are a citizen of another country and have been incarcerated in our jail, you have certain rights under provisions of the Vienna Convention on Consular Relations. Specifically, you have the right to: contact the Consulate of the country in which you retain your citizenship, notify the Consul of your incarceration, and have consular officers from your country communicate with and/or visit you. Jail staff has a list of telephone numbers and addresses for all known Consular offices. Please notify a corrections officer if you wish to contact your consulate. Inmates detained for the sole purpose of civil immigration will be provided inmate education in their native language. Detainees will be assessed a risk level using the same screening tool as criminal detainees." The handbook also provides outside phone numbers for neighboring counties for Pine and Mille Lacs to accept inmate phone calls for reporting sexual abuse/harassment. The PREA pamphlet provides external reporting options and lists Family Pathways at (320) 679-1737. The auditor tested all phone numbers for accuracy. All agencies verified that they would accept PREA calls from KCJ inmates and forward the report to agency officials for investigation.

The auditor received and reviewed the Memorandum of Understanding (MOU) for Family Pathways, Mille Lac County Dispatch, and Pine County Dispatch. The MOU between the KCSO/KCJ and the neighboring counties was signed on December 19, 2024 for the purpose of providing confidential reporting services to the inmates of the KCJ in regards to PREA allegations. The counties will notify the KCJ Jail Administrator of the reported allegation. The auditor conducted community outreach with Family Pathways. The MOU between the KCSO/KCJ and Family Pathways was made on December 19, 2024 for the purpose of providing confidential support services as they to the inmate population and inmate support services as they relate to reports of criminal sexual conduct or sexual harassment. Services include confidential reporting services of sexual victimization at inmate request. The auditor called (320) 679-1737 and spoke with the receptionist who verified services for the KCJ. She said they accept calls from the inmate population. She referred me to the PREA contact from their agency for further information. The PREA contact representative described their process. They gather initial information. All PREA reports go through him. Services are provided as described in the MOU. Phone calls are not recorded. The Family Pathways Organization understands that reports made to them are confidential; however, they keep in mind that it is the responsibility of the KCJ to keep all inmates safe and will provide information to the extent possible as legally required to ensure the safety of the inmate population. "Family Pathways works to eliminate Domestic Violence and Sexual Assault against women, men and children by providing supportive, non-judgmental and confidential services. Our trained professionals help provide support to those who have been affected by Domestic Violence or Sexual Assault. Our advocates help bridge the gap between those in need and community resources and organizations." See <https://www.familypathways.org/our-work/dvsa/>

The Zero Tolerance poster advertises how to report. KCJ offers multiple ways to report sexual abuse and sexual harassment. Reports can be made anonymously. Contact information with phone numbers and addresses are provided.

Kanabec County

Dispatch

320-679-840

Investigator

317 E Maple Ave

Mora, MN 55051

Mille Lacs County Dispatch

320-983-8257

Investigator

640 3rd St. SE

Milaca, MN 56353

Pine County

Dispatch

320-629-8438

Investigator

635 Northridge Sr. NW

Suite 100

Pine City, MN 55063

Family Pathways-

Refuge Network

800-338-7233

320-679-1737

Attn DV/SA

6413 Oak St.

North Branch, MN 55056

The poster specifically advertises VICTIM SUPPORT SERVICES: "Kanabec County Jail has partnered with Family Pathways to provide survivors of sexual abuse with emotional support services. To access these services, contact (800) 338-7233."

Additionally, during this audit process, the PREA Coordinator provided the auditor with new and updated consular notification information that they will incorporate. The PREA Coordinator shared with the auditor the online training he recently received: *It's the Right Thing to Do: Consular Notification and Access*. This is a *Jail Matters* Training Webcast put on by the U.S. Department of State. The auditor reviewed the webcast, the CONSULAR NOTIFICATION AND ACCESS REFERENCE CARD from the U.S. DEPARTMENT OF STATE/Bureau of Consular Affairs. This will support this standard subpart for inmates detained solely for civil immigration with information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security. The PREA Coordinator is current on this topic and PREA standard and is a resource for the correctional staff as needed when a non-U.S. Citizen is

arrested and assistance with the consular notification process. In all cases, detainee may communicate with consular officer and may request consular access at any time. Consular officers may have access to detainee regardless of whether detainee requests it. They may have a face-to-face visit. **CONSULAR NOTIFICATION & ACCESS (CNA)** U.S. Department of State CA/P SA-17, 12th Floor Washington, DC 20522-1712 P: (571) 345-3146 – Diplomatic Security After Hours. The reference card details the steps to follow when a foreign national is arrested or detained.

A random sample of inmates were interviewed. They were asked about how they would report any sexual abuse or sexual harassment that happened to them or someone else. They were asked if there was someone who does not work at the facility who they could report to. All of the inmates were able to describe to the auditor the internal and external routes for reporting a sexual abuse/harassment. All of the inmates were aware of outside resources such as Family Pathways. 8/9 inmates thought they could make a report without having to give their name.

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

Reference Policies: Policy 606 **PREA. 606.4 PREA COORDINATOR** (f) and (h). **606.5 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION. 504 Inmate Handbook and Orientation. 504.3 Initial Orientation** (k). Policy 604 **Foreign Nationals and Diplomats. 604.4 CONSULAR NOTIFICATIONS. 604.4.1 NOTIFICATION LIST AND CONTACTS.**

Supporting Documents: KCJ Inmate Handbook pgs. 4, 5-6,10-11, Zero Tolerance poster, Zero Tolerance poster (Spanish language), PREA pamphlets, jail training records, **CONSULAR NOTIFICATION & ACCESS (CNA), CONSULAR, MOU Pine County, MOU Mille Lacs County, MOU Family Pathways, NOTIFICATION AND ACCESS REFERENCE CARD,**

(c) The KCJ maintains a policy that directs its staff to accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

The PREA **REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION** Policy addresses this standard. Staff are trained in how to fulfill their responsibilities under

agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures. Staff are required to promptly document any verbal reports. The **Report Preparation** Policy requires staff to prepare a written report and submit to the Jail Administrator as soon as practicable but within 24 hours of the incident. Any incident resulting in death, injury or endangerment to staff or a visitor, serious injury to an inmate, escape, a major disturbance, a facility emergency or an unsafe condition at the facility would qualify. Jail policies also provide a grievance and an emergency grievance procedure as an option for reporting sexual abuse or sexual harassment.

The inmate handbook emphasizes: "**There is NO WRONG WAY to report a PREA incident.**" The handbook informs the inmates: "If you believe you have been victimized, REPORT it immediately to a staff member..." or call one of the numbers provided. If they are a victim, in fear of or have concerns of being a victim, report it immediately to detention staff. Confidential reporting methods are available via telephone and in-writing (kite). The inmate handbook also provides information to the inmates pertaining to the jail's grievance process. Inmate Request Forms are explained in the handbook. All correspondence (kites) will be handled through the Inmate Request Form system. Kites are available in the housing unit and will be picked up and delivered daily. The orientation video provides the same reporting information. The ZERO TOLERANCE poster informs persons in custody how to report. The KCJ offers multiple ways to report sexual abuse and sexual harassment. Reports can be made anonymously.

- Report to any staff, volunteer, contractor, or medical or mental health staff.
- Submit a grievance or a sick call slip.
- Report to the PREA coordinator or PREA compliance manager.
- Tell a family member, friend, legal counsel, or anyone else outside the facility. They can report on your behalf
- You also can submit a report on someone's behalf, or someone at the facility can report for you using the ways listed here.

The jail's website has a PREA reporting section: "Inmates who are a victim of sexual abuse and sexual harassment are encouraged to talk to any staff member immediately. This will allow for the quickest response. Inmates may also report through a written Inmate Request Form (Kite), through the inmate grievance procedure or contact the Kanabec County Sheriff's Office at 320-679-8400. the Jail Administrator's Office at 320-679-8416, Monday thru Friday between the hours of 8:00am and 4:00pm, otherwise call 320-679-8400." See <https://www.kanabecounty.org/departments/jail.php>

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

Again, the auditor reviewed jail policies, staff training and inmate education documents, the inmate handbook, the jail website, signage and texters in support of this standard subpart. During the site review the auditor tested staff reporting to confirm the practice of accepting reports made verbally, in writing, anonymously, and from third parties. I asked a few Corrections Officers how the inmates could report a sexual abuse or sexual harassment privately. They described and showed the auditor the electronic options for inmates via the texters, and described the mail process, the inmate grievance process, or a note. There are Inmate Request Forms available. They said they would accept verbal, written, or anonymous reports or reports from third parties. The staff reporting method is available, on demand, to all staff in the facility. Staff are required to report to their immediate supervisor, or as needed to the PREA Coordinator or Jail Administrator.

Reference Policies: Policy 606 **PREA. 606.5 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION.** Policy **210 Report Preparation. 210.2 Report Preparation.** 210.2.2 INCIDENT REPORTS.

Supporting Documents: KCJ Inmate Handbook pgs. 5-6, 17, 28-29, ZERO TOLERANCE Poster, Orientation video, KCJ Website, jail training records.

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

The **REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION** Policy requires staff to immediately notify a supervisor of any incident of sexual abuse/harassment or retaliation, who will forward the matter to a sexual abuse investigator. The policy also informs staff that they may also privately report sexual abuse and sexual harassment (e.g., report to the Jail Administrator)

Jail staff are trained in the policies and procedures on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response. Staff are also reminded of reporting procedures through posters and signage. Staff are required to have knowledge of the PREA policies and the inmate handbook. They understand their obligation to report and of their option to privately report.

Corrections Officers acknowledged that they could privately report sexual abuse/sexual harassment of inmates in a variety of ways. Staff members said they would speak in private to a Jail Sergeant, PREA Coordinator, Jail Administrator, Investigator, Family Pathways, or PREA Hotline. They could also send a message via email or texter. Staff may privately report to a Supervisor or any member of Jail Administration. The auditor also reviewed a sample of PREA Incident Reports to check the various reporting methods utilized.

Reference Policies: Policy 606 **PREA. 606.5 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION.**

Supporting Documents: Jail training records, review PREA incident reports.

An analysis, discussion, and review of the evidence confirms that the KCJ complies in

	all material ways for the reporting requirements of the PREA standard.
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115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The KCJ has an administrative procedure to address an inmate’s grievance regarding sexual abuse.</p> <p>The auditor examined the policies and the process for handling standard grievances, including additional provisions for grievances related to sexual abuse. The Inmate Grievances Policy contain ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE.</p> <p>Grievance/Request Procedures are described in the inmate handbook. A grievance is defined as an issue personally affecting an inmate in the areas of health, welfare or services of the jail that is within the power of the corrections staff to correct. As we have learned, the handbook also contains a PREA section which describes the reporting methods for sexual abuse or harassment allegations. The inmate handbook describes the standard Grievance Procedure. If there is an issue causing the inmate distress concerning their personal health or welfare or the operations and services of the jail, they must first try to resolve the matter informally with the CO or medical staff. Most grievances should be handled on this level. If the issue cannot be settled this way, they are advised that they may file a written grievance using an inmate grievance form. The Zero Tolerance poster offers that that the inmate may submit a grievance or a sick call slip as a means of reporting. For a grievance related to sexual abuse/harassment, the jail shall not require an inmate to use any informal grievance process, or otherwise attempt to resolve with staff. The PREA brochures also provide the grievance procedure as a reporting option. EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE are also described in the Inmate Grievances Policy.</p> <p>The PREA Coordinator and the Jail Administrator confirmed that there is an administrative process to address inmate grievances and inmate grievances specific to sexual abuse/harassment and emergency grievances. The auditor read a few older PREA allegations that had come through via the grievance process.</p> <p>Reference Policies: Policy 611 Inmate Grievances. 611.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE. 611.6.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE.</p> <p>Supporting Documents: ZERO TOLERANCE Poster, KCJ Inmate Handbook pg. 28-29. Jail PREA Brochures/Pamphlets.</p> <p>(b) The KCJ staff shall receive any grievance of any type of sexual assault or sexual</p>

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

The **ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE** Policy cover all standard requirements for PREA grievances.

The Auditor read the policies and procedures regarding inmate grievances of sexual abuse and documentation and determined that relevant information is provided. The inmate handbook specifies that time frames listed for the standard grievance procedures do not apply to inmate grievances submitted for allegations of sexual abuse or sexual harassment. This provision is confirmed by the PREA Coordinator and the Jail Administrator.

Reference Policies: **611.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL AQBUSE** (a) - (g).

Supporting Documents: KCJ Inmate Handbook pgs. 5-6, 28-29.

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

The **ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE** Policy requires the jail to ensure this standard subpart. The supervisor receiving the grievance shall refer the grievance to the Jail Sergeant for investigation. This was verified by the PREA Coordinator.

The inmate handbook, **ZERO TOLERANCE** poster, and orientation video provide inmates with information on the multiple ways to report both internally or externally so that it would not have to be submitted to the person who is the subject of the complaint.

Reference Policies: **611.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE** (c) and (d).

Supporting Documents: **KCJ Inmate Handbook** pgs. 5-6, 28-29, **ZERO TOLERANCE** Poster, KCJ Inmate Orientation video.

(d) (1) The agency issues a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. (2) Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal. (3) The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response

is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made. (4) At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

The same policy as noted in the previous grievance standard subparts also address the timeline requirements.

The Auditor was informed by the PREA Coordinator that In the past 12 months, there were zero grievances filed that alleged sexual abuse. He confirmed that they would follow the time limit requirements for decisions and extensions if needed. There were no inmates who had reported a sexual abuse to interview. The auditor reviewed a sample of inmate grievances, but none were related to sexual abuse or sexual harassment.

Reference Policies: **611.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE** (e) and (f).

Supporting Documents: **KCJ Inmate Handbook** pgs. 5-6, 28-29, **ZERO TOLERANCE** Poster, KCJ Inmate Orientation video.

(e) (1) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates. (2) If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. (3) If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.

The same policy previously referenced addresses third parties being allowed to assist inmates in filing such grievances and on behalf of inmates if the inmate agrees to have the grievance filed on his/her behalf. Staff are required to ask whether the inmate wishes to have the grievance processed and shall document the inmate's decision. As already established, staff shall accept reports made verbally, in writing, and anonymously from third parties and shall promptly document any verbal reports anyway.

I was informed that in the past 12 months, there were zero instances of inmates who declined third-party assistance, containing documentation of the inmate's decision to decline. The auditor looked for documentation of grievances that allege sexual abuse and their final decision and documentation of third-party reports and declination of third-party assistance. There were none noted. Specific to third-party reporting, the auditor looked for signage and information allowing for the reporting of PREA allegations on behalf of an inmate. The auditor observed the signage within the

secure perimeter of the jail, at intake, and in the housing units. Signs and posters instruct on the ways to report sexual misconduct including through a third-party. The auditor also conducted testing of third-party reporting. Internal and external reporting organizations all confirmed that they would accept third-party reporting. During the on-site audit, informal discussions with jail staff and inmates affirmed the multiple ways to report sexual abuse/sexual harassment internally, externally, anonymously, privately, and through third-parties. The PREA section of the inmate handbook also informs inmates that sexual misconduct can be reported from a third party. Staff members have been informed of their responsibility to report such activity and will accept reports made to them verbally, in writing, anonymously, and from third parties. Law enforcement authorities will investigate allegations of sexual misconduct received through any route.

The content of grievances and administrative remedies for sexual assault/harassment allegations were verified by the PREA Coordinator. He said they would follow their PREA reporting and grievance policies and procedures.

Reference Policies: **611.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE** (b).

Supporting Documents: KCJ Inmate Handbook pgs. 5-6, 28-29, ZERO TOLERANCE Poster, KCJ Inmate Orientation video.

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

EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE are documented in the **Inmate Grievances** Policy.

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

Jail staff are provided training regarding all aspects of the **Inmate Grievances** Policy, including emergency grievances related to sexual abuse.

	<p>Reference Policies: 611.6.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE.</p> <p>Supporting Documents: Review of PREA incident and grievance documents.</p> <p>(g) Inmates at the KCJ may be disciplined for filing a false grievance related to alleged sexual abuse only when it is determined that the inmate filed the grievance in bad faith.</p> <p>The KCJ has a written policy that limits its ability to discipline an inmate for filing a grievance alleging sexual abuse to occasions where the agency demonstrates that the inmate filed the grievance in bad faith. The ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXAL ABUSE Policy allows for disciplinary actions for filing a false grievance related to alleged sexual abuse ONLY when it is determined that the inmate filed the grievance in bad faith.</p> <p>The inmate handbook does not mention any disciplinary sanctions for inmates filing a false PREA report. The <i>END THE SILENCE</i> brochure documents Notice For Failure To Report. Anyone who engages in, fails to report, or knowingly condones sexual harassment or sexual abuse of an inmate shall be subject to disciplinary action and may be subject to criminal prosecution.</p> <p>I was informed by the PREA Coordinator that in the past 12 months, there was no inmate disciplined for filing a false report of sexual abuse/sexual harassment. The auditor did not find any disciplinary records for this reason. We did however, review a PREA incident/investigation report where the victim admitted to a false allegation. There were no internal disciplinary actions against the inmate.</p> <p>Reference Policies: 611.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE (g).</p> <p>Supporting Documents: <i>END THE SILENCE</i> brochure.</p> <p>The KCJ has demonstrated proper use of the grievance process according to their policies and procedures as related to sexual abuse or sexual harassment. The grievance process was described to the auditor by the Jail Administrator and the PREA Coordinator. It can be an option for inmate reporting of sexual abuse/sexual harassment, but would not be the common route for reporting a PREA Allegation. The auditor reviewed the inmate handbook and determined that relevant information is provided. The auditor also looked for documentation of any grievances that alleged sexual abuse, third-party reports, emergency grievances, and any disciplinary actions by the agency against inmates for having filed the grievance in bad faith in the past 12 months. There were none noted. The KCJ meets all the elements of the Exhaustion of Administrative Remedies PREA Standard.</p>
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115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard

Auditor Discussion

(a) The jail shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

The auditor examined the relative policies and documents provided by the PREA Coordinator. During the PREA Audit Site Review, the auditor paid attention to the signage, tested access to outside emotional support services, and assessed the process for sending and receiving mail for inmate access to outside emotional support services.

All the standard requirements are met according to KCJ policy. The **PREA COORDINATOR** Policy represents this standard. One of the PREA Coordinator's responsibilities is to making reasonable efforts to enter into agreements with community service providers to provide inmates with confidential emotional support services related to sexual abuse. The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations. Persons detained solely for civil immigration purposes shall be given contact information for immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies in as confidential a manner as possible. The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. The **Foreign Nationals and Diplomats** Policy enforces reasonable communication with relevant consular officials and officials at the U.S. Department of Homeland Security (28 CFR 115.51)

The inmate handbook provides names and phone numbers for three external reporting options. The **ZERO TOLERANCE for SEXUAL ABUSE AND SEXUAL HARASSMENT** Poster advertises a list of agencies, phone numbers, and addresses for reporting. Reports can be made anonymously. KCJ has partnered with Family Pathways to provide survivors of sexual abuse with emotional support services. Support services are available from Family Pathways and can be reached at (800) 338-7233 or (320) 679-1737. The *END THE SILENCE: Zero Tolerance for Sexual Abuse and Sexual Harassment: PREA* is provided to inmates upon booking and lists the external reporting options with phone numbers and support services availability from Family Pathways with phone numbers. The inmate handbook and orientation video also informs persons in custody of consulate information. The jail staff has a list of telephone numbers and addresses for all known Consular offices. The PREA Coordinator is a resource and contact person for consular notification and access having recently received online training through the U.S. Department of State. He

also obtained **CONSULAR NOTIFICATION AND ACCESS REFERENCE CARDS** and the **CONSULAR NOTIFICATION AND ACCESS (CNA)** document. And finally, the auditor examined the MOUs for external reporting and for confidential support services through Family Pathways to the inmate population of the KCJ. The Family Pathways MOU meets the requirements and true spirit of partnership to ensure all possible services are offered and/or provided to the inmates of the KCJ.

The auditor studied the MOU between the KCSO/KCJ and Family Pathways. I also conducted community outreach and spoke with the PREA representative for the Family Pathways organization. He confirmed the validity of the MOU and the services they provide to persons in custody at the jail. They are the organization that provides victim advocates for emotional support services related to sexual abuse to the KCJ inmates. Family Pathways will supply confidential reporting services of sexual victimization at the inmate's request. Family Pathways is a 501 (c) 3 non-profit. According to their website: "Family Pathways works to eliminate Domestic Violence and Sexual Assault against women, men and children by providing supportive, non-judgmental and confidential services. Our trained professionals help provide support to those who have been affected by Domestic Violence or Sexual Assault. Our advocates help bridge the gap between those in need and community resources and organizations." Their crisis hotline is available and open 24 hours. See <https://www.familypathways.org/our-work/dvsa/>

Toll-free hotline numbers of local, State, or national victim advocacy or rape crisis organizations and civil immigration numbers are accessible for the inmates. This was also verified by the PREA Coordinator. The auditor reviewed the consular notification documents as provided by the PREA Coordinator. The auditor questioned the jail staff during the on-site facility tour. They were all familiar with external reporting and confidential support services for inmates as it relates to PREA. They described the inmate handbook and posters with information. They said that persons in custody have access to confidential support services through the phone and mail process. Phones are available within the housing units. The auditor questioned the mail process. They described the daily distribution of incoming mail and pick up of outgoing mail. Similar to legal mail, written correspondence to an organization like Family Pathways would be considered sensitive and would not be read. The PREA Coordinator explained that there is a list of legal phone numbers that are entered in as free and unrecorded phone calls. Family Pathways and external reporting agencies are included in that list. Inmates are provided with writing utensils as well as a limited number of envelopes. The COs were able to access consular policies, processes, and phone numbers needed when booking a foreign national and/or when requested by a person in custody for confidential communications relative to PREA. The auditor also observed that the contact information for Family Pathways is also published via the **ZERO TOLERANCE** Poster in the visiting room and in the jail lobby for the public. Specifically during the site review, the auditor actively observed signage throughout the facility. Signage included zero tolerance policy, audit notices, how to report sexual abuse and sexual harassment, access to outside victim emotional support services, and other relevant PREA information. Information provided on signage is readable and accessible, consistent, and placed throughout

the facility to convey vital sexual safety information specific to the facility. The signage language is clear and easy to understand. The auditor noted that emotional support services and advocacy information is available in the PREA brochure.

External reporting, clearly detailing what services are available and for what purposes is also posted. The auditor confirmed that signage is provided in English and translated in Spanish with PREA posters. The signage text size, formatting, and physical placement accommodates most readers, including those of average height, low vision/visually impaired, or those physically disabled/in a wheelchair. The information provided by the signage is not obscured, unreadable by graffiti, or missing due to damage. Information on the postings were accurate and consistent throughout the facility. The auditor noted that signage was located near the phone(s), so persons confined in the facility can easily access the phone number if needed. Informal conversations with inmates and staff indicated knowledge of PREA posters with reporting information and understanding of ways to report sexual abuse/sexual harassment within the jail. Inmate handbook information is also available electronically, within the texters and hard copy in each housing unit. Inmates may request their own personal hard copy handbook and it will be provided. Some of the inmates in some of the housing units demonstrated how to access this information and/or make phone calls for reporting or emotional support services. They said that the phone is available all day long for outgoing phone calls. They pointed out that the information is on the posters. Informal discussions with some of the jail staff also indicated the availability of phone access for calls to Family Pathways or other organizations for emotional support services for victims of sexual abuse/ harassment. During the facility tour and observation period, the auditor noted active use of texters, and phones for communication and information purposes by the inmates. I observed the mailing process. The PREA Coordinator said that there is always a Jail Sgt. on duty to assist the intake officers in providing inmates with communication and reporting assistance for this provision.

A random sample of inmates were interviewed regarding outside services available for dealing with sexual abuse. All but two of the inmates affirmed that there are services available outside of the jail for dealing with sexual abuse. They were asked if they could describe what these services are. 6 inmates reported various outside resources including counselors, utilize postings around the jail, Family Pathways, and law enforcement. 2 reported they did not know of the outside resources. 1 inmate declined to answer the question. We then asked if the jail gives mailing addresses and telephone numbers for these outside services. All but one of the inmates responded yes. Most of the inmates mentioned Family Pathways or the PREA Hotline. Most of the inmates thought the phone calls would be free, some were unsure. They said that they are able to speak with people from these services anytime, or about 8 hours out of the day. They are locked down in individual cells during the evening hours. There were no inmates in custody who had reported a sexual abuse to interview.

Reference Policies: Policy 606 **PREA. 606.4 PREA COORDINATOR** (f). Policy 604 **Foreign Nationals and Diplomats. 604.4 CONSULAR NOTIFICATIONS. 604.4.1 CONSULAR NOTIFICATION LIST AND CONTACTS.**

Supporting Documents: Family Pathways **MOU** of December 19, 2024, Mille Lacs County MOU, Pine County MOU, **CONSULAR NOTIFICATION & ACCESS (CNA), CONSULAR NOTIFICATION AND ACCESS REFERENCE CARD, KCJ INMATE HANDBOOK** pg. 4 - 6.

(b) The KCJ informs inmates, prior to giving them access to outside support services, the extent to which communications will be monitored. Mandatory reporting rules are provided to inmates, including limits to confidentiality.

The **PREA COORDINATOR** Policy requires the jail to inform inmates, prior to giving them access to outside advocates, of the extent to which such communications shall be monitored and the extent to which reports of abuse shall be forwarded to authorities in accordance with mandatory reporting laws.

The PREA Coordinator informed the auditor that the facility informs inmates, prior to giving them access to outside support services, the extent to which such communications will be monitored. I was shown a list of free/private names and phone numbers that had been entered into the phone system. Family Pathways, Mille Lacs County and Pine County are on the list. He said that all the listed numbers are free and not recorded. The MOU language between Family Pathways and the KCSO/KCJ states that the KCJ understands that reports made to Family Pathways are confidential; however, Family Pathways will keep in mind that it is the responsibility of the KCJ to keep all inmates safe and will provide information to the extent possible, according to law, to ensure the safety of the inmate population. The auditor conducted community outreach and spoke with the PREA representative from Family Pathways who confirmed the confidentiality aspect of the MOU and services provided. He said that calls are not recorded. We discussed mandatory reporting and acknowledged for the safety of the victim, any new incidents would be reported to the KCSO/KCJ. Inmates are informed of their confidential services. The inmate handbook PREA section informs persons in custody that if they are a victim, in fear of or have concerns of being a victim, to report it immediately to detention staff. Confidential reporting methods are available via telephone and in-writing. The Family Pathways phone number is provided and it is written that their report will be handled respectfully and confidentially. The PREA brochure provides external reporting options and lists Family Pathways as being a resource located outside the KCJ and they can remain anonymous upon request.

The inmates were asked if what they say to people from these services remains private. We inquired about mandatory reporting. The inmates were unsure about what is private and what would be reported.

Reference Policies: Policy 606 **PREA. 606.4 PREA COORDINATOR** (f).

Supporting Documents: Family Pathways **MOU** of December 19, 2024, **KCJ Inmate Handbook** pgs. 5-6, PREA pamphlet - *END THE SILENCE*, **ZERO TOLERANCE** poster.

(c) The KCSO/KCJ maintains memorandum of understanding (MOUs) or other agreements with community service providers that are able to provide inmates with emotional support services related to sexual abuse.

	<p>The PREA COORDINATOR Policy also requires the jail to maintain a memoranda of understanding with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse.</p> <p>A copy of the MOU is maintained by the PREA Coordinator and was provided to the auditor for review. The PREA Coordinator provided the auditor with a copy for her review during the pre-audit stage of the audit process. The auditor conducted community outreach twice and spoke with the PREA representative of Family Pathways who confirmed the current MOU agreement and services as documented. The MOU was entered into on the 19th day of December, 2024. It is signed by the Jail Administrator, Sheriff, and the Executive Director of Family Pathways. The MOU designates the obligations of the partners and the cooperation of activities and services.</p> <p>Reference Policies: Policy 606 PREA. 606.4 PREA COORDINATOR (f).</p> <p>Supporting Documents: Family Pathways MOU of December 19, 2024.</p>
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115.54	Third-party reporting
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>The KCSO/KCJ provides a method to receive third-party reports of sexual abuse or sexual harassment, and publicly distributes information on how to report on behalf of an inmate.</p> <p>The KCJ REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION Policy describes this standard.</p> <p>How to report sexual abuse and sexual harassment on behalf of an inmate is published on the jail's website and the ZERO TOLERANCE poster located in the lobby of the jail and in the visiting room. The website has a reporting section which states: "Inmates who are a victim of sexual abuse and sexual harassment are encouraged to talk to any staff member immediately. This will allow for the quickest response. Inmates may also report through a written Inmate Request Form (Kite), through the inmate grievance procedure or contact the Kanabec County Sheriff's Office at 320-679-8400." See https://www.kanabeccounty.org/departments/jail.php</p> <p>The ZERO TOLERANCE poster provides the inmate and the public with multiple ways to report sexual abuse and sexual harassment. Reports can be made anonymously. The poster advertises that a family member, friend, legal counsel, or anyone outside the facility can report on the inmate's behalf. Someone at the facility can also report for the inmate. Phone numbers and addresses are provided for the Kanabec County Dispatch, Mille Lacs County Dispatch, Pine County Dispatch and Family Pathways. The inmate handbook says that information received on all reported allegations and</p>

	<p>complaints will be confidential. An investigation will be accomplished and, if warranted, the perpetrator(s) will be charged and prosecuted. Confidential reporting methods are available via telephone and in writing (kite).</p> <p>Jail staff have been trained in the prevention, detection, response, and reporting of sexual abuse and sexual harassment and are required to accept reports made verbally, in writing, and anonymously from third parties and promptly document any verbal reports. See the PREA Training policy. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies (grievances) relating to allegations of sexual abuse. See the Inmate Grievances policy. The auditor viewed the prescribed information during the on-site audit. The auditor reviewed the jail's website, specific to PREA at multiple times during the audit process and verified the third-party reporting option. The auditor tested third-party reporting by observing lobby and website information for phone numbers and addresses for internal and external reporting methods, the same that is provided to the public. The auditor called the jail numbers and spoke with a CO and a Jail Sgt. who confirmed that they would take a report of sexual abuse/ harassment from a third-party on behalf of an inmate for referral for investigation. The investigator that was interviewed verified that they would investigate a sexual abuse/sexual harassment report from any source, including third-party reports. The auditor also spoke with representatives from Family Pathways twice. The receptionist and PREA contact both confirmed the process for accepting and reporting third-party allegations of sexual abuse/ harassment at the jail. All PREA documents and posters reviewed indicated the availability of third-party reporting of sexual abuse and sexual harassment.</p> <p>Reference Policies: 606.5 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION. Policy 306 PREA TRAINING. Policy 611 Inmate Grievances. 611.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE. (b).</p> <p>Supporting Documents: KCJ Inmate Handbook pgs. 5-6 PREA section, ZERO TOLERANCE poster, <i>END THE SILENCE</i> brochure.</p> <p>The KCJ meets the criteria required for the third-party reporting standard as evidenced in this narrative.</p>
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115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	(a) Staff at the KCJ are required to report immediately and according to policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in any corrections facility. They are also required to report any retaliation against inmates who reported such an incident, and

any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

The auditor reviewed the **REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION** policy relative to this standard. Any employee, agency representative, volunteer or contractor who becomes aware of an incident of sexual abuse, sexual harassment or retaliation against inmates or staff shall immediately notify a supervisor, who will forward the matter to a sexual abuse investigator. The First Responder Checklist also requires the CO to notify the on duty supervisor of an incident of sexual abuse. The **PREA Training** Policy requires **MEMBER TRAINING** to include individual responsibilities under sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures.

The KCJ has a Staff Training Acknowledgement. Staff acknowledge that they have received and understand the PREA training. They understand the KCJ zero tolerance policy regarding offender sexual abuse and harassment and that they have a statutory obligation to report ALL forms of offender sexual abuse and/or sexual harassment. This document is also signed/dated for understanding. Any questions can be addressed with a supervisor or administration. The auditor reviewed the training records and curriculum as evidence of this standard requirement. See a *description of the employee training of Standard 115.31*.

Jail staff were asked if the KCJ requires all staff to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility; or retaliation against inmates or staff who report, or any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. 100% of the jail staff interviewed responded "yes" to all three components of the standard. Some mentioned the PREA checklist and all said that they would notify their supervisor.

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

Reference Policies: Policy 606 **PREA. 606.5 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION.** Policy 306 **PREA Training. 306.3 MEMBER TRAINING.**

Supporting Documents: **FIRST RESPONDER - Sexual Assault Response Checklist KCJ, PREA TRAINING ACKNOWLEDGEMENT,** Jail training records.

(b) Apart from reporting to supervisors and investigators, KCJ policy prohibits staff

from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

The **REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION** Policy addresses this standard requirement. It states that sexual abuse and sexual harassment reports shall only be made available to those who have a legitimate need to know, and in accordance with their policy and applicable law.

The Corrections Officers were interviewed regarding this topic. They informed the auditors of the policies and procedures for reporting information related to an inmate sexual abuse. They described who and how they would report the information. They would report the information to their supervisor.

The auditor reviewed PREA reports to verify staff referrals to supervisors and investigators.

Reference Policies: **606.5 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION.**

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

Medical and mental health staff fall under the same policy. The policy requires any employee, agency representative, volunteer or contractor who becomes aware of an incident of sexual abuse, sexual harassment or retaliation against inmates or staff to immediately notify a supervisor. Information shall only be made available to those who have a legitimate need to know in accordance with this policy and applicable law. The **PREA Training** Policy includes all staff, volunteers and contractors in the **MEMBER TRAINING.**

Again, training includes individual responsibilities under sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures. The auditor also received and reviewed medical staff's training acknowledgements. They sign and date that they have received information from the "Guide on Sexual Abuse Prevention and Response."

- I understand inmates have the right to be free from sexual abuse and sexual harassment.
- I understand and will comply with the KCJ "Zero Tolerance Policy" and "Reporting Procedures."
- I understand "consent" is no excuse for sexual activity between a volunteer/contractor and an inmate.
- I acknowledge I have completed the 10 review questions above to the best of my ability.

Correctional health care staff are to follow the reporting and response procedures as prescribed in the policy. They will accept reports made verbally, in writing,

anonymously, and third parties and shall promptly document any verbal reports. They shall immediately report and respond to any knowledge, suspicion, or information regarding an incident of sexual misconduct. The correctional health care team are contracted employees.

The auditor reviewed medical/mental health secondary materials related to PREA to corroborate their involvement with reporting obligations and limitations on confidentiality.

The auditor discussed PREA training requirements, reporting standards, informed consent, and secondary materials with the medical staff within the medical unit and during the formal interview process at the jail in respect to this standard. They confirmed that at the initiation of services to an inmate, they would verbally disclose limitations of confidentiality and their duty to report (mandatory reporters) regarding any PREA allegations. The nurse I interviewed said she was going to check regionally for a more formal process. This was also discussed with the PREA Coordinator. However, the auditor did review some secondary informed consent documents, data practices forms, acknowledgement of being informed about how to access medical services, and limits of confidentiality in use at the jail by medical and mental health staff. They are required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment to a Jail Sgt. or the PREA Coordinator for a referral for investigation. They said they have been trained and according to policy are required to report any information regarding an incident of sexual abuse or sexual harassment to a designated supervisor immediately. They said there is a PREA Officer and they could go to their Sergeant. This is mandated. The jail nurse provided the auditor with an example of her involvement of a sexual abuse allegation that was reported to her. It was a psychosis situation, but she still notified the jail supervisors/administration and wrote a report. Mental health services are offered to all victims and perpetrators of sexual abuse.

Reference Policies: **606.5 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION. 306.3 MEMBER TRAINING.**

Supporting Documents: Medical History and Health Appraisal, **MENTAL HEALTH SCREENING INTERVIEW, KCJ Authorization for Disclosure of Data and Data Practices Rights Advisory** re: medical and mental health data, signed **Training Acknowledgement** for Contractor.

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

The **SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS** Policy mandates if a victim is under 18 or considered a vulnerable adult under state law, the assigned investigator shall report the allegation to the designated social services agency as required. The **MEMBER TRAINING** Policy requires education and training to be delivered on how to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities. The Model Investigations Policy contains a Special Considerations - Minors and Vulnerable Adults/

Domestic Abuse Victims section. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute Section 260E.06 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate human services agency where required. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents. The KCJ does not house youthful offenders.

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

The auditor looked for any additional documentation of sexual abuse reports from medical and mental health practitioners, and any reports to the designated state or local services agency for youthful or vulnerable adult inmates, as well as a sample of reports to investigators relative to this standard. There are minimal reports of PREA allegations available due to minimal allegations. The KCJ does not house juvenile offenders.

Reference Policies: **606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS. 306.3 MEMBER TRAINING** (k). Model Sexual Assault Investigations Policy IV. D. Special Considerations.

Supporting Documents: Review of PREA reports.

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

As per the **REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION** Policy, the facility shall provide information to all visitors or third parties on how they may report any incident, or suspected incident, of sexual abuse or sexual harassment to a staff member (28 CFR 115.54). Inmates may report sexual abuse or sexual harassment incidents anonymously or to any staff member they choose. Staff shall accommodate all inmate requests to report allegations of sexual abuse or harassment. Staff shall accept reports made verbally, in writing, anonymously or from third parties and shall promptly document all verbal reports (28 CFR 115.51).

Threats or allegations of sexual abuse and sexual harassment, regardless of the source, shall be documented and referred for investigation. An administrative investigation, criminal investigation or both shall be completed for all allegations of sexual abuse and sexual harassment.

PREA policy requires that KCSO investigators be trained in sexual abuse investigations involving victims and shall investigate all allegations of sexual abuse including third-party and anonymous reports. In all reported or suspected cases of

	<p>sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfound or unsubstantiated. There are also third-party reporting policies. See <i>SPECIALIZED INVESTIGATIVE TRAINING</i>.</p> <p>The inmate handbook states that an investigation will be done and if warranted, the perpetrator(s) will be charged and prosecuted. The <i>END THE SILENCE</i> brochure informs the inmates that they want to conduct an investigation of the reported incident and of the multiple ways to report sexual abuse and sexual harassment.</p> <p>The ZERO TOLERANCE poster also advertises to inmates and the public the multiple ways the KCJ offers to report sexual abuse and harassment. Reports can be made anonymously or through a third-party. "We want to conduct an investigation of the reported incident." The Jail Administrator confirmed that all allegations no matter what the source are investigated, including third-party and/or anonymous reports of allegations of sexual abuse are always referred for investigation. The investigator that was interviewed also verified that all allegations of sexual abuse or harassment are referred for investigation, including third-party and anonymous reports. The KCJ website promotes the zero tolerance of sexual abuse/harassment within the facility and investigations. "The Kanabec County Sheriff's Office, and the Department of Corrections, has a zero-tolerance standard for incidence of sexual abuse and sexual harassment and also makes prevention of inmate sexual abuse a top priority. The Kanabec County Sheriff's Office also extends this zero tolerance policy to include any personnel, volunteers, interns, or contract personnel, who may have contact with inmates and will thoroughly investigate and hold accountable person(s) who violate these policies and Minnesota State laws." See https://www.kanabecounty.org/departments/jail.php</p> <p>The auditor also reviewed the training materials for staff, contractors and volunteers, and specialized medical and investigative training which educate on the elements of PREA reporting and investigation obligations. Investigative reports were also reviewed, paying attention to the reporting source in support of this standard.</p> <p>Reference Policies: 606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS. 306.5 SPECIALIZED INVESTIGATIVE TRAINING,</p> <p>Supporting Documents: Staff Training Acknowledgement, Training records and curriculum. ZERO TOLERANCE poster, KCJ Inmate Handbook pgs. 5-6, END THE SILENCE brochure.</p> <p>The KCSO/KCJ has met all elements of the PREA reporting standard for staff and agency as explained by way of policy and procedure review, supporting documents review, and through interview verifications.</p>
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115.62	Agency protection duties
	Auditor Overall Determination: Meets Standard

Auditor Discussion

(a) When the KCJ learns that an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the inmate.

The KCJ has multiple policies that address the protection of inmates against sexual abuse, but the primary policy is the EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE. The policy states: "Any inmate who believes he/she or any other inmate is in substantial risk of imminent sexual abuse may file an emergency grievance with any correctional officer. The supervisor shall determine whether immediate action is reasonably necessary to protect the inmate and shall provide an initial response within 48 hours. The correctional officer shall refer the grievance to the Jail Sergeant, who will investigate and issue a final decision within five calendar days. The initial response and final decision shall be documented and shall include a determination whether the inmate is in substantial risk of imminent sexual abuse and identify actions taken in response to the emergency grievance." The **PROTECTIVE CUSTODY** Policy and the **Inmate Classifications - PREA CONSIDERATIONS** Policy are also related to this standard. The PREA Coordinator is responsible for developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and facility management to an incident of sexual abuse. The plan must also outline the office's approach to identifying imminent sexual abuse toward inmates and preventing and detecting such incidents. See **PREA COORDINATOR** Policy.

As previously established, all members of the KCJ are PREA trained. All staff, volunteers and contractors who may have contact with inmates receive office-approved training on the prevention and detection of sexual abuse and sexual harassment. Specifically, prevention and intervention techniques to avoid sexual abuse and sexual harassment in the jail and individual responsibilities in the detection, reporting and response policies and procedures. Staff are also educated in ways to detect and respond to signs of threatened and actual sexual abuse. See **MEMBER TRAINING** Policy. One of the PREA training curriculum that stands out relative to this standard is the *Zero Tolerance - Inmate Rights* Power Point that was received and reviewed. There are two boxes entitled Red Flags for staff-on-inmate sexual misconduct and inmate-on-inmate sexual misconduct. There is a list of warning signs to watch out for, act upon and report. Immediate separation of inmates and/or protective custody may be required.

The auditor was informed by the PREA Coordinator, that in the past 12 months, there were zero instances determined where an inmate was subject to substantial risk of sexual abuse. The auditor was assured by the Sheriff, PREA Coordinator, and Jail Administrator that when these situations arise, there is no delay and staff take immediate action. The Sheriff was interviewed. He said the jail would take immediate action to protect an inmate, such as removal from the potential danger. The Jail Administrator was also asked about protective actions. He said they have sufficient staffing and housing flexibility and proper controls to separate. He expressed that they would take all necessary steps to ensure the safety and well-being of the inmate. The COs were also interviewed about inmate safety and protection from

	<p>imminent harm. They described the actions they would take: separate from others, use of the Administrative Segregation Unit, initiate increased observation, initiate investigation, notify supervisors, use the PREA checklist, and write a report. All administrative and line staff interviewed said that they would take immediate action.</p> <p>A review of incident reports verified the prompt actions of Corrections Officers, medical and mental health practitioners, investigators, supervisors, and administration.</p> <p>Reference Policies: Policy 306 PREA Training. 306.3 MEMBER TRAINING. Policy 611 Inmate Grievances. 611.6.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE. Policy 508 Inmate Classification. 508.10 PREA CONSIDERATIONS. Policy 606 PREA. 606.4 PREA COORDINATOR (a). 606.12 PROTECTIVE CUSTODY.</p> <p>Supporting Documents: Zero Tolerance - Inmate Rights Power Point Training.</p>
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115.63	Reporting to other confinement facilities
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.</p> <p>The KCJ maintains a policy for REPORTING TO OTHER FACILITIES. The policy language is the same as the standard.</p> <p>In the past 12 months, there were no allegations the facility received that an inmate was abused while confined at another facility according to the PREA Coordinator. A review of the PREA incident/investigative reports corroborated this. The PREA Coordinator confirmed that they would notify the head of the facility where the alleged abuse occurred. They follow the policy and procedure as directed. The auditor sat down with the PREA Coordinator who provided a few older PREA files which documented the reporting to other facilities when there is an allegation that an inmate was sexually abused at another facility. The documentation and time requirements were met. Communication must be directed to the head of the other facility or designee. A common means of communication is email.</p> <p>Reference Policies: Policy 606 PREA. 606.5.1 REPORTING TO OTHER FACILITIES.</p> <p>Supporting Documents: PREA Incident Reports.</p> <p>(b) Such notification shall be provided as soon as possible, but no later than 72 hours</p>

after receiving the allegation.

The same policy requires the 72 hour time limit. The older reports reviewed by the auditor indicated information sent to the other facility within a 24-48 hour period. Initial investigation and statements were obtained. Reports documented the time the report was received, the time it was reported to a supervisor, and/or the PREA Coordinator, and when the other facility was notified.

Reference Policies: Policy 606 **PREA**. 606.5.1 REPORTING TO OTHER FACILITIES.

Supporting Documents: PREA Incident Reports.

(c) The agency or facility documents that it has provided such notification within 72 hours of receiving the allegation.

The same policy requires documentation that it has provided such notification. The KCJ documents all PREA allegations including a report which involves another agency or facility. The KCJ documents the notifications with date, time, and who notified who. The auditor reviewed documentation of notifications to verify that they occurred well within 72 hours of receiving allegation. The allegation is documented by staff before the end of their shift. PREA incident and investigative reports were reviewed. The auditor discussed the importance of the facility/agency head ensuring the notification is directed to the responding facility/agency head or designee for investigation with Jail Administration. The importance of the matter must be noted.

Reference Policies: Policy 606 **PREA**. 606.5.1 REPORTING TO OTHER FACILITIES.

Supporting Documents: PREA Incident Reports.

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

The **SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS** Policy requires that if the investigation is referred to another agency, the office shall request that the agency follow the requirements as provided in 28 CFR 115.21 (a) through (e). The referral shall be documented. The office cooperates with outside agency investigation.

I was informed by the PREA Coordinator that in the past 12 months, there were no allegations of sexual abuse in the KCJ received from another facility/agency. The auditor was supplied with the investigative files for the past 12 months for review.

The Sheriff was interviewed relative to this standard. He said that the Jail Administrators should report to each other for referral allegations. All allegations of sexual abuse are investigated no matter what the source and how received. This was also verified by the investigator. The Sheriff provided an example of a DOC inmate they were housing and the PREA allegation was referred to their investigative unit. It was documented and time-stamped. The Jail Administrator was asked what happens when your facility receives an allegation from another facility/agency that an incident of sexual abuse or sexual harassment occurred in your facility. He said all reports of

	<p>sexual abuse/harassment allegations are referred to the investigators. He provided a few examples from many years ago where this was accomplished. We discussed the importance of administrative communications. He verified that everything is documented. The PREA Coordinator, who oversees this standard requirement has a good understanding of the importance of referrals going through the facility heads, timeline, documentation, and referral for investigation.</p> <p>Reference Policies: Policy 606 PREA. 606.5.1 REPORTING TO OTHER FACILITIES. 606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS.</p> <p>Supporting Documents: PREA Incident Reports.</p>
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115.64	Staff first responder duties
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) Upon learning of an allegation that an inmate was sexually abused, the KCJ ensures that the first security staff member to respond to the report shall be required to: (1) Separate the alleged victim and abuser; (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.</p> <p>The KCJ has a FIRST RESPONDERS Policy for allegations of sexual abuse. To aid staff in the procedures set out in the policy, there is a corresponding FIRST RESPONDER - Sexual Assault Response Checklist KCJ. All four standard criteria are covered in the policy and checklist. Additional directives are also set forth. The auditor examined the policy and the checklist and verified that all standard requirements are included as documented, and the responses to sexual assault. The policy requires separation of the parties, medical assistance to be requested as appropriate, a crime scene to be established to protect any evidence, identify and secure witnesses, request the alleged victim and ensure the alleged abuser do not take any actions that could destroy physical evidence, consider a change in classification or housing, and determine whether the alleged perpetrator should be segregated. The first responder checklist includes receipt of the report of sexual assault, naming of the victim, naming the reporter, "Do not let the victim out of your sight!", ask the victim for dates/times of incident, call for medical assistance, identify perpetrator(s) and potential witnesses, ask victim to identify incident location, notify</p>

on duty supervisor, glove up, secure the crime scene immediately, assign an officer to remain with the perpetrator, prevent victim from destroying evidence, remain with victim, write report and return this form and incident report to on duty supervisor when complete. There is also a **Sergeant - Sexual Abuse Response Checklist** at the KCJ. It starts with the receipt of the report from the first responder and requires identification of the victim, victim's date of birth, date and time of incident, perpetrator's name and potential witnesses, and location of the incident. It is the responsibility of the Jail Sergeant to verify that the crime scene has been secured and to instruct the first responder to stay with the victim until medical arrives. They also ensure that an officer is stationed with any identified perpetrator(s). Notifications are made to the Jail Administrator and Investigator. Further notifications are made to health services and mental health. Report writing is mandatory for all jail incidents and a PREA incident calls for a written confidential incident report.

As per the PREA Coordinator, in the past 12 months, there were no allegations of sexual abuse. No PREA allegations required the collection of physical evidence. The auditor reviewed a sample of older PREA incident reports and confirmed appropriate response and documentation.

The auditor interviewed security staff and non-security staff who have acted as first responders. The non-security staff was a medical representative. They were asked to describe the actions to take as a first responder to an allegation of sexual abuse. The correctional staff member talked about separating the alleged victim and abuser or removing them to safety, protecting the crime scene for investigators to collect evidence, making sure the parties involved do not take any actions that would destroy evidence such as washing, brushing teeth, changing clothes, urinating, etc. He also added that they would notify the medical staff and investigators and write a detailed report. He emphasized scene safety. He also added that they would shut off the water supply and shut off the phones. He showed me the first responder checklist. They would get an interpreter if needed. They would call for an investigator as soon as possible. Witnesses would be documented on the form. The non-security staff responded from a medical perspective. They would notify the Jail Sgt. and attempt to preserve evidence by encouraging parties to NOT wash, brush teeth, change clothes, use the restroom, drink or eat. They would screen the patient for obvious physical trauma and provide essential emergency care. They do NOT conduct SAFE/SANE examinations at the jail. There were no inmates who had reported a sexual assault to interview.

As previously established, jail staff receive training on the prevention and detection of sexual abuse and sexual harassment within the KCJ. Specifically and relevant to this standard, staff are trained in how to detect and respond to signs of threatened and actual sexual abuse. The auditor again reviewed the jail training records in support of this standard. See **MEMBER TRAINING** Policy.

Reference Policies: Policy 606 **PREA. 606.7 FIRST RESPONDERS.** Policy 306 **PREA Training. 306.3 MEMBER TRAINING.**

Supporting Documents: **FIRST RESPONDER - Sexual Assault Response Checklist KCJ, Sergeant - Sexual Abuse Response Checklist**, Jail training records and curriculum review.

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

The **FIRST RESPONDERS** Policy also addresses this standard subpart. As we have learned with previous standard narratives, the KCJ requires contract employees, volunteers, vendors, or visitors to immediately report to a correctional officer or Jail Sgt. any knowledge, suspicion, or information regarding sexual abuse or sexual harassment.

The auditor reviewed the **Health Services - Sexual Abuse Response Checklist**. They are required to ascertain if the abuse occurred within the last 120 hours and to prevent the victim from eating, drinking, using toilet, brushing teeth, changing clothes, washing hands, douching, bathing or showering.

The auditor reviewed the training records and orientation material for non-security staff which educates them on their roles and responsibilities with PREA to include the non-security first responder requirement to request that the alleged victim not take any actions that could destroy physical evidence, and then notify a deputy. All staff, volunteers and contractors are trained in their individual responsibilities under sexual abuse response policies and procedures. Non-security staff are instructed in the event that they would need to act as first responders. If correctional health receives the report, they must follow their medical protocols per policy. The auditor spoke with the RN Jail Nurse intermittently during the on-site audit. She advised that they train with the security staff and follow the jail's policies and procedures. The auditor reviewed the jail procedures and medical secondary materials in support of this standard subpart. The PREA standard requirements are documented within the policies with procedural directions accompanied by the First Responder checklists. The auditor also spoke with non-security staff and inquired about the potential for actions to take if they were the first to receive a report. They all knew to contact a CO right away, and articulated the prevention of inmate washing, brushing teeth, eating, etc.

The RN may possibly come across instances requiring a first response in her capacity providing correctional health care to persons in custody. As we learned in the PREA Training Standard narratives, **SPECIALIZED MEDICAL TRAINING** is provided to health care and mental health professionals who work regularly in the facility in addition to the member and contractor training. The training includes:

1. Detecting and assessing signs of sexual abuse and sexual harassment.
2. Preserving physical evidence of sexual abuse.
3. Responding effectively and professionally to victims of sexual abuse and sexual harassment.
4. Reporting allegations or suspicions of sexual abuse and sexual harassment.

	<p>The auditor again reviewed with the RN, PREA Coordinator, and Training Officers, the PREA training specific to correctional health and mental health practitioners.</p> <p>The jail staff were asked if they were the first person to be alerted that an inmate has allegedly been the victim of sexual abuse, what their response would be. They said they understand their roles and responsibilities. All jail staff cited at least 3 of the following: separate, write report, notice to investigators, jail supervisors and medical staff if necessary, activate PREA checklist, preserve crime scene, and don't allow showering or brushing. Most of the staff said that investigations would be done by the PREA Officer, Jail Administration or Criminal Investigators from the Sheriff's Office.</p> <p>In the past 12 months, there were no instances of sexual abuse at the KCJ, in which a non-security staff member was the first responder.</p> <p>Reference Policies: Policy 606 PREA. 606.7 FIRST RESPONDERS. Policy 306 PREA Training. 306.3 MEMBER TRAINING. 306.4 SPECIALIZED MEDICAL TRAINING.</p> <p>Supporting Documents: FIRST RESPONDER - Sexual Assault Response Checklist KCJ, Health Services - Sexual Abuse Response Checklist, jail training records and curriculum review, medical secondary materials review.</p> <p>The KCJ meets all components of the First Responder duties required of this PREA Standard. Upon review of the related jail policies and procedures, medical documents, First Responder checklists, security staff and non-security staff training records and materials and interview responses, the auditor is satisfied of full compliance for First Response to an allegation of sexual abuse.</p>
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115.65	Coordinated response
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>The KCSO/KCJ has developed an institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership as required in this standard.</p> <p>The PREA COORDINATOR Policy specifies this standard. The overall KCJ PREA Policy provides guidance for compliance with the PREA of 2003 and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse and sexual harassment. The policy provides for an inclusive plan which coordinates actions in response to an incident of sexual abuse among all participants as specified above. The policy outlines the roles and responsibilities of staff, contract employees, and volunteers. The policy also addresses requirements or medical staff and investigators. Throughout the totality of the PREA Policy, facility administration</p>

and jail supervisor responsibilities are also noted. The PREA Training Policies provide for individual responsibilities under sexual abuse and sexual harassment response policies and procedures for members, medical and mental health practitioners, and investigators.

The **FIRST RESPONDER - Sexual Assault Response Checklist KCJ** involves jail staff, medical, jail supervisors, and investigations. The **Sergeant - Sexual Abuse Response Checklist** describes the actions to take when responding to a sexual assault and involves the first responder, Jail Administrator, Investigator, Health Services and Mental Health. It requires the collection of all confidential incident reports from the first responder, health services and sergeants. All documentation is forwarded to the Jail Administrator for post-incident review. The **Health Services - Sexual Abuse Response Checklist** directs correctional health staff in response to a custodial sexual abuse. It requires communication with the Jail Sergeant and the completion of a confidential incident report to be submitted to the Sergeant.

The auditor also read the PREA Incident Reports and Investigation reports and examined the positive and cooperative working relationships between all members of the Sheriff's Office.

The Jail Administrator was interviewed regarding his facility's coordinated response plan. He confirmed the KCJ maintains a plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership in response to an incident of sexual abuse. He said that the plan is implemented through the First Responder policies and procedures and is a coordinated plan. Facility leadership (Jail Administration) are always involved in any PREA event. First Responder checklists are utilized in the event of a sexual abuse report. In all incidents, the Jail Administrator would be notified.

The PREA Coordinator acknowledges that one of his responsibilities is developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and facility management to an incident of sexual abuse. The plan must also outline the office's approach to identifying imminent sexual abuse toward inmates and preventing and detecting such incidents.

The auditor also reviewed the training records for a comprehensive overview of all key players within the KCSO/KCJ as to response training and education. The Acknowledgement of Understanding of PREA Training specifies that all staff have been trained on how to fulfill their responsibilities under the agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.

Reference Policies: Policy **606 PREA. 606.4 PREA COORDINATOR** (a). **606.7 FIRST RESPONDERS** (a) - (f). Policy 306 **PREA Training**.

Supporting Documents: **FIRST RESPONDER - Sexual Assault Response Checklist KCJ. Health Services - Sexual Abuse Response Checklist, Sergeant - Sexual Abuse Response Checklist**, Jail training records, PREA investigation reports review.

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	<p data-bbox="256 309 544 342">Auditor Discussion</p> <p data-bbox="256 387 1476 629">Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.</p> <p data-bbox="256 667 1422 954">The INVESTIGATIVE FINDINGS Policy addresses disciplinary sanctions, up to and including termination, for violating the PREA policy. Termination shall be the presumptive disciplinary sanction for staff members who have engaged in sexual abuse. According to the FIRST RESPONERS Policy, there will be a determination whether the alleged perpetrator should be administratively segregated or administratively transferred during the investigation. These policies relate to the preservation of the office's ability to protect inmates from contact with abusers.</p> <p data-bbox="256 992 1476 1608">The auditor requested copies of any union contracts or collective bargaining agreements for the KCJ/KCSO. The PREA Coordinator provided me with Labor Agreements between County of Kanabec of the State of Minnesota and Law Enforcement Labor Services, Inc. (Local No. 106) January 1, 2023 through December 31, 2025 and the Labor Agreement Between County of Kanabec of the State of Minnesota and Law Enforcement Labor Services, Inc. (Local No. 107) January 1, 2025 through December 31, 2027, which I examined. Both contracts document the Employer Authority: "LELS recognizes the prerogative of the Employer to operate and manage the affairs of the Sheriff's Department in all respects and in accordance with existing and future laws and regulations of appropriate authorities including personnel policies and department work rules. The prerogatives and authority which the Employer has not officially abridged, delegated or modified by this Agreement are retained by the Employer such as, but not limited to: direct Employees, hire, promote, transfer, assign, retain employees in positions, and suspend, demote or discharge from duties because of lack of work or other legitimate reasons..."</p> <p data-bbox="256 1646 1476 2056">The Sheriff confirmed that the Sheriff's Office has renewed bargaining agreements since the last PREA audit. The Agreements/Union Contracts permit the agency to remove alleged staff sexual abusers from contact with any inmates pending an investigation or a determination of whether and to what extent discipline is warranted. As Sheriff, he has the authority to place someone on administrative leave as a result of a PREA allegation. He can also suspend, demote or discharge from duties. The agreements permit the agency to remove alleged staff sexual abusers from contact with any inmate pending an investigation or a determination of whether and to what extent discipline is warranted. Termination is the presumed disciplinary sanction for staff members who have engaged in sexual abuse.</p>

	<p>Reference Policies: Policy 606 PREA. 606.7 FIRST RESPONDERS (f). 606.10.1 INVESTIGATIVE FINDINGS.</p> <p>Supporting Documents: Labor Agreement between County of Kanabec of the State of Minnesota and Law Enforcement Labor Services, Inc. (Local No. 106) January 1, 2023 through December 31, 2025 and the Labor Agreement Between County of Kanabec of the State of Minnesota and Law Enforcement Labor Services, Inc. (Local No. 107) January 1, 2025 through December 31, 2027, pgs. 2-3.</p>
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115.67	Agency protection against retaliation
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The agency shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation.</p> <p>The KCJ has a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. The RETALIATION Policy states that all inmates and staff who report sexual abuse/harassment, or who cooperate with investigation, shall be protected from retaliation. The PREA Coordinator informed me that he is the designated supervisor charged with monitoring retaliation. He is a Sergeant with the KCSO/KCJ. The RETALIATION Policy states that the Jail Administrator shall assign a supervisor to monitor for at least 90 days, the conduct and treatment of inmates or staff who report sexual abuse/harassment, as well as inmates who were reported to have suffered sexual abuse, to determine if there is any possible retaliation. The Jail Administrator has assigned the PREA Coordinator/Jail Sgt. with monitoring for retaliation.</p> <p>The auditor and the PREA Coordinator discussed the monitoring process with documentation. He provided me with the PREA Victim Monitoring Report. (See Zero Tolerance - Inmate Rights Education Power Point). Within 7 days of report Jail Administrator or Designee meets with victim. The form provides a step-by-step guide to document when monitoring an alleged victim. Services are offered/taken, medical attention is followed up on, conduct and treatment noted, immediate remedy of any retaliation, considerations of inmate disciplinary reports, housing/program changes, negative performance reviews or re-assignment of staff, weekly in-person, meetings to ensure safety and well-being, status update, and continued monitoring. He showed me on the JMS how to access the supervisors log. If there was a retaliation incident, it would be documented under "Pro-Phoenix", a report would be written, and said report would be forwarded to the Jail Administrator. The weekly monitoring for</p>

possible retaliation would be documented under the supervisors log through Pro-Phoenix, and utilizing the PREA Victim Monitoring Report.

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

Reference Policies: Policy 606 **PREA. 606.6 RETALIATION.**

Supporting Documents: PREA Victim Monitoring Report.

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

The same **RETALIATION** Policy describes the multiple protection measures to keep such inmates safe. They would include housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Sheriff was asked how they protect inmates and staff from retaliation for sexual abuse or sexual harassment allegations. He said that they take measure to reduce contact and segregate. He said they have resources available for support services. The Jail Administrator was also interviewed. He described the various options available to protect and inmates and staff from retaliation, such as housing changes, transfers, removal of alleged abusers, and emotional support services. He described a "cool off" time for staff and inmates. Next, the auditor interviewed a designated staff member charged with monitoring retaliation. He is a Jail Sergeant. He described the role Sergeants play in preventing retaliation against inmates and staff who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations. He monitors the potential for retaliation. They look for behavior changes and document any changes. He would monitor for housing changes or transfers and removal of alleged abusers. He said everyone is offered mental health services. Coaching, disciplinary or reassignment would be options for staff involvement with retaliation. Inmates and staff would be reminded of inmate rights. He would initiate contact with inmates who have reported sexual abuse through weekly reviews. He provided me with the weekly segregation forms, and said it would be a similar process. There were no inmates in Segregated Housing (for risk of sexual victimization/ who allege to have suffered sexual abuse) to interview. There were no inmates who had reported a sexual assault to interview.

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

Reference Policies: **606.6 RETALIATION.**

Supporting Documents: JMS inmate files and supervisor log records review.

(c) For at least 90 days following a report of sexual abuse, the agency shall monitor

the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

The KCJ monitors the conduct or treatment of inmates or staff who reported sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by inmates or staff.

The **RETALIATION** Policy requires monitoring for possible retaliation and the 90 day timeline. For at least 90 days following a report of sexual abuse, the jail shall monitor the conduct and treatment of inmates or staff who reported sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. According to the KCJ policy, monitoring will last for at least 90 days. Monitoring includes the conduct and treatment of inmates or staff who report sexual abuse or sexual harassment, as well as inmates who were reported to have suffered sexual abuse, to determine if there is any possible retaliation. The supervisor shall act promptly to remedy any such retaliation. The assigned supervisor should consider inmate disciplinary reports, housing or program changes, negative staff performance reviews or reassignment of staff members. Monitoring may continue beyond 90 days if needed.

The auditor was informed by the PREA Coordinator that there were no retaliation incidents in the past 12 months.

The Jail Administrator was further interviewed and described the measures they would take when they suspect retaliation. He said there are numerous restrictions they would utilize. The designated staff member charged with monitoring retaliation described additional observations to detect possible retaliation. They would monitor any inmate disciplinary reports, housing changes, program changes, negative performance reviews or reassignments of staff. He confirmed the face-to-face periodic status checks. He said that monitoring for potential retaliation would be 90 days and beyond as needed. If there is a concern that potential retaliation might occur, they would continue monitoring conduct and treatment until the inmate is released.

The auditor reviewed the available documentation of monitoring efforts. There were no documentation of reports of retaliation and agency response for review. Although, the auditor did review jail log and inmate file notes for weekly reviews of a similar nature for any protective custody or administrative segregation situation. 30-day Classification reviews were also examined on-site and post-audit.

Reference Policies: **606.6 RETALIATION.**

Supporting Documents: 30-Day Classification Reassessments, Weekly Segregation Reviews.

	<p>(d) In the case of inmates, monitoring efforts described above include periodic status checks.</p> <p>The RETALIATION Policy confirms this requirement. The PREA Victim Monitoring Report also addresses weekly meetings with the victim to ensure safety and well-being of him/her.</p> <p>The designated staff in charge of monitoring retaliation confirmed that periodic in-person status checks are accomplished and documented. The inmates and/or staff are personally checked for their well-being. He said that the monitoring for conduct and treatment can continue for as long as necessary until inmates are released from custody. The PREA Coordinator assisted the auditor with a review of electronic jail logs, supervisor notes, as well individual monitoring notes for issues similar in nature during the on-site audit.</p> <p>Reference Policies: 606.6 RETALIATION.</p> <p>Supporting Document: PREA Victim Monitoring Report.</p> <p>(e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the KCJ shall take appropriate measures to protect that individual from retaliation.</p> <p>The same policy also applies to those individuals who cooperate with an investigation and are expressing a fear of retaliation.</p> <p>This was verified by the PREA Coordinator, Jail Administrator and the Sheriff. The Jail Administrator described the measures they would take when monitoring for potential retaliation for anyone involved in a PREA investigation. They would review reports, and look for housing changes, transfers, and involvement with emotional support services. They would also monitor any changes with the staff. Any evidence of retaliation would be referred for investigation.</p> <p>The auditor looked for documentation of any such protective measures taken. The PREA Coordinator informed the auditor that there were zero incidents of retaliation in the past 12 months.</p> <p>Reference Policies: 606.6 RETALIATION.</p> <p>This is the comprehensive discussion of all the evidence relied upon in making a compliance determination for the agency protection against retaliation standard.</p>
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115.68	Post-allegation protective custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

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

The **PROTECTIVE CUSTODY AND PREA CONSIDERATIONS** Policies apply to post-allegation protective custody as well as for those inmates who were identified as being at high risk for sexually aggressive behavior or high risk for sexual victimization. **FIRST RESPONDERS** Policy requires the separation of the parties in response to an allegation of inmate sexual abuse, and staff are to consider whether a change in classification or housing assignment for the victim is needed and whether the alleged perpetrator should be administratively segregated.

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

The PREA Coordinator provided the auditor with the Weekly Segregation Review documents. The auditor was able to review a few inmate files for Administrative Segregation Classification non-PREA related. The segregation type is noted, such as administrative segregation or protective custody segregation. There is a list of factors reviewed with results. The Jail Sergeant will recommend removal from segregation or no recommendation for removal. The Jail Administrator has the final decision. The 30- day Inmate Reclassification Assessments contain a list of high risk categories and special conditions such as protective custody or assaultive. There is a sexual violence assessment piece for predator or victim continuum. The CO and Supervisor will recommend and decide on a custody level recommendation and/or override. I did not detect any involuntary segregation or isolation classifications for inmates who alleged to have suffered sexual abuse. I also spent time with the programs staff and we reviewed documentation of in-cell and out-of-cell programs, privileges, education, and work opportunities for inmates in segregated housing for this purpose. If the facility restricts access to programs, privileges, education, or work opportunities, there is documentation of (1) the opportunities that have been limited; (2) the duration of the limitations; and (3) the reasons for such limitations. Programs personnel advised that they operate programs and services on a rotating basis according to housing units, so are able to keep separate those inmates from their alleged abusers. The auditor did not detect any records of segregated housing for those who alleged to have suffered sexual abuse.

	<p>The auditor interviewed the Jail Administrator relative to this standard. When the jail learns that an inmate is subject to a substantial risk of imminent sexual abuse, they take protective action. They separate inmates accordingly. Again, safety and security is their top priority. They strive to utilize the least restrictive housing as possible for high risk inmates of sexual victimization and for those who reported a sexual abuse. Privileges and programs continue to be offered. There is a classification process in place to aid in the separation of high risk for victimization inmates from potential abusers, or in this case there would be a reclassification for safety and security reasons to separate the alleged victim and alleged perpetrator. Inmates can be reclassified or placed on administrative segregation status for protective custody with weekly reviews. Protective custody is usually requested by the inmate themselves. On the rare occasion they would need involuntary segregated housing, it would be the least amount of time as possible to assess alternative means of separation. There were no examples of recent circumstances in which segregated housing was used to protect an inmate who was alleged to have suffered sexual abuse. The Jail Sgt. who supervises inmates in segregated housing advised that if an inmate is placed in segregated housing for protection after having alleged sexual abuse, they would still have access to programs, privileges, education, and work opportunities. If there were any program restrictions for safety reasons, they would document which opportunities have been limited, the duration and the reasons. There are weekly reviews by the Sergeants. He explained that they have the flexibility for housing unit assignments and special management areas to keep inmates safe as opposed to placing them in involuntary segregated housing as a means of separation from abusers. If that happens, it would be for a very short amount of time. Once an inmate is assigned to involuntary segregated housing, the jail Sergeants review the inmate's circumstances weekly to determine if continued placement in involuntary segregated housing is needed. There were no inmates in Segregated Housing (for risk of sexual victimization/who allege to have suffered sexual abuse) available to interview.</p> <p>Reference Policies: Policy 508 Inmate Classifications. 508.10 PREA CONSIDERATIONS. Policy 606 PREA. 606.7 FIRST RESPONDERS (e) and (f). 606.12 PROTECTIVE CUSTODY.</p> <p>Supporting Documents: KCJ Inmate Reclassification Assessment, KCSO Weekly Segregation Review (Administrative or Disciplinary).</p> <p>An analysis and review of the related policies, procedures, documents, staff and specialized staff interview responses with facility tour and observations provided for a substantial compliance determination for the post-allegation protective custody standard.</p>
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115.71	Criminal and administrative agency investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

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

The **REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION** Policy describes the reporting and notification process as forwarded to a sexual abuse investigator. Threats or allegations of sexual abuse and sexual harassment, regardless of the source, shall be documented and referred for investigation. The **PREA SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS** Policy ensures that an administrative or criminal investigation (or both) is completed for all allegations of sexual abuse and sexual harassment. Sexual abuse and sexual harassment investigations should be conducted promptly and continuously until completed. They are referred to the KCSO Investigative Division to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior.

This information is published on the KCJ Website: "The Kanabec County Sheriff's Office, and the Department of Corrections, has a zero-tolerance standard for incidence of sexual abuse and sexual harassment and also makes prevention of inmate sexual abuse a top priority. The Kanabec County Sheriff's Office also extends this zero tolerance policy to include any personnel, volunteers, interns, or contract personnel, who may have contact with inmates and will thoroughly investigate and hold accountable person(s) who violate these policies and Minnesota State laws." The ZERO TOLERANCE Poster is up in the jail lobby and the public visiting room: "We want to conduct an investigation of the reported incident." The inmate handbook also informs the inmates about PREA and investigations: "Information received on all reported allegations and complaints will be confidential. An investigation will be done and, if warranted, the perpetrator(s) will be charged and prosecuted." See <https://www.kanabeccounty.org/departments/jail.php>

KCSO PREA investigators receive **SPECIALIZED INVESTIGATIVE TRAINING** covering the requirements of this policy. Only investigators who have completed office-approved training on sexual abuse and harassment investigation shall be assigned to investigate these cases. The auditor had previously reviewed the training records of investigators to verify the investigators had received PREA specific and specialized investigative training. All were PREA Certified as having completed the online course PREA: Investigating Sexual Abuse in a Confinement Setting. The KCSO criminal investigators receive advance training on additional topics.

The auditor reviewed a sample of investigative records/reports for allegations of sexual abuse or sexual harassment as evidence of this standard. The PREA Coordinator provided the auditor with current reports as well as older reports for review during the on-site audit.

The auditor interviewed one of the criminal investigators. I asked how long it takes to initiate an investigation following an allegation of sexual abuse or sexual harassment. If it was a new assault, that would be an urgent situation and they would respond immediately or as soon as possible. A deputy would initiate as necessary. There are a number of PREA investigators available. She was then asked how they handle

anonymous or third-party reports. She said all allegations are taken seriously and are referred for investigation. They are investigated the same.

Reference Policies: Policy 606 **PREA. 606.5 REPORTING SEXUAL BUSE, HARASSMENT AND RETALIATION. 606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS.** Policy 306 **PREA Training. 306.5 SPECIALIZED INVESTIGATIVE TRAINING.** Model Sexual Assault Policy, Adopted by Minnesota POST Board January 24, 2019.

Supporting Documents: **KCJ INMATE HANDBOOK** pgs. 5-6, ZERO TOLERANCE Poster, current **CERTIFICATE OF COMPLETIONS** for PREA: Investigating Sexual Abuse in a Confinement Setting by NIC.

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

As per the **SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS** Policy, only investigators who have completed office-approved training on sexual abuse and sexual harassment investigation shall be assigned to investigate allegations of sexual abuse and sexual harassment. The **SPECIALIZED INVESTIGATIVE TRAINING** Policy details the training topics to include the uniform evidence protocol to maximize potential for obtaining useable physical evidence; techniques for interview 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 referral for prosecution.

The PREA Coordinator is also a certified PREA investigator, however all PREA reports are referred to the field division investigators. I asked the investigator about their PREA training. She verified receipt of training specific to conducting sexual abuse and sexual harassment investigations in confinement settings. She specified all training topics required by standard. She said she recently refreshed her PREA training online that is specific for investigating sexual abuse in confinement settings. Again, the auditor verified the specialized training requirements for PREA investigators by a review of their training records and curriculum. The auditor conducted a spot-check on-site of training files of jail and field investigators and noted the Certificates of Completion for Sexual Abuse Investigations in Confinement Settings. (See the documentation in Standard 115.34 for further details)

Reference Policies: **606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS. 306.5 SPECIALIZED INVESTIGATIVE TRAINING.**

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

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

involving the suspected perpetrator.

This standard subpart is also addressed in the **SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS** Policy. All administrative and/or criminal investigations are to be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Evidence collection is based on a uniform evidence protocol. The Model Sexual Assault Policy also describes the investigation process. The Sexual Assault Investigations Policy addresses interview requirements and the collection and testing of biological evidence. The **SPECIALIZED INVESTIGATIVE TRAINING** Policy requires training to include interviewing sexual abuse victims, proper use of the *Miranda* warning, proper use of the *Garrity* warning, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The investigator I spoke with verified having received training on these topics. The auditor interviewed the investigator to corroborate investigation techniques and responsibilities. We started with the first steps in initiating an investigation following an allegation of sexual abuse or sexual harassment. Firstly, she would make sure that everyone was safe and separated as necessary and that the crime scene is secured. They would start with the initial report to gather the facts. An investigation would begin. Direct and circumstantial evidence would be gathered in an investigation of an incident of sexual abuse. These include physical and DNA evidence, electronic monitoring data, interviews, and prior complaints and reports of sexual abuse. All of these things are considered. Interviews would be for all parties involved, all witnesses and staff. The jail's electronic surveillance is very helpful. Another source of evidence is the inmate texters and phone calls for monitoring. They would bring the victim to Cambridge for a forensic examination which is only 20 minutes away. A written report would be prepared and submitted through the chain of command process.

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

Reference Policies: **606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS. 306.5 SPECIALIZED INVESTIGATIVE TRAINING.** Model Sexual Assault Policy.

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

(d) When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal

prosecution.

The KCSO/KCJ has policies which have been implemented to include specialized investigative training for the proper use of *Miranda* and *Garrity* warnings. The wording used when a person is read the *Miranda* Warning, also known as being 'Mirandized,' is clear and direct: "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?" Often, public employers will simply want to conduct an administrative investigation to ascertain whether misconduct has occurred, and to determine if disciplinary action is warranted. Accordingly, many employers begin investigatory interviews by asking employees to sign "*Garrity* Statements," "*Garrity* Advisements," or "*Garrity* Warnings" (in federal employment, "Kalkines Warnings"). A properly-worded statement enables management to question the employee and require that they respond (compelled interviews), while protecting the employee's constitutional rights. See <http://www.mirandawarning.org/whatareyourmirandarights.html> <http://www.garrityrights.org/garrity-warnings.html>

The investigator interviewed described that when they discover evidence that a prosecutable crime may have taken place, they will consult with prosecutors before conducting compelled interviews, but if it involves an employee, this would be assigned to internal affairs for investigation.

The auditor reviewed both criminal and administrative investigation reports and paid attention to the interview portion of the case files. Investigators receive Specialized Investigative Training on the proper use of *Miranda* and *Garrity* warnings.

Reference Policies: **606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS. 306.5 SPECIALIZED INVESTIGATIVE TRAINING.** Model Sexual Assault Policy.

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

(e) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. No agency shall require an inmate 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.

All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Investigators should evaluate reports or threats of sexual abuse and sexual harassment without regard to an inmate's sexual orientation, sex or gender identity. Inmates alleging sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation as per the **SEXUAL ABUSE AND SEXUAL HARASSMENT**

INVESTIGATIONS Policy.

"A deputy shall not require a sexual assault victim to submit to a polygraph examination as a condition to investigating, charging or prosecuting the offense. (Minn. Stat. § 611A.26)"

The auditor continued the investigator interview. She was asked on what basis do you judge the credibility of an alleged victim, suspect, or witness. They find the truth to the best of their ability through the investigation of facts. They do not require a polygraph examination or other truth-telling device as a condition for proceeding with an investigation. There were no inmates who had reported a sexual abuse.

Reference Policies: **606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS. 306.5 SPECIALIZED INVESTIGATIVE TRAINING.** Model Sexual Assault Policy.

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

(f) Regarding administrative investigations, jail policy requires an effort to determine whether staff actions or failures to act contributed to the abuse and shall be documented in written reports that include a description of all evidence, the reasoning behind credibility assessments, and investigative facts and findings.

The **SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS** Policy distinguishes between Criminal Investigations and Administrative Investigations. Administrative investigations shall include an effort to determine whether the staff's actions or inaction contributed to the abuse.

The auditor questioned the PREA Coordinator since he is a certified PREA Investigator and has knowledge of Administrative and Criminal Investigations as conducted by the field division. He was asked about the efforts taken during an administrative investigation to determine whether staff actions or failures to act contributed to the sexual abuse and whether this is documented in reports. Just like with sexual abuse incident reviews, they would examine the adequacy of staffing levels as well as staff actions or failures to act. They would examine jail logs for well-being checks for example. They would study post orders and accomplishments or lack of accomplishments. They would see if all policies and procedures have been followed by staff. All information would be documented in the report. The auditor read a sample of administrative investigation reports. There were no cases involving substantiated allegations to ensure that they were referred for prosecution. As part of our discussion, I conducted a record storage review during the on-site audit. I observed the physical storage area of any information/documentation collected and maintained in hard copy pursuant to the PREA Standards (e.g., risk screening information, medical records, sexual abuse allegations) to determine if the area is secured (e.g., key card, lock and key). Older investigative reports are kept in the PREA Coordinator's office under lock and key. Current files are secured through online username/password safeguards for jail administration. It was already established that the medical and mental health practitioners maintain safe and secure access to the

risk screening documents for the 14-day follow up assessments. I observed the electronic safeguards of any information/documentation collected and maintained electronically pursuant to the PREA Standards (e.g., risk screening information) to determine how access to the information is secured (e.g., password protected, accessible only in certain areas, role-based security). I held informal conversations with staff regarding access to secure information, including medical and mental health files, sexual abuse and sexual harassment reports, etc. (e.g., where, how, and security of information is stored electronically and in hard copy, specifically who has access and how access is restricted). Being a small jail, the correctional staff are also the PREA Risk Screening Officers, and so have knowledge of the sensitive information. I was informed and shown that risk screening and medical documents are kept in a separate file.

The investigator was also interviewed in this regard. Administrative investigations are treated similar to criminal investigations. Sometimes investigations start out as criminal, but when criminal acts are not identified as a result of the investigation, the focus turns to administrative. She confirmed that administrative investigations include an effort to review staff inadequacies. Policy and procedures are checked. Administrative investigations are still documented in written reports with facts and findings.

Reference Policies: **606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS. 306.5 SPECIALIZED INVESTIGATIVE TRAINING.** Model Sexual Assault Policy.

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

(g) Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

The **PREA SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS** Policy addresses this standard subpart to the letter. Investigations include these elements as referenced.

Investigators verified that criminal investigations are always documented in a report that is thorough and comprehensive as described. Supplemental reports and evidentiary attachments are included.

As described in the previous provision, the auditor reviewed administrative and criminal PREA incident/investigative reports that contained all the necessary elements of a comprehensive and complete investigation which can be referred administratively or for prosecution. All completed written investigations are forwarded to the Jail Administrator and up the chain of command to the Sheriff. The Jail Administrator or Sheriff review the investigation documents and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence. Sexual abuse and sexual harassment reports are made available to those who have a legitimate need to know,

and in accordance with the policy and applicable law. This is confidential information not meant to be shared with others due to its sensitive nature.

In speaking with the investigator of the KCSO, she said that all criminal investigations are documented. The reports contain thorough descriptions of physical, testimonial, and documentary evidence, as well as attached copies of any other documentary evidence. Investigators receive specialized investigative training to include the uniform evidence protocol to maximize potential for obtaining useable physical evidence and techniques for interviewing sexual abuse victims.

Reference Policies: **606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS.** 606.10.1 INVESTIGATIVE FINDINGS. 306.5 **SPECIALIZED INVESTIGATIVE TRAINING.** Model Sexual Assault Policy.

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

(h) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

The **SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS** Policy writes that if criminal acts are identified as a result of the investigation, the case shall be presented to the prosecutor for filing of charges. The INVESTIGATIVE FINDINGS Policy follows with: "All completed written investigations shall be forwarded to the Jail Administrator or, if the allegations may reasonably involve the Jail Administrator, to the Sheriff. The Jail Administrator or Sheriff shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence."

The PREA Coordinator informed the auditor that there were zero substantiated criminal allegations that were referred for prosecution since the last PREA audit. The Criminal Investigator explained that when the report is complete and it has been determined that there are substantiated allegations of conduct that appear to be criminal, they are reviewed by the supervisor and then sent to the County Attorney for potential charges. Anything that may be criminal is referred for prosecution review. There is a chain of command review process within the Sheriff's Office. There were no substantiated allegations of criminal sexual abuse that had been investigated and referred for prosecution since the last PREA audit.

Investigators receive Specialized Investigative Training on the criteria and evidence required to substantiate a case for administrative action or referral for prosecution.

Reference Policies: **606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS.** 606.10.1 INVESTIGATIVE FINDINGS. **306.5 SPECIALIZED INVESTIGATIVE TRAINING.** Model Sexual Assault Policy.

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

(i) The KCSO/KCJ retains all written PREA reports for as long as the alleged abuser is

incarcerated or employed by the agency, plus five years.

"All case records and reports associated with a claim of sexual abuse and sexual harassment, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment or counseling shall be retained in accordance with privacy laws. The Office shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Office, plus five years." This standard requirement can be found documented in the **PREA RECORDS** Policy.

The auditor took this opportunity to look at their record storage practices during the site review. I observed the physical storage area of any information/documentation collected and maintained in hard copy pursuant to the PREA Standards (e.g., risk screening information, medical records, sexual abuse allegations) to determine if the area is secured. Only the PREA Coordinator and Jail Administrator have access to PREA screening information and PREA incident and investigative reports. Medical and mental health practitioners have access to the risk screening information in order to conduct their follow up assessments. The booking officers are the risk screening officers and classify inmates accordingly. Older records are kept in a file in the PREA Coordinator's locked office/cabinet. I observed the electronic safeguards of information/documentation collected and maintained electronically pursuant to the PREA Standards (e.g., risk screening information) and how to access the information. (e.g., password protected, accessible only in certain areas, role based security). Access to inmate records including medical and mental health files and sexual abuse and sexual harassment reports are available to medical and mental health practitioners, supervisors, Classification Officers, Administration, and other staff on a need to know basis for safety, security, and management decisions. Staff advised the auditor that medical records are kept separate from inmate jail files. The auditor was able to review and compare samples of administrative and criminal investigation reports in support of this standard in the PREA Coordinator's office. The PREA Coordinator maintains all PREA reports and investigative files. The auditor observed that the files are electronically and hardcopy maintained securely. The PREA Coordinator acknowledged that he is the staff member who is responsible for maintaining the records in reference to criminal and administrative investigations. The auditor was able to review a sample of some older reports that were contained in hard files under lock and key.

Reference Policies: **606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS.** 606.10.1 INVESTIGATIVE FINDINGS. **606.15 RECORDS.** **306.5 SPECIALIZED INVESTIGATIVE TRAINING.** Model Sexual Assault Policy.

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

(j) The departure of the alleged abuser or victim from employment or control of the facility shall not provide a basis for terminating an investigation.

The **SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS** Policy states this standard subpart.

The investigator confirmed that allegations of sexual abuse/sexual harassment are investigated until complete and is not dependent on the employment status or incarceration status of an individual. The investigation continues. The alleged abuser or victim can be located for any further interview, interrogation, or follow up outside of jail. They may need the assistance of another agency.

Reference Policies: **606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS.**

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

k) N/A

(l) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

The KCSO investigates its own PREA allegation reports. If the investigation would be referred to another agency due to a conflict of interest, or other matter, the Sheriff's Office would request that the investigating agency follow the requirements as provided in 28 CFR 115.21 (a) through (e). The referral will be documented and they will cooperate with the outside agency investigation and request to be informed about the progress of the investigation.

Interview responses from the Jail Administrator, PREA Coordinator, and investigative staff all indicated that they assist, coordinate, and cooperate as needed with outside investigators and the administration and investigators remain informed about the progress of the investigation with status updates. The investigator said that they would cooperate and assist as requested. They could assist with video requests and help coordinate interviews for example. The Jail Administrator said that they would remain in continued communication and keep updated as the investigation progresses. The communication would primarily go through their investigators. The PREA Coordinator said that communications are commonly via email. He and the Jail Administrator would communicate with updates. They would ultimately be informed of the findings. The Sheriff would be notified and kept apprised of the status of the investigation. The DOC inspector will also be involved as they are required to be notified of any unusual occurrences.

Reference Policies: **606.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS.**

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

In addition to a pre-audit review of policies related to the handling of criminal and administrative agency investigations in cases where sexual abuse is alleged, and

	<p>training records for investigators, the auditor also conducted a review of the following documents during the on-site audit of the facility:</p> <ul style="list-style-type: none"> • Investigative reports, record retention schedule, and case records detailing allegations of sexual abuse. • Sample of investigative records/reports for allegations of sexual abuse or sexual harassment. • Sample of administrative and criminal investigation reports. • Attempted a sample of cases involving substantiated allegations to ensure that they were referred for prosecution. • Sample of retained investigation reports including older reports. <p>The auditor interviewed the KCSO PREA Investigator as well as the PREA Coordinator and Jail Administrator and confirmed that all sexual abuse and harassment reports are referred for investigation and handled according to standard requirements. The KCSO/KCJ complies in all material ways with the standard for criminal and administrative agency investigations for the reasons described in this narrative analysis.</p>
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115.72	Evidentiary standard for administrative investigations
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>The auditor inspected all PREA policies for evidentiary standard requirements. The INVESTIGATIVE FINDINGS Policy states the same. All completed written investigations shall be forwarded to the Jail Administrator or, if the allegations may reasonably involve the Jail Administrator, to the Sheriff. The Jail Administrator or Sheriff shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence. Preponderance of the evidence is a legal standard that means one side of a story is more likely than not to be true. It is the standard used in most civil cases to determine the winner.</p> <p>The investigator that was interviewed was asked about the standard of evidence they require to substantiate allegations of sexual abuse or sexual harassment. She verified the preponderance of the evidence standard according to policy. The investigators gather all the evidence and document in report form for further review. They document the facts of the case and forward through the chain-of-command process. The PREA Coordinator verified that they do not require any standard of proof higher than a preponderance of the evidence.</p>

	<p>An examination of a sample of administrative and criminal investigations of sexual abuse or sexual harassment did not require a higher standard of proof in determining substantiated, unsubstantiated, or unfounded findings.</p> <p>Reference Policies: 606.10.1 INVESTIGATIVE FINDINGS.</p> <p>Supporting Documents: PREA Investigation Case Files, Certificate of Completion PREA: Investigating Sexual Abuse in a Confinement Setting.</p>
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115.73 Reporting to inmates	
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>The KCJ has a policy that requires the REPORTING TO INMATES.</p> <p>I was informed by the PREA Coordinator that in the past 12 months, there were two allegations of sexual abuse which were investigated with findings. These were criminal investigations which were unfounded. The auditor reviewed the investigative reports. One of the reports documented that the reporter admitted to false allegations. There is a section on the bottom of the incident report which documents whether the inmate received findings with signature and date. The PREA Auditor and the PREA Coordinator discussed inmate reporting. A review of a sample of older PREA investigations had the reporting to inmates documented on the PREA Incidents report. There were instances where the findings were mailed post-release. Of the alleged sexual abuse investigations that were completed in the past 12 months, two inmates were notified verbally of the results of the investigation. The PREA Coordinator and auditor discussed the importance of consistent written notifications for findings for best practices and record keeping. Their form requires the inmate to sign/date as well as which staff provided the findings to sign/date.</p> <p>The PREA auditor interviewed the Jail Administrator in this regard. He said that a copy of the investigation report is given to the inmate and sent to the DOC. He verified that the jail provides notice to an inmate who makes an allegation of sexual abuse about the results of the investigation. The investigator said that they provide the investigation report and results to the PREA Coordinator and Jail Administrator and they in turn inform the inmate. They are available for follow-up regarding any findings questions or concerns. There were no inmates who had reported a sexual abuse to interview.</p> <p>Reference Policies: Policy 606 PREA. 606.10.2. REPORTING TO INMATES.</p> <p>Supporting Documents: KCJ PREA Incidents form.</p> <p>(b) If the KCSO does not conduct the investigation, it shall request the relevant information from the investigating agency in order to inform the inmate.</p>

The same jail policy addresses this standard subpart.

The auditor verified this policy and practice with the Jail Administrator and the PREA Coordinator.

The auditor requested additional samples of alleged sexual abuse investigations completed by an outside agency. There were none available.

The auditor verified this practice with the Jail Administrator and the PREA Coordinator.

Reference Policies: 606.10.2 REPORTING TO INMATES.

Supporting Documents: KCJ PREA Incidents.

(c) Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever: (1) The staff member is no longer posted within the inmate's unit; (2) The staff member is no longer employed at the facility; (3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

This same language is within the REPORTING TO INMATES Policy.

There has not been a substantiated or unsubstantiated complaint (i.e., not unfounded) of sexual abuse committed by a staff member against an inmate in the past 12 months. The PREA Coordinator verified the procedures that would be followed according to their policy. Even unfounded findings are reported back to the inmate reporter.

The auditor reviewed a sample of some older reports and notification records during the on-site audit to verify that inmates are provided with investigative outcomes.

There were no inmates who had reported a sexual abuse in custody to interview.

Reference Policies: 606.10.2 REPORTING TO INMATES.

Supporting Documents: PREA Sexual Abuse Investigations.

(d) Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever: (1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or (2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

The previous standard subpart applied to an allegation against staff. This standard applies to an allegation against another inmate.

The same policy addresses this standard subpart to the letter.

	<p>The auditor reviewed additional samples of documentation of notifications. A few of the reports were allegations against staff and a few of the reports were allegations against inmates. Most were unfounded. The auditor found some documentation of inmate notifications. Appropriate measures were taken with disciplinary actions.</p> <p>Reference Policies: 606.10.2 REPORTING TO INMATES.</p> <p>Supporting Documents: PREA Sexual Abuse Investigations.</p> <p>(e) All such notifications or attempted notifications shall be documented.</p> <p>The same policy states the same documentation requirement. When notification is made while the inmate is in custody, the inmate will sign a copy of the notification letter. The letter will be added to the case file. The jail's obligation to report under this standard shall terminate however, if the inmate is released from custody. The auditor and the PREA Coordinator researched jail logs, inmate files, KCJ PREA Incidents, and other documentation for notifications to confirm inmate notifications. 2/2 inmate notifications were documented in some form. The PREA Coordinator acknowledged that he will make sure that inmates consistently sign that they received findings on the actual PREA Incidents form going forward.</p> <p>Reference Policies: 606.10.2 REPORTING TO INMATES.</p> <p>Supporting Documents: PREA Sexual Abuse Investigations and KCJ PREA Incidents.</p> <p>The KCJ is found to be substantially compliant with the PREA Reporting to Inmates Standard. The PREA Auditor and the PREA Coordinator discussed the importance of best practices with consistent documentation addressing the specific requirements of reporting to inmates with the details required in the standard and investigation findings.</p>
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115.76	Disciplinary sanctions for staff
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.</p> <p>The INVESTIGATIVE FINDINGS Policy covers this standard and all of its subparts. Termination is the presumptive disciplinary sanction for staff members who have engaged in sexual abuse. The SEXUAL ABUSE AND SEXUAL HARASSMENT BETWEEN STAFF AND INMATES Policy mandates that sexual abuse and sexual harassment between staff, volunteers or contract personnel and inmates is strictly prohibited. The fact that an inmate may have initiated a relationship of sexual contact is not recognized as a defense to violating this policy. Any incident involving allegations of staff-on-inmate sexual abuse/harassment shall be referred to the</p>

Internal Affairs Investigator. The union contracts also addresses the employer's authority and discipline. The employer will discipline employees for just cause only and will be in the form of: oral reprimand, written reprimand, suspension, and discharge. As previously discussed, in the Preservation of Ability to Protect from Contact with Abusers PREA Standard, the County Agreements/Union Contracts provide for the agency's ability to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or of a determination of whether and to what discipline is warranted. (See 115.66 Preservation of Ability to Protect Inmates from Contact with Abusers)

The PREA training policies address member training. All staff, volunteers and contractors who may have contact with inmates receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within the jail. It has been established in the Staff Training Standard, the topics required. Staff are trained and provided information on how to avoid inappropriate relationships with inmates and an individual's right to be free from sexual abuse. The auditor noted training which addressed disciplinary sanctions for members that violate these policies. (See 115.31 Employee Training) The **PREA BASIC TRAINING ACKNOWLEDGEMENT** with signatures/dates also verifies staff acknowledging receipt and understanding of PREA training, the zero tolerance policy and their statutory obligation to report all forms of offender sexual abuse and/or sexual harassment.

Reference Policies: Policy 606 **PREA. 606.10.1 INVESTIGATIVE FINDINGS. 606.11 SEXUAL ABUSE AND SEXUAL HARASSMENT BETWEEN STAFF AND INMATES.** Policy 306. **PREA TRAINING. 306.3 MEMBER TRAINING.**

Supporting Documents: Agreement Between County of Kanabec of the State of Minnesota and Law Enforcement Labor Services, Inc. (Local No. 106) through December 31, 2025, KCJ training documents and curriculum. **PREA BASIC TRAINING ACKNOWLEDGEMENT.**

(b) Termination is the presumptive disciplinary sanction for staff members who have engaged in sexual abuse.

The INVESTIGATIVE FINDINGS Policy states this same language.

The auditor was informed through the Pre-Audit Facility Questionnaire that in the past 12 months, there were no instances of staff sexual abuse at the KCJ. The auditor reviewed Jail PREA Incident Reports and Investigation records pertaining to this standard. Discussions with the Jail Administrator, Sheriff, and PREA Coordinator confirmed that termination would be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

As we know, the KCJ maintains a written policy mandating zero tolerance toward all forms of sexual misconduct in the jail for all inmates under its jurisdiction. All sexual abuse or harassment is strictly forbidden. Additional sample records of terminations, resignations, or other sanctions for violation of sexual abuse or sexual harassment policies were researched with negative results.

Reference Policies: Policy 606 **PREA**. 606.10.1 INVESTIGATIVE FINDINGS. **606.11 SEXUAL ABUSE AND SEXUAL HARASSMENT BETWEEN STAFF AND INMATES**. Policy 306. **PREA TRAINING**. **306.3 MEMBER TRAINING**.

Supporting Documents: Agreement Between County of Kanabec of the State of Minnesota and Law Enforcement Labor Services, Inc. (Local No. 106) through December 31, 2025, KCJ training documents and curriculum.

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

The same policy addresses this standard.

In the past 12 months there have been no disciplines, short of termination, for violation of agency sexual abuse or sexual harassment policies (other than actually engaging in sexual abuse). The auditor researched records of disciplinary sanctions taken against staff for violations of the agency sexual abuse or sexual harassment policies in the past 12 months. There were two unfounded staff-inmate sexual abuse/harassment allegations and they were both unfounded. One of the reporters confessed to false allegations.

Reference Policies: Policy 606 **PREA**. 606.10.1 INVESTIGATIVE FINDINGS.

Supporting Documents: Agreement Between County of Kanabec of the State of Minnesota and Law Enforcement Labor Services, Inc. (Local No. 106) through December 31, 2025, KCJ training documents and curriculum.

(d) All terminations for violations of agency sexual abuse/sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies and to any relevant licensing bodies (unless the activity clearly was not criminal).

This is also required by the same policy.

In the past 12 months there were no instances of staff terminations or resignations for violating sexual abuse or sexual harassment policies or laws. As a result, there were no reports to law enforcement or relevant licensing bodies for violations of agency sexual abuse or sexual harassment policies. Discussions with the PREA Coordinator, Sheriff, and Jail Commander confirmed the disciplinary sanctions for staff up to and including termination for violating sexual abuse/sexual harassment policies and criminal charges for violating MN Statutes.

The auditor reviewed the PREA training materials which evidenced the staff notifications and advisements through PREA Standards education and Jail PREA Policies and information. The KCJ division provides PREA member training to all staff, volunteers, and contractors who may have contact with inmates on the prevention, detection, and response of sexual abuse and sexual harassment within the jail. The

	<p>auditor has reviewed the PREA Standards education and Jail PREA Policies and information. The auditor has reviewed the training materials for corrections officers, and they are educated in the zero tolerance policy as well as any consequences for a violation of the PREA policies. All terminations or resignations for sexual abuse violations are reported to law enforcement (the KCSO investigate or refer for investigation all sexual abuse allegations) and any relevant licensing bodies such as P.O.S.T. for the licensed officer and the D.O.C. for the reporting of unusual occurrences, and any other applicable licensing body. This action was confirmed by the Jail Administrator, Sheriff, and the PREA Coordinator.</p> <p>Reference Policies: Policy 606 PREA. 606.10.1 INVESTIGATIVE FINDINGS.</p> <p>Supporting Documents: Agreement Between County of Kanabec of the State of Minnesota and Law Enforcement Labor Services, Inc. (Local No. 106) through December 31, 2025, KCJ training documents and curriculum. PREA BASIC TRAINING ACKNOWLEDGEMENT.</p> <p>The compliance requirements of this standard are met.</p>
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115.77	Corrective action for contractors and volunteers
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) Any contractor or volunteer who engages in sexual abuse must be reported to law enforcement unless the activity was clearly not criminal, and to relevant licensing bodies.</p> <p>The SEXUAL ABUSE BY CONTRACTOR OR VOLUNTEER addresses this standard.</p> <p>The same PREA training policies for staff, volunteers, and contractors require education with the zero tolerance policy and how to avoid inappropriate relationships with inmates among the other required topics. It has been established with the Contractor and Volunteer Training Standard that members are warned of the disciplinary consequences for violating the jail's sexual abuse/harassment policies. (See Standard 115.32 Volunteer and Contractor Training Narrative)</p> <p>The auditor further reviewed the KCJ PREA: Guide on Sexual Abuse Prevention and Response Designed for Program Volunteers and Paid Contract Workers. It states: "Failure to report any knowledge, suspicion or information about sexual abuse or sexual harassment in a custodial setting may be grounds for immediate dismissal from this facility." "Just like employees, potential consequences for volunteers or contractors who sexually abuse or sexually harass inmates include dismissal from the facility, termination of the contract/volunteer duties, reporting to relevant licensing bodies, criminal prosecution, and civil liability. That means that if you sexually abuse or sexually harass an inmate in this facility, your work with our</p>

	<p>agency may end, you may be charged with a crime, and/or you may be sued." Contractors and volunteers are also required to sign a Training Acknowledgement that they have read and understand the information provided in the guide.</p> <p>I was informed that in the past 12 months there have been no contractors or volunteers who have engaged in sexual misconduct at the facility to report to relevant licensing bodies and prohibit further inmate contact. The auditor researched PREA incident reports and there were no allegations against contractors or volunteers in the past 12 months.</p> <p>Reference Policies: Policy PREA. 606.11.1 SEXUAL ABUSE BY CONTRACTOR OR VOLUNTEER. Policy 306 PREA Training. 306.3 MEMBER TRAINING.</p> <p>Supporting Documents: KCJ PREA: Guide on Sexual Abuse Prevention and Response Designed for Program Volunteers and Paid Contract Workers.</p> <p>(b) Staff shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.</p> <p>The Jail Administrator was asked about remedial measures their jail would take in the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. Does the facility always prohibit further contact with inmates. He said that the jail always prohibits further contact. They operate under the zero tolerance principle of PREA and probably would not engage in remedial measures. Termination would also be the presumptive consequence. Either way, there would be no further inmate contact.</p> <p>In the past 12 months, there have been no contractors or volunteers reported to any licensing bodies for engaging in sexual abuse with inmates. The KCSO jail division provides PREA member training to all staff, volunteers, and contractors who may have contact with inmates on the prevention, detection, and response of sexual abuse and sexual harassment within the jail. The auditor has reviewed the training materials for contractors and volunteers, and they are educated in the response of sexual abuse and sexual harassment within the jail. They are also educated in the zero tolerance policy as well as any consequences for a violation of the PREA policies.</p> <p>Reference Policies: Policy 306 PREA Training. 306.3 MEMBER TRAINING.</p> <p>Supporting Documents: KCJ PREA: Guide on Sexual Abuse Prevention and Response Designed for Program Volunteers and Paid Contract Workers.</p> <p>The KCJ substantially complies with this standard and its subparts.</p>
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115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard

Auditor Discussion

a) Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

The **GUIDELINES FOR DISCIPLINARY SANCTIONS** Policy enforces this standard.

The **KCJ INMATE HANDBOOK** addresses rule violations and discipline for persons in custody. CLASS III VIOLATIONS (MAJOR) are violations that could threaten the security or safety of inmates, staff, or visitors. Inmates are informed that they may be removed from the housing unit immediately and placed in the Special Management Unit on a pre-hearing lock-down status if their behavior is a threat to themselves, staff, or other inmates. Class III violations may result in formal disciplinary proceedings. A hearing will be held within 72 hours unless you choose to waive the hearing. Sexual misconduct is an example of a Class III Violation. A written notice of the violation will be given to the inmate. They may be disciplined for breaking any rule listed in the inmate handbook or for breaking the law. If they break the law, they will be charged criminally as well. Discipline may be imposed for sexual activity between inmates. However, such activity will not be considered sexual abuse for purposes of discipline unless the activity was coerced. The **PREA** section of the handbook lists sexual assault/abuse behaviors. The KCJ prohibits all sexual activity between inmates.

The PREA Coordinator responded in the PREA Questionnaire during the pre-audit process that there were no inmate-on-inmate sexual abuse incidents at the jail in the past 12 months. The auditor verified with a review of PREA incident reports and there were no findings of inmate-on-inmate sexual abuse that occurred at the KCJ in the past 12 months. Likewise, there were no findings of guilt for inmate-on-inmate sexual abuse. There were no records of disciplinary actions against inmates for sexual conduct with staff. The auditor reviewed the PREA incident summaries and investigation reports and documentation of sanctions imposed. There were two allegations against staff that were unfounded. A sample of older inmate violation reports were provided and reviewed. The auditor noted appropriate disciplinary actions as a result of the administrative investigations and disciplinary process at the jail.

Reference Policies: Policy 600 **Inmate Discipline. 600.11 GUIDELINES FOR DISCIPLINARY SANCTIONS.**

Supporting Documents: **KCJ INMATE HANDBOOK** pgs. 5-6 and 26-29.

(b) Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. The **GUIDELINES FOR DISCIPLINARY SANCTIONS** also address this subpart of standard. A list of sanctions is listed in the inmate handbook including but not limited to:

- Lock-down in the disciplinary unit for up to 30 days;
- Loss of privileges;
- Loss of good time;
- Filing of formal charges;
- Assignment to another housing unit;
- Any combination of the above;
- Reimbursement for damage to, or destruction of KCJ property.

The Sheriff or the Jail Administrator are responsible for developing and implementing a range of disciplinary sanctions for violations. The Jail Administrator is responsible for ensuring that a wide range of training and disciplinary tools are available to aid staff and that preprinted forms are available for documenting rule violations in a consistent and thorough manner. The Training Officer develops and delivers training for staff members who participate in the disciplinary hearing process. Training includes the legal significance of due process protections and the hearing officer's role in assuring that those protections are provided.

The auditor reviewed investigative reports and documentation of sanctions imposed which were appropriate and commensurate with the nature and circumstances of the offense committed.

The Jail Administrator was interviewed in this regard. I asked what disciplinary sanctions are inmates subject to following an administrative or criminal finding that the inmate engaged in inmate-on-inmate sexual abuse. He said there is the internal process for major rule violations, notice and hearing and ultimately sanctions and there is the criminal route for MN Statute violations. He described their severity scale with recommendations. The inmate found in violation will be sanctioned with restrictions. He confirmed that sanctions are proportionate to the nature and circumstances of the abuses committed, the inmates' disciplinary histories, and the sanctions imposed for similar offenses by other inmates with similar histories. Mental disability or mental illness is sometimes considered when determining sanctions, but it is dependent on the situation. They have medical and mental health resources at the jail for assistance in that regard. The auditor asked the PREA Coordinator about assuring commensurate sanctions. He provided the Severity Scale for my review. It provides a guideline for the hearing officers in determining similar sanctions for inmates with similar violations. Of course, other criteria are considered such as the inmate's disciplinary history and sanctions imposed for other comparable offenses by other inmates with similar histories.

Upon further review, the auditor notes that PREA related incidents have the harshest penalties. The auditor reviewed a sample of investigative reports and documentation of sanctions imposed. They appeared to be commensurate with the nature and circumstances of the act committed. There were no reports of inmate-on-inmate sexual abuse determined.

Reference Policies: Policy 600 **Inmate Discipline. 600.11 GUIDELINES FOR DISCIPLINARY SANCTIONS.**

Supporting Documents: **KCJ INMATE HANDBOOK** pgs. 5-6 and 26-29, Violation Code.

(c) The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

The auditor read the DISCIPLINARY DECISIONS Policy. It states this standard subpart.

The Jail Administrator said that they have medical and mental health at their jail for assistance in that regard. They rely on their input. They will look at whether an inmate's mental disability or mental illness contributed to their behavior and depending on the situation, what type of sanction should be imposed.

The auditor reviewed a sample of inmate disciplinary reports, however there were no reports of inmate-on-inmate sexual abuse determined. Investigative reports and documentation of sanctions imposed were also reviewed relative to this provision of the standard.

Reference Policies: 600.8.4 DISCIPLINARY DECISIONS.

Supporting Documents: **KCJ INMATE HANDBOOK** pgs. 5-6 and 26-29, Violation Code.

(d) To the extent that there is available therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for sexual abuse, the facility may consider whether to require an inmate being disciplined for sexual abuse to participate in such interventions as a condition of access to programming or other benefits.

The **GUIDELINES FOR DISCIPLINARY SANCTIONS** Policy discusses therapy, counseling, and other intervention options to address and correct reasons for sexual abuse.

The PREA Coordinator informed the auditor of the various volunteer programs they have at the jail, in addition to their medical and mental health practitioners who provide resources and connect to community services. Family Pathways is another option available.

The auditor interviewed the RN about this topic. They verified that the facility offers mental health and referral services for resources designed to address and correct the underlying reasons or motivations for sexual abuse. Participation would be voluntary, but highly encouraged. They said that services are available to both victim and perpetrator. Referrals would come from the jail with prompt follow up.

Reference Policies: **600.11 GUIDELINES FOR DISCIPLINARY SANCTIONS.**

Supporting Documents: **KCJ INMATE HANDBOOK** pgs. 5-6 and 26-29, Violation Code.

(e) The agency may discipline an inmate for sexual contact with staff only upon a

finding that the staff member did not consent to such contact.

The U.S. and Minnesota constitutions expressly prohibit all cruel or unusual punishment. Additionally, there are limitations. The **LIMITATIONS ON DISCIPLINARY ACTIONS** states that no discipline may be imposed for sexual contact with staff unless there is a finding that the staff member did not consent. The inmate handbook defines these major jail rule violations as previously described above. There were no records of disciplinary actions against inmates for sexual conduct with staff noted as there were no records of sexual misconduct between staff and inmates.

Reference Policies: **600.10 LIMITATIONS ON DISCIPLINARY ACTIONS.**

Supporting Documents: **KCJ INMATE HANDBOOK** pgs. 5-6 and 26-29, Violation Code.

(f) No inmate may be disciplined for falsely reporting sexual abuse or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation, if the report was made in good faith based upon a reasonable belief that the alleged conduct occurred.

The **LIMITATIONS ON DISCIPLINARY ACTIONS** Policy describes this standard subpart. This standard subpart requirement was verified by the PREA Coordinator. They would not discipline an inmate who reports a sexual abuse made in good faith, no matter what the outcome.

Reference Policies: **600.10 LIMITATIONS ON DISCIPLINARY ACTIONS.**

Supporting Documents: **KCJ INMATE HANDBOOK** pgs. 5-6 and 26-29, Violation Code.

(g) Discipline may be imposed for sexual activity between inmates. However, such activity shall not be considered sexual abuse for purposes of discipline unless the activity was coerced.

This standard requirement can also be found in the **LIMITATIONS ON DISCIPLINARY ACTIONS** Policy.

The inmate handbook PREA section tells the inmates that the KCJ prohibits all sexual activity between inmates. Disciplinary sanctions would include loss of privileges, loss of good time, housing reassignment, and disciplinary segregation. The KCJ has a zero tolerance policy concerning any sexual misconduct between inmates or between staff and inmates. This regulation was confirmed by the PREA Coordinator.

Reference Policies: **600.10 LIMITATIONS ON DISCIPLINARY ACTIONS.**

Supporting Documents: **KCJ INMATE HANDBOOK** pgs. 5-6 and 26-29, Violation Code.

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) If the screening pursuant to § 115.41 indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.</p> <p>The Health Appraisals Policy requires PREA SCREENING FOLLOW-UP as per this standard.</p> <p>According to the PREA Coordinator, all inmates at the KCJ who have disclosed any prior sexual victimization during the screening pursuant to §115.41 are offered a follow-up meeting with the jail nurse or mental health practitioner well within 14 days. In the past 12 months, 100 percent of inmates who disclosed prior victimization during screening were offered a follow-up meeting with a medical or mental health practitioner.</p> <p>The auditor conducted a review of a random sample of PREA files for those inmates who disclosed previous victimization for assurance of a medical/mental health follow up. The auditor is satisfied this is practiced with regularity. The auditor spent time in the medical unit and discussed the 14-day assessment requirements with the RN. She explained the process. She said that assessments actually occur within 1-3 days of referral. Sometimes, the same day. All inmates who express previous sexual victimization are referred for a medical/mental health assessment. She demonstrated to the auditor their medical management system containing health information and access to PREA Screening documents. She showed me the Referral Form: Allegations of previous sexual victimization KCJ. The Risk Screening Officers communicate to them verbally and in writing which inmates require the referral. The referral form lists the method of referral to medical, mental health, and/or victim's advocate (Family Pathways). The KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST was reviewed together. Any "yes" responses are forwarded to the Sergeant and Health Services. They require health services title and signature/date. Together we reviewed the Medical History and Health Appraisal form. A second PREA Screening is conducted by the medical/mental health practitioners. From there, examination comments are noted and any necessary referrals, patient education or other access to medical services are prescribed. The PREA Coordinator told me about the MENTAL HEALTH SCREENING INTERVIEW. One of the questions the mental health practitioner will ask is if they have ever been the victim of violence or assault. If needed, there is a BEHAVIORAL HEALTH SERVICES CLINICAL CONTACT form initiated with actions taken and a treatment plan noted. With that is the STATEMENT OF INFORMED CONSENT for Mental Health Services. Limits of confidentiality are reviewed and signed/dated by the inmate. The RN showed me other medical and mental health secondary materials (e.g., form, log) documenting compliance with the above required services. The auditor was able to observe medical records, logs, and</p>

forms relative to this standard.

The auditor interviewed staff who perform screening for risk of victimization and abusiveness. She confirmed that medical and mental health assessments are conducted upon referral and in follow up to the intake risk screening as well as medical and mental health screenings. She said that typically, the follow up meeting is offered within 24 hours. The nurse is available most days and the mental health practitioner is available weekly. This is a tele-health program.

The auditor spent a considerable amount of time during both days of the on-site audit in the medical unit and was shown a sample of additional medical/mental health secondary materials (the term secondary materials refers to materials maintained by health staff in a secure area but separate from the inmate's medical record that document compliance with the provisions of this standard), including sick call forms and chart notes.

Reference Policies: Policy 712 **Health Appraisals**. 712.3.1 PREA SCREENING FOLLOW-UP.

Supporting Documents: Medical History and Health Appraisal, **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, Referral Form: Allegations of previous sexual victimization KCJ, MENTAL HEALTH SCREENING INTERVIEW, BEHAVIORAL HEALTH SERVICES CLINICAL CONTACT, STATEMENT OF INFORMED CONSENT.**

(b) If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

Not applicable. The facility is not a prison. Even though this standard is a requirement of prisons and not jails, the auditor was informed by medical and mental health practitioners that incarcerated persons at risk for abusiveness and/or alleged perpetrators are also offered medical and mental health services. The staff who perform screening for risk of victimization and abusiveness said that there are resources available for the inmate who previously perpetrated sexual abuse and they would be referred for a follow up meeting with a mental health practitioner as well.

(c) See 115.81 (a). If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? Yes.

(d) Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management

decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

The **EXAMINATION, TESTING AND TREATMENT** Policy addresses this standard subpart to the letter. The **CLASSIFICATION PLAN** Policy states the confidentiality of screening information. Information obtained in response to screening questions shall be considered confidential and shall only be made available to those who have a legitimate need to know. PREA SCREENING FOLLOW-UPS are required for inmates who have an identified history of sexual victimization.

During the facility tour and observation period, the auditor paid attention to record storage practices within the medical unit. I observed the physical and electronic storage of information/documentation collected and maintained in hard copy and electronically pursuant to the PREA Standards (e.g., risk screening information, medical records, sexual abuse allegations) to determine if the area is secured (e.g., key card, lock and key). The medical unit maintains records in locked offices or within their work stations. Only medical/mental health staff, jail administration, jail supervisors and classification officers have access. Being a small facility, line staff COs are the ones who perform the risk screening. Classification Officers/PREA Risk Screening Officers initiate and acquire this information as part of their job requirements. I observed electronic safeguards of any information/documentation collected and maintained electronically pursuant to the PREA Standards (e.g., risk screening information) to determine how access to the information is secured (e.g., password protected, accessible only in certain areas, role-based security). The auditor had informal conversations with staff regarding access to secure information, including medical and mental health files, sexual abuse and sexual harassment reports, etc. and saw where and how, security of information is stored electronically and in hard copy, specifically who has access and how access and sexual harassment reports, etc. and saw where and how, security of information is stored electronically and in hard copy, specifically who has access and how access is restricted). Medical records and PREA risk screening information are kept in separate files.

The auditor reviewed a sample of inmate confinement records/other records available to custody staff or non-health personnel. This information also affects an inmate's classification plan with housing assignments, work, education, and programs.

Multiple jail and medical policies address the confidential information aspect.

Information obtained in response to screening and assessment questions shall be considered confidential and shall only be made available to those who have a legitimate need to know. The auditor observed and asked questions per the tour instructions noting intake and medical unit processes. Information is kept as confidential as possible and there are access restrictions in place that separate inmate jail records from medical records and the sensitive nature of PREA information. Jail staff do not have access to inmate medical records within the medical unit.

The auditor reviewed the **SPECIALIZED MEDICAL TRAINING** Policy and the medical/mental health practitioners training records for member training and specialized medical training. Correctional health care practitioners are PREA trained to comply

with relevant laws related to mandated reporting of sexual abuse to outside authorities and the applicable age of consent while maintaining patient confidentiality. The auditor also noted that the Medical History and Health Appraisal has an inmate acknowledgement requiring signature/date. STATEMENT OF INFORMED CONSENT for Mental Health Services lists the Limits of Confidentiality. Mental Health Services Staff must involve other staff if the inmate makes obvious or implied threats to hurt or injury themselves or others or reveal information of past criminal conduct that may threaten the security of the institution or the community including sex offenses. This is reviewed with the inmate and requires their signature of understanding. The Other secondary materials contained various consent forms. When it comes to PREA, the RN understands the mandatory reporting piece for allegations of sexual abuse in confinement. Confidentiality takes place for previous victimization unless it occurred in another facility.

Reference Policies: **606.9 EXAMINATION, TESTING AND TREATMENT (j).** Policy 712 **Health Appraisals.** 712.3.1 PREA SCREENING FOLLOW-UP. Policy 306 **PREA Training.** **306.4 SPECIALIZED MEDICAL TRAINING.** Policy 508 **Inmate Classification.** **508.3 CLASSIFICATION PLAN.**

Supporting Documents: Medical History and Health Appraisal, **KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, Referral Form: Allegations of previous sexual victimization KCJ,** STATEMENT OF INFORMED CONSENT for Mental Health Services.

(e) Medical and Mental Health Practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

The **EXAMINATION, TESTING AND TREATMENT** Policy states this standard to the letter. Local and state regulations will be followed regarding mandated reporting requirements. The auditor had access to consent documentation/logs obtained from inmates over age 18. The KCJ does not house youthful offenders. The auditor was provided with medical logs, forms, assessments, and consent forms in support of this standard. If they receive evaluation and treatment in the jail medical unit, they will be provided notice of additional privacy practices for their protected health information. (HIPPA) Jail and medical policies also ensure this requirement. The auditor reviewed multiple jail and medical policies related to privacy of care and informed consent relative to this standard. For all aspects of this standard, medical staff receive PREA member training and specialized medical training in the detection and assessment of signs of sexual abuse and sexual harassment and how to respond effectively and professionally to victims of sexual abuse and sexual harassment. They have resources and referral capabilities as needed.

Specifically for mental health services, there is a STATEMENT OF INFORMED CONSENT. The document provides for the Limits of Confidentiality and when mental health services staff must involve other staff. Threats to injure themselves or others, and revealing past criminal conduct that may threaten the security of the institution or the community (sex offenses) is reported.

	<p>The RN was interviewed about informed consent and whether they obtain informed consent from inmates before reporting about prior victimization that did not occur in an institutional setting (the standard does not require informed consent for youthful inmates). She said that the inmate is always asked. She said this would be documented to the file.</p> <p>Reference Policies: Policy 606 PREA. 606.9 EXAMINATION, TESTING AND TREATMENT (i). Policy 712 Health Appraisals. 712.3.1 PREA SCREENING FOLLOW-UP. Policy 306 PREA Training. 306.4 SPECIALIZED MEDICAL TRAINING. Policy 508 Inmate Classification. 508.3 CLASSIFICATION PLAN.</p> <p>Supporting Documents: Medical History and Health Appraisal, KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, Referral Form: Allegations of previous sexual victimization KCJ. AUTHORIZATION FOR THE RELEASE OF INFORMATION (to another correctional facility), AUTHORIZATION FOR THE RELEASE OF INFORMATION (Protected Health Information (PHI)), STATEMENT OF INFORMED CONSENT for Mental Health Services.</p> <p>The auditor finds the KCJ in substantial compliance in all material ways with the PREA medical and mental health screenings requirements.</p>
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115.82	Access to emergency medical and mental health services
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) Inmate victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of these services are determined by medical and mental health practitioners according to policy, protocol, and their professional judgement.</p> <p>The EXAMINATION, TESTING AND TREATMENT Policy ensures emergency medical treatment and crisis intervention for victims of sexual abuse. The SEXUAL ABUSE VICTIMS Policy directs that inmates will be transported to the nearest appropriate location for treatment of injuries and collection of evidence, and for crisis intervention services. The FIRST RESPONDERS Policy also addresses emergency medical treatment. If an allegation of inmate sexual abuse is made, the first correctional officer to respond shall request medical assistance as appropriate. Upon return of the alleged victim from the ER, the jail nurse would ensure follow up services as per the discharge instructions. A mental health evaluation and victim advocate are also offered. The KCJ contracts with medical/mental health staff who are educated and experienced professionals available to respond in the event of a medical emergency, and more specifically a reported sexual abuse. Jail and medical/mental health policies, protocols, and procedures set forth direction for medical and security staff to provide emergency medical care to inmate victims of sexual abuse. The auditor studied numerous medical and mental health secondary materials including logs,</p>

reports, assessment forms, and other related documents to ensure the timeliness of emergency medical treatment and crisis intervention services that are provided; and the appropriate response by non-health staff in the event that health staff are not present at the time the incident is reported.

The auditor reviewed the **Health Services - Sexual Abuse Response Checklist** with the other First Responder check lists. The jail medical personnel receive the medical referral from the Jail Sergeant alleging offender sexual abuse. The correctional health care team are required to provide basic emergency care if victim is injured and activate the Incident Command System (ICS), which is a standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective. If the victim is willing to undergo a SAFE at the area hospital, they are to explain an overview of the exam procedure and check for injuries, STI's and biological specimen collection, and the necessity of SAFE exam to be conducted at the hospital per policy. Communication begins to the ER/clinic nurse with reported facts and medical information, and the infectious disease status of the aggressor if known. Information and education should be provided to the victim about STI's and pregnancy with testing capabilities. Upon victims return from the emergency room, it is important for the practitioner to review post-exam recommendations for any follow-up testing or treatment. The nurse will clearly document in the medical record vital signs, review of systems, observable trauma and treatments performed and SAFE explanation, and mental health status and notifications made. The completion of a confidential incident report is also required of the nurse.

Interviews with the RN indicated that inmate victims of sexual abuse receive timely and unimpeded access to emergency medical treatment and crisis intervention services. In the event of a sexual abuse at the jail, they respond as soon as they are notified. They said the inmate would be transported to the Cambridge Hospital for a forensic examination as soon as possible. An on-call SANE would also respond to the hospital. Family Pathways would be notified for advocacy. The nature and scope of these services are determined according to their medical professional judgement. The auditor spent a significant amount of time in the medical unit observing and discussing with the RN their roles and responsibilities related to PREA and the inmate's access to services. There was no inmate who had reported a sexual abuse in custody to interview.

Reference Policies: Policy 606 **PREA. 606.7 FIRST RESPONDERES** (b). 606.8 **SEXUAL ABUSE VICTIMS. 606.9 EXAMINATION, TESTING AND TREATMENT.** Policy 306 **PREA Training. 306.4 SPECIALIZED MEDICAL TRAINING.**

Supporting Documents: **Health Services - Sexual Abuse Response Checklist**, Medical History and Health Appraisal, medical chart, notes.

(b) If no qualified medical or mental health practitioners are on duty at the time of a sexual abuse report, security staff first responders shall take preliminary steps to protect the victim (see Standard 115.62) and shall immediately notify the appropriate medical/mental health staff.

To respond to reported incidents of sexual abuse, the KCJ has adopted and implemented processes for security and medical staff to take immediately after receiving a report of an incident. The **FIRST RESPONDERS** policy addresses this standard subpart. The auditor also reviewed the **FIRST RESPONDER - Sexual Assault Response Checklist KCJ** in support of this standard. Jail staff are instructed to call medical if the victim is injured and to prevent the victim from eating, drinking, using the toilet, brushing teeth, changing clothes, washing hands, douching, bathing, or showering. They are to remain with the victim until the on duty supervisor instructs otherwise.

The auditor interviewed security staff and non-security staff who have acted as first responders. They were asked to describe the actions you take as a first responder to an allegation of sexual abuse. The non-security staff is a nurse. The security staff referenced the First Responder Checklist. They both verbalized the following actions to include: separating the alleged victim and abuser, preserve and protect the crime scene until appropriate steps can be taken to collect evidence, request the alleged victim not to take any actions that could destroy physical evidence (wash, brush teeth, change clothes, urinate, defecate, drink or eat), ensure that the alleged abuser does not take any of the above actions, and immediately notify medical and mental health practitioners. The Nurse would notify security staff and respond medically. They both said that they would document their actions in a report.

A review of documentation demonstrating immediate notification of the appropriate medical and mental health practitioners was accomplished. The auditor reviewed the related jail and medical policies, secondary materials, reports, and logs, and First Responder Checklists demonstrating procedures for immediate notification of the appropriate medical and mental health practitioners and the protection of the alleged victim.

Reference Policies: Policy 606 **PREA. 606.7 FIRST REPONDERES** (b). **606.8 SEXUAL ABUSE VICTIMS. 606.9 EXAMINATION, TESTING AND TREATMENT.**
Policy 306 **PREA Training. 306.4 SPECIALIZED MEDICAL TRAINING.**

Supporting Documents: **FIRST RESPONDER - Sexual Assault Response Checklist KCJ.** Medical History and Health Appraisal, medical chart, notes.

(c) Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care.

The **EXAMINATION, TESTING AND TREATMENT** Policy mandates this standard subpart. Provisions are made for testing the victim for sexually transmitted diseases. This was also confirmed by medical staff. They also have pregnancy tests and coordinate obstetrics care if needed. They follow all discharge instructions from the emergency room.

The **Health Services - Sexual Abuse Response Checklist** requires the medical staff to explain the SAFE examination to the victim. STI's and biological specimens will be collected. Upon the victim's return from the emergency room, the practitioner

	<p>will ensure the post-exam recommendations for any follow-up testing or treatment.</p> <p>The auditor reviewed a sample of additional medical/mental health secondary materials describing access to services. The auditor read all medical and mental health secondary materials that were provided by the PREA Coordinator and medical staff. Forms, logs, charts, and medical notes document the timeliness of emergency medical treatment and crisis intervention services, appropriate response by non-health staff, and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.</p> <p>Medical staff that were interviewed verified that victims of sexual abuse are offered timely information about access to emergency contraception and sexually transmitted infection prophylaxis. They described the SANE and emergency room procedures for victims of sexual assault along with any discharge instructions to follow. They have a medical provider on call or on duty to consult with and provide any prescriptions as needed. There were no inmates who had reported sexual abuse in custody.</p> <p>The RN verified their SPECIALIZED MEDICAL TRAINING which include preserving physical evidence of sexual abuse and responding effectively and professionally to victims of sexual abuse and sexual harassment and prepares them for their PREA roles and responsibilities.</p> <p>Reference Policies: Policy 606 PREA. 606.7 FIRST RESPONDERS. 606.8 SEXUAL ABUSE VICTIMS. 606.9 EXAMINATION, TESTING AND TREATMENT. (c) and (e). Policy 306 PREA Training. 306.4 SPECIALIZED MEDICAL TRAINING (b) and (c).</p> <p>Supporting Documents: Health Services - Sexual Abuse Response Checklist, Medical History and Health Appraisal, medical chart, notes.</p> <p>(d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.</p> <p>The EXAMINATION, TESTING AND TREATMENT Policy also addresses this standard subpart to the letter. This was confirmed by the PREA Coordinator and the RN.</p> <p>Reference Policies: EXAMINATION, TESTING AND TREATMENT. (h).</p> <p>Supporting Documents: Medical History and Health Appraisal, medical chart, notes.</p> <p>An analysis of the documents, evidence, facility observations, and interviews support the overall compliance determination for Access to Emergency Medical and Mental Health Services Standard.</p>
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115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
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Auditor Overall Determination: Meets Standard
Auditor Discussion
<p>(a) The KCJ offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any corrections facility.</p> <p>The auditor reviewed policies governing ongoing medical and mental health care for sexual abuse victims and abusers. The EXAMINATION, TESTING AND TREATMENT Policy provides for the continued care of all inmates who have been sexually abused. Victims will be provided follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to another facility or their release from custody. As previously established, the jail also provides a 14-day assessment for inmates with a past incident of sexual abuse in a correctional facility (<i>See PREA SCREENING FOLLOW-UP Policy</i>).</p> <p>The auditor reviewed the PREA Risk Screening and referral forms, initial medical and mental health screening forms, the daily sick call lists which reference intake visits, health assessment forms, a sample of inmate medical file chart and notes, and other secondary materials referencing this standard. The Medical History and Health Appraisal form contains a section about continuation of medical care and a PREA Screening section. The MENTAL HEALTH SCREENING INTERVIEW document also asks whether they have been the victim of violence or assault. Any necessary referrals are documented on the form. If necessary, continued mental health care requires the signing of the BEHAVIORAL HEALTH SERVICES CLINICAL CONTRACT.</p> <p>The KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST asks new inmates about past victimization and if they have a history of institutional violence or sexual abuse/harassment. As previously established, any "yes" responses are forwarded to the Sergeant and Health Services and placed in the confidential file.</p> <p>The auditor toured and observed the medical unit within the jail and discussed with the RN the processes that correspond with ongoing medical and mental health services. Their outside resource is Family Pathways for providing advocacy and emotional support services. They also have a mental health practitioner via telehealth on a weekly basis. Services are provided as necessary for evaluation and treatment of victims of sexual abuse. They have connections to other outside resources as needed.</p> <p>Reference Policies: Policy 606 PREA. 606.9 EXAMINATION, TESTING AND TREATMENT (g). Policy 712 Health Appraisals. 712.3.1 PREA SCREENING FOLLOW-UP.</p> <p>Supporting Documents: Medical History and Health Appraisal, MENTAL HEALTH SCREENING INTERVIEW, BEHAVIORAL HEALTH SERVICES CLINICAL CONTRACT, KCJ SEXUAL VIOLENCE PREVENTION PREA CHECKLIST, STATEMENT OF INFORMED CONSENT for Mental Health Services, chart notes and secondary</p>

materials.

(b) The evaluation and treatment for victims of sexual abuse shall include follow-up services, treatment plans, and referrals for continued care upon transfer or release from custody.

The **EXAMINATION, TESTING AND TREATMENT** Policy also describes this standard subpart.

The auditor again reviewed a sample of medical records or secondary documentation that demonstrate victims receive follow-up services and appropriate treatment plans and, when necessary, referrals for continued care following their transfer to or placement in other facilities, or their release from custody. The auditor received and reviewed the **Authorization for the Release of Information** form under the HIPPA Statute 45 CFR § 164.512 (k)(5) for the purposes of continuity of patient care. Medical information is shared between a person/organization to a correctional facility or vice versa.

The auditor asked the RN what evaluation and treatment of inmates who have been victimized entail. She said that in agreement with the inmate victim, they will create a services plan and identify resources available. Treatment consists of follow-up services, treatment plans, and when necessary, referrals for continued care after leaving the facility. Sometimes, medication is prescribed, and so they would take care of any prescription renewals. She described ongoing care and connecting to community resources.

Reference Policies: **606.9 EXAMINATION, TESTING AND TREATMENT (g)**.

Supporting Documents: **Authorization for the Release of Information** form, Medical History and Health Appraisal, **MENTAL HEALTH SCREENING INTERVIEW**, Secondary materials, chart notes.

(c) The KCJ provides such victims with medical and mental health services consistent with the community level of care.

The auditor reviewed the **Health Appraisals** Policy which ensures that all inmates receive a comprehensive health appraisal after arrival at the jail and for the continuity of care for inmates who remain in custody. It is to ensure that inmate's health care needs are met.

The auditor reviewed a sample of medical records and secondary documentation that demonstrate victims receive medical and mental health services consistent with community level of care. Medical and Mental Health interview responses indicated that services are definitely offered consistent with the community level of care and in fact are provided at a faster response time as opposed to waiting for open appointments in the community.

The auditor interviewed the RN and asked her if the medical and mental health services offered at the KCJ are consistent with the community level of care. She described the differences between correctional health care and medical clinics and

hospitals. There are no labs or scans available in the jail, but they can refer services quickly as needed. They see inmates at a much quicker pace than at a clinic or hospital. She feels that medical and mental health services provided at the jail are comparable to community medical services. They have a Medical Director available for consultation and direction.

Reference Policies: Policy 712 **Health Appraisals.**

Supporting Documents: Medical History and Health Appraisal, **MENTAL HEALTH SCREENING INTERVIEW, BEHAVIORAL HEALTH SERVICES CLINICAL CONTRACT, STATEMENT OF INFORMED CONSENT for Mental Health Services**, chart notes and secondary materials.

(d) Inmate victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests.

As per the **EXAMINATION, TESTING AND TREATMENT** Policy, victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the abuse, such victims shall receive comprehensive information about, and access to, all lawful pregnancy-related medical services. This is done in a timely manner. Contraception is made available as clinically indicated. Pregnant patients are given comprehensive counseling and care in accordance with community standards and their expressed desire regarding the pregnancy. This was verified by the RN.

The auditor reviewed a sample of medical records and secondary documentation, and observed supplies and equipment to show that pregnancy tests are offered at the facility. The Medical History and Health Appraisal has a pregnancy screen/testing section to address.

Reference Policies: Policy 606 **PREA. 606.9 EXAMINATION, TESTING AND TREATMENT** (f).

Supporting Documents: Medical History and Health Appraisal, chart notes and secondary materials.

(e) If pregnancy results from a sexual assault, inmate victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

The same policy also requires that if a victim is pregnant because of a sexual assault, they are to be offered all pregnancy-related medical services in a timely manner. The RN was asked if pregnancy results from sexual abuse while incarcerated, are victims given timely information and access to all lawful pregnancy-related services. She responded yes, and described their procedures. They would initiate services immediately. They would be provided counseling and care in accordance with community standards and their expressed desire regarding the pregnancy.

The auditor looked for documentation that victims received timely and comprehensive information about and timely access to all lawful pregnancy-related

	<p>medical services commensurate with the community level of care.</p> <p>Reference Policies: 606.9 EXAMINATION, TESTING AND TREATMENT (f).</p> <p>Supporting Documents: Medical and Mental Health Assessments, PREA Risk Screening documents, chart notes and secondary materials.</p> <p>(f) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.</p> <p>The same policy ensures that provisions are made for testing the victim for sexually transmitted diseases (STD) and that victims are offered information about, and given access to, emergency contraception, prophylaxis for sexually transmitted infections and follow-up treatment for sexually transmitted diseases. The RN explained that typically, the ER doctor would order testing for STD, but any follow-ups would be coordinated by the correctional health team and directed by the Medical Provider. Discharge instructions from the ER would be followed. Any prescriptions can be ordered through the Medical Provider or in follow-up to the ER Doctor. The RN would coordinate any testing or treatment follow up. Counseling for the treatment of sexually transmitted diseases, if appropriate, would be provided. The auditor looked for a sample of medical records or secondary documentation that demonstrate victims were offered tests for sexually transmitted infections as medically appropriate.</p> <p>Reference Policies: 606.9 EXAMINATION, TESTING AND TREATMENT (c) and (e).</p> <p>Supporting Documents: Medical and Mental Health Assessments, PREA Risk Screening documents, chart notes and secondary materials.</p> <p>g) Treatment services are provided to the victim without financial cost regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.</p> <p>This is guaranteed by the same jail policy. The PREA Coordinator confirmed that in the event of a sexual abuse incident, inmate victims would not be charged for treatment services and the KCJ would pay all related hospital and pharmacy bills. There would be no internal medical co-pay fees either. The auditor did not find any indication of fees for services in situations like this.</p> <p>Reference Policies: 606.9 EXAMINATION, TESTING AND TREATMENT (h).</p> <p>(h) N/A. Facility is not a prison.</p> <p>The KCJ is in substantial compliance with the ongoing medical and mental health care for sexual abuse victims PREA Standard through policy, protocol, documentation, and meaningful practices.</p>
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Auditor Overall Determination: Meets Standard

Auditor Discussion

(a) The KCJ 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.

The KCJ **SEXUAL ABUSE INCIDENT REVIEW** Policy meets the requirements of this standard.

In the past 12 months there were no substantiated or unsubstantiated sexual abuse investigations to review. The PREA Coordinator and the auditor reviewed a sample of older review reports during the on-site audit. I reviewed additional documentation of completed criminal or administrative investigations of sexual abuse. Both allegations of sexual abuse were unfounded.

The auditor received and reviewed a copy of the **Sexual Abuse Incident Review** which serves as an aid to assist review team members through the process. The form documents items to review, determinations made, and recommendations for improvement.

Reference Policies: Policy 606 **PREA. 606.13 SEXUAL ABUSE INCIDENT REVIEW.**

Supporting Documents: 2024 PREA Allegations, **Sexual Abuse Incident Review.**

(b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

The same policy also requires a 30-day review.

In the past 12 months, there were no criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only "unfounded" incidents. There were two staff-inmate abuse allegations that were investigated and both had findings of unfounded. One of the reporters confessed to false allegations. The auditor and the PREA Coordinator reviewed a sample of additional and older documentation of completed criminal or administrative investigations of sexual abuse. The 30-day review timeline is required.

The **Sexual Abuse Incident Review** form also documents the necessity for the incident review to be conducted within 30 days of the conclusion of the investigation.

Reference Policies: **606.13 SEXUAL ABUSE INCIDENT REVIEW.**

Supporting Documents: 2024 PREA Allegations, **Sexual Abuse Incident Review.**

(c) The review team consists of upper-level management officials while allowing for input from the line supervisors, investigators, and medical/mental health practitioners.

The same policy addresses members of the review team.

The PREA Coordinator informed the auditor that the review team consists of the Sheriff, Jail Administrator, and Jail Sergeants. They would seek input from investigators and qualified health/mental health care professionals as appropriate.

The **Sexual Abuse Incident Review** form lists the titles of team members to include input from investigator, health care and mental health practitioners.

The Jail Administrator was asked about whether their facility has a sexual abuse incident review team. He responded affirmatively. He described the makeup of the members according to policy and standard requirements. He is involved in all reviews, with the PREA Coordinator who is a sergeant, the investigator and they include more as needed.

The auditor requested documentation of review team minutes or reports. The PREA Auditor and PREA Coordinator spent time reviewing samples of older documentation of review team reports in support of this standard.

Reference Policies: **606.13 SEXUAL ABUSE INCIDENT REVIEW.**

Supporting Documents: 2024 PREA Allegations, **Sexual Abuse Incident Review.**

(d) The review team shall: (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; (4) Assess the adequacy of staffing levels in that area during different shifts; (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the Jail Administrator and PREA Coordinator.

The **SEXUAL ABUSE INCIDENT REVIEW** Policy mandates all considerations, examinations, and assessments as specified in the above standard language. The Sexual Assault Incident form also documents each variable to be reviewed with documentation.

The auditor interviewed the Jail Administrator and a member of the Incident Review Team relative to this standard. The Jail Administrator verified that the team uses information from the incident review to identify any policy, training, or other issue related to the incident that indicate a need to change policy or practices. He further described all considerations, examinations, and assessments as described in the language of the standard and according to their jail policy. He described the benefit of video capabilities for review for an extended period of time. The Incident review

	<p>team member said that they would consider all motivations and variables required by policy and standard, examinations of the areas in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse, assess the adequacy of staffing levels in that area during different shifts, and assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.</p> <p>The PREA Auditor and the PREA Coordinator reviewed a small sample of older reports of findings from sexual abuse incident reviews in support of this standard subpart.</p> <p>Reference Policies: 606.13 SEXUAL ABUSE INCIDENT REVIEW (a) - (f).</p> <p>Supporting Documents: 2024 PREA Allegations, Sexual Abuse Incident Review.</p> <p>(e) The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.</p> <p>The same policy requires the Jail Administrator to implement the review teams recommendations or document otherwise.</p> <p>In speaking with the PREA Coordinator and the Jail Administrator, an example of an incident review recommendation would be the deployment of additional cameras for monitoring to supplement supervision by staff, which they have implemented in the past.</p> <p>The auditor reviewed the report requirements on the form to include determinations recommendations for improvement. The report is submitted to the Jail Administrator and the PREA Coordinator. The Jail Administrator shall implement the recommendations for improvement or document the reasons for not doing so.</p> <p>Reference Policies: 606.13 SEXUAL ABUSE INCIDENT REVIEW.</p> <p>Supporting Documents: 2024 PREA Allegations, Sexual Abuse Incident Review.</p> <p>The KCJ substantially complies with the intent of this standard and its subparts</p>
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115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.</p> <p>The KCJ DATA REVIEWS Policy requires the office to conduct an annual review of collected and aggregated incident-based sexual abuse data. The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention,</p>

detection and response policies, practices and training. The **PREA COORDINATOR** Policy states that one of the PREA Coordinator's responsibilities is to establish a process to ensure accurate, uniform data is collected for every allegation of sexual abuse and to aggregate the data at least annually. This was confirmed by the PREA Coordinator.

The auditor reviewed the standard set of definitions which can be found at the beginning of the **PREA** Policy and are similar to the nationally recognized definitions of the Survey of Sexual Victimization by the U.S. Bureau of Justice Statistics. The SSV is The Survey of Sexual Victimization (SSV) and is part of BJS's National Prison Rape Statistics Program, which gathers mandated data on the incidence and prevalence of sexual victimization in adult correctional and juvenile justice facilities, under the Prison Rape Elimination Act of 2003 (PREA; P.L. 108-79). This is an administrative data collection based on allegations of sexual victimization by other inmates/youth or staff that are reported to authorities. The collection includes an enumeration of allegations and substantiated incidents reported to state prison systems; state juvenile correctional systems; the federal prison system; U.S. Immigration and Customs Enforcement (ICE); the U.S. military; and a sample of jail jurisdictions, privately operated adult prisons and jails, facilities in Indian country, and local and private juvenile justice facilities. Additional information is collected on substantiated incidents on the victim(s), perpetrator(s), characteristics of the incident, and outcomes. The KCJ bases their collection of PREA data off of the SSV as the standardized instrument that is utilized across the country. See <https://bjs.ojp.gov/data-collection/survey-sexual-victimization-ssv>

The standard definitions are also attached to the **Annual PREA data review** format. The auditor reviewed the specifications for the annual reviews in alignment with this standard.

The PREA Coordinator provided me with completed SSV summary forms for 2022 and 2023 which I reviewed in accordance with this standard.

The KCJ also publishes annual PREA statistics on their website which was studied by the auditor. See <https://www.kanabecounty.org/departments/jail.ph>

Reference Policies: Policy 606 **PREA. 606.4 PREA COORDINATOR (i). 606.14 DATA REVIEWS.**

Supporting Documents: Survey of Sexual Victimization (SSV): 2023, **Annual PREA data review** with attached **Definitions.**

(b) The agency shall aggregate the incident-based sexual abuse data at least annually.

The **DATA REVIEWS** Policy mandates the annual review of collected and aggregated incident-based sexual abuse data. The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. The **PREA COORDINATOR** Policy also requires data to be aggregated at least annually.

The reports are approved by the Jail Administrator and made available through the office website. The auditor studied the KCJ website which publishes the PREA annual statistics. Incident-based sexual abuse statistics are documented on the website since 2019. The KCJ redacts all personal identifiers (name of victim, date of birth, sex of victim, date reported, and reporting party) when reporting annual statistics. See <https://www.kanabeccounty.org/departments/jail.php>

The **Annual PREA data review** format also requires the KCSO/KCJ to conduct an annual review of collected and aggregated incident-based sexual abuse data. By identifying problem areas, corrective actions, comparing current annual data ad corrective actions with those from prior years, and assessing the Sheriff's Office progress in addressing sexual abuse, this will improve the effectiveness of sexual abuse prevention, detection and response policies, practices and trainings.

Data collected shall include, at a minimum, the data necessary to answer all questions from the SSV that is conducted by the U.S. DOJ. The auditor received and reviewed the KCJ SSV 2023 in support of this standard.

Reference Policies: Policy 606 **PREA. 606.4 PREA COORDINATOR (i). 606.14 DATA REVIEWS.**

Supporting Documents: SSV 2023, **Annual PREA data review.**

(c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

The PREA COORDINATOR Policy established this standard subpart.

The completion of the SSV as requested by the BJS is completed either online or sent through the mail. The Auditor reviewed the SSV from 2023 which was thorough and complete and met all the PREA Standard requirements. Specific for your jail, the SSV requests general information, inmate-on-inmate sexual victimization information, staff-on-inmate sexual abuse information, and the total number of substantiated incidents of sexual victimization.

Reference Policies: Policy 606 **PREA. 606.4 PREA COORDINATOR (i). 606.14 DATA REVIEWS.**

Supporting Documents: SSV 2023

(d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

This standard subpart is addressed in the DATA REVIEWS Policy. The Auditor and the PREA Coordinator spent a considerable amount of time reviewing the collected data on-site. Documentation included incident-based documents, reports, investigation files, and sexual abuse incident reviews. The PREA Coordinator keeps all related PREA records in his office and electronically secured.

	<p>Reference Policies: 606.14 DATA REVIEWS.</p> <p>Supporting Documents: SSV 2023</p> <p>(e) Not applicable. The agency does not contract for the confinement of its inmates.</p> <p>(f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.</p> <p>The PREA COORDINATOR Policy states this standard subpart to the letter. The PREA Coordinator informed the auditor that they have not received a recent request from the BJS to provide data from the previous year. The PREA Coordinator provided the auditor with their most recent SSV from 2023. Specific for your jail, the SSV requests general information, inmate-on-inmate sexual victimization information, staff-on-inmate sexual abuse information, and the total number of substantiated incidents of sexual victimization. The auditor reviewed the 2023 SSV for the KCJ which was thorough and complete.</p> <p>Reference Policies: 606.4 PREA COORDINATOR (i).</p> <p>Supporting Documents: SSV 2023</p> <p>The KCJ meets the Data Collection and Review requirements of the standard as evidenced above.</p>
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115.88	Data review for corrective action
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>(a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: (1) Identifying problem areas; (2) Taking corrective action on an ongoing basis; and (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.</p> <p>The KCSO/KCJ accomplishes this in accordance with their jail policy DATA REVIEWS. The Annual PREA data review reinforces this standard.</p> <p>The PREA Coordinator provided me with their PREA annual review documents from 2021. Upon examination, they documented identifying problem areas, identifying corrective actions, compared current data and corrective actions with those from prior years, and assessing the jail's progress in addressing sexual abuse. The KCJ conducted a self-assessment of prevention, detection and response for PREA allegations. Staff continue to receive more training than required. PREA is covered at all four quarterly trainings, as well as additional team trainings with their shift</p>

throughout the year. New employees receive PREA training within their first week of training and prior to contact with inmates. Sergeants are reviewing camera footage for well-being checks and monitoring for PREA incidents. Supervisory unannounced rounds improved in documentation and frequency.

The auditor interviewed the Sheriff and the PREA Coordinator. The Sheriff and the auditor discussed how they use incident-based sexual abuse data to assess and improve sexual abuse prevention, detection, and response policies, practices, and training. They identify problem areas and take corrective action on an ongoing basis. The Sheriff said these are learning opportunities. The PREA Coordinator confirmed that the jail reviews data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse policies and training. Data is collected through many avenues including classification information, incident and investigation reports, and Initial Complaint Reports (ICR) through Dispatch for official reporting and investigator assignment. Annual reports of findings and any corrective actions for the jail are accomplished. He described the annual report that is prepared with the statistics published on their website. He said they examine policy, training issues, staffing, electronic monitoring technology, and other variables that may have contributed to sexual abuse incidents.

The jail website provides current and past PREA statistical information: "The Kanabec County Sheriff's Office collects accurate, uniform data on every allegation of sexual abuse, within the Kanabec County Jail. When requested, the annual data is reported to the Department of Justice." See <https://www.kanabecounty.org/departments/jail.php>

The PREA auditor and the PREA Coordinator discussed the obligation to document annual statistical comparisons and corrective actions in order to assess the jail's progress towards the goal of reducing and even eliminating sexual abuse and sexual harassment in their confinement.

Reference Policies: **606.14 DATA REVIEWS** (a) - (e).

Supporting Documents: PREA Annual Review reports, **Annual PREA data review**.

(b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

The same policy addresses this standard subpart.

A review of the report shows a comparison of sexual abuse and sexual harassment statistics over the past few years. The auditor found that the published annual report includes a comparison of the current year's data with those from prior years. See <https://www.kanabecounty.org/departments/jail.php>

The **Annual PREA data review** requires a comparison of current annual data and corrective actions with those from prior years. The Office's process in addressing sexual abuse will also be assessed.

The KCJ is committed to zero tolerance of any form of sexual abuse and sexual harassment in the facility it operates. A review of the annual data that is collected and aggregated assists in that process. The purpose of their policies and meaningful practices is to prevent, detect, respond, and report.

Reference Policies: **606.14 DATA REVIEWS** (d) and (e).

Supporting Documents: PREA Annual Review reports , **Annual PREA data review**.

(c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.

The jail policy also requires the report to be approved by the Jail Administrator prior to being published on the jail website.

The **Annual PREA data review** format also requires reporting. All aggregated sexual abuse data from the KCSO shall be made available to the public at least annually through the office website.

The auditor reviewed the published PREA statistical report on the KCJ website. See <https://www.kanabeccounty.org/departments/jail.php>

The Sheriff verified that he is the final authority for approval of annual reports written pursuant to this standard.

Reference Policies: **606.14 DATA REVIEWS**

Supporting documents: **Annual PREA data review**, See <https://www.kanabeccounty.org/departments/jail.php>

(d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

The jail policy also requires the redaction of specific material from the reports. Before making aggregated sexual abuse data publicly available, all personal identifiers are removed. The auditor found that the KCJ redacts all personal identifiers (name of victim, date of birth, sex of victim, date reported, and reporting party) when reporting annual statistics. See <https://www.kanabeccounty.org/departments/jail.php>

All personal identifiers must be removed before making the aggregated sexual abuse data public via the website according to the **Annual PREA data review** format. Reports will be approved by the Jail Administrator and made available through the website. Items may be redacted from the reports when publication would present a threat to the safety/security of the facility. The nature of the redacted information must be indicated.

The PREA Coordinator was asked about what types of material are typically redacted from the annual report. Basically, there are no personal identifiers for privacy purposes. They are careful not to publish anything that would pose a safety or

	<p>security issue or threat.</p> <p>Reference Policies: 606.14 DATA REVIEWS.</p> <p>Supporting Documents: Annual PREA data review. See https://www.kanabeccounty.org/departments/jail.php</p>
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115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>(a) The agency shall ensure that data collected pursuant to § 115.87 are securely retained.</p> <p>The agency ensures that incident-based and aggregate data are securely retained. The KCJ Policy that addresses this standard is their RECORDS Policy.</p> <p>The jail is inspected by the MN DOC to ensure rule compliance. As such, the KCJ follows MN Administrative Rules 2911.2100, Storage and Preservation of Records, as well as their own policy. Space shall be provided for the safe storage of records. The PREA Coordinator described and demonstrated how data collected pursuant to 115.87 are securely retained. The auditor spent time in the PREA Coordinator's office and observed PREA data securely retained both electronically and hard copy. During the site review, the auditor observed the physical storage area of any information/documentation collected and maintained in hard copy pursuant to the PREA Standards (e.g., risk screening information, medical records, sexual abuse allegations) to determine if the area is secured (e.g., key card, lock and key). The PREA Coordinator and Jail Administrator have access to all records and reports associated with a claim of sexual abuse and/or harassment. I observed the electronic safeguards of any information/documentation collected and maintained electronically pursuant to the PREA Standards to determine how access to the information is secured (e.g., password protected, accessible only in certain areas, role-based security). The auditor was informed by the PREA Coordinator that they follow policy and data practices and records retention laws. The PREA Coordinator described the PREA restricted folder separate from their jail management system folder. During the on-site portion of the audit, the PREA Coordinator showed the auditor that he retains historical PREA data in a locked file within a locked office.</p> <p>Reference Policies: Policy 606 PREA. 606.15 RECORDS.</p> <p>(b) The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.</p>

The **DATA REVIEWS** Policy requires all aggregated sexual abuse data be made available to the public at least annually through the office website. As previously established, aggregated sexual abuse data is readily available to the public annually through its website. The auditor again reviewed the KCJ website for this compliance requirement. See <https://www.kanabeccounty.org/departments/jail.php>

Reference Policies: **606.14 DATA REVIEWS.**

Supporting Documents: See <https://www.kanabeccounty.org/departments/jail.php>

(c) Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.

The DATA REVIEWS Policy also requires the removal of personal identifiers from the jail website of aggravated sexual abuse data.

The auditor examined the jail's website which is available to the public for sexual abuse data and confirmed that personal identifiers were removed. Personal identifiers are names, dates of birth, incident dates, and the sex of the victim. The PREA Coordinator assured the auditor that they are very careful with personal information. It is not included in the statistical information comparisons. See <https://www.kanabeccounty.org/departments/jail.php>

Reference Policies: 606.14 DATA REVIEWS.

Supporting Documents: See <https://www.kanabeccounty.org/departments/jail.php>

(d) The agency shall maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

The **RECORDS** Policy requires the agency to maintain sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of initial collection, unless federal, state, or local law requires otherwise.

The PREA Coordinator and the auditor reviewed a sample of older reports and investigations for evidence of the minimum standard of 10 years of retention. We found older PREA files from the time of the first PREA audit. During the on-site portion of the audit, the auditor verified that historical data has been retained since at least 2016. The PREA Coordinator stated that PREA information is saved indefinitely.

Reference Policies: **606.15 RECORDS.**

The KCJ follows state and federal data practices, privacy, and retention regulations (reference MN Rule 2911.2100) and the Data Storage, Publication, and Destruction PREA Standard.

115.401	Frequency and scope of audits
	<p data-bbox="279 185 981 219">Auditor Overall Determination: Meets Standard</p> <p data-bbox="279 264 564 297">Auditor Discussion</p> <p data-bbox="279 342 1481 544">(a) During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the KCSO ensured that the KCJ was audited. This is the third year of the fourth three-year period. The KCSO operates one jail facility. The KCSO/KCJ was found to be in full compliance with the PREA standards at the completion of the previous audit and reported on April 1, 2022.</p> <p data-bbox="279 577 1465 701">This is the fourth PREA audit for the facility. The auditor reviewed agency records, website, etc. to ensure that the KCJ has been audited and reported. The auditor has first hand knowledge of previous audits, having previously audited their facility.</p> <p data-bbox="279 734 1476 902">(b) The KCJ was audited initially on May 12, 2016. Their second audit was completed on April 28, 2019. Their third audit resulted in full compliance within the three-year anniversary requirement of April 1, 2022. The auditor reviewed agency records, website, etc. to ensure that that the facility has been audited every three years.</p> <p data-bbox="279 936 1214 969">I have been the only PREA Auditor for for this facility for all audits.</p> <p data-bbox="279 1003 1091 1037"><i>See https://www.kanabeccounty.org/departments/jail.php</i></p> <p data-bbox="279 1070 1433 1193">(h) During the on-site portion of the audit, the auditor was allowed access to all areas of the facility for touring, observing, informal questions/answers, additional document and electronic review, and interviews.</p> <p data-bbox="279 1227 1476 1641">The auditor reviewed the KCJ schematic, observed all camera monitors, and physically observed all areas of the KCJ. The auditor was allowed sufficient time to be able to pay attention to how well supervised inmates are and how cameras are being monitored to supplement staff supervision. Cameras are monitored in a way that keeps inmates safe from sexual abuse. Areas that were toured included: intake, holding cells, pre-booking, showers and change out areas, locker rooms, all housing units including cells, segregated housing units (special management), health care areas, recreation, kitchen, laundry, program areas, administrative offices, meeting rooms, sally-port, inmate visiting rooms, closets and storage rooms, and the jail lobby.</p> <p data-bbox="279 1675 1469 1888">(i) The auditor received the necessary and relevant information as a part of the pre-audit questionnaire, during the on-site audit, and up to and including completion of the audit report. Requests for information were responded to and received promptly. The auditor was allowed access to hard copy and electronically stored material.</p> <p data-bbox="279 1921 1469 2089">(m)The auditor and assistant auditor were provided private rooms within the facility for inmate and staff interviews. The auditors had the full cooperation of the PREA Coordinator, Jail Administration and staff. We were not refused any interview requested. The KCJ has a small inmate population with 9 inmates being</p>

	<p>interviewed. 2 inmates declined. There were a total of 11 inmates in custody during the interview process. There was only one targeted population inmate to interview. We interviewed 12 random staff. Experience levels ranged from 1 month to 23 years. 5 staff had 2.5 years experience or less. The KCJ has a mix of veteran and younger staff.</p> <p>(n) The PREA audit notice was posted 6 weeks in advance of the on-site audit and advised inmates and staff of their right to send confidential information or correspond with the auditor in the same manner as if they were communicating with legal counsel. My PO Box mailing address was posted on the notice. The auditor ensured that information about the PREA audit (e.g., Notice of Audit) was posted in all housing units. Inmates were asked about the notice and how long it has been posted for verification. The auditor requested photos of the Notice of Audit and their locations 6 weeks in advance of the onsite audit. The auditor received no PREA correspondence as of this date.</p> <p>The KCJ maintains a policy under PREA COORDINTOR that ensures audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 (28 CFR 115.93).</p> <p>Reference Policies: Policy 606 PREA. 606.5 PREA COORDINATOR (I).</p>
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115.403	Audit contents and findings
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p>
	<p>The auditor reviewed the 2022 KCJ Final Audit Report that is published on the their website.</p> <p><i>See https://www.kanabeccounty.org/departments/jail.php</i></p> <p>The KCJ maintains a policy under PREA COORDINTOR that ensures audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 (28 CFR 115.93).</p> <p>I was informed by the PREA Coordinator that the final report is published within the 90-day timeline requirement. The KCJ signed the auditing contract which requires the PREA Final Audit Report to be published within 90 days of issuance. The PREA Coordinator agrees to accomplish this requirement in a timely manner.</p> <p>The prior audit years are 2016 and 2019 and also remain accessible on the website. This is their fourth successful PREA Audit with Final Report published.</p> <p>Reference Policies: Policy 606 PREA. 606.5 PREA COORDINATOR (I).</p>

Appendix: Provision Findings**115.11 (a) Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**

Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
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Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes
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115.11 (b) Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

Has the agency employed or designated an agency-wide PREA Coordinator?	yes
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Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
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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
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115.11 (c) Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	na
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Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	na
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115.12 (a) Contracting with other entities for the confinement of inmates

If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	na
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115.12 (b) Contracting with other entities for the confinement of inmates

Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure	na
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	that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	
115.13 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into	yes

	consideration: Any applicable State or local laws, regulations, or standards?	
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
115.13 (b)	Supervision and monitoring	
	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	na
115.13 (c)	Supervision and monitoring	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes
115.13 (d)	Supervision and monitoring	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes

115.14 (a)	Youthful inmates	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (b)	Youthful inmates	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (c)	Youthful inmates	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.15 (a)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
115.15 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	yes
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the	yes

	facility does not have female inmates.)	
115.15 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	yes
115.15 (d)	Limits to cross-gender viewing and searches	
	Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
115.15 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes
115.15 (f)	Limits to cross-gender viewing and searches	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

115.16 (a)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.)	yes
	Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?	yes
	Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication	yes

	with inmates with disabilities including inmates who: Have intellectual disabilities?	
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	yes
115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes
115.17 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who	yes

	may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
115.17 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes
115.17 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes

115.17 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes
115.17 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
115.17 (h)	Hiring and promotion decisions	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes
115.18 (a)	Upgrades to facilities and technologies	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na
115.18 (b)	Upgrades to facilities and technologies	

	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	na
115.21 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes

	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.21 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
115.21 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	na
115.21 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	na
115.22 (a)	Policies to ensure referrals of allegations for investigations	

	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes
115.22 (b) Policies to ensure referrals of allegations for investigations		
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
115.22 (c) Policies to ensure referrals of allegations for investigations		
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	na
115.31 (a) Employee training		
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes

	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes
115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a)	Volunteer and contractor training	

	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b)	Inmate education	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.33 (c)	Inmate education	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes

	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes
115.33 (d)	Inmate education	
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes
115.33 (e)	Inmate education	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes
115.33 (f)	Inmate education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes
115.34 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (b)	Specialized training: Investigations	
	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include proper use of Miranda and	yes

	Garrrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (c)	Specialized training: Investigations	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.35 (a)	Specialized training: Medical and mental health care	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or	yes

	suspicious of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	
115.35 (b)	Specialized training: Medical and mental health care	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	na
115.35 (c)	Specialized training: Medical and mental health care	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes
115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective	yes

	screening instrument?	
115.41 (d)	Screening for risk of victimization and abusiveness	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10)	yes

	Whether the inmate is detained solely for civil immigration purposes?	
115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
115.41 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes
115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive	yes

	information is not exploited to the inmate's detriment by staff or other inmates?	
115.42 (a) Use of screening information		
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
115.42 (b) Use of screening information		
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
115.42 (c) Use of screening information		
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would	yes

	present management or security problems?	
115.42 (d)	Use of screening information	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes
115.42 (e)	Use of screening information	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
115.42 (g)	Use of screening information	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing	yes

	solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	
115.43 (a)	Protective Custody	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes
115.43 (b)	Protective Custody	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
115.43 (c)	Protective Custody	

	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
115.43 (d) Protective Custody		
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes
115.43 (e) Protective Custody		
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
115.51 (a) Inmate reporting		
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes
115.51 (b) Inmate reporting		
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain	yes

	anonymous upon request?	
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	yes
115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	no
115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes
115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from	yes

	this standard.)	
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
115.52 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes
115.52 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes
115.52 (f)	Exhaustion of administrative remedies	

	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.).	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	yes
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
115.52 (g)	Exhaustion of administrative remedies	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes
115.53 (a)	Inmate access to outside confidential support services	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers,	yes

	including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
115.53 (b)	Inmate access to outside confidential support services	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes
115.53 (c)	Inmate access to outside confidential support services	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
115.54 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes
115.61 (a)	Staff and agency reporting duties	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual	yes

	abuse or sexual harassment or retaliation?	
115.61 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes
115.61 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
115.61 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes
115.62 (a)	Agency protection duties	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
115.63 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes

115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
115.64 (a)	Staff first responder duties	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
115.64 (b)	Staff first responder duties	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes
115.65 (a)	Coordinated response	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in	yes

	response to an incident of sexual abuse?	
115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes
115.67 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of	yes

	sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes
115.67 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
115.68 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
115.71 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations	yes

	of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes

	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes

115.73 (b)	Reporting to inmates	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes
115.73 (c)	Reporting to inmates	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually	yes

	abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	
115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes
115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.76 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes

	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.77 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes
115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
115.78 (d)	Disciplinary sanctions for inmates	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes
115.78 (f)	Disciplinary sanctions for inmates	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish	yes

	evidence sufficient to substantiate the allegation?	
115.78 (g)	Disciplinary sanctions for inmates	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes
115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	na
115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	na
115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	yes
115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior	yes

	sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	
115.82 (a)	Access to emergency medical and mental health services	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
115.82 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.82 (c)	Access to emergency medical and mental health services	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes
115.82 (d)	Access to emergency medical and mental health services	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes
115.83 (c)	Ongoing medical and mental health care for sexual abuse	

	victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
115.83 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	yes
115.83 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	yes
115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	na

115.86 (a)	Sexual abuse incident reviews	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes
115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes

115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes
115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	na
115.87 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	na
115.88 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant	yes

	to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	
115.88 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
115.88 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes
115.88 (d)	Data review for corrective action	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes
115.89 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
115.89 (b)	Data storage, publication, and destruction	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes
115.89 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.89 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
115.401 (a)	Frequency and scope of audits	

	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes
115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	no
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	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
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403	Audit contents and findings	

(f)	
	<div data-bbox="320 185 1273 555"> <p>The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)</p> </div> <div data-bbox="1302 185 1353 219">yes</div>