

Facility Information

Name of Facility: Washington County Jail

Physical Address: 15015 62nd Street North

City, State, Zip: Stillwater, MN 55082

Mailing Address (if different from above):
SAA

City, State, Zip: SAA

The Facility Is:

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

Facility Type:

Prison

Jail

Facility Website with PREA Information: <https://www.co.washington.mn.us/3197/Jail-Division>

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

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

ACA

NCCHC

CALEA

Other (please name or describe: [Click or tap here to enter text.](#))

N/A

If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:
MN Department of Corrections Inspection, Health, Fire, US Marshalls

Warden/Jail Administrator/Sheriff/Director

Name: Roger Heinen, Jail Commander (Administrator)

Email: roger.heinen@co.washington.mn.us

Telephone: (651) 430-7606

Facility PREA Compliance Manager

Name: David Stumpner, Sgt

Email:
David.stumpner@co.washington.mn.us

Telephone: (651) 430-7606

Facility Health Service Administrator N/A

Name: Mindy Leibel

Email: Mindy.Leibel@co.washington.mn.us

Telephone: (651) 430-7937

Facility Characteristics

Designated Facility Capacity:	228	
Current Population of Facility:	114	
Average daily population for the past 12 months:	145	
Has the facility been over capacity at any point in the past 12 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Which population(s) does the facility hold?	<input type="checkbox"/> Females <input type="checkbox"/> Males <input checked="" type="checkbox"/> Both Females and Males	
Age range of population:	18-70	
Average length of stay or time under supervision:	9	
Facility security levels/inmate custody levels:	General, Administrative Segregation, Segregation	
Number of inmates admitted to facility during the past 12 months:	4889	
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:	1449	
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:	322	
Does the facility hold youthful inmates?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Number of youthful inmates held in the facility during the past 12 months: (N/A if the facility never holds youthful inmates)	<input checked="" type="checkbox"/> N/A	
Does the audited facility hold inmates for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>Select all other agencies for which the audited facility holds inmates: Select all that apply (N/A if the audited facility does not hold inmates for any other agency or agencies):</p>	<input type="checkbox"/> Federal Bureau of Prisons <input checked="" type="checkbox"/> U.S. Marshals Service <input checked="" type="checkbox"/> U.S. Immigration and Customs Enforcement <input type="checkbox"/> Bureau of Indian Affairs <input type="checkbox"/> U.S. Military branch <input checked="" type="checkbox"/> State or Territorial correctional agency <input type="checkbox"/> County correctional or detention agency <input type="checkbox"/> Judicial district correctional or detention facility <input type="checkbox"/> City or municipal correctional or detention facility (e.g. police lockup or city jail) <input type="checkbox"/> Private corrections or detention provider <input type="checkbox"/> Other - please name or describe: Click or tap here to enter text. <input type="checkbox"/> N/A	
Number of staff currently employed by the facility who may have contact with inmates:	102	

Number of staff hired by the facility during the past 12 months who may have contact with inmates:	23
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:	5
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	12
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	76
Physical Plant	
<p>Number of buildings:</p> <p>Auditors should count all buildings that are part of the facility, whether inmates are formally allowed to enter them or not. In situations where temporary structures have been erected (e.g., tents) the auditor should use their discretion to determine whether to include the structure in the overall count of buildings. As a general rule, if a temporary structure is regularly or routinely used to hold or house inmates, or if the temporary structure is used to house or support operational functions for more than a short period of time (e.g., an emergency situation), it should be included in the overall count of buildings.</p>	1
<p>Number of inmate housing units:</p> <p>Enter 0 if the facility does not have discrete housing units. DOJ PREA Working Group FAQ on the definition of a housing unit: How is a "housing unit" defined for the purposes of the PREA Standards? The question has been raised in particular as it relates to facilities that have adjacent or interconnected units. The most common concept of a housing unit is architectural. The generally agreed-upon definition is a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, etc. In addition to the primary entrance and exit, additional doors are often included to meet life safety codes. The unit contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations. Many facilities are designed with modules or pods clustered around a control room. This multiple-pod design provides the facility with certain staff efficiencies and economies of scale. At the same time, the design affords the flexibility to separately house inmates of differing security levels, or who are grouped by some other operational or service scheme. Generally, the control room is enclosed by security glass, and in some cases, this allows inmates to see into neighboring pods. However, observation from one unit to another is usually limited by angled site lines. In some cases, the facility has prevented this entirely by installing one-way glass. Both the architectural design and functional use of these multiple pods indicate that they are managed as distinct housing units.</p>	11
Number of single cell housing units:	3
Number of multiple occupancy cell housing units:	7
Number of open bay/dorm housing units:	0
Number of segregation cells (for example, administrative, disciplinary, protective custody, etc.):	18
In housing units, does the facility maintain sight and sound separation between youthful inmates and adult inmates? (N/A if the facility never holds youthful inmates)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Medical and Mental Health Services and Forensic Medical Exams

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

Investigations

Criminal Investigations

Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment:	2
When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply.	<input type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
Select all external entities responsible for CRIMINAL INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for criminal investigations)	<input type="checkbox"/> Local police department <input checked="" type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.) <input type="checkbox"/> N/A

Administrative Investigations

Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?	4
When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply	<input checked="" type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input checked="" type="checkbox"/> An external investigative entity
Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)	<input type="checkbox"/> Local police department <input checked="" type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.) <input type="checkbox"/> N/A

Audit Findings

Audit Narrative

On November 17-19, 2020, the auditor conducted the on-site portion of the Prison Rape Elimination Act (PREA) of the Washington County Jail (WCJ) and 8-Day Juvenile Unit Temporary Holdover Facility (THF). The auditor was expected and provided a business card and Driver's License photo identification at the secure reception window. The Programs Sergeant (Sgt)/PREA Coordinator greeted me at the secure entrance and escorted me into the administrative offices where a separate and private meeting room was available for my use. Prior to entry, and in the public lobby, I observed PREA notices and brochures relative to their zero-tolerance policy and ways to report sexual abuse or sexual harassment.

After initial set up and housekeeping was accomplished, we began an initial meeting to include a total of five PREA stakeholders. Team members included: Jail Administrator (Jail Commander), the Assistant Jail Administrator (AJA), the Nurse Supervisor, the PREA Coordinator, and the Chief Deputy. Introductions were made and the group was provided information and an overview of the audit process with instruction and guidance. In turn, the auditor was provided basic information pertaining to staffing, programs, contractors, and inmate population. It was made known to the team that it is a priority to maintain safe, smooth, and efficient jail operations throughout the audit process.

The PREA Coordinator provided the auditor with assistance and access to all areas of the audited facility. The auditor was escorted to all areas of the jail and juvenile unit and allowed for privacy when requested. The auditor was able to observe and ask questions of security staff, support staff, and inmates and residents within all areas of the WCJ/THF in order to verify compliance with standards. The auditor paid attention to how well the inmates/residents were supervised as well as how cameras and related monitoring technologies are used. Additionally, the auditor looked for privacy concerns, PREA information, opposite gender announcements, supervisory unannounced rounds, and sight/sound separation of youthful offenders. The auditor did not notice any "blind spots" nor any other indicators that an area of the facility is not being monitored in a way that keeps inmates safe from sexual abuse. Any concerns that were brought up by inmates or residents interviewed were brought to the attention of the PREA Coordinator for review. The auditor and the PREA Coordinator conducted an additional walk-through of housing and shower areas for female inmates to ensure privacy is maintained. Areas of the facility that were toured included:

1. Intake/booking for reception and screening process (sally-port);
2. All housing units/cell blocks/cells;
3. Segregated housing units;
4. Health Care unit/medical/mental health/exam rooms/office;
5. Program and recreation (gym);
6. Laundry and Kitchen with inmate workers (N/A for juvenile detainees);
7. Intake areas;
8. Administrative offices;
9. Visiting rooms;
10. Control Center/Master Control;
11. Work/Education Release (change out area) (N/A for juveniles);
12. All other hallways, closets, property rooms, locker rooms, etc.

The second half of day one consisted of additional document review with the PREA Coordinator. It is noted that the facility has provided open, transparent, and responsive document sharing throughout the pre-audit, on-site audit, and post-audit process. The Jail Administrator and other supervisors were also available for inquiry as needed. The auditor requested and was provided with additional policies, procedures, video footage, electronic and hard copy records, reports, files, jail logs, assessment tools, and other related documents to corroborate each of the PREA Standards.

The second day focused on the juvenile unit with facility tour and observations, and informal discussion with the juvenile corrections officer. The officer explained the intake process and continued supervision of juveniles with the auditor. She provided screening and assessment forms for the auditor. The auditor also began the formal interview process with the officer and two of the three juveniles in custody. The third juvenile was in quarantine for medical reasons. On the day of the on-site audit of the juvenile unit, the staffing ratio was 1:3, and the PREA Coordinator/Programs Sgt was also providing assistance and supervision as needed. The auditor also interviewed a few specialized staff on the second day as needed for scheduling purposes. The auditor and PREA Coordinator continued with additional document review.

The third day of the on-site audit focused on inmate, security staff, and specialized staff formal and private interviews. On the day of the interviews, the inmate population was 120. I called in the assistant auditor to work in tandem in three separate locations to accomplish the task. The interviewees were free to talk without being overheard by others. The auditors followed the PREA interview script and asked the prepared questions required of the interview process. Overlap interviews pertaining to inmates/jail and juveniles/juvenile unit inquiries were accomplished as necessary. Interview participants consisted of:

- Sheriff;
- Jail Administrator (Commander);
- PREA Coordinator;
- Intermediate-or-Higher-Level Facility Staff;
- Investigative Staff Representatives (2);
- Incident Review Team Member;
- Security and Non-Security Staff who have acted as First Responders (2);
- Medical/Mental Health Staff (RN Supervisor and Mental Health Practitioner);
- Staff who perform Screening for risk of Victimization and Abusiveness (2);
- Staff who supervise inmates in segregated housing;
- Designated staff member in charge of monitoring retaliation;
- Intake staff (2);
- Volunteers and contractors who may have contact with inmates (4);
- Administrative (Human Services) Staff;
- Agency Contract Administrator;
- Intermediate or higher-level facility staff (AJA);
- Transgender, intersex, gay, lesbian and bisexual inmates (1) (No juveniles identified);
- Inmate who disclosed sexual victimization during risk screening (1);
- Inmate who reported a sexual abuse/harassment (1) (No juveniles);
- Disabled/Limited English Proficient (LEP) (3) (No juveniles);
- Diverse selection of random inmates/residents from each housing unit, male/female, contract inmates/residents (20) (2 juvenile interviews);
- Random sample of Correctional Officers who work all shifts and assignments (15) (2 available for the juvenile unit);
- Program Coordinator (Sgt);
- Jail Sgt (3).

Eight of the 15 corrections officers interviewed are also qualified to be assigned to the juvenile unit. There were no PREA segregated inmates in custody during the on-site audit.

Throughout the on-site audit, the auditor observed a team of professional staff, support staff, and supervisors working together for smooth and efficient jail operations. Safety and security practices were observed in the day-to-day duties and responsibilities of corrections officers. Inmate programs were observed with interactions of inmates/residents in a respectful and human manner. This being their third PREA audit, it was obvious to the auditor that the PREA Standards had been put into meaningful practice and had become the norm as a routine part of jail operations and programs. There is a positive PREA

culture within the WCJ/WCTHF. At the completion of the interviews on the final day, the PREA Coordinator and auditor held an exit meeting. An opportunity was provided for any final clarifications or concerns.

Prior to the on-site audit, the auditor had accomplished the pre-audit as the PREA Coordinator had prepared and submitted the Pre-Audit Questionnaire for Adult Jails and Prisons and the Juvenile Questionnaire. The auditor was able to analyze for initial standard compliance according to policy, procedure, and document attachments that were provided. The mandatory PREA Notice of the Upcoming Audit with auditor contact information was posted 45 days in advance of the visit as required throughout the facility and in the housing units. The auditor was provided a copy of the notice and also, observed their placement during the facility tour. There was no confidential correspondence received by the auditor during this time-period. The PREA Coordinator was readily accessible to the auditor for any follow up questions and/or clarifications and requests for additional information. The PREA Auditor and PREA Coordinator discussed the upcoming on-site audit process and expectations on both sides. The auditor contacted the community-based victim advocacy group to verify their participation and partnership with the Washington County Sheriff's Office (WCSO). The auditor completed the pre-audit portion of the Auditor Compliance Tool in preparation of the upcoming on-site audit and to assist with the organization and findings for the final report.

The post-audit consisted of updates to the Auditor Compliance tool and a response to each measure based on a review of policies/procedures, documentation, data, jail tour, interviews, and additional response and follow up with the PREA Coordinator. Because of the Covid-19 response efforts at the WCSO, volunteers were not being allowed into the facility with a halt to their programs. I was able to conduct phone interviews with two volunteers as I was provided with their contact information by the PREA Coordinator. I also conducted the interview of the mental health practitioner by phone post-audit due to unavailability during the on-site audit. The final interview was with the SANE Supervisor also by phone.

The auditor then made a determination of compliance with each standard through analysis of each decision, which led to the successful Final PREA Audit Report of January 1, 2021. There were no corrective actions to address. The PREA Coordinator and Jail Administration continue to make improvements pro-actively to maintain sexual safety in the jail and juvenile unit of the WCSO.

The administration, supervisors, security, program, and support staff of the WCJ and WCTHF are to be commended for how well supervised the inmates and residents are and how cameras and other monitoring technologies are utilized in a way that keeps inmates and residents safe from sexual abuse.

The auditor would also like to thank the WCSO for their hospitality and willingness to provide transparency and open access to information as needed in order to accomplish a quality, accurate, and meaningful PREA audit.

Facility Characteristics

The Washington County Law Enforcement Center (LEC) is located in Stillwater, MN and is divided into six divisions within a five-level facility. The jail housing units are contained on two levels of eleven different housing units. The Jail Division is overseen by a Commander who reports directly to the Sheriff and Chief Deputy. The Washington County Jail is housed within the LEC and has an operational capacity of 228. It is a direct supervision five-level facility that was opened in June of 1993. Studies indicate that correctional facilities using the direct supervision model as an operating philosophy are safer for both staff and inmates. The support area includes a drive-through vehicle "sally-port", intake center, medical clinic, food service and laundry, and exercise and education. The WCJ is a full-service facility with programs including work release, Sentence to Service, electronic home monitoring, GED, chemical abuse counseling, library services, educational and social services

programs, women's groups, religious guidance, and recreational activities with a gym. The co-ed jail houses both pre-trial and sentenced inmates, and operates a temporary eight-day juvenile holding facility. Whereas the two types of facilities are located within the same building, they are operated independently and do not share housing. Both have received individual PREA audits.

The jail has elevator and tunnel access to a court holding area for court proceedings. Currently however, due to the Covid-19 response, most court proceedings are being held remote through video technologies. Inmate populations are also lower than usual due to strict receiving requirements for the health and safety of the facility.

The jail control center is staffed 24/7 and has controls for all the internal doors along with numerous monitors for the security cameras that are strategically placed throughout the jail. Well-being checks are conducted and documented every 30 minutes. Direct supervision and large security windows of the housing units allow for maximum visibility for safety/security reasons. Staff of the opposite gender make the required announcements prior to entering a housing unit or at the start of their shift. Unannounced rounds are performed frequently by jail supervisors/administration and cover a variety of shifts. There are showers with privacy curtains or doors available throughout the facility. Toilets and change out areas are digitally blocked on the camera monitors.

Since the WCSO only operates one facility, the PREA Coordinator operates as both Coordinator and Compliance Manager. The PREA Coordinator is also the Programs Sgt. for the facility and reports to the Assistant Jail Administrator (AJA) and then the Jail Commander (Administrator) for chain of command purposes. The Administrator is charged with overseeing the day-to-day operations of the facility. The Sheriff is the Chief Executive Officer of this facility.

In accordance with Minnesota (MN) Statute, the Sheriff of Washington County has charge and custody of the county jail and receives and safely keeps all persons lawfully committed and does not release any person from the jail unless discharged by due course of law. The WCJ is also licensed by the state and regulated by the MN Department of Corrections (DOC). This Class III facility is a secure detention facility and used to confine sentenced inmates for a time not to exceed any limits set forth by MN Statutes, adult pretrial and presentenced detainees indefinitely. The jail is governed by and adheres to state statutes and rules promulgated by the DOC in accordance to the MN Administrative Rules, Chapter 2911, Jail Facilities. They have been placed on Biennial Inspection cycle due to the high level of compliance with the Chapter 2911 Rules. The inspection method consists of inmate and staff file review, facility tour, review of video footage, and related document review. The inspection also consists of the Juvenile Justice and Delinquency Prevention Act (JJDP) audit. There were no violations of the JJDP Act during the most recent inspection as there are no juveniles held in the jail. The WCSO has a contract to house state inmates.

The following is an excerpt of the mission of the jail by policy:

The Washington County Jail, under the operational authority of the County Sheriff, shall serve the constituents of Washington County by providing: Reception and processing of arrested persons; and secure and humane care of persons ordered to the custody of the Sheriff by judicial authority for both pretrial detention and post-trial confinement not to exceed the period authorized by law. The facility shall be used only for classifications for which it is in compliance, and its services shall be provided in an efficient and cost-effective manner and in compliance with all Federal and State statutes.

The following is taken from the WCJ website which addresses PREA:

PREA stand for Prison Rape Elimination Act, which was signed into law in 2003.

The Washington County Sheriff's Office-Jail has a zero-tolerance policy with regard to sexual abuse and sexual harassment within this facility.

The Washington County Sheriff's Office will take appropriate measures to protect all inmates from sexual abuse and sexual harassment and will promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment (28 CFR 115.11).

How to report sexual abuse or harassment behind bars

- The Washington County Sheriff's Office will investigate any criminal allegations.
- Any person may report any allegation on behalf of any inmate in the Washington County Jail at 651-439-9381
- or call Canvas Health Abuse Response Services at 651-777-1117.

PREA Final Audit Reports are also published on the website.

The WCSO/WCJ contracts with Summit for their food service. There is a kitchen manager/cook and other staff. Meals are prepared on-site and then delivered to the housing units. Food service is available and prepared in the large full-service institutional kitchen with freezer, cooler, and storage areas. Inmate workers assist in the kitchen and in the laundry room under the supervision of security and contract staff. Camera monitoring is used as a supplement to ensure the safety and well-being of the inmates and staff.
<https://summitfoodservice.com/>

With an inmate debit account, inmates are able to make local, long distance, or international calls to landlines and cell phones.

<https://securustech.net/phone-products/index.html>

Turnkey Corrections provides for inmate and resident commissary. Family and friends of inmates are now able to send e-mails and pictures to inmates by setting up an account with InmateCanteen.com.

<http://www.twvending.com/internet/inmatebanking.html>

The WCSO/WCJ provides for delivery of appropriate, reasonable, and necessary health care services to detained inmates and juveniles through a contract with WC Public Health and Human Services. Services available are medical, dental, and psychological care. There is sufficient staffing and full-time hours maintained for emergency and ongoing medical treatment for inmates and juveniles. There is a mental health practitioner who serves both the jail and juvenile population. That contract is through Nystrom & Associates. The Juvenile Unit implements procedures to ensure that all residents practice good personal hygiene.

<https://www.co.washington.mn.us/471/Public-Health-and-Environment>

<https://www.nystromcounseling.com/>

There is a liberal on-site visiting schedule available for family and friends of inmates, and also special times allotted for families with children.

Experienced and trained investigators from the WCSO are available to respond to allegations of sexual abuse for criminal investigations. The facility also maintains numerous trained staff members for administrative investigations.

The auditor traveled the court route and observed the court holding cells for safety and security purposes and to ensure the continued separation of juveniles and adults for sight and sound requirements. There is a Corrections Officer assigned for supervision and monitoring.

Operational and programming procedures regarding the supervision of inmates are provided by policy and in staff training requirements. They address the safety and security of the inmates, facility, and staff. PREA policies with meaningful practice in all areas of the facility operations and programs and services are demonstrated. All these details noted are relevant to PREA implementation and compliance.

Summary of Audit Findings

The summary should include the number and list of standards exceeded, number of standards met, and number and list of standards not met.

Auditor Note: *No standard should be found to be “Not Applicable” or “NA”. A compliance determination must be made for each standard.*

Standards Exceeded

Number of Standards Exceeded: 2

List of Standards Exceeded: 115.16 Inmates with Disabilities and Inmates with Limited English Proficiency, 115.18 Upgrades to Facilities and Technologies.

Standards Met

Number of Standards Met: 43

Standards Not Met

Number of Standards Not Met: 0

List of Standards Not Met: 0

PREVENTION PLANNING

Standard 115.11: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

All Yes/No Questions Must Be Answered by The Auditor to Complete the Report

115.11 (a)

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

115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? Yes No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? Yes No
- Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?
 Yes No

115.11 (c)

- If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.) Yes No NA
- Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)
 Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- (a) The Washington County Sheriff's Office/Jail Division (WCSO/WCJ) maintains a written policy mandating zero tolerance toward all forms of sexual misconduct in the jail for inmates under its jurisdiction.

All sexual abuse and harassment are strictly forbidden. The jail Prison Rape Elimination Act (PREA) Policy outlines the jail's approach to preventing, detecting, and responding to sexual abuse and sexual harassment. The policy includes definitions of prohibited behaviors as well as sanctions for those found to have participated in prohibited behaviors. The WCSO is committed to maintaining an environment free from sexual abuse and sexual harassment of inmates in the jail. There is zero tolerance for anyone engaged in any form of sexual abuse or sexual harassment of inmates. The WCSO recognizes and acknowledges that sexual abuse and sexual harassment of inmates is prohibited by Federal and State law. The policy further includes a description of strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates.

Additional jail policy addresses the purpose and scope of staff and inmate contact. It describes the interaction with inmates allowing for continual assessment of the safety and security of the facility and the health and welfare of the inmates; however, points out that inappropriate interaction can undermine security and order in the facility and the integrity of the supervision process. This policy provides guidelines for appropriate and professional interaction between members and inmates and is intended to promote high ethical standards of honesty, integrity, and impartiality as well as increase facility safety, discipline, and morale. Violation of this policy may result in disciplinary action up to and including dismissal. Members who seek information or clarification about the interpretation of the policy are encouraged to promptly contact their supervisor.

The auditor studied and reviewed numerous additional policies, procedures, and documents in support of this standard. The WCJ Inmate Handbook that is provided to all inmates contains a section which informs and educates inmates of their right to be free from sexual abuse and harassment, and of the zero-tolerance policy. There are other notices throughout the jail which start at intake, continue in the housing units, and include jail programs and services which support the zero-tolerance ideal. The correctional officers, investigators, contractors, and volunteers are trained in all aspects of the PREA, and specifically that sexual abuse and sexual harassment are not tolerated at the WCJ.

During the facility tour with observations, the auditor asked a few of the inmates about the zero-tolerance policy and their right to be free from sexual abuse and sexual harassment and how to report any incidents. The inmates responded appropriately and were knowledgeable of PREA in jail. One of them showed the auditor on the Canteen Kiosk the PREA notification and described the phone prompts for reporting. They knew that the PREA information was also contained in the inmate handbook and pointed out the PREA posters in their housing units. The intake staff walked me through the PREA screening and notification process.

The WCJ website contains a PREA section which describes: "...The WCSO-Jail has a zero-tolerance policy with regard to sexual abuse and sexual harassment within this facility. The WCSO will take appropriate measures to protect all inmates from sexual abuse and sexual harassment and will promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment."

- (b) The WCJ has designated the Jail Programs Sergeant (Sgt) to be the PREA Coordinator. The WCJ PREA Coordinator is an upper-level supervisor with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards.

The auditor received and reviewed the Sheriff's Office Organizational Chart which indicated that the Jail Programs Sgt reports to the Assistant Jail Commander and then the Jail Commander for chain of command purposes. The Jail Programs Sgt oversees Jail Programmers, Correctional Officer, Jail Program Volunteers, and Jail Program Contractors. For purposes of the 2020 PREA Audit of the WCJ, the PREA Coordinator posted notice of the upcoming audit six weeks prior to the event, provided the auditor with the completed PREA Questionnaire with data for the pre-audit as well as providing the auditor with all related policies, procedures, and supporting documents. The PREA Coordinator was available and responsive for requests for additional documents and/or answers to questions or clarifications needed. During the on-site portion of the audit, the PREA Coordinator actively participated in the audit process with escorts and the coordination of the facility tour, staff and inmate interviews, and requests for additional documentation and review. The PREA Coordinator and PREA Auditor continued communications as needed for follow up information during the post-onsite phase of the audit. The PREA Coordinator is a knowledgeable corrections professional with the ability to focus on agency efforts to comply with the PREA Standards. The PREA Coordinator verified that he felt he had enough time to manage all his PREA-related responsibilities.

The auditor also read and reviewed the WCSO and WCJ Mission Statements, Custody Manual, recent Jail Inspection Reports, Facility Schematic Design, Inmate Population Reports, and staff training records for a total and inclusive overview of the facility and its goals and objectives.

Reference Policies: 613 PREA/613.3 Facility standards/Prevention Planning (a) 1 and 2, 535 Staff and Inmate Contact, 318 PREA Training, 506 Inmate Handbook and Orientation, 122 Anti-Retaliation/122.2 Policy.

Standard 115.12: Contracting with other entities for the confinement of inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.12 (a)

- 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.) Yes No NA

115.12 (b)

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) Yes No NA

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

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

Instructions for Overall Compliance Determination Narrative

The WCSO/WCJ does not contract for the confinement of its inmates but does house inmates for the Minnesota Department of Corrections (DOC) and the United States Marshalls Service (USM). The auditor studied the contracts and inspection reports for the written obligation to adopt and comply with the PREA Standards. The 2018 State of Minnesota Joint Powers Agreement, Section 14 specifies that the Governmental Unit must comply with the PREA of 2003, with all applicable Federal PREA Standards, and with all State policies and procedures related to PREA for preventing, detecting, monitoring, investigating, and eradicating any form of sexual abuse in facilities/programs/offices owned, operated, or contracted. In addition to self-monitoring requirements, the State will conduct compliance monitoring and the PREA Standards require an outside independent audit. As such, there are three levels of compliance monitoring at the WCJ.

The USM Detention Facility Review includes confirmation of the facility PREA compliance program and the Department of Justice (DOJ) PREA inspection.

The WCJ PREA Policy states that the WCJ does contract with other agencies for confinement of inmates and shall include in any new contract or contract renewal the obligation to adopt and comply with PREA Standards. Any new contract or contract renewal shall provide for agency contract monitoring to ensure that WCJ is complying with PREA Standards.

Reference Policies: 613 PREA/613.4 Training and Education/Contractor and Volunteer Training (a) and (b).

The auditor also read miscellaneous service contracts for inmate education and employment programs which incorporates a PREA component. "The Contractor shall comply with the PREA of 2003 with all applicable Federal PREA Standards and with all County 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 County will conduct compliance monitoring and PREA Standards require an outside independent audit." The School "... District and staff shall comply with the PREA of 2003, which establishes a zero-tolerance standard against sexual assault, and with all applicable PREA Standards including background checks...Failure to comply with PREA, including PREA Standards and County PREA Policies may result in termination of the Agreement."

Standard 115.13: Supervision and monitoring

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.13 (a)

- 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 No

- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No NA
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? Yes No

115.13 (b)

- In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.) Yes No NA

115.13 (c)

- 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 No
- 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 No
- 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 No

115.13 (d)

- 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 No
- Is this policy and practice implemented for night shifts as well as day shifts? Yes No
- 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 No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

(a) The WCSO ensures that the jail 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 facility 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.

It is the policy of the WCSO to ensure the safety, security, and efficient operation of the jail by assigning custody personnel according to a detailed staffing plan that is developed and maintained in accordance with law. The WCJ 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. The WCJ staffs their jail above what the MN DOC 2911 rules calls for as 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 WCJ considers all 11 requirements of this standard.

<https://www.revisor.mn.gov/rules/2911/> <https://www.revisor.mn.gov/rules/2911.0900/>

In particular, the Jail Commander maintains an up-to-date staffing plan for the purpose of exercising position control. The staffing plan consists of a comprehensive list of all positions in the facility. Each position has a job description with roles and responsibilities. The Jail Commander adheres to numerous strategies for the management of position control and personnel costs. The Jail Commander also ensures that the staffing plan conforms to the class type and size of the facility and details all custody personnel assignments, including work hours, and weekly schedule. Shift relief factors are also considered. Jail Administration completes an annual comprehensive staffing analysis in conjunction with the PREA Coordinator to ensure that staffing levels are sufficient to consistently and adequately fill positions as required to meet the expectations of this standard. Staff should be deployed in an efficient and cost-effective manner that provides for the safety of staff, inmates, and the public.

Thorough discussions with the Jail Commander and PREA Coordinator verified that the WCJ staffing plan is developed, implemented, documented, and reviewed. Adequate staffing levels are maintained to protect inmates against sexual abuse and are considered as a part of the plan. Video monitoring is widely utilized as a supplement to staff supervision and are utilized for PREA investigations. The auditor reviewed relative documents related to staffing with the PREA Coordinator. The auditor reviewed the current and past PREA Annual Meeting notes, the Jail Staffing Reviews, Quarterly Jail Division Reports, and miscellaneous memos related to staffing that were supplied pre-on-site audit and during the on-site audit. The budget process was also discussed, and I was informed that the jail was just approved for two additional positions. I was also updated as to the shift bidding process and the day-to-day duty roster documents. The WCSO is active and ongoing with its hiring process for the jail to fill vacant positions to attain the full complement of custodial staff.

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. The auditor reviewed a list of jail improvements from 2015 to current and continuing. In 2017-2018 there was a new security system in place which added 30 cameras to the jail, including kitchen and laundry. Visual body worn cameras were also added to the jail. Ten more body worn cameras and new portable radios for Corrections Officers were added this year.

During time spent at the WCJ for three days, the auditor observed sufficient staffing in all areas of the jail with 30-minute well-being checks in progress. Safety and security practices were maintained with jail operations, programs, and services. The jail operated effectively and efficiently.

(b) In the past 12 months, the WCJ has not had an instance where the staffing plan was not complied with. The use of voluntary overtime was explained to the auditor and in rare situations, forced overtime is utilized to maintain the minimum staffing requirements. I was informed by the Jail Commander and the PREA Coordinator that if they did have an occurrence in the case of an emergency or exigent circumstance, the incident would be documented and reported to the MN DOC. We discussed the current situation of the Covid-19 pandemic and some staffing and inmate infection outbreaks in other correctional facilities resulting in lock-down situations and minimal staffing levels. At this time however, the WCJ continues to operate during the pandemic. There is a restriction on what type of arrest can be brought in.

(c) As part of the annual staffing analysis previously described, the PREA Coordinator participates in the review to see whether adjustments are needed to:

- * The staffing plan;
- * The deployment of monitoring technology; or
- * The allocation of facility resources to commit to the staffing plan to ensure compliance with the staffing plan.

The PREA Coordinator confirmed that he is consulted regarding any assessments of, or adjustments to, the staffing plan for this facility. He explained that their philosophy is very team oriented, with open door policies. In addition to the annual staffing review, there are frequent supervisor meetings, ongoing reviews, budget processes, shift bidding processes, and the day-to-day roster assignments addressing jail supervision and monitoring.

(d) As an additional level of supervision and monitoring, administrative and supervisory inspection policies are in place at the WCSO to establish unannounced inspections of the facility's living and activity areas.

This is to encourage contact with staff and inmates and to observe inmate living and working conditions. Inspections are useful in identifying deficiencies which can be corrected, as well as processes working properly, which can be replicated elsewhere in the facility. In addition to the 30-minute well-being check procedures of corrections officers, the Jail Administration (Sgts and supervisors) are required to conduct at least weekly random/non-scheduled rounds of the jail and housing units. The rounds are documented in the permanent jail log. This practice meets the standard requirement of intermediate-level or higher-level staff conducting unannounced rounds to identify and deter staff sexual abuse and sexual harassment. The auditor observed supervisory rounds being met as well as conducted a spot-check of video footage in comparison of a logged entry of the Assistant Jail Administrator making the round at the officer's station as well as a housing unit. The PREA Coordinator ensured the auditor that this practice is implemented for all shifts. Jail staff are not allowed to alert other staff that supervisory rounds are occurring per policy. Intermediate and higher-level jail staff were interviewed. They confirmed the meaningful practice of conducting unannounced rounds on a weekly basis and the documentation process. They explained their observations and communications to ensure safety/security. They believe in continual communication and contact for the protection of staff and inmates. We discussed how to prevent staff from alerting other staff of the unannounced rounds. Jail Administration described the ethics and accountability training recently held with staff regarding this subject.

Reference Policies: 202.7 Staffing Plan, 248.2 Policy/248.3 Staffing Plan Requirements/248.4 Staffing Analysis, 509.4.1 Inmate Supervision and Surveillance, 613 PREA/613.3 Facility Standards: Prevention Planning: WCJ (a) (a), (b), (c), 230 Administrative and Supervisory Inspections/230.3 Inspections, 509 Inmate Supervision/509.4.5 Staff Guidelines (f), 508 Well-Being Checks/508.3 (i). The facility has demonstrated substantial compliance with this standard.

Standard 115.14: Youthful inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.14 (a)

- 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].) Yes No NA

115.14 (b)

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

115.14 (c)

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

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The Sheriff's Office also operates a 5-bed Juvenile Facility that is licensed by the State of Minnesota as an 8-Day Juvenile Temporary Holding Facility (THF). It is a co-located facility to the jail but is a separate and secure entity meeting the separation by sight and sound of adult inmate and program requirements. The facility is inspected on a biennial status by the MN DOC Inspection and Enforcement Unit, of which the auditor reviewed the recent report. There are no youthful inmates housed in the adult jail. The auditor conducted a separate PREA audit for the Washington County THF which can also be viewed on the jail's website.

This standard is not applicable for the jail since the facility does not have youthful inmates under 18 years old.

Standard 115.15: Limits to cross-gender viewing and searches

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.15 (a)

- Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?
 Yes No

115.15 (b)

- 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 No NA
- 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 facility does not have female inmates.) Yes No NA

115.15 (c)

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

115.15 (d)

- 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 No

- 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 No
- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? Yes No

115.15 (e)

- 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 No
- 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 No

115.15 (f)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

(a) The WCJ does not conduct cross-gender strip or cross-gender visual body cavity searches of inmates.

In the past 12 months there were zero cross-gender strip/cross-gender visual body cavity searches of inmates. There were zero cross-gender strip/cross-gender visual body cavity searches of inmates that

did not involve exigent circumstances or were performed by non-medical staff. Numerous jail policies, staff training, and supporting documents address the limits to cross-gender viewing and searches. WCJ policy provides that staff shall not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners. Policy directs that staff members not be placed in positions of responsibility for the supervision and welfare of inmates of the opposite sex in circumstances that can be described as invasion of privacy, degrading, or humiliating to the inmates. Strip searches are to be conducted by same sex staff except under the following conditions:

1. Extreme emergency conditions requiring an immediate strip search; or
2. The strip search is conducted with the use of force and sufficient staff of the same sex is not available.

Any such search shall be documented and justified.

Policy also directs correctional officers to consider the reason for the search, the scope, intrusion, manner, and location of the search, and to utilize the least invasive search method to meet the need for the search.

The auditor interviewed non-medical staff who verified that cross-gender strip searches do not occur at the WCJ. The auditor did not discover any documents pertaining to cross-gender strip searches. There were also no instances of medical cross-gender strip searches.

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

WCJ policy dictates that male staff *shall* not conduct pat searches on female inmates except in exigent or emergency situations. Female staff *may* not conduct pat searches of male inmates, except in exigent or emergency situations. Absent the availability of a same-sex staff member, it is recommended that a witnessing staff member be present during any pat-down search of an individual of the opposite sex. All cross-gender pat-down searches shall be documented.

Additionally, the WCJ does not restrict female inmates' access to regularly available programs and out-of-cell opportunities in order to comply with this provision. Female inmates interviewed all said that they are able to participate in activities outside of their cell and there are always female staff available to conduct pat-down searches. A random sample of staff that were interviewed expressed that they have received training on how to conduct cross-gender pat-down searches, but that there is not a need since there are always female staff on duty. They all verified that female programs are not restricted. In the past twelve months, there were zero cross-gender pat searches conducted at the WCJ. 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 or recreation. The PREA Coordinator and Jail Commander confirmed that there are always both male and female corrections officers working in their co-ed jail.

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

If any inmate's privacy rights are breached for any reason, the Sergeant shall be notified, and all staff involved shall complete jail incident reports prior to the end of their shift. By policy, all searches in this category are to be documented.

- (d) The WCJ 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.

Staff are also prohibited from entering the cell of an inmate of the opposite gender unless there is a same gender staff present, or unless the cell is unoccupied. According to the WCJ Policy for General Supervision, inmates have the right not to be unnecessarily viewed in the nude or while performing private bodily functions, particularly by persons of the opposite sex. 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. Auditory monitoring rather than visual is anticipated in the case of an emergency during normally private activity situations. All of the staff interviewed expressed that they announce their presence when entering a housing unit of the opposite gender and that inmates are able to dress, shower, and toilet without being monitored by staff of the opposite gender. They typically announce: "Male/Female Officer." More of the inmates than not said that staff of the opposite gender announce entry into their housing unit either at the start of their shift for continued checks or on an ongoing basis. On rare occasion, there may be a visual incidental to a routine well-being check. The PREA Coordinator and the auditor conducted a walk-through of the facility and some of the housing units in observance of opposite gender privacy considerations. Transgender and intersex inmates are given the opportunity to shower separately from other inmates. I was shown the separate shower areas available at the jail for situations like this.

- (e) Policy 529.9 Transgender Searches states: "Staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining genital status. If genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records or, if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional."

No searches as referenced above occurred at the WCJ in the past twelve months. There was one transgender inmate available to interview who confirmed that there was no search for that purpose. All corrections staff interviewed said that they are not allowed to do this and that it is against their policy to search an inmate to determine their gender. The auditor further reviewed the PREA Screening forms in support of this standard.

- (f) The WCSO 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 PREA Coordinator supplied the auditor with staff training records, class rosters, PREA test samples, training files, curriculum and other training material in support of this standard. The Training Sgt and PREA Coordinator ensure that staff are provided with training specific to how to search an inmate. The auditor studied all the PREA training records and curriculum including the Cross-Gender and Transgender Pat Searches training video by the PREA Resource Center (PRC) and the Moss Group. Staff are required to sign and acknowledge understanding of the material received. All staff interviewed responded positively that they had received recent training on this topic.

Reference Policies: 509 Inmate Supervision/509.4.4 Supervision of Inmates of the Opposite Sex, 529 Searches/529.3 Pat-Down Searches/529.4 Modified Strip Searches, Strip Searches, and Body Cavity Searches, 529.8 Training, 529.9 Transgender Searches, 613 PREA/613.3 Facility Standards.
Prevention Planning: Limitations to Cross-Gender Viewing and Searches, 814 Inmate Hygiene/814.9 Inmate Showers.

The facility has demonstrated full compliance with this standard.

Standard 115.16: Inmates with disabilities and inmates who are limited English proficient

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.16 (a)

- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? Yes No
- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No

- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision? Yes No

115.16 (b)

- Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient? Yes No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No

115.16 (c)

- 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 No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

(a) (b) The WCSO 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. The WCJ has numerous policies with procedures which address this standard. There are also notices, forms, documents available for review in support of this standard.

The WCSO has a general policy which provides guidance for members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind. The office will not discriminate against or deny any individual access to services,

rights, or programs based upon disabilities. The office has a designated Americans with Disabilities Act (ADA) Coordinator designated by the Sheriff. 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. The custody manual maintains a policy for Inmates with Disabilities. This policy provides guidelines for addressing the needs and rights of inmates detained by the WCSO in accordance with the ADA and Minnesota Human Rights Act (MHRA).

As related to PREA, the WCJ has policies which address Inmates with disabilities or who are Limited English Proficient (LEP). It states that the WCJ staff shall take appropriate steps to ensure that inmates with disabilities have an equal opportunity to PREA participation and benefits. The jail's inclusive list of disabilities are: deaf or hard of hearing, blind or low vision, and intellectual, psychiatric, or speech disabilities. Specifically, the policy directs ways to effectively communicate with inmates who are deaf or hard of hearing, and access to interpreters who can interpret effectively, accurately, and impartially. It is the responsibility of the PREA Coordinator to ensure written materials are provided in formats or through methods that ensure effective communication for inmates with disabilities. Likewise, staff are required to take reasonable steps to ensure meaningful access to all aspects of PREA for inmates with these disabilities, including steps to provide interpreters who can interpret both receptively and expressively, using any necessary specialized vocabulary. 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 presented 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 PREA orientation material. The WCSO/WCJ publishes on their website the availability of deaf and hard of hearing services:

"Deaf and Hard-of-Hearing Services

Inmates in custody at the Washington County Jail will be provided full and equal access to services and programs. The County will use its best efforts to provide inmates effective auxiliary aids and services that will permit deaf and hard-of-hearing inmates to have the ability to communicate with people outside of the jail that other inmates have. The Washington County Jail has policies and procedures in place that it will provide appropriate auxiliary aids (including ASL interpreters and Video Remote Interpreting) to allow effective communication with all deaf and hard-of-hearing inmates. Sign language, oral interpreters, video remote interpreting, texting, TTYs and other auxiliary services are available to deaf and hard-of-hearing inmates free of charge.

The Washington County Jail will not retaliate against, or coerce in any way, any person who exercises or attempts to exercise his or her rights to services and programs while in custody.

If you need help or have a question, please contact the Deaf and Hard-Of-Hearing Coordinator at 651-430-7900." <https://www.co.washington.mn.us/943/Jail-Info>

The auditor received and reviewed the evidence which supported this standard. Documentation reviewed were contracts and invoices with interpretive services. The auditor received copies of the Language Line Solutions Quick Reference Guide, the LEP Guide, Keystone Interpretive Services information, UBIDUO information for deaf inmates, and Spanish Specialists invoices. The auditor also reviewed the corresponding forms to document use of services.

The auditor interviewed a total of three LEP inmates. Only one of the inmates required the language line which the auditor easily operated with a speaker phone and instructions on the form itself. The interpreter was easily understood on both ends of the conversation while conveying content. A second inmate said that she only needed an interpreter for court because of the "harder words." All three inmates said that they

were able to understand information about sexual abuse and sexual harassment that was given by staff. They said that when they first got here, they were told about PREA and since then they were given a Spanish inmate handbook and rule book. One of the inmates is able to read the English language and pointed out posters and notices on the canteen kiosk. They said that staff are helpful and that they understand their rights concerning sexual abuse and sexual harassment and how to report it. I asked them all if they felt safe in jail and they said yes.

Additional information and material reviewed with the PREA Coordinator was the Spanish Inmate Handbook and the 2015 version of the inmate handbook, forms, and orientation materials in Brail and American Sign Language video with closed captioning. The WCJ allows deaf and hard of hearing inmates the use of cell phones for communication. The jail also has a texting only cell phone for those inmates to use. The jail also has five amplifiers for hard of hearing inmates. Also available are two digital notepads for use with Interpreter Services. The jail has TDD, TTY, Captel, and UBIDUO also available. The jail designates one Sgt as the Deaf and Hard of Hearing Coordinator. She is assisted by two other staff members. Structurally, the jail has numerous handicapped cells for physically disabled inmates. All jail televisions are placed on closed captioning for hearing impaired inmates. Finally, programs staff are available to meet with any inmates who have limited reading and/or comprehension abilities. GED classes are also offered as a part of the education programs and services available at the jail.

All staff are trained in the PREA policies and procedures, including PREA for inmates with disabilities and continue with refresher training at least annually.

(c) The WCJ 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.

In the past 12 months, no inmate interpreters were utilized. Corrections officers interviewed all said that they do not use inmates to interpret for another inmate. They described the use of the language line and interpretive services that are available at the jail when needed.

While observing at Intake at the WCJ, the auditor had the opportunity to observe a language line booking process between an inmate and two corrections officers, which ensured for effective communication with all aspects of the PREA notice and screening requirements.

Reference Policies: 506 Inmate Handbook and Orientation/506.2.1 Orientation for Non-Readers, Visually Impaired, and Deaf or Hard-of-Hearing Inmates, 345 Communications with Persons with Disabilities/345.8 Qualified Interpreters, 604 Inmates with Disabilities, 613 PREA/613.2 Inmates with Disabilities or who are Limited English Proficient.

The WCJ substantially exceeds the requirements of the equal opportunity standard by ways, means, and lengths it goes to in providing equal PREA opportunities to all inmates. They have worked hard over the years to improve meeting all federal and state regulations and guidelines to aid people with disabilities or limited English proficiency.

Standard 115.17: Hiring and promotion decisions

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.17 (a)

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

115.17 (b)

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

115.17 (c)

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

115.17 (d)

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

115.17 (e)

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

115.17 (f)

- 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 No
- 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 No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? Yes No

115.17 (g)

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

115.17 (h)

- Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCSO meets the hiring and promotion decisions requirement of the PREA Standards. According to selection process policies, application processes, and background checks, no person shall be hired or promoted who has:

- Engaged in sexual abuse in a prison, jail, juvenile facility, lockup, community confinement facility or other correctional institution;
- Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, by overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse;
- Been civilly or administratively adjudicated in the activity referenced above.

The Office asks 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.

Every person who may have inmate contact as a member or contractor shall, prior to service, 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 WCSO.

The auditor met with the Administrative/Human Services staff member who coordinates the hiring and promotional process within the WCSO. I was able to review personnel files of employees who had been hired within the past year in order to verify that the contents of the file included proper and thorough criminal background record checks, and that investigations had been conducted with questions regarding their past having been asked and answered. The representative walked me through the application to hiring process.

- (b) The WCSO 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 Human Resources staff explained that not only is this information considered, but with sufficient evidence is considered a "deal breaker" for not hiring, promoting, or enlisting contract services. The auditor again reviewed background investigative reports and corresponding materials within the personnel files.

- (c) Before hiring new employees who may have contact with inmates, the WCSO 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.

In the past 12 months, 23 new employees were hired at the WCJ. 100% of the new employees had criminal background record checks and thorough and complete background investigations with medical and psychological evaluations completed prior to service. The auditor inquired of the Human Services/Administrative staff representative regarding this practice. She confirmed that the WCSO/WCJ performs background checks and considers pertinent civil or administrative adjudications for all newly hired employees who may have contact with inmates, and for all employees being considered for promotions. Civil and Criminal Court records are reviewed through the Department of Public Safety (DPS) and the Minnesota Bureau of Criminal Apprehension (BCA), including a check of Predatory Offender Records (POR) and a Federal Bureau of Investigations (FBI) fingerprint analysis. An Initial Complaint Report (ICR) is created for every criminal history and fingerprint check. They conduct criminal history records checks with fingerprints for contractors who may have contact with residents as well. Again, the auditor reviewed a sample of employee files in meeting the requirements of this standard with consistent background checks. The WCJ PREA policies state that prior to hiring new employees who may have contact with inmates, the WCJ shall perform a criminal background

records check, and consistent with Federal, State, and local laws, make its best efforts to contact prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation.

- (d) The WCSO/WCJ also performs criminal background records checks before enlisting the services of any contractor who may have contact with inmates. In the past 12 months, five contracts for services were enlisted. All the contractors had background records checks performed. Again, the Human Resources/Administrative representative verified that criminal history records checks with fingerprints are accomplished for any contractor who may have contact with inmates prior to service. The auditor was provided with contractor files for viewing and confirmed this consistent process. Member, contractor, and volunteer background checks are required by policy.
- (e) WCSO/WCJ 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 Human Services/Administrative staff explained the system currently in place to conduct criminal record background checks of current employees and contractors who may have contact with inmates. She showed me the chart with names and dates which captures five-year interval checks. (2000, 2005, 2010, etc.) So, for example, if a person was hired in 2019, they would have another background check the following year and then every five years from there on.
- (f) The WCJ asks all applicants and employees who may have contact with inmates about previous misconduct referenced above at various points throughout the written application, interviews, and hiring process with background investigations for hiring or promotions, and in any interviews or written self-evaluations conducted as part of performance reviews of current employees. Additionally, the WCSO/WCJ imposes upon employees a continuing affirmative duty to disclose any such previous misconduct. The auditor discussed this sub-standard requirement with the PREA Coordinator and Human Services staff at length and verified the practice by studying the supporting forms and documents including the Agency-Wide Questions, the Employment Application, the Respectful Workplace Policy Acknowledgement, and the Performance Evaluation form. Numerous policies enforce these employee requirements.
- (g) WCSO/jail policy states that material omissions regarding such misconduct, or the provision of 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. Secondary forms were again reviewed in support of this standard. The auditor also reviewed the Disqualification Guidelines by policy.
- (h) Policies are also in place which address requests for information from an institutional employer for providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee. The auditor discussed this process with the Human Services/Administrative Representative. We discussed data practices, proper Release of Information form requests, and the release of certain records. When a former employee applies for work at another institution, upon request from that institution, the WCSO/Jail does indeed provide information on substantiated allegations of sexual abuse/harassment involving the former employee when legally requested in writing on the appropriate executed documents with the approval of the Administrator.

Service contracts also enforce that PREA Standards are complied with. The auditor read miscellaneous service contracts for inmate education and employment programs which incorporate a

PREA component. “The Contractor shall comply with the PREA of 2003 with all applicable Federal PREA Standards and with all County 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 County will conduct compliance monitoring and PREA Standards require an outside independent audit.” The School “... District and staff shall comply with the PREA of 2003, which establishes a zero-tolerance standard against sexual assault, and with all applicable PREA Standards including background checks...Failure to comply with PREA, including PREA Standards and County PREA Policies may result in termination of the Agreement.”

Reference Policies: 308 Selection Process/308.4 Disqualification Guidelines/308.4.1, 613 PREA/613.3 Hiring and Promotion Decisions, 1005 Criminal Background Check.

The WCJ meets all requirements of the hiring and promotions PREA Standard.

Standard 115.18: Upgrades to facilities and technologies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.18 (a)

- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency’s ability to protect 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.)
 Yes No NA

115.18 (b)

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency’s ability to protect 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.)
 Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The WCJ has not acquired a new facility or made a substantial expansion to existing facilities since the last PREA Audit in 2017. They have not installed or updated a new video monitoring system, electronic system, or other monitoring technology since then.

With that being said, the WCJ operates proactively with continual improvements both structurally and electronically for safety and security purposes and in an effort to enhance the facility's ability to protect inmates from sexual abuse.

WCJ Policy 613.3 provides that 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 jail's ability to protect inmates from sexual abuse. The agency also considers how technology updates may enhance the ability to protect inmates.

The auditor was provided with documents and reports and discussed with Jail Administration and the PREA Coordinator the various improvements accomplished since the last audit as related to the above referenced objectives. Visual Labs body worn cameras were implemented in the jail in 2017 and additional cameras were added this year. Also, in 2017, the Stanley Security System with 30 additional cameras to the jail including kitchen and laundry was installed and finalized by 2018. Three jail elevators were replaced since the last PREA audit. Staffing wise, two full time Corrections Officers were added to the security compliment. Physically, four stairwell barriers in four housing units with the most vulnerable inmates were installed. In the area of medical and mental health, an additional 24 hours was approved for mental health professional staffing and they are in the process of revising all medical and mental health policy and procedure to the national best practices standards with a draft. This year, the jail received all new portable radios for improved communications. Strategic plans for jail improvements are noted through the year 2023.

The Sheriff, Jail Administration, and PREA Coordinator assured the auditor that any major upgrade to the facility and/or technology would absolutely consider the effects upon the agency's ability to protect inmates from sexual abuse and the safety of inmates and staff is one of their top priorities. They are to be positively recognized for their pro-active approach to safety and security improvements in the jail and their enhanced operations, programs, and services.

For these reasons, the WCSO/WCJ exceeds the requirements of the PREA Upgrades to Facilities and Technology Standard in all material ways.

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.21 (a)

- If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence

for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)

Yes No NA

115.21 (b)

- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) Yes No NA

- Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) Yes No NA

115.21 (c)

- 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 No

- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? Yes No

- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? Yes No

- Has the agency documented its efforts to provide SAFEs or SANEs? Yes No

115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? Yes No

- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency *always* makes a victim advocate from a rape crisis center available to victims.) Yes No NA

- Has the agency documented its efforts to secure services from rape crisis centers? Yes No

115.21 (e)

- As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews? Yes No
- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? Yes No

115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) Yes No NA

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency *always* makes a victim advocate from a rape crisis center available to victims.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCSO/WCJ have licensed, trained, and experienced investigators who are responsible for investigating criminal and administrative allegations of sexual abuse using a uniform evidence protocol.

Criminal Investigators are Deputy Sheriffs of the WCSO. They are licensed by the State of Minnesota after completing an educational 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 auditor reviewed numerous policies, procedural documents, training and curriculum records, and investigative files as evidence of this standard. The auditor also interviewed investigators, corrections officers, the Sheriff, Jail Commander and PREA Coordinator who detailed this response practice. Allegations of sexual abuse are always referred and investigated by agency investigators, but

if it involves a staff member, an outside agency conducts the investigation. All investigations are prompt, thorough, and objective. This WCJ policy is also published on its website.

<https://www.co.washington.mn.us/2244/PREA>

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

Jail staff interviewed had knowledge and understood the agency's protocol for obtaining physical evidence if an inmate alleges sexual abuse. They described the many ways to preserve the scene and protect the inmate and the evidence. They said that they would remove the alleged inmate victim from the area and prevent them from showering, brushing their teeth, washing clothes, refrain from going to the bathroom, not drink or eat anything, start the emergency medical services (EMS), and report to Sgt and Investigations. The alleged crime scene itself would be secured. They also were able to explain their roles and responsibilities as the First Responder on the scene. They said they would report and document and follow the First Responder Checklist as a guide. They also said that the victim would be provided an advocate and would be provided medical treatment and transported to the hospital for a forensic examination. Staff knew who was responsible for conducting investigations for administrative or criminal investigations.

The auditor reviewed 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 was utilized as a tool for investigating sexual abuse allegations.

- (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 auditor reviewed their specialized investigator PREA training curriculum by the PREA Resource Center. 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.

- (c) The WCSO provides all inmate victims of sexual abuse access to forensic medical examinations at the Lakeview Hospital free of charge.

Such examinations are performed by Sexual Assault Nurse Examiners (SANEs). The Lakeview Hospital is conveniently located just 1.5 miles from the jail. In the past 12 months, there were no forensic examinations needed at the WCJ. Responsive Planning policies at the WCJ address evidence protocol, forensic medical examinations, and crime scene preservation. Procedures are in place to preserve the crime scene on any alleged sexual abuse. This includes contacting the agency investigative division to begin an investigation. The WCJ has included in the procedures referral to a Sexual Assault Advocate. Regions Hospital out of St. Paul affiliated with Health Partners system employs the RN SANE Supervisor for the region. The Auditor reached out to the SANE Supervisor and inquired about the program. She explained that she supervises a staff of 18 SANEs through the Regions Hospital and Health Partners Family of Care. They serve five hospitals, including the Lakeview Hospital in Stillwater. She further explained the procedure that in the event of an inmate sexual abuse incident, their number would be called, and they would page out the nurse on call to respond. They are available 24/7 and the nurses take turns being on-call. In the event that the on-call nurse has already been called out to another hospital, they will conduct a group page for another SANE

to respond secondary. She said that they can be called out up to ten days after the incident. In addition to forensic examination, patient history is acquired, prescriptions are arranged, and psychiatric care is initiated as needed. (651) 254-1611.

Training is also available to jail medical/mental health staff. She recently provided SAFE/SANE training to the nursing staff for information and coordination purposes. The actual examination process still takes place at the hospital. The auditor reviewed the training curriculum of Caring for the Sexual Assault Patient in Custody in support of this standard.

The auditor studied the medical and mental health policies and procedures related to sexual abuse response. It states that all victims of sexual assault will receive appropriate and intermediate intervention by trained personnel. The inmate may be sent to Lakeview Emergency Room for evaluation by the Region's SANE nurse. Referrals for SANE exam can be made up to 10 days after the assault. Consent must be obtained from the victim prior to a SANE exam. The overall Forensic Evidence policy establishes clear guidelines for health services.

- (d) A Memorandum of Understanding (MOU) between Canvas Health and the WCSO/WCJ was executed in 2014 and has since been updated pending review by the County Attorney. The agreement states that Canvas Health, Inc. will be authorized to perform all advocacy services pertaining to inmates who have experienced sexual assault/harassment within the confines of the WCJ.

A Canvas Health Advocate may accompany and support the victim through the medical forensic examination and investigatory process. According to policy, if an advocate is unavailable, a staff member, or other qualified community based organizational staff member will accompany the victim to the hospital. The WCJ has included in their procedures a referral process to a Sexual Assault Advocate. The auditor observed posters and brochures from Canvas Health Abuse Response Services. They were located in the housing units, program areas, and public lobby of the facility. The services advertised are free and private support to survivors of sexual abuse and information on how to make a private phone call. There is also a 24-hour crisis line available. The auditor contacted the Abuse Response Services Supervisor who confirmed their working relationship with the WCSO and jail. She said that their parent company is Canvas Health. She explained that their business line is available from 6:00 am to 6:00 pm, and that an answering service is available after hours. The people that answer after hours are also trained advocates themselves and they are the first call for help. Referrals to the response advocates are made immediately.

24-Hour Crisis Line: (651) 777-1117 or Business Office: (651) 255-8559.
<https://www.canvashealth.org/location/stillwater/>

- (e) As requested by the victim, a Canvas Health Advocate may accompany and support the victim through the medical forensic examination and investigatory process.

According to policy, if an advocate is unavailable, a staff member, or other qualified community based organizational staff member will accompany the victim to the hospital. They will provide emotional support, crisis intervention, information, and referrals.

Reference Policies: 318 PREA Training/318.5 Specialized Investigative Training, 613 PREA/613.4 Specialized Training/613.7 Official Response Following an Inmate Report/613.8 Responsive Planning/613.9 Investigations, Medical Policy/Procedure 516 Sexual Abuse.

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

Standard 115.22: Policies to ensure referrals of allegations for investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.22 (a)

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

115.22 (b)

- Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? Yes No
- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? Yes No
- Does the agency document all such referrals? Yes No

115.22 (c)

- If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).) Yes No NA

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCSO/WCJ maintains policies and provides procedures to ensure referrals of allegations of sexual abuse/sexual harassment for investigations.

The WCJ publishes on their website PREA information including taking appropriate measures to protect all inmates from sexual abuse/sexual harassment and that they will promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment. The notice explains how to report sexual abuse behind bars and provides contact phone numbers within the agency or community resources (Canvas Health Abuse Response Services).

In the past 12 months, there were 10 allegations of sexual abuse and sexual harassment that were received. All the reports were either administratively investigated or reported out to another agency. The Sheriff of the WCSO verified that an administrative or criminal investigation is completed for all allegations of sexual abuse or sexual harassment. He described the process to the auditor starting with the report and referral and explaining the investigation process to completion.

<https://www.co.washington.mn.us/3218/PREA>

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

The WCJ publishes their policy on its website. The WCJ documents all such referrals. The WCSO has the legal authority to conduct such investigations. The WCSO/WCJ have licensed, trained, and experienced investigators who are responsible for investigating criminal and administrative allegations of sexual abuse using a uniform evidence protocol. Criminal Investigators are Deputy Sheriffs of the WCSO. The WCSO assigns investigators with legal authority to conduct criminal investigations. They are licensed by the State of Minnesota after completing an educational 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. WCSO investigators are trained in sexual abuse investigations involving victims and investigate all allegations of sexual abuse including third-party and anonymous reports. 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, the PREA tracking log, specialized investigator training records, documentation of referrals for investigation of allegations of sexual abuse/sexual harassment, the WCJ website, and interviewed two investigators of the WCSO to confirm the accuracy of this standard. The investigators said that agency policy requires allegations of sexual abuse/sexual harassment be referred for investigation. They explained their legal authority to conduct criminal investigations or administrative investigations if the allegation does not involve potentially criminal behavior. They confirmed their role and responsibilities as investigators and described their experience and provided verbal examples of their work.

<https://www.co.washington.mn.us/3218/PREA>

Reference Policies: 613 PREA/613.4 Specialized Training: Investigations/613.9 Investigations. Policies to Ensure Referrals of Allegations for Investigations, 318 PREA Training/318.5 Specialized Investigative Training.

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

TRAINING AND EDUCATION

Standard 115.31: Employee training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? Yes No
- 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 No
- 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 No
- 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 No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? Yes No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? Yes No
- 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 No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? Yes No
- 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 No
- 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 No

115.31 (b)

- Is such training tailored to the gender of the inmates at the employee's facility? Yes No
- 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 No

115.31 (c)

- Have all current employees who may have contact with inmates received such training? Yes No
- Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures? Yes No
- In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies? Yes No

115.31 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCJ trains all employees who have contact with inmates on all the mandated elements of the employee training standard as referenced above.

The auditor reviewed the jail policies and procedures and the corrections officers training records and curriculum which verified their initial training, ongoing education, and refreshers.

All staff, volunteers, and contractors that have contact with inmates shall receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within the facility. The Training Sgt and PREA Coordinator shall ensure that the staff receives training and testing in prevention and intervention techniques, that they have sufficient knowledge to answer any inmate questions regarding sexual abuse/sexual harassment, and that they are familiar with the reporting process to take an initial report. The Training Sgt is responsible for developing and administering this training. Jail policy also requires training and education in all the PREA standard elements for their

employees who have contact with inmates. New employees shall complete their PREA training within their first year of employment. Current employees are required to participate in refresher training every two years from the date of their initial training. PREA training is monitored and ensured through coordinated efforts between the Training Officer and the PREA Coordinator. Documentation and training records are maintained.

The assistant auditor interviewed correctional officers regarding this standard. 100% of the staff confirmed that they had received PREA training on all elements required of the standard. They described their initial training, annual training, and refresher training. They said that they receive annual PREA training on a variety of topics. They described the various training methods. The responses to inquiries confirmed that the employees who have contact with inmates receive PREA education and training on the required elements of the standard. The auditor reviewed the WCJ training logs, training files and records, and tests related to PREA in support of this standard. The auditor verified course content and legitimate sources. Daily Training Bulletins and memos are also utilized as PREA topic refreshers intermittently.

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

The WCJ is a co-ed facility. Staff receive additional training on security measures and the separation of male and female populations in the same facility staff has been assigned. Corrections Officers also receive training on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming inmates. They also receive training on cross-gender and transgender searches. The auditor read and reviewed the 2020 Fall Refresher PREA training course, and a sample of other records in support of this standard.

- (c) At the time the auditor received the PREA Questionnaire from the facility, approximately 80% of the jail staff had accomplished their annual PREA training and retraining requirements. By the time of the on-site audit, nearly all the staff had completed the required training and training was ongoing.

Between trainings, the WCJ provides employees with annual refresher information on the policies and procedures regarding sexual abuse and sexual harassment in confinement. Jail staff receive PREA retraining more than once every two years, which is the minimum requirement. The 2020 Online Class Spring PREA Training, the 2020 Fall Refresher PREA Course, PREA training records, class rosters, and the PREA Training Acknowledgement documents were reviewed as evidence of the frequency and content of PREA training.

- (d) PREA training at the WCJ includes written testing to validate knowledge and understanding of the material.

The Training Sgt and PREA Coordinator document through signature or electronic verification, that staff, volunteers, or contractors have received and understand the training. This is captured through executed signatures and dates noted. 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. These training records are maintained by the PREA Coordinator. Again, the auditor reviewed the training records and written acknowledgement of understanding documents supporting this standard.

Reference Policies: 613 PREA/613.4 Training and Education: Employee Training, 529 Searches/529.8 Training, 318 PREA Training/318.3 Member Training.

The WCSO/WCJ meets this PREA Training Standard in all material ways as evidenced and described above.

Standard 115.32: Volunteer and contractor training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.32 (a)

- 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 No

115.32 (b)

- 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 No

115.32 (c)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCJ 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.

There are a total of 88 volunteers and individual contractors at the WCJ and 100% have been PREA trained.

All contractors and volunteers who have contact with inmates are given the WCJ PREA Informational Packet. The documents contain information regarding prevention, detection, and reporting of sexual

abuse or sexual harassment. All volunteers are required to sign an acknowledgement form stating they have read and understand PREA Policies, procedures, and training they received. The PREA Coordinator maintains these records for as long as services are provided plus five years. The auditor reviewed the Sexual Misconduct handout, A Guide for Staff, Contractors, and Volunteers. The WCSO specifically forbids any activity associated with or that promotes acts of sexual conduct, including sexual harassment between inmates and WCJ employees, contractors, volunteers, representatives, and staff from other federal, state, or local jurisdictions. The Guide gives the definition of sexual misconduct, addresses its Issue of Power, explains forms of sexual misconduct, their consequences, considerations, and A Special Note to People in Positions of Power. This information is maintained in the Volunteer Handbook. The auditor also reviewed the Power Point presentation which is given as part of a comprehensive orientation training for volunteers. There is a large section regarding PREA, containing PREA purposes, sexual misconduct, definitions, the PREA Standards, responder roles and responsibilities, Minnesota Statutes of criminal sexual conduct, and considerations and effects. The auditor reviewed a sample of training records and acknowledgement forms of contractors and volunteers during the on-site audit.

The auditor and assistant auditor interviewed two volunteers and two contractors who have contact with inmates. They were asked if they have been trained in their responsibilities regarding sexual abuse and sexual harassment prevention, detection, and response, per agency policy and procedure. They all confirmed. They were able to articulate the type of training and described their initial training and continuing PREA education. They described their orientation PREA training, in-person training, and on-line training for continuing education. They said they receive training every other year if not more. They described testing. They described how to report a sexual abuse or sexual harassment. They felt their training was very adequate for their roles as volunteers or contractors in the jail. Some of the contractors are provided WCSO member training in addition to their own organizations providing them with separate PREA training specific to their positions within the jail. One contractor spoke of the mandatory reporting requirements and said that prior to working here, he was required to undergo a background check.

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

All volunteers and contractors who have contact with inmates have been notified of the agency's zero tolerance policy regarding sexual abuse or sexual harassment and how to report such incidents. The auditor reviewed the content of the PREA training materials for contractors and volunteers and verified this standard requirement. The contractors and volunteers interviewed verified that they had been notified of the zero-tolerance policy and how to report incidents of sexual abuse or sexual harassment. They described their training content and frequency.

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

The PREA Coordinator maintains these records for as long as services are provided plus five years. The auditor and PREA Coordinator reviewed a sample of training records maintained and he described the type of PREA training provided to all contractors and volunteers of the WCJ.

Reference Policies: 318 PREA Training/318.3 Member Training, 613 PREA/613.4 Contractor and Volunteer Training.

The facility has demonstrated full compliance with this standard.

Standard 115.33: Inmate education

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.33 (a)

- During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? Yes No
- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? Yes No

115.33 (b)

- 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 No
- 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 No
- 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 No

115.33 (c)

- Have all inmates received the comprehensive education referenced in 115.33(b)? Yes No
- 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 No

115.33 (d)

- Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? Yes No

- Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? Yes No

115.33 (e)

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

115.33 (f)

- 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 No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) During the intake process, inmates at the WCJ 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.

The Inmate Education and Inmate Handbook and Orientation Policies require that initial information be provided to the newly arrested and detained inmates.

In the past 12 months, there were 4,889 people admitted into the WCJ. 100% were provided this information at intake. The auditor and assistant auditor interviewed a random sample of inmates and intake staff. In terms of this PREA standard, the intake staff verified that inmates are provided with information about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. They said that all new inmates are always told during the booking process. They described the PREA form which is read to the incoming inmate and they are asked if they understand. A signature with date is documented. The auditor spent a considerable amount of time in the booking room and observed the intake process. One of the intake officers demonstrated and provided information as to the PREA advisory. He showed me a sample of the accomplished documents. The majority of inmates interviewed recalled receiving PREA information, used the phrase zero-tolerance, and were able to articulate some of the ways to report a sexual abuse or sexual harassment situation. The auditor reviewed numerous corroborating records including a sample of intake records with signatures, jail logs, and receipt of the inmate handbook ensuring that relevant information is covered.

There are Canvas Health Abuse Response Services posters and PREA Notices with zero tolerance statements and reporting information at intake and throughout the jail. The WCJ inmate handbook contains PREA Education to initially inform the inmate of their zero-tolerance and reporting policies as well as continuing education on the subject.

- (b) The auditor was informed that 322 inmates stayed 30 days or longer at the WCJ, and that 100% received continuing education regarding PREA. Within 30 days of intake, the WCJ provides comprehensive education to inmates of their right 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 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. Inmate population statistics and jail logs were also reviewed in support of this standard. Every inmate receives an inmate handbook which contains PREA information, including their right to be free from sexual abuse/sexual harassment and to be free from retaliation when reporting sexual abuse or sexual harassment. This means their confidentiality will be protected. The WCJ Inmate Handbook also provides further information as to response policies. Definitions are provided and reporting procedures are listed. Advocacy services are also advertised. The handbook also lists areas that are considered *Out Of Bounds* for any inmate and describes the emergency button on the intercom in case of an emergency such as an assault. Additionally, the jail provides a booklet of rules and regulations. All of this is for the protection of the inmate while in custody. The Turnkey Communication and Canteen Kiosks which are located in every housing unit, requires an initial acknowledgement and occurs every 30 days thereafter. The acknowledgement affirms that they have read and understand jail sexual abuse and sexual harassment information and how to report such behavior to jail staff before they sign on to the Kiosk. The inmate phone system also contains a reporting element with their prompts. There is an inmate PREA Orientation Video available as needed. The auditor and assistant auditor inquired about the comprehensive inmate education with the intake staff and a random sample of inmates. The majority of inmates responded positively that when they first came here, they were told about their right not to be sexually abused or sexually harassed, how to report sexual abuse or sexual harassment, and their right not to be punished for reporting sexual abuse/sexual harassment. When asked how long after coming to the WCJ did they receive this information, their responses ranged anywhere from within a few minutes to within an hour or two, or within a day. As a comparison, the PREA Screening Process standard requires a 72-hour time limit. Intake staff described how their jail ensures that inmates are PREA educated. They described the initial information with inmate handbook and PREA Notices and signs in the housing units. They said that they are made aware of these rights from the booking process and usually within ten minutes to an hour after arrival.

<https://securustechologies.tech/>
<http://www.turnkeycorrections.com/>

- (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.

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

- (d) The WCJ 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.

In addition to English, orientation information will be provided in the most commonly used languages for the inmate population, which is Spanish in this case. Translation and Interpretive services are provided as needed and as referenced in the auditor's narrative of Standard 115.16: Inmates with Disabilities. The Auditor read the WCJ LEP Guide which serves those who are: limited in speaking English, limited in understanding English, hearing impaired or speech impaired for the purposes of reporting sexual abuse/harassment in accordance with PREA. 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 WCJ website lists services that are provided for the deaf and hard of hearing. Inmates in custody at the WCJ will be provided full and equal access to programs.

<https://www.co.washington.mn.us/3197/Jail-Division>

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

The auditor again reviewed these records to verify this standard compliance.

- (f) In addition to providing the previously referenced PREA education, the WCJ ensures that key information is continuously and readily available and visible to inmates through posters, the inmate handbook, inmate PREA brochures, and the Turnkey Communication and Canteen Kiosk.

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

Reference Policies: Inmate Handbook and Orientation, 613 PREA/613.4 Training and Education/Inmate Education.

For the reasons and evidence described in the body of this narrative, the WCJ substantially complies with all sub-parts of the Inmate Education PREA Standard. The auditor and PREA Coordinator discussed the importance of emphasizing the zero-tolerance and reporting policies for inmate PREA introduction and education.

Standard 115.34: Specialized training: Investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.34 (a)

- 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 No NA

115.34 (b)

- Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA
- Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA
- Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA
- Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (c)

- Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCSO endeavors to comply with the training standards in the PREA Rule and requires that all staff, contractors, and volunteers be made aware of their responsibilities, and of the policies and procedures of the jail as they relate to PREA.

All staff who have contact with inmates shall receive training on the prevention and detection of sexual abuse/sexual harassment and their coordinated response procedures in the event of an incident within this facility. In addition to this member training, specialized investigative training for investigators is required by policy. The investigators shall receive training for conducting sexual abuse and sexual harassment investigations in confinement settings. There is a total of 6 officers who are trained and available to conduct investigations for sexual abuse/harassment allegations upon referral.

Two PREA trained investigators of the WCSO were interviewed by the auditor. They both verified their training education and history specific to conducting sexual abuse and sexual harassment investigations in confinement settings. The auditor also was provided with investigator PREA training records and certificates. Classes and curriculum were provided to the auditor. The training resources were provided by nationally known and reputable correctional and health training organizations such as the PREA Resource Center (PRC), the American Jail Association (AJA), and Relias.

<https://www.americanjail.org/education>

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

<https://www.relias.com/>

- (b) According to WCSO jail policy, specialized investigative training for investigators shall include the uniform evidence protocol to maximize the potential for obtaining useable evidence. The investigators 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 class rosters in support of this requirement. The auditor and the PREA Coordinator discussed future refresher and retraining courses. The auditor recommended classes by the PRC or the National Institute of Corrections (NIC). The DOC and the Minnesota Sheriff's Association (MSA) are also organizations that may coordinate such trainings.

- (c) Training records are maintained by the WCSO and the WCJ. The auditor reviewed the documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

Reference Policies: 318 PREA Training/318.5 Specialized Investigative Training, 613 PREA/613.4 Training and Education/Specialized Training: Investigations.

Standard 115.35: Specialized training: Medical and mental health care

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.35 (a)

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA

115.35 (b)

- If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.) Yes No NA

115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA

115.35 (d)

- 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 No NA
- 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 No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

(a) Jail, Public Health, and Mental Health divisions of the WCSO all have policies which mandate that medical and mental health staff who work regularly in the jail be trained in:

- How to detect and assess signs of sexual abuse/sexual harassment;
- How to preserve physical evidence of sexual abuse;
- How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

The auditor examined all related policies and verified that these required elements are addressed. There is a total of 6 part-time or full-time nurses. The WCJ contracts with one MD and one Mental Health Provider. Medical and mental health staff who work regularly at the jail have all received member and specialized medical training regarding PREA. 100% of the medical/mental health staff have received power point and online PREA training. Four of the nurses received in person SANE and PREA training this year. The Nurse Supervisor was interviewed and confirmed that medical and mental health staff receive specialized medical training regarding sexual abuse and sexual harassment. She described that all elements of the standard are included in their training, including a review of policies and protocols related to sexual abuse and sexual harassment response.

Policies indicate that all staff, volunteers, and contractors who have contact with inmates receive office approved training on the prevention, detection, and coordinated response of sexual abuse/sexual harassment within the facility. Additionally, all qualified health care and mental health professionals who work in the facility receive PREA specialized medical training. The WCJ utilizes WC Public Health Nursing for their correctional health care services and contract the services of a mental health care professional.

The auditor also read the related jail health care policies which provide for access to health care and address medical emergency response. Other related policies that were reviewed include referrals and specialty care and the provision of mental health services. The auditor also studied the jail and medical screening and assessment forms, examination documents, secondary materials, and the Public Health - Sexual Assault Response Checklist related to sexual abuse victimization and referral.

(b) N/A. Medical staff at the WCJ do NOT conduct forensic examinations; however, receive training for understanding and coordination of the process in the event of a sexual abuse incident.

The auditor reviewed the presentation materials provided by the SANE Supervisor for the Sexual Assault Nurse Examiner Program from Regions Hospital, a Health Partners Family of Care in St. Paul. The auditor reviewed the related curriculum in support of this standard. Also reviewed were the Lakeview Hospital Emergency – SANE Program Discharge documents. The auditor spent a considerable amount of time in the medical unit of the jail and spoke with the nurses. They provided the auditor with training information they receive related to PREA and their coordination efforts with the SANE program. In the event of a sexual

assault occurrence, an inmate victim would be transported to the Lakeview Hospital as part of the emergency response and investigation process.

<https://www.healthpartners.com/hospitals/regions/specialties/emergency-center/sexual-assault-care/>
<https://www.healthpartners.com/care/hospitals/lakeview/>

- (c) and (d) The WCSO maintains documentation that medical and mental health practitioners have received training referenced in this standard.

The PREA Coordinator provided the auditor with both member, contractor, and specialized medical training records which consisted of class rosters, member training contents, and the Power Point Curriculum: Caring for the Sexual Assault Patient in Custody. The Nursing Supervisor and the nurses advised the auditor that they receive a variety of PREA training, including the specialized medical training necessary to respond to sexual abuse victimization. Sexual Assault Health Policies are also reviewed as part of this training.

Reference Policies: 318 PREA Training/318.4 Specialized Medical Training, 613 PREA/613.4 Special Training: Medical and Mental Health Care, Health Policy 516 Sexual Assault, Health Policy 512 Mental Health, 702 Access to Health Care, 706 Referrals and Specialty Care, 708 Emergency Health Care Services, 724 Mental Health Services, 726 Mental Health Screening and Evaluation, and 728 Special Needs Medical Treatment.

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

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.41: Screening for risk of victimization and abusiveness

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.41 (a)

- 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 No
- 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 No

115.41 (b)

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

115.41 (c)

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

115.41 (d)

- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- 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 No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? Yes No

115.41 (e)

- 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 No
- 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 No
- 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 No

115.41 (f)

- 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 No

115.41 (g)

- Does the facility reassess an inmate's risk level when warranted due to a referral? Yes No
- Does the facility reassess an inmate's risk level when warranted due to a request? Yes No
- Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse? Yes No
- 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 No

115.41 (h)

- 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 No

115.41 (i)

- Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

- (a) The WCJ has a policy that all inmates are assessed during the intake screening process for their risk of being sexually abused by other inmates or being sexually abusive toward other inmates.

Policy 613.5 of the PREA Policy requires the Screening for Risk of Sexual Victimization or Abusiveness. The assessment is put into place to determine appropriate housing and to prevent sexual misconduct. The WCJ Inmate Classification Policy provides for the proper classification of inmates according to security and health risks so that appropriate supervision, temporary holding, and housing assignments can be made.

The auditor toured the WCJ and spent a considerable amount of time in the booking room. I observed the intake process of an LEP newly arrested individual. I was able to have a conversation with one of the intake officers responsible for inmate screening. He demonstrated and provided the auditor with the screening documents consistent with this standard. He verified what questions are asked for the purpose of determining their risk status. The auditor and assistant auditor formally interviewed two staff members who perform this screening. The screening officers advised that they have a whole list of questions they ask the inmates upon admission for this purpose. A random sample of inmates were asked if they recalled if they were asked any questions like whether they had been in jail or prison before, whether having been sexually abused, whether they identify with being gay, lesbian, or bisexual, and whether they think they might be in danger of sexual abuse at the jail. The majority of inmates interviewed responded positively that they remembered being asked most of the questions indicated. They said it happened soon after they first arrived here. When asked how soon, they responded anywhere from a few minutes, to within hours, and same day. One of the inmates said he arrived in the middle of the night and by the next morning was booked in. The standard calls for within 72 hours of arrival. The WCJ policy provides a 24-hour threshold. The auditor reviewed the screening forms and a sample spot check of recent inmate files to include the completed assessments with inmate signatures.

- (b) The WCJ Policy requires that inmates be screened for risk of sexual victimization or risk of sexually abusing other inmates within 24 hours of their intake.

This PREA Standard calls for screening to take place within 72 hours of arrival. The policy states that assessments must take place within 24 hours of arrival at the jail and reassessments will take place periodically throughout the inmate's incarceration. The PREA Coordinator provided inmate population reports and statistics and reviewed with the auditor that 1,449 inmates stayed longer than 72 hours and all of them went through the PREA screening process. The auditor was informed that ALL new inmates are screened shortly after admission. Further review of inmate booking records provided evidence of appropriate screening within the 24/72-hour timeline. The intake officers that were interviewed informed the auditors that the PREA Screening forms are accomplished usually within an hour of arrival, and most definitely within 24 hours. Most of the inmates interviewed also corroborated this time requirement.

- (c) The Screening instrument utilized for risk of victimization and abusiveness is an objective screening tool with questions for the inmate and the officer, including observations and the collection of data.

By policy, the classification plan includes an initial screening process, as well as a process for determining appropriate housing assignments. The plan includes use of an objective screening instrument, procedures for making decisions about classification and housing assignments, intake and housing forms and a process to ensure that all records are maintained in each inmate's permanent file. The auditor studied the PREA Screening Instrument and the Inmate Classification tools in addition to the policies.

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

The auditor reviewed all relevant screening and classification documents to verify compliance by comparing and contrasting the ten prescribed items by the PREA standard. In order to meet the requirements of the standard, the screening should use all criteria (1-10) at a minimum. All items are met through the intake screening process. Additionally, the auditor was informed by the staff that perform screening for risk of victimization and abusiveness what the initial risk screening considers and what the process is for conducting the initial screening. They said that it consists of questions and answers as well as observations.

- (e) The PREA Screening inquires whether the inmate has a sexual offense criminal history and whether the inmate has ever sexually assaulted or threatened to sexually assault someone while incarcerated, and in contrast whether they have ever been sexually assaulted or threatened while incarcerated.

The PREA Screening also documents any sexual offense criminal history. The Classification tool addresses prior acts of sexual abuse, prior convictions for violent offenses, and history of institutional violence of sexual abuse, as known to the Office. 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 auditor interviewed and asked two staff that perform the screenings about what questions, data, and observations are considered. They provided the appropriate response content.

- (f) and (g) WCJ Policy requires that within a set time period not to exceed 30 days from the inmate's arrival at the facility, the jail will reassess the inmate's risk of victimization or abusiveness based on any additional, relevant information received by the facility since the intake screening.

Periodic Classification Reviews are required by policy. The classification correctional officer reviews the status of all inmates who have been incarcerated in the facility for more than 30 days. Additional reviews occur every 30 days thereafter. The reviews consist of examining changes in the inmate's behavior or circumstances and should either raise, lower, or maintain the classification status. Housing and program assignments for each transgender or intersex inmate should be reassessed at least twice each year to review any threats experienced by the inmate. Inmate risk levels should 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. At any point during an inmate's incarceration, a staff member may request a classification review.

The staff that perform the screening were asked about reassessments. They both said that risk level assessments are basically ongoing as part of the inmate monitoring and supervision processes. We discussed that information may be ascertained through intake, medical and mental health screenings,

special incident reports, a review of court records, case files, facility behavioral records, and other relevant documentation. The random sample of inmates interviewed were not aware of PREA Screening reassessments. The PREA Coordinator provided the auditor with a sample of documentation of 30-day reviews as indicated above.

- (h) According to jail policy and confirmed by the PREA Coordinator and staff who perform screening for risk of victimization and abusiveness, inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked specific to sexual abuse or sexual harassment: whether the inmate has a mental, physical, or developmental disability, whether the inmate is or perceived to be Lesbian, Gay, Bisexual, Transgender, or Intersex (LGBTI), whether the inmate has previously experienced sexual victimization, or the inmate's own perception of vulnerability. Policy 516.3.4 Inmate Response to Screening states: "Inmates may not be compelled by threat of discipline to provide answers regarding 28 CFR 115.41."
- (i) 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.

This is in accordance with the WCJ classification policies. The auditor and assistant auditor discussed with the staff that perform the screenings the importance of ensuring that sensitive information is not exploited to the inmate's detriment by staff or other inmates. We were assured that information provided is used for classification, housing, and programming purposes. Referrals are made to medical and mental health staff as deemed necessary. The PREA Coordinator assured the auditor that appropriate controls have been implemented on the dissemination within the facility referencing this standard. He described how the agency has outlined who should have access to an inmate's risk assessment within the facility in order to protect sensitive information from exploitation. He explained that the booking officer, Classification Sgt, and supervisors have access to the PREA screening responses. There are also ethics policies in place which require staff to adhere to data practices standards.

Reference Policies: 516 Inmate Classification/516.3 Classification Plan, 613 PREA/613.5 Screening for Risk of Sexual Victimization and Abusiveness.

The facility has demonstrated full compliance with this standard.

Standard 115.42: Use of screening information

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.42 (a)

- 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 No
- 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 No

- 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 No
- 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 No
- 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 No

115.42 (b)

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

115.42 (c)

- 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 No
- 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 present management or security problems? Yes No

115.42 (d)

- 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 No

115.42 (e)

- 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 No

115.42 (f)

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

115.42 (g)

- 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 No NA

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex 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 No NA

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex 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 solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCSO/WCJ 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.

WCJ Policy further states that inmates identified as being at high risk for sexually aggressive behavior will be monitored in an area that will minimize the risk to other inmates and staff. Likewise, inmates identified as being at risk of victimization shall be monitored and housed in an area to minimize the risk to their safety. The screening assessment is put into place to determine appropriate housing and to prevent sexual misconduct.

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. They advised that there are housing recommendations for specialized housing units and jail services. In turn, the auditor again reviewed the related policies

which reinforce this standard and I also reviewed a sample of classification and screening forms for housing assignments and program opportunities. It appeared that inmates were being classified in a manner to enhance sexual safety at the jail.

- (b) The classification officers and supervisors at the WCJ make individualized determinations about how to ensure the safety of each inmate.

The auditor read the policies which require individualized safety assessments on a case by case basis. 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 individualized determinations that are made for housing, programs, and services.

- (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.

In deciding whether to assign transgender or intersex inmates to housing or program assignments, jail staff will consider on a case by case basis whether placement would ensure the inmates health and safety, and whether the placement would present management or security problems. The WCJ has policies that address this topic. The PREA auditor found one inmate during the on-site audit who had responded yes to being transgender to be interviewed. The inmate is not specifically in a housing area for only transgender or intersex inmates but is in a special management housing unit for other reasons. The inmate said they feel safe where they are housed and is able to interact with a small group of other inmates. They recalled being asked about safety when being booked into the jail. They explained that these are housing units with cameras in the cells. The auditor verified by observing the monitors in the control center, officer's station, and supervisor offices that toilet and changing areas are digitally blocked from view. There are no cameras in the shower rooms themselves. There are either privacy doors or curtains on the shower entries. There have been pat down and strip search situations, but nothing to do with being transgender.

- (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.

Jail policy specifies that at least two times per year, the jail will reassess and review any threats to safety experienced by the inmate regarding placement and programming assignments for each transgender or intersex inmate. The risk screening staff that were interviewed verified that transgender and intersex inmates are reassessed at least twice annually by a Sgt or committee for safety purposes. The auditor was provided a sample of reassessments for the transgender inmate whose status had been reviewed monthly.

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

The transgender inmate recalls being asked a series of PREA related questions about sexual safety. The screening staff responded positively that the transgender or intersex inmate's views of his or her own safety are absolutely given serious consideration in placement and programming assignments.

- (f) The auditor toured the facility and paid close attention to the shower areas at intake, within the housing units, and in the medical units.

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 as needed. All showers have modesty screens, curtains, or partial doors for coverage. Staff responsible for the PREA screening confirmed that as needed, separate shower facilities are provided to the transgender inmate. Staff recall a few instances of transgender inmates being allowed to shower at intake for privacy purposes.

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

The WCJ policy states that they shall not place LGBTI inmates in dedicated housing units. The auditor was informed by the PREA Coordinator that there are no consent decrees or legal judgements to that effect. The auditor reviewed the housing assignments of inmates and documentation of risk-based housing decisions during the on-site audit and did not detect any designated housing units for the LGBTI inmate population. The PREA Coordinator was interviewed and verified that there are no dedicated wings or housing units for LGBTI inmates and that inmates are screened and classified objectively and assigned housing on a case by case and individualized basis.

Reference Policies: 516 Inmate Classification/516.10 PREA Considerations, 613 PREA/613.5 WCJ Housing Classification of Inmates, 814 Inmate Hygiene/814.9 Inmate Showers.

The WCJ has provided the auditor with evidence of the appropriate use of the screening information 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 for the goal of sexual safety in the jail. Jail staff interview responses corroborated this standard. The WCJ complies in all material ways with the standard during the relevant review period.

Standard 115.43: Protective Custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.43 (a)

- 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 No
- 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 No

115.43 (b)

- 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 No
- 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 No

- 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 No
- 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 No
- 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 No NA
- If the facility restricts any 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 No NA
- If the facility restricts any 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 No NA

115.43 (c)

- 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 No
- Does such an assignment not ordinarily exceed a period of 30 days? Yes No

115.43 (d)

- 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 No
- 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 No

115.43 (e)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

- (a) The WCJ 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.

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 involuntarily segregated for one to 24 hours awaiting completion of assessment. The Jail Commander 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 that they have enough units to separate out with no overcrowding in their 230-bed facility. They typically run at about 180-190 for an inmate population 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.

- (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 Program Sgt verified that logs and records are kept of program participation and limitations. The assistant auditor interviewed staff who supervise inmates in segregated housing. They explained that if the inmate is not segregated for disciplinary reasons, they are allowed the same access to programs as everyone else. There were no inmates in segregated housing for risk of sexual victimization during the on-site audit to interview. The auditor participated in a facility tour with observations as well as reviewed the program participation logs in support of this standard. Jail policy requires access to programs, privileges, education, and work opportunities to the extent possible for inmates placed in segregated housing.

- (c) The WCJ 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.

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. The Jail Commander 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. He said ordinarily that will be well less than 24 hours. The PREA Coordinator documented that there were zero inmates placed in involuntary segregation for longer than 30 days in the last 12 months while awaiting alternative placement. The auditor reviewed a sample of inmate records for segregation purposes, which supported the requirements of this standard.

- (d) WCJ 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 PREA Coordinator advised that there are no such cases in the last 12 months for auditor review.

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

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

Related Policies: 516 Inmate Classification/516.10 PREA Considerations, 613 PREA/613.5 Protective Custody.

The WCJ complies in all material ways with the requirements of the Protective Custody standard.

REPORTING

Standard 115.51: Inmate reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.51 (a)

- Does the agency provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment? Yes No
- 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 No
- 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 No

115.51 (b)

- 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 No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? Yes No

- Does that private entity or office allow the inmate to remain anonymous upon request?
 Yes No
- 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 No NA

115.51 (c)

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

115.51 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

(a) The WCJ 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 WCJ has policies which address this reporting standard. The PREA Screening Statement instructs inmates at intake that contact information for any person reporting abuse is in the back of the inmate handbook. The WCJ inmate handbook is given to every inmate. PREA information is contained within the handbook and specifically provides Reporting information using multiple internal methods. It is written that inmates can verbally or in writing inform any staff member: officers, medical, teachers, Chaplain, or volunteers. They can report anonymously via an inmate request slip within their housing unit. Phone numbers and contact information are also provided as an option. The inmate phone system (Securus) provides prompts with a tip line. All “tips” will be sent via alert to Assistant Jail Administrator (AJA) for immediate follow up. The Canteen/Vending and Communication Kiosk (Turnkey) also provides a connection for reporting a sexual abuse or sexual harassment. The auditor spoke with some of the inmates during the facility tour who were

able to demonstrate the process and the various resources. The WCSO jail division website also publishes directions for reporting sexual abuse/harassment (see below).

Report Sexual Abuse/Sexual Harassment using any of the procedures listed below:

- Call 651-430-7900 and ask to speak to the Asst. Jail Administrator or Jail Sergeant.
- Ask to speak to an Administrator or Jail Sergeant in person.
- Call the 24-hour Non-Emergency Sheriff's Office line at 651-439-9381 and ask to speak to the Jail Sergeant.
- Write a letter to the Assistant Jail Administrator at the Washington County Jail, 15015 62nd St. North, Stillwater MN 55082.

<https://www.co.washington.mn.us/3107/Inmate-Information>

<https://securustech.net/phone-products/index.html>

<http://www.twvending.com/internet/inmatebanking.html>

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. They explained multiple avenues for privately reporting as described above. Most of the inmates interviewed were able to articulate most of the ways to report an abuse.

- (b) The WCSO also provides an outside community source for reporting sexual abuse or sexual harassment.

The WCJ maintains an MOU with the Canvas Health Abuse Response Services which provides free, private support for victims of sexual assault, and also provides a 24-hour crisis line for reporting purposes. Inmates may remain anonymous upon request. The WCSO also has a policy regarding Consular Notifications. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and officials at the US Department of Homeland Security.

The auditor received a copy of the MOU between the WCSO and the Canvas Health Abuse Response Services for review. Canvas Health is an accredited nonprofit community-based agency with over 50 years of experience and employs highly skilled, compassionate clinicians who provide services to people experiencing crisis and trauma. Inmates have access to the sexual assault hotline in all housing units. Reports are immediately received and forwarded to agency officials. The auditor also reached out to the Abuse Response Services Supervisor who described the process in which reports are received and their prompt response. She explained the mandatory reporting piece to the auditor. Again, the auditor observed Canvas Health posters in the housing units and throughout the jail with reporting contact information advertised. Brochures were also available in the jail lobby. The inmate handbook also contains the Abuse Response Services phone number and address for reporting purposes. The auditor also observed consular contact information and procedures in the booking room for those inmates detained solely for civil immigration purposes. The PREA Coordinator said that there is always a Jail Sgt on duty to assist the intake officers with this provision.

A random sample of inmates were interviewed. They were asked about how they would report any sexual abuse or sexual harassment that happened to them or someone else. They were asked if there

was someone who does not work at the facility who they could report to. Most of the inmates were able to describe to the auditor the internal and external routes for reporting a sexual abuse/harassment. They were very familiar with the Canvas Health organization. Some of the inmates informed the auditor of additional community resources and court or probation services that were also available in terms of sexual abuse/sexual harassment services. Some of the inmates knew that you could make a report without giving their name.

<https://www.canvashealth.org/crisis-support/abuse-response-services/>

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

Staff are required to promptly document any verbal reports. Jail policies also provide a grievance and an emergency grievance procedure as an option for reporting sexual abuse or sexual harassment. The inmate handbook provides information to the inmates pertaining to the jail's grievance process.

The 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. All the staff interviewed said that verbal reports are documented as soon as possible as well as reporting to the Jail Sgt. Inmates that were interviewed knew of various ways to report sexual abuse/sexual harassment including third party reporting. Some of the inmates were unsure about the reports being anonymous. Again, the auditor reviewed jail policies, staff training and inmate education documents, the inmate handbook, the jail website, jail and lobby brochures and PREA Notices, and the Kiosk and Inmate Phone System prompts to confirm compliance with this standard. Information to the public advertises that any person may report an allegation on behalf of any inmate by contacting the Sheriff's Administrative Branch (651) 439-9381 with instructions on how to report or to Canvas Health Abuse Response Services at (651) 777-1117.

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

Jail staff are trained in the policies and procedures on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response. Corrections Officers acknowledged that they could privately report sexual abuse/sexual harassment of inmates in a variety of ways. Most of the staff talked about the "open-door" policies of their supervisors for privacy. Other options included written communications and/or the hotline.

The WCJ maintains an Official Response Following an Inmate Report of Sexual Abuse or Sexual Harassment Policy including the requirement to initiate a First Responder Checklist. Jail Staff must follow the procedures including reporting through the Chain of Command process.

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

Reference Policies: 608 Foreign Nationals and Diplomats/608.4 Consular Notifications, 613 PREA/613.4 Training and Education/Employee Training/613.6 Reporting/Reporting of Sexual Abuse or Sexual Harassment/613.7 Official Response Following an Inmate Report.

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

Standard 115.52: Exhaustion of administrative remedies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.52 (a)

- 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. Yes No

115.52 (b)

- 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 No NA
- 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 No NA

115.52 (c)

- 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 this standard.) Yes No NA
- Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (d)

- Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) Yes No NA
- 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 No NA
- 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 No NA

115.52 (e)

- 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 No NA
- 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 No NA
- 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 No NA

115.52 (f)

- 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 No NA
- 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 No NA
- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) Yes No NA
- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)
 Yes No NA
- Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (g)

- 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 No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCJ has an administrative procedure to address an inmate's grievance regarding sexual abuse.

Jail policy provides a process for handling emergency and standard grievances, including additional provisions for grievances related to sexual abuse. The Inmate Grievance Process is also spelled out in the WCJ Inmate Handbook. The Canteen and Communication Kiosk provides inmates with information and services with the ability to send electronic messages such as grievances. You can also use the kiosks to send email to friends and family for a small fee. The allegation will be directly forwarded to the Jail Commander or designee.

- (b) The WCJ staff shall receive any grievance of any type of sexual assault or sexual harassment no matter what the time frame when the alleged sexual misconduct occurred.

Jail policy also assures that inmates and staff are not to attempt to informally resolve grievances related to sexual abuse or sexual harassment.

- (c) WCJ 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. Staff receiving the grievance shall forward the grievance to the PREA Investigator or a supervisor, and not forward to any supervisor who is the subject of the complaint.

- (d) Agency policy and procedure requires that a decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing.

The Shift Supervisor is responsible to satisfy the time limits. By policy, emergency grievances, however, require an initial response within 48 hours with an issuance of a final decision within five calendar days. A determination is made whether there is substantial risk and action to be taken in response to the emergency grievance. Upon receiving a completed inmate grievance form, the AJA or designee shall ensure that the grievance is investigated or resolved in seven days of the filing of the grievance. The PREA Coordinator and the auditor discussed the extension of time provision of up to 70 days to respond if the normal time period for the response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any extension and provide a date by which a

decision will be made. If the inmate does not receive a response within the time allotted for reply, the inmate may consider the absence of a response to be a denial. The PREA Coordinator confirmed that the inmate would be notified in writing. There were no inmates who had reported a sexual abuse in custody during the on-site audit to interview. The auditor did interview one inmate who described a sexual harassment situation with another inmate. They indicated that the jail staff addressed the situation and removed the other inmate from the housing unit. The auditor reviewed the PREA incident report of the incident that had been investigated and resolved appropriately. In the past 12 months, there were zero grievances filed related to sexual abuse/sexual harassment according to the PREA Coordinator.

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

Staff members who receive the grievance filed by a third party on behalf of an inmate shall inquire whether the inmate wishes to have the grievance processed and will document the inmate's decision. Inmates may send electronic messages such as grievances or use the kiosk to send email to friends and family for a small fee. Instructions are posted on the kiosk.

- (f) Additional procedures provided in the jail policies address emergency grievances related to sexual abuse.

An inmate who believes he/she or any other inmate is in substantial risk of imminent sexual abuse may file an emergency grievance with any supervisor. The supervisor shall determine whether immediate action is reasonably necessary to protect the inmate and shall provide an initial response within 48 hours. Jail Administration and the PREA Coordinator informed the auditor that an initial response would be immediate. The supervisor will then refer the grievance to the Shift Supervisor, who will investigate and issue a decision within five calendar days. The initial response and final decision will be documented and shall include a determination as to whether the inmate is in substantial risk of imminent sexual abuse and identify actions taken in response to the emergency grievance. There were no emergency grievances identified within the past 12 months. The auditor reviewed older PREA incident logs and case files and affirmed prompt response in emergency situations.

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

The inmate handbook also provides notice to the inmates who knowingly file false criminal sexual conduct reports. In speaking with the Jail Commander and the PREA Coordinator, it would be rare to discipline an inmate for these reasons and that the inmate's mental health, cognitive, and behavioral issues are always considered. In the past 12 months, there was no inmate discipline noted for filing a false report of sexual abuse/sexual harassment.

Reference Policies: 613 PREA/613.6 Exhaustion of Administrative Remedies, 620 Inmate Grievances/620.6 Additional Provisions for Grievances Related to Sexual Abuse.

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

Standard 115.53: Inmate access to outside confidential support services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.53 (a)

- 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 No
- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, 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.) Yes No NA
- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? Yes No

115.53 (b)

- 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 No

115.53 (c)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

(a) As required in this PREA standard, the WCJ provides inmates with access to outside advocates for emotional support services related to sexual abuse by:

- Giving inmates mailing addresses and phone numbers (including toll-free hotline numbers) for Canvas Health Abuse Response Services;
- Giving inmates mailing addresses and phone numbers (including toll-free hotline numbers) for immigrant services agencies for persons detained solely for civil immigration purposes; and
- Enabling reasonable communication between inmates and these organizations in as confidential a manner as possible.

The auditor reviewed Policy 613 PREA/613.6 Inmate Access to Outside Support Services and Legal Representation which addresses this standard. Also reviewed was the 2014 MOU between Canvas Health Abuse Response Services and the WCJ, and the 2020 MOU which has been updated and is currently under legal review. Canvas Health is an accredited nonprofit community-based agency with over 50 years of experience and employs highly skilled, compassionate clinicians who provide services to victims of sexual assault in Washington County. Inmates have access to the sexual assault hotline in all housing units. The auditor also reached out to the Abuse Response Services Supervisor who described the emotional support services and advocacy program. She explained that calls are confidential. Again, the auditor observed Canvas Health posters in the housing units and throughout the jail with reporting contact information advertised. Brochures were also available in the jail lobby. The inmate handbook also contains the Abuse Response Services' phone number and address for reporting purposes. See contact information below:

Canvas Health Abuse Response Services
8451 East Point Douglas Road
Cottage Grove, MN 55016

(651) 777-1117 or speed dial 223. Free of charge on any phone.

<https://www.canvashealth.org/location/stillwater/>

Per Policy 608.4.1 Consular Notification List and Contacts, the Jail Commander will ensure that the US Department of State's list of countries and jurisdictions that require mandatory notification is readily available to staff members. There is also a published list of foreign embassy and consulate telephone and fax numbers as well as standardized notification forms that can be faxed and then retained for the record. Prominently displayed placards informing inmates of rights related to consular notification is also posted. The auditor also observed consular contact information and procedures in the booking room for those inmates detained solely for civil immigration purposes. The PREA Coordinator said that there is always a Jail Sgt on duty to assist the intake officers with this provision.

A random sample of inmates were interviewed regarding outside services available for dealing with sexual abuse. Most of the inmates were able to identify Canvas Health, Abuse Response Services, Counseling Services, and Support Services, and described the notices and the posters they have seen and read about. Some of them mentioned the inmate handbook, some mentioned the kiosk, and some mentioned posters with contact information.

(b) The WCJ 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 Canvas Health Abuse Response Services Poster that is posted in the housing units describes free, private support to survivors of sexual abuse. Inmates are instructed to contact a Correctional Sergeant for use of a private phone. The jail allows for inmates to make toll free and unrecorded phone calls to Canvas Health Sexual Assault Counselors. The WCJ has entered into an MOU with Canvas Health for inmates to obtain confidential emotional support services for incidents of sexual abuse or sexual harassment. The Supervisor of the Response Abuse Services informed the auditor that inmates or their representatives are advised initially as to what extent communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. The jail policies referenced above also address this privacy issue of the PREA standard. Some of the inmates that were interviewed said they believed that the calls were private in nature.

- (c) As stated previously, the WCSO maintains an MOU between Canvas Health Abuse Response Services and the WCSO that provide inmates with emotional support services related to sexual abuse.

The WCJ maintains a copy of the original MOU from 2014 and is currently awaiting legal authorization to execute the 2020 MOU which has updates and greater detail of services and expectations.

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

Standard 115.54: Third-party reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.54 (a)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The WCSO 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 at the public lobby and on the official WCSO/WCJ Website.

The WCJ, at their lobby, in which the public has access, shall list the phone numbers of the agency's administrative branch with instructions on how to report sexual abuse and sexual harassment. The auditor observed these notices in the public lobby of the building which contained phone numbers and instructions. There were also brochures and posters for Abuse Response Services and information. The auditor also studied the official website. It states:

PRISON RAPE ELIMINATION ACT OF 2003 (28 C.F.R. PART 115, 115.54)

The Washington County Sheriff's Office Adult Jail and Juvenile Holding facility has a zero-tolerance policy concerning any sexual misconduct between inmates or between staff and inmates. As friend or relative of an inmate, you have the right to report sexual misconduct and remain free from any retaliation regardless of your English speaking proficiency, physical or mental disability, or any limitation you have in reading or writing. Special accommodations will be made to the best ability of the Sheriff's Office following the notification of staff.

Report Sexual Abuse/Sexual Harassment using any of the procedures listed below:

- You call 651-430-7900 and ask to speak to the Asst. Jail Administrator or Jail Sergeant.
- You can ask to speak to an Administrator or Jail Sergeant in person.
- You can call the 24-hour Non-Emergency Sheriff's Office line at 651-439-9381 and ask to speak to the Jail Sergeant.
- You can write a letter to the Assistant Jail Administrator at the Washington County Jail, 15015 62nd St. North, Stillwater MN 55082
- You can call the Jail Nurse at 651-430-7935 during regular business hours.

The WCJ Inmate Handbook also informs inmates that a third party may call (651) 430-7900 and ask to speak to the AJA or a third party may contact Canvas Health at (651) 777-1117.

Additionally, there is a WCSO smart phone application available to the public for communications with the Office to aid with any potential reporting of sexual abuse/sexual harassment of an inmate.

Reference Policies: 613 PREA/613.6 Reporting/Reporting of Sexual Abuse or Sexual Harassment/Third-Party Reporting. See also Policy 506 Inmate Handbook and Orientation.

<https://www.co.washington.mn.us/3107/Inmate-Information>

OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

Standard 115.61: Staff and agency reporting duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.61 (a)

- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? Yes No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment? Yes No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? Yes No

115.61 (b)

- 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 No

115.61 (c)

- Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? Yes No
- Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services? Yes No

115.61 (d)

- If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? Yes No

115.61 (e)

- Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators? Yes No

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

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

Instructions for Overall Compliance Determination Narrative

- (a) As required by the Staff and Agency Reporting PREA standard, staff at the WCJ 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 related policies. Sexual abuse and sexual harassment staff reporting requirements are provided in the PREA training policies for jail staff, response policies following an inmate report, Staff and Inmate Contact policy, and the Anti-Retaliation policy. Direction and guidelines are given within the body of the policies. The auditor reviewed the training curriculum as evidence of this standard requirement. 100% of the jail staff interviewed responded “yes” to all three components required in the standard. They said that the WCSO/WCJ requires the reporting of any information received regarding an incident of sexual abuse/harassment, their requirement to report retaliation, and of their obligation to also report any staff neglect or violation of responsibilities that may have contributed to a PREA incident.

- (b) Apart from reporting to supervisors and investigators, WCJ 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 Official Response Following an Inmate Report Policy addresses the prohibition of sharing this information to others. The corrections officers of the jail 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 appropriately. The auditor reviewed PREA reports to verify staff referrals to supervisors and investigators.

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

The auditor reviewed the related jail and medical policies which address this subject. The auditor also spoke with medical staff and formally interviewed the nurse supervisor and mental health practitioner in respect to this standard. Reporting and informed consent was discussed with the jail nurses. The Official Response Following an Inmate Report jail policy requires the medical/mental health staff to initiate the Health Services Sexual Assault Response Checklist. The Specialized Medical Training policy also mandates the reporting or allegations of sexual abuse/harassment. The auditor also reviewed the medical policies regarding sexual assault and its procedures including to report to the Jail Sgt. The auditor was provided with and reviewed medical consent forms and secondary material in support of this standard. The PREA Medical and Mental Health Screening Policy describes what is required of the health practitioners related to confidential information and informed consent. According to the Nurse Supervisor, they are mandated to report any sexual abuse committed in the jail. They would report to a Sgt immediately and then forward the information on to Investigators. She described

an example of a physical abuse incident that she reported. She described their policies which require informed consent regarding the disclosure of limitations of confidentiality.

- (d) When a victim inmate/resident is under the age of 18, or considered a vulnerable adult, the WCSO is required to report the allegation to State and local services as mandated by law. The Official Response Following an Inmate Report of Sexual Abuse Policy addresses this standard requirement. Jail policy directs staff to contact Washington County Community Services per the Minnesota Department of Health and Human Services guidelines.

The Jail Commander and the PREA Coordinator were interviewed in respect to reporting requirements. They understood that there are special reporting obligations in place for youth and vulnerable adults. There are state and local human services agencies that are to be notified. Parents and probation officers are also necessary contacts to report to. The Sheriff added that there is a designated Juvenile Attorney at the County Attorney's Office that they work closely with and assist and direct for reporting requirements. They explained the investigation process with communications to ensure the mandatory reporting requirements for specific state and local agencies.

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

PREA policy requires that WCSO investigators be trained in sexual abuse investigations involving victims and shall investigate all allegations of sexual abuse including third-party and anonymous reports. There are also third-party reporting policies. The WCJ Inmate Handbook and the WCSO Jail Division website contains information which publishes the opportunity to report sexual abuse on behalf of an inmate and/or anonymously as previously described. The Jail Commander confirmed that absolutely, third-party and/or anonymous reports of allegations of sexual abuse are always referred for investigation.

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 duties. Investigative reports were also reviewed, paying attention to the reporting source in support of this standard.

Reference Policies: 318 PREA Training, 613 PREA/613.7 Third-Party Reporting/613.7 Official Response Following an Inmate Report.

The WCSO/WCJ has met the 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.

Standard 115.62: Agency protection duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.62 (a)

- 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 No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

The auditor was informed 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 Commander that when these situations arise, there is no delay and staff take immediate action. They described their policies, procedures, and training in this regard. Inmate safety and the security of the institution is their top priority. The auditor also reviewed the related policies including Emergency Grievances and Official Response Following an Inmate Report of Sexual Abuse. Staff shall take immediate action to protect inmates that are subject to risk of sexual abuse. Jail staff that were interviewed said that they would remove the inmate from the situation immediately, fast, right away, or as soon as possible. A review of incident reports verified the prompt actions of corrections officers.

Reference Policies: 613 PREA/613.7 Official Response Following an Inmate Report/Preservation of Ability to Protect Inmates from Contact with Abusers/Protective Custody/Post-Allegation Protective Custody, 620 Inmate Grievances/620.6.1 Emergency Grievances Related to Sexual Abuse.

The WCJ complies in all material ways to protect inmates from imminent danger of sexual abuse for the reasons stated above.

Standard 115.63: Reporting to other confinement facilities

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.63 (a)

- 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 No

115.63 (b)

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

115.63 (c)

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

115.63 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

(a) The WCJ maintains a policy for Reporting to Other Confinement Facilities.

Upon receiving an allegation that an inmate was sexually abused while confined at another facility/agency, the Jail Commander or designee that received the allegation shall notify the head of the facility where the alleged abuse occurred and shall also notify the appropriate investigative agency. Although the WCJ has not had any reports of sexual abuse allegations which happened at another facility within the past 12 months, the auditor was provided with a few older reports which documented that information is referred by Jail Administration to the appropriate leadership and investigators.

(b) Notifications are provided as soon as possible, but no later than 72 hours after receiving the allegation. The reports reviewed by the auditor indicated information sent to the other facility within a 24-hour period. Initial investigation and statements were obtained.

(c) The WCSO documents all PREA allegations including a report which allegedly stems from another agency or facility.

The WCJ documents the notifications with date, time, and who notified who. The auditor verified the creation of PREA incident and investigative reports. The auditor reviewed the PREA tracking logs for a review of records as well. The auditor, Jail Commander, and PREA Coordinator discussed the importance of the facility/agency head ensuring the notification is directed to the responding facility/agency head or designee for investigation. The importance of the matter must be noted.

(d) Likewise, jail policy also requires that allegations received from another facility or agency are investigated in accordance with the PREA Standards.

In the past 12 months, there was one allegation of sexual abuse in the WCJ received from another facility/agency. The auditor was supplied with the investigative file which contained documentation of allegations from another agency and documentation of responses that the allegation has been investigated. The Sheriff was interviewed relative to this standard. He verified that all sexual abuse allegations are investigated no matter the source or route received. He said that an inmate's safety is a priority, and it is their responsibility to investigate thoroughly. Their office follows the chain of command

protocols for reporting. The Jail Commander said that either way, all allegations of sexual abuse are investigated thoroughly and completely. Every allegation is taken very seriously. Their staff is available to assist with requests for information and the coordination of witnesses as needed. Video footage is available for evidence and is coordinated when requested.

Reference Policies: 613 PREA/613.7 Reporting to Other Confinement Facilities.

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

Standard 115.64: Staff first responder duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.64 (a)

- 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 No
- 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 No
- 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 No
- 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 No

115.64 (b)

- If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

(a) The WCJ has a first responder 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.

There are four requirements to be met in the First Responder PREA Standard. Upon learning of an allegation that an inmate has been sexually abused, the first security staff member to respond to the report shall be required to:

- Separate the alleged victim and abuser;
- Preserve and protect crime scene until appropriate steps can be taken to collect any evidence;
- Request that the alleged victim not take any actions that could destroy physical evidence; and
- Ensure that the alleged abuser does not take any actions that could destroy physical evidence.

In the past 12 months, there were four allegations of sexual abuse. Only one of the four was a current allegation and required the first security staff member to respond to the report and separate the alleged abuser and the victim. Zero instances required the collection of physical evidence. The auditor reviewed the PREA incident reports and confirmed appropriate response and documentation.

The auditor studied the related policies which addressed the WCJ Official Response Following Inmate Report of Sexual Abuse and Responsive Planning: Evidence Protocol and Forensic Medical Examination with preservation of crime scene. More than all the required elements of the standard were contained in the policies.

The assistant auditor interviewed security staff who have acted as first responders. They were asked to describe the actions to take as a first responder to an allegation of sexual abuse. They were able to articulate all four components of a first response duty in addition to immediately notifying medical and mental health practitioners. They described that they would separate the victim and abuser, mark off the scene, and prevent the inmates from washing, brushing their teeth, showering, changing clothes, drinking, eating, urinating, or defecating until evidence can be collected and forensic examinations can be accomplished. There were no inmates in custody who had reported a sexual abuse to interview. The auditor found one inmate who had reported a sexual harassment situation and was satisfied with the staff response. The other inmate was removed from the housing unit.

(b) WCJ Policy 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.

This is part of their training. Information is also given of their responsibility for non-security staff if they need to act as first responders. If Public Health receives the report, they must initiate the Health Services Sexual Assault Response Checklist. Medical policies also spell out the steps required upon receipt of a sexual abuse report.

The auditor reviewed the jail and medical policies that address First Responder requirements for sexual abuse allegations. The PREA standard requirements are documented within the policies with procedural directions accompanied by the First Responder checklists. The auditor also spoke with non-security staff and inquired about the potential for actions to take if they were the first to receive a report.

They all had knowledge of the safety and security practices to take and articulated the prevention of inmate washing, brushing teeth, eating, etc. In the past 12 months, there was one instance where a non-security staff member was the first responder. Security staff was notified and followed all appropriate response procedures and documented the incident. Jail staff were also interviewed pertaining to this standard. They all provided responses relative to the safety of the victim, separation requirements, notifying the Sgt, preserving physical evidence, protecting the scene, preventing inmates from washing, eating, urinating, defecating, changing clothes, brushing teeth, showering, etc., and acquiring medical attention. They further detailed the documentation process and notifying investigators.

Reference Policies: 613 PREA/613.7 Official Response Following an Inmate Report/613.8 Responsive Planning: Evidence Protocol and Forensic Examination: Crime Scene Preservation. Medical Policy 516 Sexual Abuse.

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

Standard 115.65: Coordinated response

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.65 (a)

- Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The WCSO 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. Responsive planning for evidence protocols, forensic medical examination, and crime scene preservation is documented by policy. This is part of the coordination efforts of the WCSO. The policies document the steps to be followed to preserve the crime scene and chain of evidence. For a report of sexual abuse or sexual harassment, there is policy with procedures noted as the official response guidelines. Above all, staff shall ensure that immediate

action is taken to protect inmates. Inmates are provided safety and support. The Jail Commander described the agency response to an incident of sexual abuse and the plan utilized to coordinate actions among all parties. First Responder checklists are utilized in the event of a sexual abuse report according to job description.

The auditor also reviewed the training records for a comprehensive overview of all key players within the WCSO as to response education.

Reference Policies: 613 PREA/613.7 Official Response Following an Inmate Report/613.8 Responsive Planning.

Standard 115.66: Preservation of ability to protect inmates from contact with abusers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.66 (a)

- Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? Yes No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The WCSO maintains Memorandum of Agreements/Union Contracts which 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.

The auditor was provided with three agreements. The contracts reviewed are:

- Memorandum of Agreement Between County of Washington and American Federation of State, County, and Municipal Employees AFL-CIO District Council No. 5 Non-Exempt Employee Unit January 1, 2019 – December 31, 2020;
- Memorandum of Agreement Between the County of Washington and Minnesota Public Employees Association Correctional Officer/911 Unit January 1, 2019 – December 31, 2020; and
- Memorandum of Agreement Between the County of Washington and Minnesota Public Employees Association Correctional Officer/911 Supervisor’s Unit January 1, 2019 – December 31, 2020.

Upon review of the Non-Exempt Employee Unit Contract, the auditor verified in writing that both parties recognize the rights and authority of the employer necessary to operate and direct the department, including directing the work force, controlling operations and services, determining the methods, means, organization and number of personnel by which operations and services are to be conducted, and taking whatever actions may be necessary to carry out the missions of the Employer in emergencies. Managerial rights and functions of the Employer are also noted. The contracts also contain Discipline and Discharge and Grievance Procedures.

The Correctional Officer/911 Supervisor’s Unit Contract recognizes that the Employer retains the sole right to operate and manage all manpower, facilities, and equipment in accordance with applicable laws, and regulations of appropriate authorities. Any term and condition of employment not specifically established in the Agreement shall remain solely within the discretion of the Employer to modify, establish, or eliminate. The contract also contains Discipline and Grievance procedures.

The Correctional Unit Contract recognizes that the Employer retains the sole right to operate and manage all manpower, facilities, and equipment in accordance with applicable laws, and regulations of appropriate authorities. Any term and condition of employment not specifically established in the Agreement shall remain solely within the discretion of the Employer to modify, establish, or eliminate. The contract also contains Discipline and Grievance procedures.

WCJ Policy 613 PREA/613.7 addresses the Preservation of Ability to Protect Inmates from Contact with Abusers similar to the PREA Standard.

The Sheriff was interviewed in respect to this standard. He informed the auditor that the current contract will be expiring December 31, 2020, and that they are currently negotiating the new contracts for the office. They are two-year contracts. He verified that the agreements contain language which reinforces the authority of the Sheriff to remove an alleged staff sexual abuser from contact with any inmate pending an investigation or a determination of whether and to what extent discipline is warranted. This would be an Administrative Leave and would be the standard practice.

The WCSO is in full compliance with its preservation of ability to protect inmates from contact with abusers.

Standard 115.67: Agency protection against retaliation

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.67 (a)

- 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 No
- Has the agency designated which staff members or departments are charged with monitoring retaliation? Yes No

115.67 (b)

- 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 No

115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of 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 No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? Yes No

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

115.67 (d)

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

115.67 (e)

- If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?
 Yes No

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCSO/WCJ has established policies to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with investigations from retaliation by other inmates or staff and designates who is charged with monitoring retaliation.

The WCJ policy designates the AJA to monitor retaliation against inmates or staff members reporting sexual misconduct. The WCSO has a strict Anti-Retaliation policy which prohibits retaliation against members who identify workplace issues including violations that may pose a threat to the health, safety, or well-being of others. The WCSO has zero tolerance for retaliation and is committed to taking reasonable steps to protect members who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will promptly and thoroughly be investigated.

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

Jail policy describes the multiple protection measures such as housing changes or transfer for inmate's victims, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmate and staff who fear retaliation. The Sheriff described the County and Sheriff's Office Anti-Retaliation policies in general. They do not tolerate any form of retaliation. If it occurs, there is

immediate corrective action. They have incorporated Lexipol policies and have training sessions with daily training bulletins (DTBs) to refresh staff on the zero-tolerance retaliation policy. The Jail Commander reinforced that they do not tolerate retaliation and verified that there are policies and procedures which address the protection measures for inmates or staff. He explained that they have a lot of flexibility with their housing units for housing changes or transfers, removal of alleged abusers and access to emotional support services. The designated staff member charged with monitoring retaliation was also interviewed. The AJA can designate a Jail Sgt to be responsible for monitoring. The PREA Coordinator is a supervisor who also monitors for potential retaliation. He described the role he plays in preventing retaliation against inmates or staff who report sexual abuse or harassment. Basically, they monitor for behavior changes. Any changes or incidents are noted in the classification forms for inmates. There are many options available such as housing changes, separation, and emotional support services. Staff issues are addressed administratively and if necessary, through the disciplinary process. He stressed the open lines of communication when dealing with monitoring efforts. At least every 30 days, contact is initiated with inmates who have reported sexual abuse for purposes of an official review. This is documented. There were no inmates who had reported a sexual abuse in custody during the on-site audit. The auditor reviewed PREA incident reports relative to housing changes and intermittent review documentation in support of this standard.

- (c) As required by standard and policy, for at least 90 days following a report of sexual abuse, the WCJ shall monitor the conduct or treatment of inmates who were reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by inmates or staff and shall act promptly to remedy any such retaliation. Some of the things to look for include any inmate disciplinary reports, housing, program changes, or negative profile entries.

The Anti-Retaliation policy at the WCSO delineates specific supervisor responsibilities for monitoring the work environment, follow-up with the complainant, and taking reasonable steps to accommodate requests for assignment or schedule changes which may indicate retaliation. The WCJ will continue monitoring beyond 90 days if the initial monitoring indicates a continuing need.

The auditor was informed by the PREA Coordinator that there were zero instances of retaliation incidents in the past 12 months.

From a practical perspective, there are additional ways that retaliation can be monitored. The Jail Commander described monitoring video footage, examining grievances or inmate notes (kites), and for staff, negative performance evaluations. The designated staff member charged with monitoring retaliation verified the monitoring of disciplinary reports, housing changes or program changes. For staff, they would monitor staff reassignments. He also confirmed that periodic status checks are accomplished and documented. The auditor was provided with documentation of the reviews. He said that the monitoring for conduct and treatment can continue for as long as necessary until inmates are released from custody.

- (d) In the case of inmates, monitoring efforts described above include periodic well checks. Jail policy confirms this requirement.

The designated staff in charge of monitoring retaliation confirmed that periodic status checks are accomplished and documented. The inmates and/or staff are personally checked for their well-being. The auditor was provided with documentation of the reviews. He said that the monitoring for conduct and treatment can continue for as long as necessary until inmates are released from custody.

- (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the WCSO shall take appropriate measures to protect that individual against retaliation per jail and office policy.

The Sheriff informed the auditor that depending on the severity of the retaliation of any party involved, the progressive disciplinary process would take place up to and including removal or termination. The Jail Commander reinforced that retaliation is not tolerated at the WCSO and all available measures would be taken to protect that inmate or staff member against retaliation.

Reference Policies: Policy 122 Anti-Retaliation, 613 PREA/613.7 Agency Protection Against Retaliation, 1004 Anti-Retaliation.

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

Standard 115.68: Post-allegation protective custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.68 (a)

- 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 No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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. The WCSO/WCJ prohibits the placement of inmates who allege to have suffered sexual abuse in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination is made that there is no available alternative means of separation from likely abusers.

In the past 12 months, there were zero instances of inmates placed in involuntary segregated housing for these reasons, while awaiting completion of assessment or otherwise. A review of case files confirmed this information. When this is the case, a statement of the basis for the facility's concern for the inmate's safety and the reasons why alternative means of separation could not be arranged is documented in the inmate's file. Reviews are required every 30 days if this were to be the case.

Jail Administration and the PREA Coordinator explained with a review of their schematics that they have the luxury of many housing units available for general population and special housing units which

provide for the flexibility of housing assignments without isolation/segregation for the protection and safety of inmate victims of sexual abuse.

The Jail Commander said that an inmate's safety is their top priority, and they have numerous placement opportunities at the jail. Inmate's would be isolated only as a last resort when less restrictive measures are inadequate to keep them and other inmates safe, and only until other arrangements can be made. Any isolation would be less than 24 hours in duration.

Staff who supervise inmates in segregated housing said that programs, privileges, education, and work opportunities are still provided to these inmates and explained the difference between disciplinary segregation and administrative segregation. They have the same access to programs as everyone else. If they had a situation where an inmate is placed in involuntary segregated housing, there would be weekly reviews based on various factors to see if they can be moved. Reviews are always documented in jail logs and inmate files. There were no inmates in involuntary segregated housing during the on-site audit.

The auditor reviewed numerous related jail documents and secondary forms related to the housing of post-allegation sexual abuse for housing assignments and did not note involuntary isolation/segregation situations. Program logs and records were also reviewed for opportunity and participation. The auditor made sure to observe and ask questions per the tour instructions to verify jail housing for inmates. There were no inmates post-allegation of sexual abuse that were isolated during the on-site audit.

If programs and services are restricted, it is documented as to their limitations, duration of the limitations and the reasons for the limitations.

Reference Policies: 613 PREA/613.5 Washington County jail Protective Custody/613.7 Post-Allegation Protective Custody, 516 Inmate Classification/516.10 PREA Considerations.

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.

INVESTIGATIONS

Standard 115.71: Criminal and administrative agency investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.71 (a)

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] Yes No NA
- Does the agency conduct such investigations for all allegations, including third party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] Yes No NA

115.71 (b)

- 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 No

115.71 (c)

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

115.71 (d)

- When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution? Yes No

115.71 (e)

- Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff? Yes No
- 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 No

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? Yes No
- Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? Yes No

115.71 (g)

- Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible? Yes No

115.71 (h)

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

115.71 (i)

- 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 No

115.71 (j)

- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation? Yes No

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

(a) The WCSO has a policy related to criminal and administrative agency investigations. Prompt, thorough, and objective investigations into allegations of sexual abuse or harassment are accomplished at the WCJ.

Policy 613 PREA/613.9 Investigations states that: "Allegations of sexual abuse will be referred and investigated by agency investigators and if it involves a staff member an outside agency will conduct a prompt, thorough, and objective investigation. Allegations of sexual harassment by staff, contractors, or volunteers will be referred to an outside agency for an investigation." WCSO investigators shall investigate all allegations of sexual abuse including third-party and anonymous reports.

In addition to a review of the Investigations policy and related policies, the auditor read the WCJ website which publishes that the WCSO will take appropriate measures to protect all inmates from sexual abuse and sexual harassment and will promptly and thoroughly investigate all allegations of sexual abuse/sexual harassment. The auditor also reviewed the specialized investigator training records and curriculum in support of this standard.

Two investigators were interviewed. They said that following an allegation of sexual abuse or sexual harassment, an investigation is quickly initiated. There is a call out system in the rare case there would not be an investigator on duty and available to respond. Anonymous and third-party reports are taken just as serious as a known or victim's allegation. All involved parties will be interviewed. The auditor reviewed a sample of investigative records in terms of ensuring all allegations are investigated promptly, thoroughly, and objectively.

- (b) In respect to criminal investigations, WCSO investigators will be trained in sexual abuse investigations involving victims.

Both investigators verified receipt of training specific to conducting sexual abuse and sexual harassment investigations in confinement settings. They specified that the training topics included techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria required to substantiate a case for administrative or prosecution referral. Again, the auditor verified the specialized training requirements for PREA investigators by a review of their training records and curriculum.

- (c) Jail policy requires that investigators are capable of gathering and preserving direct and circumstantial evidence. This includes any available physical and DNA evidence and any available electronic monitoring data. Investigators are also required to interview alleged victims and suspected perpetrators, as well as all other witnesses as part of a comprehensive PREA investigation.

The auditor interviewed the investigators to corroborate investigation techniques and responsibilities. They described the first steps in initiating an investigation including the notification and assignment. They detailed the investigation process including securing the crime scene, the collection of evidence, interviews, and reports for administrative or prosecution referral. They described direct and circumstantial evidence that they would be responsible for gathering in an investigation of an incident of sexual abuse including physical and DNA evidence, video and audio data, and prior history. They also described the contents of a sexual abuse report. Investigative reports and copies of older case records detailing abuse allegations were also reviewed relative to this standard. The investigators have received specialized investigator training for sexual abuse in confinement.

- (d) The WCSO has policies which have been implemented to include specialized investigative training for the proper use of Miranda and Garrity warnings.

The investigators interviewed described that when they discover evidence that a prosecutable crime may have taken place, they may consult with prosecutors before conducting compelled interviews. They have a good working relationship with the County Attorney and receive assistance with subpoena processes as an example. They are trained in the use of the Miranda Warning. A Miranda Warning is triggered only if the person is in police custody and subject to interrogation. They are also trained in the Garrity Warning for employees. Garrity warnings are an advisory that puts a government employee on notice that they must cooperate in an investigative interview under threat of disciplinary action for failure to cooperate. Tennessee warnings must be given regardless of whether the investigatory interview is voluntary or compelled. The Washington County Attorney's Office can assist the investigators in navigating through these interview requirements to ensure that compelled interviews are not an obstacle for subsequent criminal prosecution.

- (e) WCSO Policy also specifies that the credibility of a victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate. Reports must include the reasoning behind credibility assessments. Additionally, the WCSO shall not

require an inmate who alleges sexual abuse to submit to polygraph examination or other truth-telling device as a condition for proceeding with an investigation into a sexual abuse allegation.

The investigators were familiar with the policy and training requirements. Investigators described on what basis they judge the credibility of an alleged victim, suspect, or witness. They responded that they do not judge, and credibility is determined on a case-by-case basis and is also based on the facts of the case. They verified that they never require inmates who allege sexual abuse to submit to a polygraph. There were no inmates who had reported a sexual abuse in custody during the auditor's on-site visit to interview.

- (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 investigators interviewed confirmed that administrative investigations are also documented in written reports and contain investigative facts and findings including physical and testimonial evidence and any credibility issues. They also confirmed that staff neglect, or failures would be documented if they contributed to the sexual abuse. The auditor reviewed and compared a sample of administrative and criminal reports in support of this standard.

- (g) Criminal investigations are documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence with attachments as needed.

Investigators verified that criminal investigations are always documented in a report that is thorough and comprehensive as described. The auditor reviewed administrative and criminal PREA Incident reports that contained all the necessary elements of a comprehensive and complete investigation which can be referred administratively or for prosecution.

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

Investigators 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 sent to the County Attorney for 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.

- (i) The WCSO retains all written PREA reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. The WCJ maintains a policy which requires the retention of the PREA written reports as described in the standard.

The PREA Coordinator 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.

- (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 WCSO maintains a policy which addresses this requirement.

The investigators confirmed that allegations of sexual abuse/sexual harassment are investigated until complete and is not dependent on the employment status or incarceration status of an individual. The

investigation will remain ongoing. The alleged abuser or victim can be located for any further interview, interrogation, or follow up.

(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.

Allegations of sexual abuse will be referred and investigated by an outside agency if it involves a staff member. Interview responses from the Jail Commander, PREA Coordinator, and Investigative Staff all indicated that they assist, coordinate, and cooperate as needed with outside investigators and the supervisory staff and investigators remain informed about the progress of the investigation. Communications are maintained. The Jail Commander would designate a supervisor to be the Liaison to assist in the investigation as needed, but with minimal involvement to preserve the integrity of the investigation. They would request updates and need to be informed of the outcome of findings. They expect all investigations to be conducted in an objective, thorough, and complete manner.

<https://www.co.washington.mn.us/2244/PREA>

Reference Policies: 613 PREA/613.4 Specialized Training: Investigations/613.9 Investigations/Criminal and Administrative Agency Investigations/Reporting to Inmates, 318 PREA Training/318.5 Specialized Investigative Training.

The WCSO/WCJ complies in all material ways with the standard for criminal and administrative agency investigations for the reasons described in this narrative analysis.

Standard 115.72: Evidentiary standard for administrative investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.72 (a)

- Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The evidentiary standard for administrative investigations at the WCSO jail division is no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. Jail policy states that the WCSO shall impose no standard higher than a preponderance of evidence in their determinations. Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution. The Washington County Attorney's Office will determine prosecution based upon filing of criminal charges.

PREA investigators are trained in the criteria and evidence required to substantiate a case for administrative action or referral for prosecution. The investigators verified that it is not their job to determine proof standards and if there is evidence that a sexual abuse/harassment allegation may be criminal in nature, it is referred to the prosecutor and they will make the decision whether to file charges or not. The sample of administrative reports studied, are not indicative of standards of proof higher than a preponderance of the evidence.

Reference Policies: 613 PREA/613.4 Specialized Training: Investigations/613.9 Investigations, 318 PREA Training/318.5 Specialized Investigative Training.

Standard 115.73: Reporting to inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.73 (a)

- 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 No

115.73 (b)

- 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 No NA

115.73 (c)

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, 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 inmate whenever: The staff member is no longer posted within the inmate's unit? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, 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 inmate whenever: The staff member is no longer employed at the facility? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, 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 inmate whenever:

The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? Yes No

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, 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 inmate whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (d)

- 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 No
- 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 convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (e)

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

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCJ PREA policy subsection Investigations has a policy which requires the jail to report to inmates following an investigation into an inmate's allegation of sexual abuse suffered in the jail. The agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

In the past 12 months, I was informed that there was one allegation of sexual abuse. The inmate who alleged the sexual abuse was notified of the findings of the investigation. The auditor was provided with a copy of the PREA investigation which was an inmate-on-inmate allegation. The allegation was investigated promptly, thoroughly, and objectively. The allegation was unfounded, and the inmate was

notified. The PREA Coordinator and auditor discussed the importance of consistent written notifications for best practices and record keeping. The auditor also reviewed the WCJ PREA Tracking log going back to 2014. In the past 12 months there were two unfounded sexual abuse allegations staff-on-inmate and inmate-on-inmate. There were also two allegations that were forwarded to another county for investigation. The auditor reviewed a sample of inmate investigation files and notification records to verify the inmate notification requirements.

The PREA auditor interviewed the Jail Commander in this regard. He verified that the jail notifies an inmate who makes an allegation of sexual abuse that the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation. The investigators also confirmed that the jail has procedures that require an inmate who makes an allegation of sexual abuse be informed as to the findings following an investigation. They said that the Jail Administrator ensures the process. They report the facts of the case and a review board makes a determination as to findings. If it appears to be criminal in nature, there is a prosecution referral. There were no inmates in custody who had reported a sexual abuse at the time of the on-site audit.

- (b) If the WCSO does not conduct the investigation, it shall request the relevant information from the investigating agency in order to inform the inmate according to policy.

In the past 12 months there were three sexual abuse allegations that were alleged to have occurred at another county or facility. Two of the three were unfounded and one is still ongoing. There were no cases where the WCSO requested an outside PREA investigation. Inmates are notified upon being supplied relevant information and findings of another jurisdiction.

- (c) Specifically, according to the WCSO Reporting to Inmate policy, following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the WCSO shall subsequently inform the inmate whenever:

- The staff member is no longer employed at the facility;
- The WCSO learns that the staff member has been indicted on a charge related to sexual abuse within the facility; and
- Whether the staff member has been convicted on a charge related to sexual abuse within the facility.
- Exception: Not required if the allegation has been determined to be unfounded.

The PREA Coordinator informed me that they would also advise the inmate that the staff member is no longer posted within the inmate's housing unit. In the past 12 months, there was one staff-on-inmate sexual abuse allegation that was investigated and determined to be unfounded. 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 outcome information.

- (d) Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency also informs the alleged victim whenever:

- The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
- They learn that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

The WCJ's Reporting to Inmates policy directs this standard requirement. The auditor reviewed a sample of inmate-on-inmate sexual abuse reports. There was one inmate allegation of sexual abuse against another inmate in the past 12 months which was unfounded.

- (e) The WCJ reporting policy also mandates that all notifications are documented. It is the PREA Coordinator's responsibility to maintain the written reports in reference to all administrative or criminal investigations for as long as the alleged abuser is incarcerated in the WCJ or employed or retained by Washington County, plus five years. The obligation to report under this standard shall terminate once the inmate is released. In the event a victim or abuser leaves the WCJ, an active investigation is not terminated.

From a review of case files and reports and PREA tracking logs, it appears that inmates who allege sexual abuse in the jail are notified appropriately as required.

Reference Policies: 613 PREA/613.9 Investigations/Reporting to Inmates.

The WCJ has been found to be substantially compliant with the PREA Reporting to Inmates Standard. The PREA Auditor and the PREA Coordinator discussed the importance of best practices with consistent documentation addressing the specific requirements of reporting to inmates the investigation findings and alleged staff and inmate details.

DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.76 (a)

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

115.76 (b)

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

115.76 (c)

- Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories? Yes No

115.76 (d)

- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)? Yes No
- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

(a) In accordance with the WCSO/WCJ disciplinary policies, staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.

In addition to the PREA policy review, the auditor also read the applicable custody manual policy under Personnel Complaints and the Staff and Inmate Contact Policy. Violation of the Staff and Inmate Contact Policy may result in disciplinary action up to and including dismissal. The Personnel Complaints Policy describes the disciplinary procedures post-criminal or post-administrative investigation procedures. Disciplinary action may include:

- Oral Reprimand,
- Written Reprimand,
- Suspension,
- Demotion, or
- Discharge.

The Sheriff may postpone making a decision on an administrative investigation until any related criminal charges are resolved. As stated previously in the narrative of 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.

(b) By policy, termination is the presumptive disciplinary sanction for a staff member who have engaged in sexual abuse.

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 WCJ. The auditor reviewed the PREA Incident tracking logs and the Jail PREA Incident Reports and Investigation records pertaining to this standard.

- (c) Other than 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.

In the past 12 months there have been no staff from the facility who have been disciplined for violations of sexual abuse or sexual harassment policies. There were no substantiated determinations of staff sexual abuse or sexual harassment.

- (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).

The Personnel Complaints policy in the custody manual enforces the reporting to relevant licensing/certification bodies such as POST for law enforcement personnel. Because the WCJ is a division of the WCSO which is a Law Enforcement Agency, the report would already have been referred for investigation to the WCSO. If it involves a staff member, the investigation is referred to an outside law enforcement agency.

In the past 12 months there were no instances of staff terminations or resignations for violating sexual abuse or sexual harassment policies or laws.

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 WCSO, 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 corrections officers, and they are educated in the zero-tolerance policy as well as any consequences for a violation of the PREA policies.

Reference Policies: 613 PREA/613.10 Discipline/Disciplinary Sanctions for Staff, 120 Personnel Complaints/120.10.1 Discipline, 535 Staff and Inmate Contact, 318 PREA Training/318.3 Member Training.

The compliance requirements are met.

Standard 115.77: Corrective action for contractors and volunteers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? Yes No

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

115.77 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) Any contractor or volunteer who engages in sexual abuse must be reported to law enforcement unless the activity was clearly not criminal, and to relevant licensing bodies. The WCJ maintains a policy which describes corrective action for contractors and volunteers.

The investigators, Jail Commander, and PREA Coordinator verified that contractors who have been found to have engaged in sexual abuse would also be reported to any relevant licensing bodies or certification boards relevant to their job requirements.

In the past 12 months, there have been no contractors or volunteers reported to any licensing bodies for engaging in sexual abuse with inmates.

- (b) Additionally, the same policy calls for the facility to take appropriate remedial measures and to consider whether to prohibit further contact with inmates in the case of any violation of the agency sexual abuse/sexual harassment policies by a contractor or volunteer.

The WCSO is a law enforcement agency and the jail is a division of the Sheriff's Office. As previously established all allegations of sexual abuse/sexual harassment are reported to the WCSO for investigation referral. It is their mission to provide quality public safety services.

The Jail Commander confirmed that remedial measures and further contact with inmates is prohibited for any violation of agency sexual abuse/sexual harassment policies by a contractor or volunteer. He expanded his response to state that in nearly all cases they would discontinue contract services or let the volunteer go from service in these situations.

The WCSO 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 zero-tolerance policy as well as any consequences for a violation of the PREA policies.

The PREA Coordinator discussed an older sexual harassment situation by a volunteer whereby services were discontinued.

Reference Policies: 613 PREA/613.10 Discipline/Corrective Actions for Contractor and Volunteers, 318 PREA Training/318.3 Member Training.

The WCJ substantially complies with this standard and its subparts.

Standard 115.78: Disciplinary sanctions for inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.78 (a)

- 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 No

115.78 (b)

- 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 No

115.78 (c)

- 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 No

115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? Yes No

115.78 (e)

- 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 No

115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an

incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? Yes No

115.78 (g)

- 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 No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) There are two main jail policies that address the disciplinary sanctions for inmates engaged in inmate-on-inmate sexual abuse. The Discipline Section of the WCJ PREA Policy delineates the Disciplinary Sanctions for Inmates regarding PREA. It states that an inmate may be subject to disciplinary sanctions only pursuant to the WCJ 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 WCJ Inmate Discipline Policy also outlines discipline related to PREA incidents.

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 incident reports and PREA tracking logs that there were no findings of inmate-on-inmate sexual abuse that occurred at the WCJ in the past 12 months. Likewise, there were no findings of guilt for inmate-on-inmate sexual abuse.

The Inmate Handbook and Orientation policy also notes the facility rules and disciplinary sanctions for inmates. The auditor read the WCJ Inmate Handbook which contains a section entitled: "Inmate Rules and Disciplinary Procedures." Inmate discipline procedures and their rights are described. The inmates are also provided with a booklet of Jail Rules and Regulations at intake. There is also a list of rule violations with a list of acts that can result in disciplinary action. The inmates are responsible for knowing the rules and acting accordingly. Assault, engaging others in sexual acts with or without consent, and sexual harassment are on the list of rule violations.

- (b) The same policies also cover the standard requirements for sanctions to be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by inmates with similar histories.

The WCJ ensures 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 Sgt is responsible for developing, delivering, and procuring training for staff members who

participate in the disciplinary hearing process. Training topics should include the legal significance of due process protections and the hearing officer's role in assuring that those protections are provided.

The auditor interviewed the Jail Commander in this regard. He described the disciplinary process and sanctions that inmates are subject to following an administrative or criminal finding that the inmate engaged in inmate-on-inmate sexual abuse. He said they have a set of rule violations with their related sanctions, to utilize as a guide as well as individualized, case by case considerations when making disciplinary decisions. He confirmed that sanctions are proportionate to the nature and circumstances of the abuses committed, the inmate's disciplinary record, and the sanctions imposed for similar offenses by inmates with similar histories. He added that mental disability and mental illness is always considered when determining sanctions. Isolation can be used as sanction with 23-1 lockdown status. The auditor reviewed a sample of inmate disciplinary reports, however there were no reports of inmate-on-inmate sexual abuse determined.

- (c) The same policies previously described also require the disciplinary process to consider the inmate's mental disability/illness status.

The Jail Commander confirmed that mental disability and mental illness is always considered when determining sanctions of this nature. Isolation can be used as sanction with 23-1 lockdown status. The auditor reviewed a sample of inmate disciplinary reports, however there were no reports of inmate-on-inmate sexual abuse determined.

- (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.

Discussions with the Public Health Nursing Supervisor revealed that this type of therapy, counseling, or other intervention services would typically be contracted out to mental health specialists or emotional support resources. When these services are provided, it would be rare to require an inmate's participation as a condition of access to any rewards-based behavior management system or programming/education opportunities. Jail programs and services are typically voluntary for inmates. Disciplinary sanctions may involve referral to the psychiatric nurse for therapy sessions, however.

- (e) WCJ Policy also mandates that no discipline may be imposed for sexual contact with staff unless there is a finding that the staff member did not consent to such contact.

There were no records of disciplinary actions against inmates for sexual conduct with staff noted.

The Staff and Inmate Contact Policy provides guidelines for appropriate and professional interaction between members and inmates. Inappropriate interaction can undermine security and order in the facility and the integrity of the supervision process.

- (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.

Inmates who knowingly file a false criminal sexual conduct report, however, may face disciplinary actions or face criminal prosecution. I asked the Jail Commander and PREA Coordinator about this subject, and they advised that it would be rare to discipline an inmate for a false report of this manner because they take into consideration any mental health issues or traumas they may be experiencing. The auditor did discover one situation for disciplinary sanctions in this regard for an inmate who had a

history of filing false and frivolous allegations of sexual abuse. The WCJ Inmate Handbook and the WCJ website both address this issue in writing.

<https://www.co.washington.mn.us/3107/Inmate-Information>

- (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.

The Inmate Handbook and Orientation policy also note the facility rules and disciplinary sanctions for inmates. The auditor read the WCJ Inmate Handbook which contains a section entitled: "Inmate Rules and Disciplinary Procedures." Inmate discipline procedures and their rights are described. The inmates are also provided with a booklet of Jail Rules and Regulations at intake. There is also a list of rule violations with a list of acts that can result in disciplinary action. The inmates are responsible for knowing the rules and acting accordingly. Assault, engaging others in sexual acts with or without consent, and sexual harassment are on the list of rule violations.

The PREA Section of the WCJ Inmate Handbook addresses sexual abuse and sexual harassment, stating that conduct of a sexual nature is prohibited. The WCSO has a zero-tolerance policy concerning any sexual misconduct between inmates or between staff and inmates.

Reference Policies: 613 PREA/613.10 Discipline/Disciplinary Sanctions for Inmates, 600 Inmate Discipline/600.8 Guidelines for Disciplinary Sanctions/600.9 Training, 506 Inmate Handbook and Orientation, 535 Staff and Inmate Contact.

The auditor finds the WCJ to be in compliance regarding Inmate Disciplinary Sanctions for the reasons described.

MEDICAL AND MENTAL CARE

Standard 115.81: Medical and mental health screenings; history of sexual abuse

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.81 (a)

- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)
 Yes No NA

115.81 (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, 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.) Yes No NA

115.81 (c)

- 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 No

115.81 (d)

- 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 No

115.81 (e)

- Do medical and mental health practitioners 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? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

(a) (b) N/A because the WCJ is not a prison.

(c) All inmates at the WCJ who have disclosed any prior sexual victimization during the PREA Screening at intake (Standard 115.41) are offered a follow-up meeting with a medical or mental health practitioner. The follow-up meeting must be offered within 14 days of the intake screening.

There are multiple jail and medical policies and protocols that address this standard. There are also numerous screening forms, assessment forms, and secondary medical materials utilized in documenting compliance of the services. The WCJ Public Health Nursing staff conduct follow-up assessments for Physical Health, Mental Health, and prior sexual victimization in response to the PREA Screening Form. The auditor also reviewed samples of sick calls which indicated daily mental health

and intake follow ups. Discussions with the nursing staff during the facility tour detailed the communication process from intake to medical which usually occurred within 24 hours, much less than the mandatory 14-day requirement for follow-up assessments. They also provided the auditor with numerous assessment documents and secondary material related to this standard. By interview, the nursing supervisor verified the follow-up assessment process taking place within a day or two of intake. There is also a contracted Mental Health Practitioner that is available for referral. The contracted mental health provider visits the jail for crisis intervention, evaluation, medication needs, and follow-up. Nystrom & Associates are available for phone consultation by beeper any time during non-regular working hours. Her on-site jail hours recently have been expanded from four hours to 20-25 hours, which will positively impact the mental health aspect of assessments going forward.

Staff who perform screening for risk of victimization and abusiveness explained that if the screening indicates that an inmate has experienced prior sexual victimization, a follow-up meeting with a medical or mental health practitioner is made. Staff said that medical would be flagged and that the assessment occurs soon afterwards. The auditor reviewed all relevant forms from screening to follow-up assessments.

By policy, all new inmates shall receive a mental health appraisal by a qualified mental health professional within 14 days. Mental Health appraisals should include sexual abuse victimization. Following the appraisal, a treatment plan should be developed with recommendations regarding the inmate's housing and jail program participation. Inmates can also be referred for a mental health appraisal at any time throughout their incarceration.

Although not required of a jail according to the PREA Standards, if the screening indicates that an inmate has previously perpetrated sexual abuse, staff shall also ensure that the inmate is offered a follow-up meeting with a psychiatric nurse within 14 days of the intake screening.

Informal discussions with the intake officers confirmed that any "yes" response on the screening form will be reported to the Sgt for follow-up purposes.

- (d) Any information related to sexual victimization or abusiveness that occurred in a correctional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plan, security, and management decisions. This 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. Jail staff do not have access to inmate medical records within the medical unit.

- (e) Medical and Mental Health Practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.

The auditor was provided with medical logs, forms, assessments, and consent forms in support of this standard. The Nursing Supervisor informed the auditor that inmates are verbally advised of the confidentiality of medical information and of their right to refuse medical treatment. The Data Practices Rights Advisory is also provided to new inmates at the time of booking. It designates that certain information they are asked for and provide are classified by law as either public, private, or confidential.

Information which is classified as confidential may be provided to members of the WCJ staff for meeting their responsibilities. Medical information may be shared with medical care providers to the extent necessary to provide the proper medical care and treatment to inmates. If they receive treatment in the jail medical unit, they will be provided notice of additional privacy practices for their protected health information. 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.

<https://www.nystromcounseling.com/>

Reference Policies: 724 Mental Health Services, 512 Health Policy/Mental Health, 613 PREA/613.4 Special Training: Medical and Mental Health Care/613.5 Screening for Risk of Victimization or Abusiveness/613.11 Medical and Mental Care/Medical and Mental Health Screening; History of Sexual Abuse, 726 Mental Health Screening and Evaluation, 318 PREA Training/318.4 Specialized Medical Training, 516 Inmate Classification, 762 Informed Consent and Right to Refuse Medical Care, 776 Privacy of Care.

The WCSO is in substantial compliance in all material ways with the PREA medical and mental health screenings requirements.

Standard 115.82: Access to emergency medical and mental health services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.82 (a)

- 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 No

115.82 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62? Yes No
- Do security staff first responders immediately notify the appropriate medical and mental health practitioners? Yes No

115.82 (c)

- 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 No

115.82 (d)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (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.

The WCSO provides sufficient staffing of medical/mental health staff who are educated and experienced professionals available to respond in the event of a medical emergency.

Jail and medical/mental health policies, protocols, and procedures set forth direction for medical and security staff to provide emergency medical care to inmate victims of sexual abuse. The auditor studied numerous medical and mental health secondary materials including logs, reports, appraisal forms, hospital SANE discharge notes, pharmacy resources, and other related documents to ensure the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event that health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.

The WCJ Sexual Assault Medical Policy outlines the procedures to be taken in the event of a sexual abuse incident.

Interviews with the Nursing Supervisor and Mental Health Practitioner indicated that inmate victims of sexual abuse receive timely and unimpeded access to emergency medical treatment and crisis intervention services. In the event of a sexual abuse at the jail, they respond as soon as they are notified. The nursing supervisor described the basic triage process considering evidence protocols. Safety concerns are always addressed. The inmate would be transported to Lakeview hospital usually within an hour. The hospital is only 1.5 miles from the jail. An on-call SANE would also respond to the hospital. Canvas Health Abuse Response Services are notified for emotional support services and

advocacy. The nature and scope of these services are determined according to their medical professional judgement.

The auditor spent a significant amount of time in the medical unit observing and discussing with the medical line staff their roles and responsibilities related to PREA. They provided the auditor a variety of secondary material and explained practices during the on-site audit. The auditor again reviewed the medical sexual abuse response checklist which provides quick guidance for responsibilities.

A review of the Sexual Assault Medical Policy provided procedures which directs the notification of the Sgt on duty. The inmate will be sent to Lakeview Emergency Room immediately for evaluation by the Region's SANE nurse and a referral will be made to a mental health counselor. Referrals for SANE exam can be made up to 10 days after the assault. Any culture reports and follow-up exams will be obtained at the hospital by trained personnel. Further referrals to the mental health and medical provider will be made by the Correctional Health Nurse (CHN) upon return of the inmate and a plan of support will be determined for the inmate. Inmates placed on HIV medications will have those orders expedited via the local pharmacy through the courier service, if necessary, to ensure there is no break in dosing. If the CHN is the first point of contact, they will review and/or obtain information regarding the assault and then notify the Sgt on duty.

- (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.

Security staff and non-security staff were interviewed regarding their First Responder duties. They described the actions to take in response to an allegation of sexual abuse. They described their checklists, training, and the related policies and procedures. They confirmed:

- Separating the alleged victim and abuser;
- Preserving and protecting the crime scene and evidence collection;
- Requesting the alleged victim not to take any actions that could destroy physical evidence;
- Ensuring the alleged abuser does not take any actions that could destroy evidence; and
- Immediately notifying medical and mental health practitioners.

A review of the jail and medical policies, secondary materials, reports, and logs demonstrate immediate notification of the appropriate medical and mental health practitioners. The PREA Responsive Planning: Evidence Protocol and Forensic Medical Examination: Crime Scene Preservation and Official Response Following an Inmate Report of Sexual Abuse policies specifically address the inmate's access to emergency medical services.

- (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 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. Lakeview Hospital materials, prescription documents, and SANE discharge instructions were specifically reviewed by the auditor in support of the standard requirements. Additional related medical materials were reviewed describing access to services.

The medical/mental health staff interviews verified that inmate victims of sexual abuse are offered timely information about access to emergency contraception and sexually transmitted infection prophylaxis. There were no inmates who reported a sexual abuse in custody to interview.

- (d) The PREA Responsive Planning for Evidence Protocol and Forensic Medical Examination Policy mandates that treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

<https://www.healthpartners.com/care/hospitals/lakeview/>
<https://www.healthpartners.com/care/hospitals/regions/specialties/emergency-center/sexual-assault-care/>

Reference Policies: 613 PREA/613.7 Official Response Following an Inmate Report of Sexual Abuse/613.8 Responsive Planning: Evidence Protocol and Forensic Medical Examination: Crime Scene Preservation, 708 Emergency Health Care Services, 415 Medical Emergency, 516 Sexual Assault.

An analysis of the documents, evidence, facility observations, and interview responses provides for a compliance determination with this standard.

Standard 115.83: Ongoing medical and mental health care for sexual abuse victims and abusers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.83 (a)

- 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 No

115.83 (b)

- Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody? Yes No

115.83 (c)

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

115.83 (d)

- 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 No NA

115.83 (e)

- 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 No NA

115.83 (f)

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

115.83 (g)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? Yes No

115.83 (h)

- 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.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCJ offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any corrections facility.

The main policy that directs a referral to medical/mental health services is the PREA Policy that provides for Medical and Mental Care: Medical and Mental Health Screening; History of Sexual Abuse. If the inmate indicates that an inmate has experienced prior sexual victimization, whether it occurred in a correctional facility 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 screening. There are several related jail and medical policies that also address the ongoing medical and mental health care for inmates of the WCJ. The Mental Health Screening and Evaluation Policy also details the Mental Health Appraisal and includes sexual abuse victimization. Follow-up services are also provided according to emergency room and SANE discharge notes. Information and instructions are given to patients and their primary care providers. Medications which have been prescribed and additional testing ordered is coordinated by the medical and jail staff to ensure appropriate continuum of care for inmate victims.

The auditor reviewed the PREA Screening form, initial medical and mental health screening forms, the daily sick call lists which reference intake visits, assessment/appraisal forms, a sample of inmate medical file notes, and other secondary materials referencing this standard. The auditor toured and observed the medical unit within the jail and discussed with the nurses the processes that correspond with ongoing medical and mental health services. They described the referral process from intake. Assessments occur usually within a 24-hour period.

A review of the Sexual Assault Medical Policy for a current alleged assault provided procedures which direct the notification of the Sgt on duty. The inmate will be sent to Lakeview Emergency Room immediately for evaluation by the Region's SANE nurse and a referral will be made to a mental health counselor. Referrals for SANE exam can be made up to 10 days after the assault. Any culture reports and follow-up exams will be obtained at the hospital by trained personnel. Further referrals to the mental health and medical provider will be made by the Correctional Health Nurse (CHN) upon return of the inmate and a plan of support will be determined for the inmate. Inmates placed on HIV medications will have those orders expedited via the local pharmacy through the courier service, if necessary, to ensure there is no break in dosing. If the CHN is the first point of contact, they will review and/or obtain information regarding the assault and then notify the Sgt on duty.

- (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.

Following the appraisal process, the qualified mental health professional shall develop a treatment plan for the inmate and make recommendations regarding the inmate's housing, job assignment, and program participation. Referrals and discharge plans are described in policies. Emergency services for victims of sexual abuse victims were addressed in the previous standard narrative. Access to mental health care may be made in three ways: personal request from the inmate, correctional staff referrals (either from initial intake responses or based on observed and related inmate behaviors), or court ordered referrals. Canvas Health Abuse Response Services is also a resource available for ongoing emotional support services, advocacy, and counseling.

Upon return to the jail post-sexual assault forensic examination, the medical staff follow-up in accordance with the Emergency Department – SANE Program Discharge Information and Instructions provided to patients and their primary care providers. Medications are acquired and reviewed as per the prescription instructions. Additional testing may be necessary and is coordinated. All recommendations are followed. Counseling and emotional support services are also available.

The auditor interviewed the nursing supervisor who described what the evaluation and treatment of inmates who have been victimized entail. She described follow-up services, treatment plans and when necessary referrals or continued care after leaving the facility. Communication is key and there are conversations with the provider, and the nurse and the Jail Sgt work together to coordinate these efforts.

A review of medical records and secondary documentation demonstrate that victims are to receive these follow up services for incidents of sexual abuse.

- (c) The WCSO provides victims of sexual abuse with medical and mental health care consistent with the community level of care.

Emergency services are provided at the local community hospital. The medical and mental health staff that were interviewed verified that the services they provide are consistent with the standard of care found in the community. Usually, medical and mental health services in jail are provided in a faster manner than would be for a citizen in the community. Medical records and secondary materials reviewed demonstrate medical and mental health services consistent with the community standard of care.

- (d) Inmate victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests.

Jail and medical policies mandate the general forensic medical examination protocols which include seeking any and all appropriate medical treatment for the victim. A review of medical documents and discussion with the medical staff confirmed that inmate victims are provided no-cost pregnancy tests.

- (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.

This was confirmed by the Nursing Supervisor. Inmates are provided this information and access to services as soon as possible through the referral process and is discussed at initial OB visits.

- (f) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

Jail and medical policies in general provide for appropriate medical treatment for the victim including medical examinations and other treatment services without financial cost to the victim. Inmates placed on HIV medications will have those orders expedited via the local pharmacy through the courier service, if necessary, to ensure there is no break in dosing. Any culture reports and follow-up exams will be obtained at the hospital by trained personnel. The Emergency Department – SANE Program Discharge Information and Instructions for Patients and their Primary Care Providers explain the risk of sexually transmitted disease exposure during the assault. Additional testing and follow up care are recommended.

- (g) Treatment services are provided to the victim without financial cost regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

This is guaranteed by the Jail Responsive Planning policy addressing the evidence protocols and forensic medical examination. The PREA Coordinator confirmed that in the event of a sexual abuse incident, inmate victims would not be charged for treatment services and the WCSO would pay all related hospital and pharmacy bills. There would be no internal medical co-pay fees either.

- (h) N/A. Facility is not a prison.

It should be noted that the auditor was informed by the PREA Coordinator and the Nurse Supervisor that there is a major medical and mental health policy/protocol revision in progress and is currently in draft form. Also, the Mental Health Practitioner's hours were recently expanded from four hours to 20-25 hours weekly. As this report is being written, the auditor was also informed that the jail was just

approved for two additional clinical positions. This is something that should be examined for progress and improvements at the next PREA audit.

Reference Policies: 613 PREA/613.7 Official Response Following an Inmate Report/613.8 Responsive Planning: Evidence Protocol and Forensic Medical Examination: Crime Scene Preservation/613.11 Medical and Mental Care, 512 Mental Health, 516 Sexual Assault, 706 Referrals and Specialty Care, 726 Mental Health Screening and Evaluation, 728 Special Needs Medical Treatment Plan, 708 Emergency Health Care Services.

The WCJ substantially complies with the ongoing medical and mental health care for sexual abuse victims PREA Standard through policy, protocol, and meaningful practices.

DATA COLLECTION AND REVIEW

Standard 115.86: Sexual abuse incident reviews

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.86 (a)

- Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded? Yes No

115.86 (b)

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

115.86 (c)

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

115.86 (d)

- Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse? Yes No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? Yes No
- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? Yes No

- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? Yes No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? Yes No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? Yes No

115.86 (e)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCJ conducts an incident review after the conclusion of all PREA investigations unless the allegation has been determined to be unfounded.

Policy 613.12 Data Collection and Review: Sexual Abuse Incident Reviews ensure that the PREA Coordinator convene an incident review team comprised of jail supervisors and program staff to make certain determinations. The PREA Coordinator verified this practice and provided the auditor with the documents necessary to examine the reviews of every criminal or administrative sexual abuse investigation. There were no substantiated or unsubstantiated sexual abuse determinations in the past 12 months. The auditor also reviewed the PREA Incident Review form for use. The PREA Coordinator confirmed that all PREA incidents are reviewed by a panel of supervisory level jail and program staff. He said that in the event of a sexual abuse incident, many aspects of the facility, jail operations, programming, staffing, and video monitoring would be examined.

- (b) The same policy also requires a 30-day review. Within 30 days of the conclusion of a sexual abuse investigation, the PREA Coordinator shall convene an incident review panel to make determinations.

The PREA Coordinator verified that the reviews are conducted in a timely fashion. The auditor reviewed a sample of older reports for evidence of timely and appropriate reviews.

- (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 PREA Coordinator and the Jail Commander verified that all key responders participate in the review process. They verified that the jail has a sexual abuse incident review team that includes upper-level management officials and allows for input from line supervisors, investigators, or medical/mental health practitioners. All PREA Incidents are reviewed.

(d) The review team prepares a report of its findings which includes certain determinations and any recommendations for improvements and submits the report to the Jail Commander. The above-referenced policy also delineates the purpose of the panel and to determine whether:

- A change in policy or practice is needed to better prevent, detect, or respond to sexual abuse;
- The incident was motivated by race, ethnicity, gender identity, gang affiliation, and/or was motivated or caused by other group dynamics in the facility;
- The staffing patterns or physical barriers contributed to the abuse;
- The use of technology could have supplemented supervision.

The PREA Coordinator and the Jail Commander verified that the area in the facility where the incident allegedly occurred is physically examined to assess whether physical barriers in the area may have enabled the abuse. The team uses the information from the sexual abuse incident reviews to identify any policy, training, or other issues that indicate a need to change policy or practice. They also examine the physical plant, line of sight, and lighting when considering determinations for review. The auditor reviewed the PREA Incident Review form, the PREA Tracking Log, and some older reports which analyzed the required determinations for recommendations for improvements. A member of the Incident Review Team was also interviewed and verified that the review team considers all aspects of an alleged sexual abuse incident and investigation findings. The area in the facility where the incident allegedly occurred is assessed as to whether physical barriers may have enabled the abuse. Video tapes are also reviewed, and assessments conducted as to whether technology should be deployed or augmented to supplement supervision of staff. Staffing levels on the day in question are also analyzed.

(e) The PREA Coordinator is also responsible to ensure that recommendations for changes and improvements are implemented, and if not, the reasons for not implementing are documented.

This is in accordance with the same policy previously noted as well as verbal confirmations of the PREA Coordinator and the Jail Commander.

The WCJ substantially complies with the intent of this standard and its subparts.

Standard 115.87: Data collection

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.87 (a)

- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? Yes No

115.87 (b)

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

115.87 (c)

- Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice? Yes No

115.87 (d)

- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?
 Yes No

115.87 (e)

- 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.) Yes No NA

115.87 (f)

- Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)
 Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

- (a) The WCSO maintains a policy which requires the jail to collect accurate, uniform data for every allegation of sexual abuse. Policy 613.2 Data Collection and Review: Data Collection also requires the use of the Survey of Sexual Violence (SSV-3) Incident Form for each allegation of sexual abuse and sexual harassment. Definitions are provided within the body of the report form itself as well as listed in the WCJ PREA Policy under Definitions Related to Sexual Abuse.

The auditor requested a copy of the most recent SSV-3 for review. The PREA Coordinator provided me with the 2019 survey consisting of definitions and custodial sexual abuse statistical information for the WCJ and which was provided to the DOJ as required. The auditor also reviewed the WCJ website which contained annual PREA reports since 2017. They have been collecting and aggregating data since 2014.

<https://www.co.washington.mn.us/2244/PREA>

The Survey of Sexual Victimization (SSV) is part of BJS's National Prison Rape Statistics Program, which gathers mandated data on the incidence and prevalence of sexual assault in correctional 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 or staff that are reported to correctional authorities. The collection includes an enumeration of 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, and facilities in Indian country. Additional information is collected on substantiated incidents on the victim (s), perpetrator(s), characteristics of the incident, and outcomes.

- (b) The Data Collection policy also requires the PREA Coordinator to assemble the incident-based sexual abuse data annually, which is then published on the jail website.

The auditor confirmed with the PREA Coordinator and a review of the jail website for the annual reporting of custodial sexual abuse/harassment allegations and determinations.

- (c) The WCJ maintains, reviews, and collects data as needed from all available incident-based documents which includes reports, investigation files, Initial Complaint Reports (ICR), and sexual abuse incident reviews. All related PREA materials are saved and reviewed for annual reporting purposes with a comparison from previous years.

In addition to annual reports and the SSV-3 survey, the auditor also reviewed the WCJ PREA Incident Tracking logs over the past several years. Dates, descriptions, inmates involved, determinations, and reviews are listed. The WCJ has been tracking incident-based and aggregating the information since 2014. The track is kept up to date and current. The auditor and the PREA Coordinator discussed the importance of this process and emphasized the consistent and written documentation of the team review process. The same policy dictates this process.

- (d) Upon request, the WCJ provides the DOJ with the completed SSV-3 survey.

I again reviewed the 2019 SSV-3 form as completed by the PREA Coordinator. The DOJ requests a sample of jails throughout the United States to provide statistical information regarding custodial sexual victimization. The WCJ is not requested to accomplish the form on an annual basis, but rather intermittently as requested. (See the previous SSV-3 description as noted above.) The auditor and the PREA Coordinator discussed the importance of detail oriented records relative to PREA incidents and documented aggregated annual information.

The WCJ substantially complies with the intent of this standard.

Standard 115.88: Data review for corrective action

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.88 (a)

- 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 No

- 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 No
- 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: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? Yes No

115.88 (b)

- Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse Yes No

115.88 (c)

- Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means? Yes No

115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

(a) Policy 613.12 addresses the PREA Standard of Data Review for Corrective Action. It states that annually, the PREA Review Team consisting of representatives from Jail Administration, the Public Health Supervisor or Senior Nurse, the PREA Coordinator, and the Sgt of Operations shall review collected data in order to assess and improve effectiveness of sexual abuse prevention, detection, and response policies, and training including:

- Identifying problems;
- Taking corrective action on an ongoing basis; and
- Preparing an annual report of its findings and corrective action.

The Sheriff was asked about the annual PREA reviews. He said that it is part of their protocol to review PREA incidents and incident-based aggregated data as well. He said that they stay up to date with new laws through Lexipol policies. See the following description of Lexipol for Corrections, a comprehensive risk management solution:

As a corrections leader, you face many challenges: ensuring the safety and security of your facility, providing proper inmate supervision and meeting training mandates—even as inmate acuity increases and budgets are tight. Many jail facilities rely on outdated, inadequate policies and training for guidance on these complex issues. And that can leave your agency vulnerable.

Lexipol provides the only unified solution—content, policies and training—for correctional facilities. Our Corrections solution provides a full library of customizable, state-specific policies as well as hundreds of hours of online learning content—all accessible 24/7 through facility computers. With constitutionally sound, continuously updated policies and training from Lexipol, you can face your challenges with the confidence that your correctional officers are following best practice guidelines.

<https://www.lexipol.com/industries/corrections/>

He confirmed that incident-based sexual abuse data is used to assess and improve sexual abuse prevention, detection, and response policies, practices, and training. He said that it helps them to identify problem areas, taking corrective action on an ongoing basis. The PREA Coordinator also confirmed the study and review of collected data to assess and improve the effectiveness of its sexual abuse response. He said that PREA data is securely retained under lock and key and permissions for access are granted by authority. He verified that corrective actions are taken on an ongoing basis if needed based on this data. He provided the auditor with a few examples of staffing assignments and additional surveillance technology for improvements. Training topics may be based on PREA incidents. Best practices are always considered and reviewed. The auditor also reviewed the annual reports as published on the WCJ website. I was able to compare from year to year the PREA statistics. The auditor and the PREA Coordinator discussed the importance of consistent, formal, and documented reviews in greater detail for publishing.

<https://www.co.washington.mn.us/2244/PREA>

- (b) The same policy also requires the report to include a comparison of the current year's data and corrective actions from prior years. It should illustrate the WCJ progress towards addressing sexual assault and abuse. The report shall be made available to the public through the WCSO public website.

The annual report is published on the WCJ website and includes a comparison of prior years of PREA data.

- (c) The PREA report is published annually as approved by the Sheriff.

The Sheriff verified that all published material for the website is reviewed through the chain of command process and the county attorney for approval. The PREA report is published annually.

- (d) When the agency redacts specific material from the annual report for publication that would present a security or safety issue, it must indicate the nature of the material redacted.

The auditor reviewed the content of the PREA annual report and there were no personal identifiers or any threat to safety/security of the facility indicated. The PREA Coordinator verified that names and personal information is not included in the published reports. The reports provide a description of the PREA of 2003. Reports have been provided for each year since 2014. The PREA Coordinator said that they would be expanding their reports to provide for greater detail to assess the jail's progress in addressing sexual abuse.

<https://www.co.washington.mn.us/2244/PREA>

The WCJ receives a substantial compliance rating for this PREA standard.

Standard 115.89: Data storage, publication, and destruction

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?
 Yes No

115.89 (b)

- Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means? Yes No

115.89 (c)

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

115.89 (d)

- 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 No

Auditor Overall Compliance Determination

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

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

Instructions for Overall Compliance Determination Narrative

(a) Policy 613.12 also provides for the data storage, publication and destruction of sexual abuse and sexual harassment data. It assigns this responsibility to the PREA Coordinator and requires that they secure and retain all data collected regarding sexual abuse/harassment for a minimum of 10 years.

The PREA Coordinator verified and showed the auditor that incident-based and aggregate data are securely retained under lock and key and that incident reports and investigative case files are maintained for at least 10 years. The hard files and the software data relative to PREA are available to supervisory personnel only.

(b) The PREA Coordinator shall ensure all aggregated sexual abuse data from the WCJ is posted annually on the WCSO website with all personal identifiers removed.

The auditor verified with the PREA Coordinator and with a review of the published reports that no personal identifiers are documented for public viewing. This is also a requirement of the above-referenced policy.

(c) Before making sexual abuse data publicly available, the agency removes all personal identifiers.

This was also verified by the PREA Coordinator and through a review of all published PREA reports since 2014. This is a requirement of the same policy.

(d) The WCSO maintains sexual abuse data collected pursuant to standard 115.87 for at least 10 years after the date of the initial collection. The Data Storage, Publication, and Destruction Policy mandates this requirement in accordance with Federal, State, and local laws.

The PREA Coordinator takes responsibility for adhering to this standard.

The WCSO complies in all material ways with the standard for this relevant review period and since 2014.

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.401 (a)

- During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.) Yes No

115.401 (b)

- Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.) Yes No
- If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is **not** the *second* year of the current audit cycle.) Yes No NA
- If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is **not** the *third* year of the current audit cycle.) Yes No NA

115.401 (h)

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

115.401 (i)

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

115.401 (m)

- Was the auditor permitted to conduct private interviews with inmates, residents, and detainees? Yes No

115.401 (n)

- 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 No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The frequency and scope of the PREA audits at the WCJ is accurate. This is their third PREA Audit. The WCSO jail division was very transparent with providing the auditor with all relevant PREA policies, procedures, documents, spreadsheets, logs, and secondary material. The PREA Coordinator was responsive to requests for additional material and answers to questions by the auditor. During the on-site audit, the auditor had access to all areas of the jail and was permitted to conduct private interviews with inmates and staff. Notices were posted 45 days in advance, which announced the upcoming audit with contact information for confidential correspondence with the auditor. There were no letters received.

Standard 115.403: Audit contents and findings

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.403 (f)

- 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 that there has never been a Final Audit Report issued.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The previous two PREA Audit Final Reports have been published on the WCSO website in a timely fashion. I have been assured that this Final PREA Audit Report will also be published in its entirety.

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Auditor Instructions:

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission.¹ Auditors are not permitted to submit audit reports that have been scanned.² See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

/s/ Debora Zauhar

01/06/2021

Auditor Signature

Date

¹ See additional instructions here: <https://support.office.com/en-us/article/Save-or-convert-to-PDF-d85416c5-7d77-4fd6-a216-6f4bf7c7c110>.

² See *PREA Auditor Handbook*, Version 1.0, August 2017; Pages 68-69.