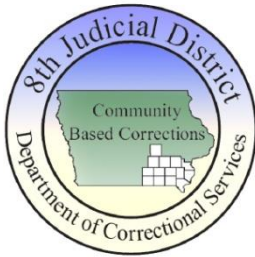


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Eighth Judicial District Department of Correctional Services
POLICIES AND PROCEDURES

PREA: Definitions

Approved: 06-12-2013

References: Prison Rape Elimination Act Standard(s) 115.5, 115.6

Effective Date: 06-12-2013

Number: PREA-101

Review Date:

POLICY: The Eighth Judicial District Department of Correctional Services will utilize the following definitions in the development of policies for compliance with the published Prison Rape Elimination Act National Standards.

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

Agency head: means the principal official of an agency.

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

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

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

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

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

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

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

Facility head: means the principal official of a facility.

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

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

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

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

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

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

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

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

Lockup: means a facility that contains holding cells, cell blocks, or other secure enclosures that are:

- (1) Under the control of a law enforcement, court, or custodial officer; and
- (2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

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

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

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

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

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

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

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

Staff: means employees.

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

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

Substantiated allegation: means an allegation that was investigated and determined to have occurred.

Unfounded allegation: means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation: means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

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

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

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

§ 115.6 Definitions related to sexual abuse.

For purposes of this part, the term—

Sexual abuse: includes—

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

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

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

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

(1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(2) Contact between the mouth and the penis, vulva, or anus;

(3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

(6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;

(7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and

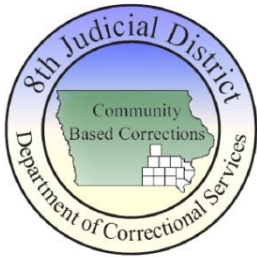
(8) Voyeurism by a staff member, contractor, or volunteer.

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

Sexual harassment: includes—

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.



Eighth Judicial District Department of Correctional Services
POLICIES AND PROCEDURES

PREA: Prevention Planning

Approved: 06-12-2013

References: PREA National Standards 115.211 through 115.218

Effective Date: 06-12-2013

Number: PREA-102

Review Date:

POLICY: The Eighth Judicial District Department of Correctional Services has a Zero Tolerance Policy towards sexual abuse and sexual harassment and will have planning in place to help prevent such abuse or harassment.

PROCEDURES:

- A. Zero tolerance of sexual abuse and sexual harassment; PREA coordinator § 115.211
 - 1. The Department has a zero tolerance policy toward all forms of sexual abuse and sexual harassment and outlines the agency's approach to preventing, detecting, and responding to such conduct in the Prison Rape Elimination Act policies.
 - 2. The department will designate a PREA coordinator who shall oversee Department efforts to comply with the PREA standards in the residential facilities.

- B. Supervision and monitoring § 115.213
 - 1. There is a documented staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect offenders against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, consideration is given to:
 - a. The physical layout of each facility;
 - b. The composition of the offender population;

- c. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - d. Any other relevant factors.
2. In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.
3. Whenever necessary, but no less frequently than once each year, each facility shall assess, determine, and document whether adjustments are needed to:
 - a. The staffing plan established pursuant to paragraph (a) of this section;
 - b. Prevailing staffing patterns;
 - c. The facility's deployment of video monitoring systems and other monitoring technologies; and
 - d. The resources the facility has available to commit to ensure adequate staffing levels.

C. Limits to cross-gender viewing and searches § 115.215

1. The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
2. The residential facilities shall not permit cross-gender pat-down searches of female offenders, absent exigent circumstances. Facilities shall not restrict female offenders' access to regularly available programming or other outside opportunities in order to comply with this provision.
3. The residential facilities shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female offenders.
4. Offenders may 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 room checks. Staff of the opposite gender must announce their presence when entering an area where offenders are likely to be showering, performing bodily functions or changing clothing.
5. Employees shall not search or physically examine a transgender or

intersex offender for the sole purpose of determining the offender's genital status. If the offender's genital status is unknown, it may be determined during conversations with the offender, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

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

D. Offenders with disabilities and offenders who are limited English proficient § 115.216

1. Offenders with disabilities (including, for example, those who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of efforts to prevent, detect and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with offenders who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, written materials are provided in formats or through methods that ensure effective communication with offenders with disabilities, including offenders who have intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.
2. The Department shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect and respond to sexual abuse and sexual harassment to offenders who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary.
3. The Department shall not rely on offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective

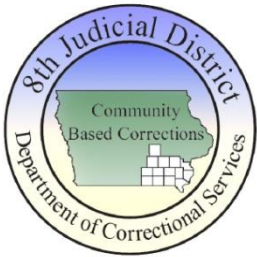
interpreter could compromise the offender's safety, the performance of first-response duties under or the investigation of the offender's allegations.

- E. Hiring and promotion decisions § 115.217
1. The Department shall not hire or promote anyone who may have contact with offenders, and shall not enlist the services of any contractor who may have contact with offenders, who—
 - a. 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);
 - b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - c. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.
 2. The Department shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with offenders.
 3. Before hiring new employees who may have contact with offenders, the Department shall:
 - a. Perform a criminal background records check; and
 - b. 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.
 4. The Department shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with offenders.

5. The Department shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with offenders or have in place a system for otherwise capturing such information for current employees.
6. The Department shall also ask all applicants and employees who may have contact with offenders directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The Department shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
7. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
8. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

F. Upgrades to facilities and technologies § 115.218

1. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department shall consider the effect of the design, acquisition, expansion or modification upon the agency's ability to protect offenders from sexual abuse.
2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department shall consider how such technology may enhance the agency's ability to protect offenders from sexual abuse.



**Eighth Judicial District Department of Correctional
Services
POLICIES AND PROCEDURES**

PREA: Responsive Planning

Approved: 06-12-2013

References: PREA Standards 115.221 and 115.222

Effective Date: 06-12-2013

Number: PREA-103

Review Date:

POLICY: The Eighth Judicial District Department of Correctional Services shall develop a policy for the collection of evidence and referral to a victim advocate for those persons who have reported they have been the victim of a sexual assault. The Department shall also make appropriate referrals for investigations and prosecution of aggressors if deemed warranted.

PROCEDURES:

A. Evidence protocol and forensic medical examinations

1. To the extent the department is responsible for investigating allegations of sexual abuse, the department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
2. The protocol shall be adapted from or otherwise based on comprehensive and authoritative protocols developed after 2011.
3. The department shall offer all victims of sexual abuse access to forensic medical examinations at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The department shall document its efforts to provide SAFEs or SANEs.
4. The department shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim

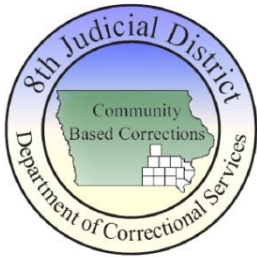
advocate services, the department shall make available to provide these services a qualified staff member from a community-based organization or a qualified department staff member. The department shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The department may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement department) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

5. As requested by the victim, the victim advocate, qualified department staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
 6. To the extent the department itself is not responsible for investigating allegations of sexual abuse, the department shall request that the investigating department follow the requirements of paragraphs (a) through (e) of this section.
 7. The requirements of paragraphs (a) through (f) of this section shall also apply to:
 - a. Any State entity outside of the department that is responsible for investigating allegations of sexual abuse in community confinement facilities;

And
 - b. Any Department of Justice component that is responsible for investigating allegations of sexual abuse in community confinement facilities.
 8. For the purposes of this standard, a qualified department staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.
- B. Policies to ensure referrals of allegations for investigations § 115.222
1. An administrative and/or criminal investigation will be completed for all allegations of sexual abuse and sexual harassment.
 2. Allegations of sexual abuse or sexual harassment will be referred for investigation to an department with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The department shall publish such policy on its Web site or, if it does

not have one, make the policy available through other means. All referrals for investigation will be documented and tracked.

3. If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the department and the investigating entity.
4. Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in community confinement facilities shall have in place a policy governing the conduct of such investigations.



Eighth Judicial District Department of Correctional Services
POLICIES AND PROCEDURES

PREA: Training/Education

Approved: 06-12-2013

References: National PREA Standards 115.231 through 115.235

Effective Date: 06-12-2013

Number: PREA-104

Review Date:

POLICY: The Eighth Judicial District Department of Correctional Services shall develop a policy for training of all staff and education of offenders of its residential correctional facilities on PREA guidelines.

PROCEDURES:

- A. Employee training § 115.231
1. All employees who may have contact with offenders shall be trained on:
 - a. The zero-tolerance policy for sexual abuse and sexual harassment;
 - b. How to fulfill their responsibilities under department sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - c. Offenders' right to be free from sexual abuse and sexual harassment;
 - d. The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - e. The dynamics of sexual abuse and sexual harassment in confinement;
 - f. The common reactions of sexual abuse and sexual harassment victims;

- g. How to detect and respond to signs of threatened and actual sexual abuse;
 - h. How to avoid inappropriate relationships with offenders;
 - i. How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders; and
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- 2. Such training shall be tailored to the gender of the offenders at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male offenders to a facility that also houses female offenders.
- 3. All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the department shall provide each employee with refresher training every two years to ensure that all employees know the department's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the department shall provide refresher information on current sexual abuse and sexual harassment policies.
- 4. The Department shall document, through employee signature or electronic verification, that employees understand the training they have received.

B. Volunteer and contractor training § 115.232

- 1. The department shall ensure that all volunteers and contractors who have contact with offenders have been trained on their responsibilities under the department's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
- 2. 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 offenders, but all volunteers and contractors who have contact with offenders shall be notified of the department's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- 3. The department shall maintain documentation confirming that volunteers and contractors understand the training they have received.

C. Offender Education § 115.233

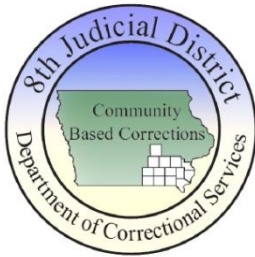
1. During the intake process, offenders shall receive information explaining the department's zero-tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding department policies and procedures for responding to such incidents.
2. The department shall provide refresher information whenever an offender is transferred to a different facility.
3. The department shall provide offender education in formats accessible to all offenders, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as offenders who have limited reading skills.
4. The department shall maintain documentation of offender participation in these education sessions. Staff who conducts the education sessions will make a notation of completion in ICON.
5. In addition to providing such education, the department shall ensure that key information is continuously and readily available or visible to offenders through posters, offender handbooks, or other written formats.

D. Specialized training: Investigations § 115.234

1. In addition to the general training provided to all employees pursuant to § 115.231, the department shall ensure that, to the extent the department itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
2. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
3. The department shall maintain documentation that department investigators have completed the required specialized training in conducting sexual abuse investigations.

E. Specialized training: Mental health care § 115.235

1. The Department shall ensure that all full- and part-time mental health care practitioners who work regularly in its facilities have been trained in:
 - a. How to detect and assess signs of sexual abuse and sexual harassment;
 - b. How to preserve physical evidence of sexual abuse;
 - c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
 - d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
2. The department shall maintain documentation that mental health practitioners have received the training referenced in this standard either from the department or elsewhere.
3. Mental health care practitioners shall also receive the training mandated for employees under § 115.231 or for contractors and volunteers under § 115.232, depending upon the practitioner's status at the department.



**Eighth Judicial District Department of Correctional
Services
POLICIES AND PROCEDURES**

PREA: Screening for Risk of Victimization or Abusiveness

Approved: 06-12-2013

**References: National PREA Standards 115.241 and
115.242**

Effective Date: 06-12-2013

Number: PREA-105

Review Date:

POLICY: The Eighth Judicial District Department of Correctional Services shall follow state procedures on identifying potential victim and aggressor profiles in the offenders assigned to its residential correctional facilities.

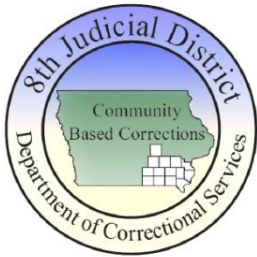
PROCEDURES:

- A. Screening for Risk of Victimization and Abusiveness § 115.241
1. All offenders assigned to one of the residential correctional facilities shall be assessed prior to or at intake screening and upon transfer to another facility for their risk of being sexually abused by other offenders or sexually abusive toward other offenders.
 2. Intake screening shall ordinarily take place within 72 hours of arrival at the facility.
 3. Such assessments shall be conducted using the state approved Sexual Violence Propensity (SVP) screening instrument.
 4. The intake screening shall consider prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse, as known to the department, in assessing offenders for risk of being sexually abusive.
 5. Within a set time period, not to exceed 30 days from the offender's arrival at the facility, the facility shall reassess the offender's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

6. An offender's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness.
7. Offenders may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked through the SVP instrument.
8. The Department shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the offender's detriment by staff or other offenders.

B. Use of Screening Information § 115.242

1. The Department shall use information from the risk screening required by § 115.241 to inform housing, bed, work, education and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive.
2. The Department shall make individualized determinations about how to ensure the safety of each offender.
3. In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the Department shall consider on a case-by-case basis whether a placement would ensure the offender's health and safety, and whether the placement would present management or security problems.
4. A transgender or intersex offender's own views with respect to his or her own safety shall be given serious consideration.
5. Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders.
6. The Department shall not place lesbian, gay, bisexual, transgender or intersex offenders in dedicated facilities, units or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility unit, or wing established in connection with a consent decree, legal settlement or legal judgment for the purpose of protecting such offenders.



Eighth Judicial District Department of Correctional Services
POLICIES AND PROCEDURES

PREA: PREA Reporting

Approved: 06-12-2013

References: National PREA Standards 115.251 through 115.254

Effective Date: 06-12-2013

Number: PREA-106

Review Date:

POLICY: The Eighth Judicial District Department of Correctional Services shall develop a policy for reporting sexual assault of sexual harassment.

PROCEDURES:

A. Offender Reporting § 115.251

1. The Department shall provide multiple internal ways for offenders to privately report sexual abuse and sexual harassment, retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
2. The Department shall also inform offenders of at least one way to report abuse or harassment to a public or private entity or office that is not part of the department and that is able to receive and immediately forward offender reports of sexual abuse and sexual harassment to department officials, allowing the offender to remain anonymous upon request.
3. Staff shall accept reports made verbally, in writing, anonymously and from third parties and shall promptly document any verbal reports.
4. The Department shall provide a method for staff to privately report sexual abuse and sexual harassment of offenders. The expectation is that staff report verbally to supervisory staff in a private setting.

B. Exhaustion of Administrative Remedies § 115.252

1. The Department shall not impose a time limit on when an offender may submit a grievance regarding an allegation of sexual abuse.
2. The Department may apply otherwise applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
3. The Department shall not require an offender to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
4. Nothing in this section shall restrict the Department's ability to defend against a lawsuit filed by an offender on the ground that the applicable statute of limitations has expired.
5. The Department shall ensure that—
 - a. An offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - b. Such grievance is not referred to a staff member who is the subject of the complaint.
6. The Department shall issue a final department decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
7. Computation of the 90-day time period shall not include time consumed by offenders in preparing any administrative appeal.
8. The Department may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The Department shall notify the offender in writing of any such extension and provide a date by which a decision will be made.
9. At any level of the administrative process, including the final level, if the offender does not receive a response within the time allotted for reply, including any properly noticed extension, the offender may consider the absence of a response to be a denial at that level.
10. Third parties, including fellow offenders, staff members, family members, attorneys and outside advocates, shall be permitted to assist offenders in filing requests for administrative remedies relating to allegations of sexual

abuse, and shall also be permitted to file such requests on behalf of offenders.

11. If a third party files such a request on behalf of an offender, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
12. If the offender declines to have the request processed on his or her behalf, the department shall document the offender's decision.
13. The Department shall establish procedures for the filing of an emergency grievance alleging that an offender is subject to a substantial risk of imminent sexual abuse.
14. After receiving an emergency grievance alleging an offender is subject to a substantial risk of imminent sexual abuse, the Department shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours and shall issue a final department decision within 5 calendar days. The initial response and final Department decision shall document the Department's determination whether the offender is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
15. The Department may discipline an offender for filing a grievance related to alleged sexual abuse only where the department demonstrates that the offender filed the grievance in bad faith.

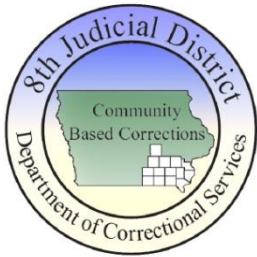
C. Offender Access to Outside Confidential Support Services § 115.253

1. The facility shall provide offenders with access to outside victim advocates for emotional support services related to sexual abuse by giving offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State or national victim advocacy or rape crisis organizations, and by enabling reasonable communication between offenders and these organizations, in as confidential a manner as possible.
2. The facility shall inform offenders, 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.

3. The Department shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide offenders with confidential emotional support services related to sexual abuse. The Department shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

D. Third-party Reporting § 115.254

1. The Department shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a resident.



**Eighth Judicial District Department of Correctional
Services
POLICIES AND PROCEDURES**

PREA: Official Response Following an Offender Report

Approved: 06-12-2013

References: National PREA Standards 115.261 through 115.267

Effective Date: 06-12-2013

Number: PREA-107

Review Date:

POLICY: The Eighth District Department of Correctional Services shall develop a policy on how to respond to an offender allegation of sexual abuse or sexual harassment.

PROCEDURES:

A. Staff and Department Reporting Duties § 115.261

1. Staff are required to immediately report any knowledge, suspicion or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
2. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation and other security and management decisions.
3. Unless otherwise precluded by Federal, State, or local law, mental health practitioners shall be required to report sexual abuse pursuant to paragraph (1) of this section and to inform offenders of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
4. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the Department shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

5. The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators.

B. Agency Protection Duties § 115.262

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

C. Reporting to Other Confinement Facilities § 115.263

1. Upon receiving an allegation that an offender was sexually abused while confined at another facility, the Facility Manager shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
2. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
3. The Department shall document that it has provided such notification.
4. Upon notification from another facility/agency that an offender was sexually abused at one of the facilities operated by this department, that allegation shall be investigated fully by policy.

D. Staff First Responder Duties § 115.264

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

- a. Separate the alleged victim and abuser;
- b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- c. If the abuse occurred within a time period that still allows for the collection of physical evidence, up to 120 hours, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating; and
- d. If the abuse occurred within a time period that still allows for the collection of physical evidence, up to 120 hours, 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.

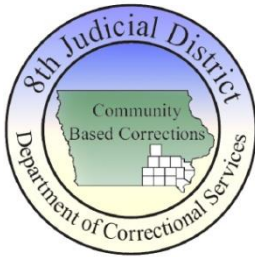
E. Coordinated response § 115.265

The facilities shall develop a written 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.

F. Agency Protection Against Retaliation § 115.267

1. The Department shall protect all offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other offenders or staff. Multiple protection measures, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offenders abusers from contact with victims and emotional support services will be employed for offenders or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
2. The Department shall employ multiple protection measures, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims and emotional support services for offenders or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
3. For at least 90 days following a report of sexual abuse, the Department shall monitor the conduct and treatment of offenders or staff who reported the sexual abuse and of offenders who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by offenders or staff, and shall act promptly to remedy any such retaliation. Items the Department should monitor include any resident disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. The agency shall continue monitoring beyond 90 days if the initial monitoring indicates a continuing need. The PREA Compliance Managers (Residential Managers) shall be responsible for said monitoring.
4. In the case of offenders, such monitoring shall also include periodic status checks.

5. If any other individual who cooperates with an investigation expresses a fear of retaliation, the Department shall take appropriate measures to protect that individual against retaliation.
6. The Department's obligation to monitor shall terminate if the Department determines that the allegation is unfounded.



Eighth Judicial District Department of Correctional Services
POLICIES AND PROCEDURES

PREA: PREA Investigations

Approved: 06-12-2013

References: National PREA Standards 115.271 through 115.273

Effective Date: 06-12-2013

Number: PREA-108

Review Date:

POLICY: The Eighth Judicial District Department of Correctional Services shall develop a policy on investigations of allegations of sexual assault or sexual harassment made by offenders.

PROCEDURES:

A. Criminal and Administrative Investigations § 115.271

1. When the Department conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly and objectively for all allegations, including third-party and anonymous reports.
2. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.234.
3. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
4. When the quality of evidence appears to support criminal prosecution, the Department shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

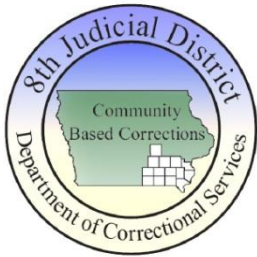
5. The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and shall not be determined by the person's status as offender or staff. No Department shall require an offender who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
6. Administrative investigations:
 - a. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
 - b. Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and investigative facts and findings.
7. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial and documentary evidence and attaches copies of all documentary evidence where feasible.
8. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
9. The Department shall retain all written reports referenced in paragraphs (6) and (7) of this section for as long as the alleged abuser is incarcerated or employed by the Department, plus five years.
10. The departure of the alleged abuser or victim from the employment or control of the facility or Department shall not provide a basis for terminating an investigation.
11. 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.

B. Evidentiary Standard for Administrative Investigations § 115.272

The Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

C. Reporting to Offenders § 115.273

1. Following an investigation into an offender's allegation of sexual abuse suffered in a Department facility, the Department shall inform the offender as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.
2. If the Department did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the offender.
3. Following an offender's allegation that a staff member has committed sexual abuse against the offender, the Department shall subsequently inform the offender (unless the Department has determined that the allegation is unfounded) whenever:
 - a. The staff member is no longer in the offender's facility;
 - b. The staff member is no longer employed at the facility;
 - c. The Department learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - d. The Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
4. Following an offender's allegation that he or she has been sexually abused by another offender, the Department shall subsequently inform the alleged victim whenever:
 - a. The Department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. The Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
5. All such notifications or attempted notifications shall be documented.
6. The Department's obligation to report under this standard shall terminate if the offender is released from the Department's custody.



Eighth Judicial District Department of Correctional Services
POLICIES AND PROCEDURES

PREA: PREA Discipline

Approved: 06-12-2013

References: National PREA Standards 115.276 through 115.278

Effective Date: 06-12-2013

Number: PREA-109

Review Date:

POLICY: The Eighth Judicial District Department of Correctional Services shall develop a policy for disciplinary sanctions for staff and offenders found to have sexually assaulted or sexually harassed other offenders.

PROCEDURES:

A. Disciplinary Sanctions for Staff § 115.276

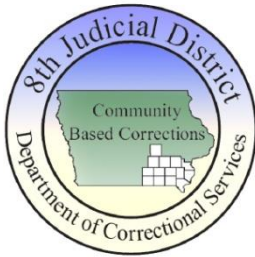
1. Staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
2. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
3. Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be 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.
4. 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, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

B. Corrective Action for Contractors and Volunteers § 115.277

1. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
2. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

C. Disciplinary Sanctions for Offenders § 115.278

1. Offenders shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse or following a criminal finding of guilt for offender-on-offender sexual abuse.
2. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the offender's disciplinary history and the sanctions imposed for comparable offenses by other offenders with similar histories.
3. The disciplinary process shall consider whether an offender's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
4. If the facility offers therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending offender to participate in such interventions as a condition of access to programming or other benefits.
5. The Department may discipline an offender for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
6. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
7. The Department may, in its discretion, prohibit all sexual activity between offenders and may discipline offenders for such activity. The Department may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.



Eighth Judicial District Department of Correctional Services
POLICIES AND PROCEDURES

PREA: Access to Medical and Mental Health Services

Approved: 06-12-2013

References: National PREA Standards 115.282 and 115.283

Effective Date: 06-12-2013

Number: PREA-110

Review Date:

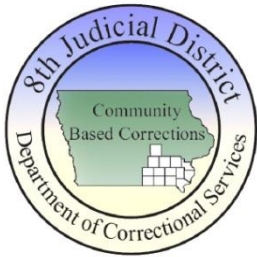
POLICY: The Eighth Judicial District Department of Correctional Services shall develop a policy that outlines access to medical or mental health services for victims of sexual assault.

PROCEDURES:

- A. Access to Emergency Medical and Mental Health Services § 115.282
 - 1. Offender victims of sexual abuse shall 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.
 - 2. Offender victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
 - 3. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

- B. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers § 115.283
 - 1. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all offenders who have been victimized by sexual abuse in any prison, jail, lockup or juvenile facility.

2. The evaluation and treatment of such victims shall 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.
3. The facility shall provide such victims with medical and mental health services consistent with the community level of care.
4. Offender victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
5. If pregnancy results from conduct specified in paragraph (4) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
6. Offender victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
7. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
8. The facility shall attempt to conduct a mental health evaluation of all known offender-on-offender abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.



**Eighth Judicial District Department of Correctional
Services
POLICIES AND PROCEDURES**

PREA: PREA Data Collection

Approved: 06-12-2013

**References: National PREA Standards 115.286 through
115.289**

Effective Date: 06-12-2013

Number: PREA-111

Review Date:

POLICY: The Eighth Judicial District Department of Correctional Services shall develop a policy for review of and data collection of incidents of alleged sexual assault unless the allegation has been determined to be unfounded.

PROCEDURES:

A. Sexual Abuse Incident Reviews § 115.286

1. The facility shall 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.
2. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
3. The review team shall include upper-level management officials, with input from line supervisors, investigators and medical or mental health practitioners.
4. The review team shall:
 - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

- b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - d. Assess the adequacy of staffing levels in that area during different shifts;
 - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - f. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (4)(a) through (4)(d) of this section, and any recommendations for improvement, and submit such report to the District Director and PREA Coordinator.
5. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

B. Data Collection § 115.287

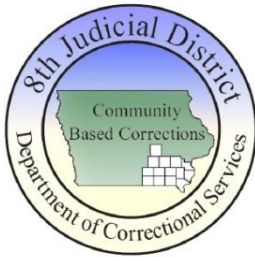
1. The Department shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
2. The Department shall aggregate the incident-based sexual abuse data at least annually.
3. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
4. The Department shall maintain, review and collect data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews.
5. Upon request, the Department shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

C. Data Review for Corrective Action § 115.288

1. The Department shall review data collected and aggregated pursuant to § 115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training, including:
 - a. Identifying problem areas;
 - b. Taking corrective action on an ongoing basis; and
 - c. Preparing an annual report of its findings and corrective actions.
2. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
3. The Department's report shall be approved by the District Director and made readily available to the public through its Web.
4. The Department may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

D. Data storage, Publication and Destruction § 115.289

1. The Department shall ensure that data collected pursuant to § 115.287 are securely retained.
2. The Department shall make all-aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its Web site.
3. Before making aggregated sexual abuse data publicly available, the Department shall remove all personal identifiers.
4. The Department shall maintain sexual abuse data collected pursuant to § 115.287 for at least 10 years after the date of the initial collection unless Federal, State or local law requires otherwise.



**Eighth Judicial District Department of Correctional Services
POLICIES AND PROCEDURES**

PREA: Audits

Approved: 06-12-2013

References: PREA Standards 115.293 and 115.401 through 115.405

Effective Date: 06-12-2013

Number: PREA-112

Review Date:

POLICY: The Eighth Judicial District Department of Correctional Services shall develop a policy for the preparation for PREA audits.

PROCEDURES:

A. Audits of Standards § 115.293

Audits shall be conducted pursuant to §§ 115.401 through 115.405.

B. Frequency and Scope of Audits § 115.401

1. During the three-year period starting on **August 20, 2012**, and during each three-year period thereafter, the Department shall ensure that each facility operated by the Department is audited at least once.
2. During each one-year period starting on **August 20, 2012**, the Department shall ensure that at least one-third of each facility type operated by the Department is audited.
3. The Department of Justice may send a recommendation to a Department for an expedited audit if the Department has reason to believe that a particular facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the agency with PREA-related issues.
4. The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.

5. The Department shall bear the burden of demonstrating compliance with the standards.
6. The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits and accreditations for each facility.
7. The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
8. The auditor shall have access to, and shall observe, all areas of the audited facilities.
9. The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).
10. The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.
11. The auditor shall interview a representative sample of offenders and of staff, supervisors, and administrators.
12. The auditor shall review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
13. The auditor shall be permitted to conduct private interviews with offenders.
14. Offenders shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
15. Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

C. Auditor Qualifications § 115.402

1. An audit shall be conducted by:

- a. A member of a correctional monitoring body that is not part of, or under the authority of, the Department (but may be part of, or authorized by, the relevant State or local government);
 - b. A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or
 - c. Other outside individuals with relevant experience.
2. All auditors shall be certified by the Department of Justice. The Department of Justice shall develop and issue procedures regarding the certification process, which shall include training requirements.
 3. No audit may be conducted by an auditor who has received financial compensation from the Department being audited (except for compensation received for conducting prior PREA audits) within the three years prior to the Department's retention of the auditor.
 4. The Department shall not employ, contract with or otherwise financially compensate the auditor for three years subsequent to the Department's retention of the auditor, with the exception of contracting for subsequent PREA audits.

D. Audit Contents and Findings § 115.403

1. Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the Department under review.
2. Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.
3. For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings: Exceeds Standard (substantially exceeds requirement of standard); Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period); Does Not Meet Standard (requires corrective action). The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.
4. Audit reports shall describe the methodology, sampling sizes and

basis for the auditor's conclusions with regard to each standard provision for each audited facility, and shall include recommendations for any required corrective action.

5. Auditors shall redact any personally identifiable offender or staff information from their reports, but shall provide such information to the Department upon request, and may provide such information to the Department of Justice.
6. The Department shall ensure that the auditor's final report is published on the Department's website.

E. Audit Corrective Action Plan § 115.404

1. A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.
2. The auditor and the agency shall jointly develop a corrective action plan to achieve compliance.
3. The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of a facility.
4. After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.
5. If the agency does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that it has achieved compliance.

F. Audit Appeals § 115.405

1. The Department may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be lodged within 90 days of the auditor's final determination.
2. If the Department determines that the Department has stated good cause for a re-evaluation, the Department may commission a re-audit by an auditor mutually agreed upon. The Department shall bear the costs of this re-audit.
3. The findings of the re-audit shall be considered final.