

Sixth District Department of Correctional Services POLICY	Issue Date 10/18/13	Effective Date 10/20/16	Policy Number 2409-16
Subject SEXUAL MISCONDUCT WITH OFFENDERS COMMUNITY CONFINEMENT STANDARDS (PREA Data Collection and Review)		Review Month June	Author 0102/0120 (JAL/CDE)
Rescinds 2409-13	Reference PREA Standards	Prison Rape Elimination Act-Community Confinement Standards, United States Department of Justice Final Rule 28 C.F.R. Part 115, Docket No. OAG-131, RIN 1105-AB34, May 17, 2012, § 115.286 115.287, 115.288, 115.289	

PURPOSE:

To establish policy in regard to for data collection and review for Prison Rape Elimination Act (PREA) related matters.

POLICY:

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

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

PROCEDURE:

1. Sexual Abuse Incident Reviews §115.286:
 - A. The facility conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
 - B. Such review ordinarily occurs within thirty (30) days of the conclusion of the investigation.
 - C. The review team includes upper-level management officials, with input from line supervisors, investigators and medical or mental health practitioners.
 - D. The review team:
 - 1) Considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse;

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PROCEDURE: (continued)

- 2) Considers whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - 3) Examines the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - 4) Assesses the adequacy of staffing levels in that area during different shifts;
 - 5) Assesses whether monitoring technology is deployed or augmented to supplement supervision by staff; and
 - 6) Prepares a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs D1 through D4 of this section, and any recommendations for improvement, and submits such report to the Residential Manager and PREA Compliance Manager.
- E. The facility implements the recommendations for improvement, or documents its reasons for not doing so.
2. Data Collection §115.287:
- A. The Department collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
 - B. The Department aggregates the incident-based sexual abuse data at least annually.
 - C. The incident-based data collected includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
 - D. The Department maintains, reviews, and collects data as needed from all available incident-based documents including reports, investigation files and sexual abuse incident reviews.
 - E. Upon request, the Department provides all such data from the previous calendar year to the Department of Justice no later than June 30.

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PROCEDURE: (continued)

3. Data Review for Corrective Action §115.288:
 - A. The Department reviews data collected and aggregated pursuant to §115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training, including:
 - 1) Identifying problem areas;
 - 2) Taking corrective action on an ongoing basis; and
 - 3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
 - B. Such report includes a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of the agency's progress in addressing sexual abuse.
 - C. The Department's report is approved by the District Director and made readily available to the public online (www.iowacbc.org).
 - D. 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.
4. Data storage, Publication and Destruction §115.289:
 - A. The Department ensures that data collected pursuant to §115.287 are securely retained.
 - B. The Department makes all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually online at www.iowacbc.org.
 - C. Before making aggregated sexual abuse data publicly available, the Department removes all personal identifiers.
 - D. The Department maintains sexual abuse data collected pursuant to §115.287 for at least ten (10) years after the date of the initial collection unless Federal, State or local law requires otherwise.

BY ORDER OF:

Bruce Vander Sanden, Director