


Fifth Judicial District Department of Correctional Services Policy and Procedural Manual			Approval Date: 4-23-14 Approved By:  <small>Sally Kreemer, Director Fifth Judicial District Department of Correctional Services</small>
Division: Administration Unit(s): All Units	Subject: PREA 10 – Data Collection and Review		Effective Date: 4-23-14 Review Dates: N/A Revision Dates: N/A Origination Date: 4-23-2014
PREA Standards:	115.286 115.289	115.287	115.288

PURPOSE

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

POLICY

It is the policy of the Fifth 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 Fifth Judicial District Department of Correctional Services has zero tolerance for sexual violence of any kind.

APPLICABILITY

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

PROCEDURES

I. Sexual Abuse Incident Reviews § 115.286

- A. 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.
- B. Such review shall ordinarily occur within thirty (30) days of the conclusion of the investigation.
- C. The review team shall include upper-level management officials, with input from line supervisors, investigators and PREA Coordinator.
- D. The review team shall:
 1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse;
 2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status, or perceived status; or gang affiliation; or by the vulnerability of mentally or physically

disabled offenders; or was motivated or otherwise caused by other group dynamics at the facility;

3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 4. Assess the adequacy of staffing levels in that area during different shifts;
 5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 6. Prepare a report of its findings and recommendations for improvement, and submit such report to the Director, Residential Assistant Director, Residential Manager and PREA Coordinator. The report shall include but is not necessarily limited to determinations made pursuant to the following:
 - a. Considering whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse,
 - b. Considering 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. Examining the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse,
 - d. Assessing the adequacy of staffing levels in that area during different shifts, assessing whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- E. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

II. Data Collection § 115.287

- A. 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.
- B. The Department shall aggregate the incident-based sexual abuse data at least annually.
- C. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- D. 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.
- E. Upon request, the Department shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

III. Data Review for Corrective Action § 115.288

- A. 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:
 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 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.
- C. The Department's report shall be approved by the District Director and made readily available to the public online www.fifthdcs.com.
- 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.

IV. Data storage, Publication and Destruction § 115.289

- A. The Department shall ensure that data collected pursuant to § 115.287 are securely retained.
- B. The Department will 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 online at www.fifthdcs.com.
- C. Before making aggregated sexual abuse data publicly available, the Department shall remove all personal identifiers.
- D. 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.