


<p>Fifth Judicial District</p> <p>Department of Correctional Services</p> <p>Policy and Procedural Manual</p>		<p>Approval Date: 4-23-14</p> <p>Approved By:</p> <p> Sally Kremer, Director Fifth Judicial District Department of Correctional Services</p>	
<p>Division: Administration</p> <p>Unit(s): All Units</p>	<p>Subject: PREA 12 – Sexual Violence Propensity Assessment</p>		<p>Effective Date: 4-23-14</p> <p>Review Dates: N/A Revision Dates: N/A Origination Date: 4-23-2014</p>
<p>PREA Standards: 115.241 115.242</p>			

PURPOSE

To ensure all residential offenders are screened for sexual violence and housed accordingly.

POLICY

Congress enacted the Prison Rape Elimination Act of 2003 (PREA) to address the problem of sexual abuse of persons in the custody of U.S. correctional agencies. In accordance with PREA standards and requirements, it is the goal of the Fifth Judicial District Department of Correctional Services to identify sexual predators/potential sexual predators and provide the greatest possible protection to victims/potential victims of sexual abuse while housed in the Department’s residential facilities.

APPLICABILITY

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

DEFINITIONS

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.

Intersex - means a person who’s 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.

PROCEDURES

I. SVP Assessment Requirements and Timelines:

- A. All offenders shall be assessed for their risk of being sexually abused by other offenders or sexually abusive toward other offenders during an intake screening and upon transfer to another facility.
- B. Intake screening shall ordinarily take place within 72 hours of arrival at the facility.
- C. Such assessments shall be conducted using an objective screening instrument.

- D. The intake screening shall consider, at a minimum, the following criteria to assess offenders for risk of sexual victimization:
1. Whether the offender has a mental, physical, or developmental disability;
 2. The age of the offender;
 3. The physical build of the offender;
 4. Whether the offender has previously been incarcerated;
 5. Whether the offender's criminal history is exclusively nonviolent;
 6. Whether the offender has prior convictions for sex offenses against an adult or child;
 7. Whether the offender is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 8. Whether the offender has previously experienced sexual victimization; and
 9. The offender's own perception of vulnerability.
- E. 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 agency, in assessing offenders for risk of being sexually abusive.
- F. Within 30 days of an offender's arrival at a facility, the facility will reassess the offender's risk of victimization or abusiveness by completing a new SVP assessment. The assessor will use any additional, relevant information received by the facility since the initial intake SVP assessment.
- G. 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.
- H. Offenders shall not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section.
- I. The facility 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 **(115.241)**.
- J. The facility 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.
- K. The facility shall make individualized determinations about how to ensure the safety of each offender.
- L. All offenders entering a Residential Facility on or after 1-1-2013 shall be assessed by trained Department staff for sexual violence tendencies / sexual victimization using the Iowa Department of Corrections' Sexual Violence Propensity Assessment (SVP).
- M. The SVP shall be completed by the current prison case manager prior to entry into a Residential Facility. If, for some reason, an offender enters a Residential Facility without a SVP Assessment being completed, one shall be completed within seventy-two (72) hours of entry into the facility.
- N. The results of the SVP shall be documented in ICON and shall be used to make housing and bed assignments. (The facilities do not have work and program assignments in the facility.) Please refer to the SVP Assessment scoring guide for further information on SVP codes.
- O. The SVP shall be reviewed by Probation/Parole Officers within the first thirty (30) days of facility placement and as otherwise warranted to determine if changes should be made on the assessment.

- P. The SVP Assessment must always be current within one (1) year for any offender housed in a Residential Facility.
- Q. Information contained in the SVP shall be treated as confidential.

II. Transgender or Intersex Offenders

- A. In deciding whether to assign a transgender or intersex offender to a facility/wing for male or female residents, and in making other housing and programming assignments, staff 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.
- B. A transgender or intersex offender's own views with respect to his or her own safety shall be given serious consideration.
- C. Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders.
- D. The Department shall not place lesbian, gay, bisexual, transgender or intersex offenders in dedicated facilities or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility or wing established in connection with a consent decree, legal settlement or legal judgment for the purpose of protecting such offenders **(115.242)**.