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| 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 5 - Reporting | | Effective Date: 4-23-14 Review Dates: N/A Revision Dates: N/A Origination Date: 4-23-2014 |
| PREA Standards: | 115.251 115.254 | 115.252 | 115.253 |

PURPOSE

To establish policy in regard to reporting of incidents covered by the Prison Rape Elimination Act (PREA).

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. Offender Reporting § 115.251

- A. 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.
 1. Report to staff verbally
 2. Report to staff in writing
 3. Report via a kite or grievance form and give to staff or place in the secured grievance/survey boxes.
- B. 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 agency and that is able to receive and immediately forward offender reports of sexual abuse and sexual harassment to agency officials, allowing the offender to remain anonymous upon request.

1. Report to the State Ombudsman's Office
 2. Report to Mary Roche, Victim Services Coordinator
- C. Staff shall accept reports made verbally, in writing, anonymously and from third parties and shall promptly document any verbal reports.
- D. Staff may privately report sexual abuse and sexual harassment of offenders to management.

II. Exhaustion of Administrative Remedies § 115.252

- A. There is no time limit on when an offender may submit a grievance regarding an allegation of sexual abuse.
- B. The Department may apply otherwise applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
- C. 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.
- D. 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.
- E. The Department shall ensure that:
1. 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
 2. Such grievance is not referred to a staff member who is the subject of the complaint.
- F. The Department shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
- G. Computation of the 90-day time period shall not include time consumed by offenders in preparing any administrative appeal.
- H. 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.
- I. 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 will receive written notice according to the Department Grievance Policy.
- J. 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.
- K. 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.
- L. If the offender declines to have the request processed on his or her behalf, the agency shall document the offender's decision.
- M. 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.
1. After receiving an emergency grievance alleging an offender is subject to a substantial risk of imminent sexual abuse, staff shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual

abuse) to management, who shall provide an initial response within 48 hours and shall issue a final agency 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.

- N. Offenders may be disciplined for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the offender filed the grievance in bad faith.

III. Offender Access to Outside Confidential Support Services § 115.253

- A. 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 (Attachment 1).
- B. The facility shall inform offenders, prior to giving them access, of the extent to which such communications will be monitored (safety and security) and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
- C. 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.
 - 1. A copy of the Department's Memorandum of Understanding with Polk County Crisis and Advocacy Center is in the PREA binder at each Control Desk.

IV. Methods of Third-party Reporting § 115.254

- A. Third parties to offenders may report sexual abuse and/or sexual harassment by contacting any staff member, filing a verbal or written report, assisting an offender with a report, contacting the District's PREA Coordinator or via the department's website, www.fifthdcs.com.

Attachment: [1] Victim Advocacy Information

Victim Advocacy Information

To request the services of a **Sexual Assault Nurse Examiner (S.A.N.E.)**, contact a local hospital emergency room and ask for a S.A.N.E. The S.A.N.E. nurses that provide services to the Des Moines area are:

Broadlawns Medical Center (515)282-2200
Mercy Medical Center (515)247-3121
Iowa Lutheran Medical Center (515)263-5612
Unity Point Health System (515) 241-6212

For Advocacy Services call:

Polk County Crisis and Advocacy Center contact info:
⇒ 24-Hour Crisis Line – 515-286-3600

Iowa Statewide Sexual Abuse Hotline
⇒ 1-800-284-7821

National Sexual Assault Hotline
⇒ 1-800-656-HOPE (4673)

Mary Roche, Director of DOC Victim & Restorative Justice Programs
⇒ 1-800-778-1182
⇒ Mary.Roche@iowa.gov

Attorney General's Crime Victim Compensation Fund
⇒ 1-800-373-5044