

<b>STATE OF IOWA</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>POLICY</b> <b>AND PROCEDURES</b>	Policy Number  PREA-04	Applicability <input checked="" type="checkbox"/> DOC <input checked="" type="checkbox"/> CBC
	Policy Code  Public Access	Iowa Code Reference  N/A
Chapter 11  PRISON RAPE ELIMINATION ACT (PREA)	Related DOC Policies  PREA-02 PREA-03	Administrative Code Reference  N/A
Subject  PRISON RAPE ELIMINATION ACT (PREA) DATA COLLECTION, REPORTING, AND AUDIT COMPLIANCE	PREA Standards  115.11(b-c), 22(b)(d), 87(a-d)(f), 88(a-d), 89(a-d), 93, 401(a-o), 402(a-d), 403(a-f), 404(a-e), 405(a-c), 501(a-b)	Responsibility  Randy Gibbs
	Effective Date  August 2021	Authority  Beth Skinner Director Signature on file at Iowa DOC

## I. PURPOSE

To provide guidelines for compliance with the PREA Standards on data collection, reporting, and PREA audit compliance (28 CFR Part 115 National Standards to Prevent, Detect, and Respond to Prison Rape Final Rule) in Iowa Department of Corrections (IDOC) institutions and community corrections districts.

## II. POLICY

It is the policy of the IDOC to collect data to comply with PREA standards.

### CONTENTS

#### A. Public Reporting of Incident-Based Data

- B. Data Review for Corrective Action
- C. Data Storage, Publication, and Destruction
- D. Frequency and Scope of Audits
- E. Auditor Qualifications
- F. Staffing For PREA Compliance
- G. Audit Contents and Findings
- H. Audit Corrective Action Plan
- I. Audit Appeals
- J. State Determination and Certification of Full Compliance

**III. DEFINITIONS – See IDOC Policy AD-GA-16 for additional Definitions.**

**IV. DATA COLLECTION AND REPORTING**

- A. Public Reporting of Incident-Based Data
  1. The PREA Coordinator shall collect accurate, uniform data for every allegation of sexual violence at all institutions using a standardized instrument and set of definitions. (See IDOC Policies **PREA-02**, *Staff, Contractor, and Volunteer Sexual Misconduct with Incarcerated Individuals* and **PREA-03**, *Staff Response to Incarcerated Individual Sexual Violence*.)
  2. The PREA Coordinator 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 PREA Coordinator shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and incident reviews. (See IDOC Policies **PREA-02** and **PREA-03**)

5. The PREA Coordinator shall provide all such data from the previous calendar year to the Department of Justice no later than June 30 each year. **(PREA 115.87(a-d)(f))**

B. Data Review for Corrective Action

1. The Office of the Deputy Director of Institution Operation shall review data collected and aggregated in order to assess and improve the effectiveness of IDOC's sexual abuse prevention, detection, and response policies, practices, and training, including by:
  - a. Identifying problem areas;
  - b. Taking corrective action on an ongoing basis; and
  - c. Preparing an annual report of its findings and corrective actions for each institution, as well as the department as a whole.
2. The 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 IDOC's progress in addressing sexual violence.
3. The report shall be approved by the Director and posted on the IDOC website.
4. Specific material from the reports may be redacted when publication would present a clear and specific threat to the safety and security of an institution, but IDOC shall indicate the nature of the material redacted. **(PREA 115.88(a-d))**

C. Data Storage, Publication, and Destruction

1. IDOC shall ensure that data collected is securely retained.
2. IDOC shall make all aggregated sexual abuse data readily available to the public at least annually on the IDOC website and posted on the State Library. IDOC shall make sexual abuse data available to the Department of Administration (DAS) Attorney.
3. Before making aggregated sexual abuse data publicly available, IDOC shall remove all personal identifiers.

4. Sexual abuse data shall be retained for at least 10 years after the date of the initial collection or for as long as the subject of the investigation is an employee of the State of Iowa. **(PREA 115.89(a-d))**

D. Frequency and Scope of Audits

1. During the three-year period starting on August 20, 2013, and during each three-year period thereafter, IDOC shall ensure that each institution is audited at least once.
2. During each one-year period starting on August 20, 2013, IDOC shall ensure that at least one-third of IDOC's institutions is audited.
3. The Department of Justice may send a recommendation 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 IDOC with PREA-related issues.
4. The Department of Justice shall develop and issue the audit instrument that will provide guidance on the conduct of and contents of the audit.
5. IDOC shall bear the burden of demonstrating compliance with the standards.
6. The auditor shall review all relevant department-wide policies, procedures, reports, internal and external audits, and accreditations for each type of institution.
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 institutions.
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, and electronically stored information, 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 incarcerated individuals, 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 incarcerated individuals.
14. Incarcerated individuals 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. **(PREA 115.93, 401(a-o))**

E. Auditor Qualifications

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 IDOC, but may be part of, or authorized by, State or local government;
  - b. A member of an auditing entity such as a Deputy Director of Institution Operations 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 IDOC (except for compensation received for conducting prior PREA audits) within the three years prior to IDOC's retention of the auditor.
4. The agency shall not employ, contract with, or otherwise financially

compensate the auditor for three years subsequent to IDOC's retention of the auditor, with the exception of contracting for subsequent PREA audits. **(PREA 115.402(a-d))**

F. Staffing For PREA Compliance

1. The Deputy Director of Institution Operations/Designee shall serve as IDOC's PREA Coordinator and shall be responsible to develop, implement, and oversee IDOC efforts to comply with the requirements of the PREA standards. **(PREA 115.11(b))**
2. Each IDOC institution shall designate a PREA Compliance Manager/PREA Coordinator with sufficient time and authority to coordinate the institutions efforts to comply with the PREA standards. **(PREA 115.11(c))**

G. Audit Contents and Findings

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 IDOC institutons.
2. Audit reports shall state whether department-wide policies and procedures comply with relevant PREA standards.
3. For each PREA standard, the auditor shall determine whether the audited institution 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 institution 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 institution, and shall include recommendations for any required corrective action.
5. Auditors shall redact any personally identifiable incarcerated individual or staff information from their reports, but shall provide such information to IDOC upon request, and may provide such information to the Department of Justice.

6. IDOC shall ensure that the auditor's final report is published on IDOC's website. **(PREA 115.403(a-f))**

#### H. Audit Corrective Action Plan

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 IDOC 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 an institution.
4. After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the institution has achieved compliance with those standards requiring corrective action.
5. If IDOC 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. **(PREA 115.404(a-e))**

#### I. Audit Appeals

1. IDOC 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 of Justice determines that IDOC has stated good cause for a re-evaluation, IDOC may commission a re-audit by an auditor mutually agreed upon by the Department of Justice and IDOC. IDOC shall bear the costs of this re-audit.
3. The findings of the re-audit shall be considered final. **(PREA 115.405(a-c))**

#### J. State Determination and Certification of Full Compliance

1. In determining pursuant to 42 U.S.C. 15607(c)(2) whether the State is in full compliance with the PREA standards, the Governor shall consider the results of the most recent IDOC audits.
2. The Governor's certification shall apply to all facilities in the State under

the operational control of the State's Executive Branch, including facilities operated by private entities on behalf of the State's Executive Branch. **(PREA 115.501(a-b))**

3. IDOC shall publish the sexual violence investigation policies on its website. **(PREA 115.22(b))**
4. IDOC shall make best efforts to ensure that any state entity responsible for conducting administrative or criminal investigations of sexual violence, sexual misconduct, or sexual harassment in IDOC facilities shall have in place a policy governing the conduct of such investigations. **(PREA 115.22(d))**