

Prison Rape Elimination Act (PREA) Audit Report Adult Prisons & Jails

Interim Final

Date of Interim Audit Report: August 18, 2021 N/A

Date of Final Audit Report: October 18, 2021

Auditor Information

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City, State, Zip: Lansing, MI 48910

Telephone: (517) 303-4081

Date of Facility Visit: August 2-4, 2021

Agency Information

Name of Agency:
Iowa Department of Corrections

Governing Authority or Parent Agency (If Applicable):

State of Iowa

Physical Address: 510 East 12th St.

City, State, Zip: Des Moines, IA 50319

Mailing Address: 510 East 12th St.

City, State, Zip: Des Moines, IA 50319

The Agency Is:

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

Agency Website with PREA Information: <https://doc.iowa.gov/administration/prison-rape-elimination-act>

Agency Chief Executive Officer

Name: Beth A Skinner, Phd

Email: Beth.Skinner@iowa.gov

Telephone: (515) 725-5704

Agency-Wide PREA Coordinator

Name: Rebecca Bowker

Email: Rebecca.Bowker@iowa.gov

Telephone: (319) 372-5432

PREA Coordinator Reports to:

Deputy Director of Operation

Number of Compliance Managers who report to the PREA
Coordinator

9

Facility Information

Name of Facility: Anamosa State Penitentiary

Physical Address: 406 N. High Street

City, State, Zip: Anamosa, IA 52205

Mailing Address (if different from above):

Click or tap here to enter text.

City, State, Zip:

The Facility Is:

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

Facility Type:

Prison

Jail

Facility Website with PREA Information: <https://doc.iowa.gov/administration/prison-rape-elimination-act>

Has the facility been accredited within the past 3 years? Yes No

If the facility has been accredited within the past 3 years, select the accrediting organization(s) – select all that apply (N/A if the facility has not been accredited within the past 3 years):

ACA

NCCHC

CALEA

Other (please name or describe: [Click or tap here to enter text.](#))

N/A

If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:
Internal compliance audits

Warden/Jail Administrator/Sheriff/Director

Name: Kris Karberg

Email: Kristopher.Karberg@iowa.gov

Telephone: (319) 462-3504 ext. 2222

Facility PREA Compliance Manager

Name: Jean Even/Tony Riedl

Email: jean.even@iowa.gov/tony.riedl@iowa.gov

Telephone: (319) 462-3504 ext. 2258

Facility Health Service Administrator N/A

Name: Laura Barner

Email: Laura.Barner@iowa.gov

Telephone: (319) 462-3504 ext. 2281

Facility Characteristics

Designated Facility Capacity:

911

Current Population of Facility:	790	
Average daily population for the past 12 months:	974	
Has the facility been over capacity at any point in the past 12 months?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Which population(s) does the facility hold?	<input type="checkbox"/> Females <input checked="" type="checkbox"/> Males <input type="checkbox"/> Both Females and Males	
Age range of population:	19 - 85	
Average length of stay or time under supervision:	395 days	
Facility security levels/inmate custody levels:	Maximum, Medium Security, Minimum	
Number of inmates admitted to facility during the past 12 months:	395	
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:	395	
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:	376	
Does the facility hold youthful inmates	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Number of youthful inmates held in the facility during the past 12 months: (N/A if the facility never holds youthful inmates)	Click or tap here to enter text. <input checked="" type="checkbox"/> N/A	
Does the audited facility hold inmates for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Select all other agencies for which the audited facility holds inmates: Select all that apply (N/A if the audited facility does not hold inmates for any other agency or agencies):	<input type="checkbox"/> Federal Bureau of Prisons <input type="checkbox"/> U.S. Marshals Service <input type="checkbox"/> U.S. Immigration and Customs Enforcement <input type="checkbox"/> Bureau of Indian Affairs <input type="checkbox"/> U.S. Military branch <input type="checkbox"/> State or Territorial correctional agency <input type="checkbox"/> County correctional or detention agency (not physically housed at the facility) <input type="checkbox"/> Judicial district correctional or detention facility <input type="checkbox"/> City or municipal correctional or detention facility (e.g. police lockup or city jail) <input type="checkbox"/> Private corrections or detention provider <input type="checkbox"/> Other - please name or describe: Click or tap here to enter text. <input checked="" type="checkbox"/> N/A	
Number of staff currently employed by the facility who may have contact with inmates:	286	
Number of staff hired by the facility during the past 12 months who may have contact with inmates:	51	

Number of contracts in the past 12 months for services with contractors who may have contact with inmates:	21
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	72
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	52
Physical Plant	
<p>Number of buildings:</p> <p>Auditors should count all buildings that are part of the facility, whether inmates are formally allowed to enter them or not. In situations where temporary structures have been erected (e.g., tents) the auditor should use their discretion to determine whether to include the structure in the overall count of buildings. As a general rule, if a temporary structure is regularly or routinely used to hold or house inmates, or if the temporary structure is used to house or support operational functions for more than a short period of time (e.g., an emergency situation), it should be included in the overall count of buildings.</p>	37
<p>Number of inmates housing units:</p> <p>Enter 0 if the facility does not have discrete housing units. DOJ PREA Working Group FAQ on the definition of a housing unit: How is a "housing unit" defined for the purposes of the PREA Standards? The question has been raised in particular as it relates to facilities that have adjacent or interconnected units. The most common concept of a housing unit is architectural. The generally agreed-upon definition is a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, etc. In addition to the primary entrance and exit, additional doors are often included to meet life safety codes. The unit contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations. Many facilities are designed with modules or pods clustered around a control room. This multiple-pod design provides the facility with certain staff efficiencies and economies of scale. At the same time, the design affords the flexibility to separately house inmates of differing security levels, or who are grouped by some other operational or service scheme. Generally, the control room is enclosed by security glass, and in some cases, this allows inmates to see into neighboring pods. However, observation from one unit to another is usually limited by angled site lines. In some cases, the facility has prevented this entirely by installing one-way glass. Both the architectural design and functional use of these multiple pods indicate that they are managed as distinct housing units.</p>	10
Number of single cell housing units:	3
Number of multiple occupancy cell housing units:	7
Number of open bay/dorm housing units:	2
Number of segregation cells (for example, administrative, disciplinary, protective custody, etc.):	137
In housing units, does the facility maintain sight and sound separation between youthful inmates and adult inmates? (N/A if the facility never holds youthful inmates)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Medical and Mental Health Services and Forensic Medical Exams

Are medical services provided on-site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are mental health services provided on-site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Where are sexual assault forensic medical exams provided? Select all that apply.	<input type="checkbox"/> On-site <input checked="" type="checkbox"/> Local hospital/clinic <input type="checkbox"/> Rape Crisis Center <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.)

Investigations

Criminal Investigations

Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment:	4
When the facility received allegations of sexual abuse or sexual harassment (whether staff-on- inmates or Inmate-on-Inmate), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply.	<input type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
Select all external entities responsible for CRIMINAL INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for criminal investigations)	<input checked="" type="checkbox"/> Local police department <input checked="" type="checkbox"/> Local sheriff's department <input checked="" type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.) <input type="checkbox"/> N/A

Administrative Investigations

Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?	6 institutional, 4 agency
When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on- inmates or Inmate-on-Inmate), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply	<input checked="" type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.) <input checked="" type="checkbox"/> N/A

Audit Narrative

On August 2-4, 2021, an audit was conducted at the Anamosa State Penitentiary to determine compliance with the Prison Rape Elimination Act standards finalized August 2012. The auditor was present at the facility from 8:00am to 7:00pm on Monday, 8:00am to 6:30pm on Tuesday and 7:30am 1:30pm on Wednesday. The facility was previously audited in March 2021; however, due to unforeseen tragic circumstances following the onsite audit, the audit was rescheduled and reconducted in August in agreement with the agency and the auditor. There were no barriers to completing the audit. The auditor was selected to complete the audit by responding a Request for Proposal and being awarded the bid.

Audit Methodology:

The PREA Resource Audit Instrument used for Adult Prisons and Jails is furnished by the National PREA Resource Center. This tool includes the following: A) Pre-Audit Questionnaire (PAQ), B) the Auditor Compliance Tool; C) Instructions for the PREA Audit Tour; D) the Interview Protocols; E) the Auditor's Summary Report; F) the Process Map; and G) the Checklist of Documentation. In addition, the Auditor Handbook 2021 was used to guide the audit process. The Online Audit Process was used to initiate the audit; a paper report was provided.

Pre-audit:

The facility reported that posters announcing the audit with the auditor's name and address were placed throughout the facility on June 22, 2021, announcing the audit and identifying the auditor's address in English and Spanish. They were on salient fluorescent green and fuchsia paper. The posters indicated that any correspondence sent to the auditor would be confidential and not disclosed unless required by law. The exceptions in the law were noted. One confidential correspondence letter was received in response to the posters announcing the audit. The auditor's post office box was last checked on July 30, 2021.

The PAQ and corresponding documentation was reviewed July 6, 2021, and reviewed. Documentation was provided for each standard and subpart which was reviewed prior to the on-site audit.

The Agency website was reviewed. Prior PREA Audit reports were available (twenty-one total), the previous PREA audit report from for Anamosa State Penitentiary, and How to Make a Third-Party Allegation was available. Annual reports for 2014 to 2020 were accessible for review. The auditor reviewed the mandatory reporting laws, laws regarding where and how juveniles are housed and laws regarding vulnerable adults for the State of Iowa prior to the audit. The auditor researched the Internet and found no Department of Justice involvement.

Contact with external entities:

Contact was made with Just Detention International, Inc. (JDI). No specific information was provided as they had not received any concerns regarding this facility.

The Office of Citizens' Aide (commonly referred to as the Ombudsman) is the office that accepts outside reports, allowing the incarcerated individuals to remain anonymous and immediately forwarding to the appropriate investigation entity. Contact was made with this office. It was confirmed that they would accept reports, forward them immediately to the Supervisor of the Inspector General Office, Iowa Department of Corrections.

The auditor contacted the SANE Coordinator for the State of Iowa. There are now two main hospitals designated for SANE exams, one on the east side of the state, one on the west side of the state. The

coordinator indicated that they are well staff with certified SANE examiners who are available twenty-four (24) hours a day. She indicated they have not had a situation where one could not be provided. She confirmed that residents/incarcerated individuals would be provided a SANE exam in accordance with the Iowa law.

One week prior to visiting the audit, the auditor sent a list of documentation that would be required to conduct the random and targeted interviews in accordance with the Auditor Handbook as well as requests for randomly selected documentation which would demonstrate the practice of the requirements.

On-site audit:

Entrance Meeting

A brief formal meeting was held with the Deputy Warden, PREA Coordinator, and PREA Compliance Managers (PCM) the first day of the audit. The following items were reviewed: purpose of audit, goals, and expectations. Tentative schedules were developed regarding the tour, arrangements made for interviews and review of additional documentation. Rosters of staff and incarcerated individuals were provided; a plan for random and targeted interviews was developed. Interviews were arranged to be conducted in a private setting.

Facility Tour

A complete tour of the facility was conducted on August 2, 2021. In conjunction with the onsite audit conducted in March 2021, the following areas and operations were visited and observed: administrative areas, incarcerated individual living areas (general population, minimum worker unit, quarantine/orientation unit, disciplinary detention – unoccupied, restrictive housing, special needs unit) medical operations (infirmary - no longer occupied), intake operations, library/education areas, recreation areas (indoors and outdoors), barbershop, chapel areas, auditorium, visiting room, laundry, clothing exchange, hobbycraft (no longer occupied) security office, master control, social service offices, music rooms, incarcerated individual commissary, greenhouse, vehicle entrance/exit, maintenance (moved to outside operation), food service operations, museum, warehouses, administrative areas, powerhouse, and industry operations (license plate, furniture shop, soap shop, sign shop, braille, print shop, custom wood). All areas of the facility were visited that have incarcerated individual access. Supervision practices, blind spots, shower/bathroom facilities, and placement and number of telephones were observed. Cross-gender announcements were made prior to the opposite gender auditor entering the living units. Posters announcing the audit were observed throughout the facility.

Staff Interviews

In accordance with the requirements of the Auditor Handbook, formal staff interviews were conducted with the following:

Agency Head - Director

Warden

PREA Coordinator

Two PREA Compliance Managers

Two Intermediate or higher-level facility staff who conduct unannounced rounds

One Medical staff

One Mental Health staff

One Administrative (Human resource) staff

Two contractors who have contact with incarcerated individuals

Two investigative staff – administrative investigations

Inspector General's Office (IGO)

One staff who performs screening for risk of victimization/abusiveness – 72-hour intake

Two staff who performs screening for risk of victimization/abusiveness – 30-day reassessment
One staff who supervise incarcerated individuals in restrictive housing/isolation
Two staff on the sexual abuse incident team
One designated staff charged with monitoring retaliation
One security staff first responders
One grievance staff
One training staff
One volunteer coordinator
Thirteen random staff interviews (representing all three shifts)
One female corrections officer who has conducted a search on a transgender female incarcerated individual

Informal interviews were conducted during the tour with an agency nurse and one staff who completed training to accompany incarcerated individuals to the hospital if a victim advocate is not available.

Incarcerated individual Interviews

A review of incarcerated individual records was conducted with the assistance of the PCMs to identify incarcerated individuals as required by the Auditor Handbook. A total of thirty-six (36) incarcerated individuals were selected to be interviewed. Three declined to be interviewed. No youthful offenders are housed at this facility. No incarcerated individual was identified as having been placed in segregation for high risk of sexual victimization. The auditor interviewed at least one incarcerated individual from each housing unit. Additionally, the auditor requested to interview the oldest incarcerated individual and the youngest incarcerated individual. Targeted incarcerated individual interviews represented the following:

- Two with limited English
- Two self-identified as gay/bi-sexual
- Three who self-reported as having prior victimization
- One incarcerated individual who had a physical challenge
- Three incarcerated individuals – two legally blind, one hard of hearing
- Three with cognitive challenges
- Two who had reported sexual abuse/harassment
- Four self-identified as transgender females

Incarcerated individual interviews were held in the private interview rooms or a private area in the housing unit. Two additional incarcerated individuals were informally interviewed (privately) while on their work assignment.

PREA Investigations

Investigations are conducted by six staff at the facility who have received specialized training and four staff who are assigned to the Inspector General's Office, who conduct the training. The Inspector General's Office works for the Department of Correction in Iowa and reports to the Director.

A list of investigations from July 2020 to present was provided to the auditor. Eighteen investigations were reviewed:

Three staff on incarcerated individual sexual harassment

Three staff on incarcerated individual sexual abuse

Four incarcerated individual on incarcerated individual sexual abuse

Eight incarcerated individual on incarcerated individual sexual harassment allegation

Zero retaliation allegations

Three allegations were deemed substantiated, ten were deemed unsubstantiated, four were deemed unfounded. The auditor reviewed the appropriate notifications where it was warranted with each investigation.

Any and all allegations that may appear to meet the definition are investigated until the investigation established that it was not a "PREA" investigation. Allegations are entered into a statewide database, reviewed by the Inspector General and assigned to their office or the facility investigator. It was reported that during the past 12 months, no allegations were referred for criminal prosecution. Investigations reviewed reflected an anonymous report, third party report, report by medical/mental health staff, direct staff report and direct incarcerated individual report.

Exit meeting

An Exit meeting was held with the Warden and PREA Coordinator to review audit experiences, observations and preliminary findings. The auditor confirmed that she was allowed free access to all areas of the facility, access to interview incarcerated individuals and staff selected randomly and intentionally, and to see or retain any documentation requested. It was noted that an interim report should be expected within 45 days.

Post on-site audit:

Documentation gathered was reviewed for compliance with the standards. An interim report was provided with areas requiring corrective action. Documentation was received, analyzed, follow up information requested and received and a final report finding compliance was issued to the agency.

Facility Characteristics

The Anamosa State Penitentiary is located in Anamosa Iowa. In 1872, the 14th Iowa General Assembly approved **Anamosa** as the site of the "Additional **Penitentiary**". A three-member commission was formed to choose the site, purchase a quarry, and approve the architect's plan. The facility was built in 1872 by inmates with stone from the quarries in Stone City; it is listed on the National Historic Register. Currently, the facility consists of thirty-seven buildings and is located on fourteen acres of land.

The parent agency is the Iowa Department of Corrections. The mission of the Iowa Department of Corrections is "Creating Opportunities for Safe Communities".

The Anamosa State Penitentiary (ASP) is a maximum/medium security institution that currently houses incarcerated individuals; capacity is 911. There are several housing units with different missions within this facility.

Living Unit A (LUA): Special needs (cognitive and mental health), cells (sink and toilet, double occupancy) single shower stall. Two levels.

Living Unit B (LUB) – General population, cells (sink and toilet) double occupancy/single occupancy, five levels separated by stairways. Single showers located on each level.

Living Unit C (LUC) – general population, cells (sink and toilet) single occupancy – cell block, four galleries, showers located at the end of the cell block main floor.

Living Unit D (LUD) - disciplinary confinement, administrative confinement, including quarantine, (sink toilet in cell, single/double occupancy some cells in LUD 1, 2 and 3 can be triple occupancy)

Living Unit E (LUE) - single cells, (no toilet or sink in cell), common area for sink, cell and shower, outside workers, minimum custody. Four levels - same physical lay out. A small cadre of incarcerated individuals qualified to work outside the facility and are housed separately.

Disciplinary Detention (DD) – fourteen cells, single occupancy – not occupied at the time of the audit
Medical Housing Unit (MHU):

- Infirmary – six beds (TMHU)not occupied at the time of the audit
- Long term care – nine beds (STU) – not occupied at the time of the audit
- Four observations cells – not occupied at the time of the audit
- Hospice room – not occupied at the time of the audit

Count on the first day of the audit was 812 There are currently 225 lifers, 75% of the population has committed a violent crime. The facility assesses risk on the following categories and provided the statistics for the date of the audit:

Aggressor incarcerated - 6

Aggressor potential - 332

Victim incarcerated - 5

Victim potential - 71

No score - 375

Sexual Predator – 1

Inside the facility are the following operations: Food service, recreation hall, horticulture, central laundry facilities, Receiving & Discharge, clothing issuance and repair, barbershop, library, education(Kirkwood Community College – HiSET (high school equivalency, literacy, special education and ESL), chapel, music rooms, gym, Iowa Prison Industry - License Plates, Custom Woodworking, and Braille Transcription, Graphic Arts, Metal Furniture, Sign, Cleaning Products, Warehouse and Farming operations. Additional programming includes Achieving Change through Value Based Behavior (apprenticeships, moral recognition therapy - MRT (thinking for good, anger management).

Outside the facility the qualified incarcerated individuals work in the warehouse, recycling operations, powerplant, grounds operations and some community service functions.

All staff are employees of the State of Iowa employees except for the Kirkwood Community College staff and one contractual chaplain. Staffing on the first day of the audit was 288 total ASP staff, six contractual Kirkwood College, one contractual Grant Wood AEA contractual staff, zero volunteers (currently temporarily suspended due to the coronavirus pandemic). They utilize a unit management system. Unit managers and counselors are assigned to assist incarcerated individuals with various needs, twenty staff total.

Medical services are available 24/7. There are dental operations, Xray operations three exam rooms, medical/pharmacy room, medical records and staff officers. There are seventeen medical staff in addition to the Nursing Director. There are three licensed mental health staff, in addition to a Treatment Director and ten additional support staff.

Custody staff consists of captains, sergeants and corrections officers exercising direct supervision of the incarcerated individuals. They work eight hour shifts as follows:

- First shift 6:00am to 2:00pm
- Second shift: 2:00pm to 10:00pm
- Third shift 10:00om to 6:00am

Changes implemented resulting from the facility tragedy that occurred in March 2021 were observed. The industry operation was at 10% capacity. A more restricted yard schedule was implemented allowing fewer incarcerated individuals out at one time. The use of the hospice, short term medical housing and long-term care was transferred to another facility. Protective custody was moved to the restricted housing floor from another floor in the building.

Summary of Audit Findings

Standards Exceeded

Number of Standards Exceeded: 0

List of Standards Exceeded:

Standards Met

Number of Standards Met: 45

Standards Not Met

Number of Standards Not Met: 0

PREVENTION PLANNING

Standard 115.11: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

115.11 (a)

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment? Yes No
- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment? Yes No

115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? Yes No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? Yes No
- Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?
 Yes No

115.11 (c)

- If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.) Yes No NA
- Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- PREA Coordinator position description
- Chapter 11 Prison Rape Elimination Act (PREA) PREA-01 Incarcerated Individual PREA Information
- Chapter 11 Prison Rape Elimination Act (PREA) PREA-02 Staff, contractor, or Volunteer Sexual Misconduct/Harassment/Retaliation with Incarcerated Individuals (Confidential)
- Chapter 11 Prison Rape Elimination Act (PREA) PREA-03 Staff Response to Incarcerated Individual Sexual Violence or Retaliation
- Chapter 11 Prison Rape Elimination Act (PREA) PREA-04 Prison Rape Elimination Act (PREA) Data Collection, Reporting, and Audits Compliance (Confidential)
- Table of Organization – ASP
- Table of Organization Central Office
- Warden letter RE: PREA Compliance Managers July 30, 2021
- Interview with the PREA Coordinator
- Interview with the PREA Compliance Managers
- Observations during the onsite audit.

(a) An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.

The auditor reviewed excerpts from the following policies:

Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information

It supports the purpose of zero tolerance for unwanted sexual behavior and providing incarcerated individuals with information regarding their rights under PREA.

Policy statement: It is the policy of the IDOC to provide a safe, humane, and secure environment, free from the threat of unwanted sexual behavior for all incarcerated individuals in all IDOC facilities. The IDOC prohibits sexual abuse and sexual harassment of incarcerated individuals through incarcerated individual orientation, screening, assessment, classification, monitoring, counseling, and investigation of alleged sexual violence. The IDOC has a "zero tolerance" position for sexual abuse and sexual harassment of all incarcerated individuals under correctional supervision whether in institutional residential, parole, probation and work release status. This policy shall be available to all incarcerated individuals and unless updates are needed this policy shall be reviewed every three years.

It provides definitions relevant to PREA. Additionally, it defines the following: education, general provisions, reporting, inappropriate sexual harassment and sexual abuse and staff response.

It further established the following:

The Inspector General shall be responsible for the development, implementation, and oversight of IDOC's efforts to comply with the PREA standards and to manage all PREA investigations.

(b) An agency shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.

The following documents support that the Agency has an agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities:

Prison Rape Elimination Act (PREA) Staff, contractor, or Volunteer Sexual Misconduct/Harassment/Retaliation with Incarcerated Individuals states, *PREA Coordinator - The person designated by the Director with the sufficient time and authority to serve as the department-wide coordinator to develop, implement, and oversee agency efforts to comply with the PREA standards in all IDOC institutions. Responsibility includes direct supervision of the PREA Compliance Managers/PREA Coordinator, and PREA compliance.*

PREA Coordinator position description:

Under the direct supervision of the Inspector General is responsible for the establishment, supervision and management of all Departmental activities related to the statewide implementation of and compliance with the Prison Rape Elimination Act (PREA) in order to prevent, detect, investigate, and prosecute sexual misconduct, sexual violence or sexual harassment. Responsibilities include:

- *Establish central coordination and oversight of all operational activities related to PREA standard compliance and implementation including resolution of security issues, detection and prevention requirements, provision of services and treatment for victims and perpetrators of sexual assault and sexual victimization and punishment for staff and offenders misconduct within DOC and Judicial Districts;*
- *Coordinate and collaborate with DOC Director, Deputy Directors, Wardens and Judicial District Department of Correctional Services Directors on operational, security, and personnel issues in implementing PREA compliance*
- *Ensure that Policies, Procedures and Administrative Rules are revised to include necessary measures to implement PREA standards.*
- *Manage and Supervise internal investigations of complaints or allegations concerning serious staff and offender misconduct investigations of sexual misconduct, sexual assault, sexual discrimination, sexual harassment;*
- *Monitors investigations for proper evidence collection, analysis and storage, witness interview practices, written investigative report summary and documentation, preparation for internal and external hearing or presentation of investigatory results.*
- *Refer substantiated PREA investigations for criminal prosecution where appropriate;*
- *Monitors the preparation and organization of evidence and necessary testimony related to PREA violations involving staff or offenders within the IDOC or DCS Districts to include all obligations associated with providing evidence to other criminal agencies when appropriate and preparation for potential testimony at proceedings of administrative, district court, grand jury and other hearings to present facts and evidence bearing on cases investigated, Duties include the protection and preservation of confidential evidence and investigation records.*
- *Coordinates and manages institution and/or DCS staff as it relates to selection, performance, work, schedules and assignment in conducting PREA investigations of complaints or allegations from or about staff or inmates/residents.*
- *Recommends personnel actions related to results of an investigation which may include disciplinary action up to and including discharge.*
- *Coordinate annual PREA Compliance audits;*
- *Coordinate Institution Compliance Managers;*
- *Research and coordinate grant opportunities to supplement funding needs for PREA investigations,*

training on sexual assault, sexual harassment and sexual victimization issues, and the provision of services for victims and perpetrators.; duties to include writing of grant application, awarded grant review and direct the administration and fulfillment of all grant requirements;

- *Coordinate and develop statewide training programs on sexual assault, sexual harassment and sexual victimization issues. Manage and provide direction to Training Specialist as to the development and delivery of training, training materials to DOC and Judicial District executives, staff, offenders county jail schools, Iowa Law Enforcement Academy and related stakeholders*

Assist the Deputy Directors and Inspector General with policy and procedures governing all incoming publications for offenders. Responsibilities include:

- *Oversight and implementation of the statewide publication review policy, procedures and standards;*
- *Coordination of the statewide publication review committee;*
- *Consultation with the Attorney General's Office;*
- *Conduct legal research of state and federal statutes, rules, case law, and analysis of. policies and practices implemented by other state correctional agencies as to their implementation of the publication legal requirements.*

The Table of Organization Central Office demonstrates that the PREA Coordinator reports to the Deputy Director of Institutions, who reports directly to the Director.

The PREA Coordinator was on site during the week of the audit. The interview with the Agency PREA Coordinator confirmed the following:

- She is currently in an Acting capacity and maintains her duties at her facility which includes being the PREA Compliance Manager. Although these are added duties, she confirmed she has time and authority to manage all PREA related duties. Being a current PCM affords here the ability to seamlessly enter into the new role and continue with the progress for the Department to eliminate sexual abuse and sexual harassment.
- She informed the auditor that she has developed quality assurance mechanisms for the facility staff to monitor PREA related activities which will be implemented soon.
- She has and will be continuing to participate and now lead PCM meetings, which includes those responsible for PREA at the community-based centers in the state.
- She has been involved in her new role with completing the 2020 Annual Report and indicates it will be posted shortly.

Additionally:

- The auditor has had firsthand experience with her ability to update policies related to PREA compliance.
- The current risk assessment tool is computerized statewide and affords her the ability to monitor status centrally.
- The PREA Coordinator recently was accepted to participate in training to become a certified PREA Auditor and subsequently completed the training for this. She is scheduled to conduct field training soon.

The auditor concluded that the PREA Coordinator does have the time, authority, knowledge and experience to conduct the activities related to PREA.

(c) Where an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

Prison Rape Elimination Act (PREA) Data Collection, Reporting, and Audits Compliance states, *Staffing for PREA Compliance*

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.

At this facility, a Captain serves as the PREA Compliance Manager with support from a Corrections Officer. This was reinforced by a letter from the Warden to all staff of their additional roles at the facility.

The interview with the PCM and assistant yielded the following:

- Both staff indicate they work with all staff in the facility to ensure requirements of the standard are met and maintained.
- The PCM was actively involved in the staffing plan analysis.
- The facility conducts Sexual Abuse Incident Reviews monthly at which time they also discuss PREA compliance concerns with key staff.

Corrective Action Required:

The auditor believes the staff assigned do work hard to achieve compliance at this facility. They are both knowledgeable about the requirements and how they are to be achieved. However, due to their main duties, it did not appear they have the time to ensure all activities are completed while also having to perform their job. Staff were knowledgeable about who they were and expressed confidence in consulting them. However, numerous requests and activities during the audit were disorganized and found to be non-compliant when reviewing random documentation. This included the following:

- Incarcerated interviews were delayed and then they were sent for the interview the next day.
- Investigations were not all readily available and difficult to locate.
- Problems with investigations were not identified in the sexual abuse incident review.

The auditor found no reason to believe they do not have sufficient authority as the observations confirmed all bulleted areas noted above. After review of the policies, memos, organizational charts, observations and interviews with the PCM and the PREA Coordinator, the auditor concluded that the agency and the facility are committed to the prevention, detection and response to sexual abuse and harassment. In order to achieve compliance, the auditor will need a plan to ensure that the assigned staff are afforded additional time devoted specifically to PREA related duties, to ensure consistency in the established procedures that lead to compliance.

In response to the concerns regarding the time and authority for the PREA Compliance Managers, a new PCM was named. The auditor was provided assurance that this person will be given training and be better equipped to handle the multifaceted aspect of managing PREA compliance and utilizing a quality assurance program at this facility.

The auditor finds the facility compliant based on the information noted above.

Standard 115.12: Contracting with other entities for the confinement of inmates

115.12 (a)

- If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) Yes No NA

115.12 (b)

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates OR the response to 115.12(a)-1 is "NO".) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Correctional Facility Administration and Management General Administration
- Contracts with eight judicial districts
- PREA Coordinator interview (contract compliance manager)

(a) A public agency that contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with PREA standards.

Correctional Facility Administration and Management General Administration addresses the following: *When IDOC contracts for the confinement of IDOC offenders with private agencies or other entities, including other government agencies, any new contract or contract renewal shall include the entity's obligation to adopt and comply with the PREA standards. Any new contract or contract renewal shall provide for IDOC contract monitoring to ensure the entity is complying with the PREA standards and therefore supporting the requirements of the standard.*

There are eight contracts with for the confinement of work release incarcerated individuals - one for each of eight judicial districts in the state of Iowa. The auditor reviewed each contract. It requires that the agency adopt and comply with PREA standards.

(b) Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.

The interview with the PREA Coordinator indicated the following:

Monitoring of the contract is imbedded throughout the contract to include access to records for the purpose of monitoring compliance. Specifically, for PREA compliance, this includes providing the final PREA audit report, and the Interim report, if applicable.

"We monitor this by the POS and we update the POS when we renew the contracts. PREA results are always entered into our PREA annual report and the Governor Certification form for all facilities being audited for contract facilities." Additionally, as the auditor has conducted PREA audits at some

residential facilities, it was confirmed that they use the IDOC data base for entries for investigations, including suspicions. Therefore, the agency, IDOC, receives ongoing information from these contracted facilities.

Policy, contracts, PREA audit reports and interview with the PREA Coordinator verified to the auditor that the agency is compliant with the provisions of this standard.

Standard 115.13: Supervision and monitoring

115.13 (a)

- Does the agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? Yes No
- Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the generally accepted detention and correctional practices in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration any judicial findings of inadequacy in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from Federal investigative agencies in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from internal or external oversight bodies in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration all components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated) in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the composition of the inmates population in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the number and placement of supervisory staff in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the institution

programs occurring on a particular shift in calculating adequate staffing levels and determining the need for video monitoring? Yes No NA

- Does the agency ensure that each facility's staffing plan takes into consideration any applicable State or local laws, regulations, or standards in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the prevalence of substantiated and unsubstantiated incidents of sexual abuse in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring? Yes No

115.13 (b)

- In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)
 Yes No NA

115.13 (c)

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? Yes No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies? Yes No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan? Yes No

115.13 (d)

- Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? Yes No
- Is this policy and practice implemented for night shifts as well as day shifts? Yes No
- Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Interview with the Warden
- Interview with the PREA Coordinator
- Staffing Plan January 2021
- Interviews with the PREA Compliance Manager
- Interviews with Supervisors
- Interview with random staff
- Randomly requested documentation of unannounced rounds
- PAQ
- Anamosa State Penitentiary Administration & Management, Review of Staffing Requirements
- Anamosa State Penitentiary Management of the Security Program, CONFIDENTIAL
- List of cameras location and type
- Diagrams of the facility and each building
- Documentation of unannounced supervisory rounds and management rounds including night shift
- Staffing rosters November 2020 and July 2021
- Shift supervisor Daily Reports

The PAQ indicates that the staffing plan is based on a population of 974 incarcerated individuals.

(a) The agency shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:

- (1) Generally accepted detention and correctional practices;
- (2) Any judicial findings of inadequacy;
- (3) Any findings of inadequacy from Federal investigative agencies;
- (4) Any findings of inadequacy from internal or external oversight bodies;
- (5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
- (6) The composition of the inmate population;
- (7) The number and placement of supervisory staff;
- (8) Institution programs occurring on a particular shift;
- (9) Any applicable State or local laws, regulations, or standards;
- (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- (11) Any other relevant factors.

The PAQ indicates that the average daily population since the last PREA audit is 980. The staffing plan is predicated on an incarcerated individual population of 974.

PREA Requirements

1. *IDOC shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staff plan as set by the executive and legislative branches that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect offenders against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:*
 - a. *Generally accepted detention and correctional practices, as in planning their budget process;*
 - b. *Any judicial findings of inadequacy;*
 - c. *Any findings of inadequacy from Federal investigative agencies;*
 - d. *Any findings of inadequacy from internal or external oversight bodies;*
 - e. *All components of the facility's physical plant (including "blind-spots" or areas where staff or offenders may be isolated);*
 - f. *The composition of the offender population;*
 - g. *The number and placement of supervisory staff;*
 - h. *Institution programs occurring on a particular shift;*
 - i. *Any applicable State or local laws, regulations, or standards;*
 - j. *The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and*
 - k. *Any other relevant factors.*
2. *In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan. These documented deviations and justifications shall be sent to the Deputy Director of Institution Operations for review.*
3. *Whenever necessary, but no less frequently than once each year, for each facility the IDOC operates, in consultation with the PREA coordinator required by § 115.11, the IDOC shall assess, determine, and document whether adjustments are needed to:*
 - a. *The staffing plan established pursuant to paragraph (a) of this section;*
 - b. *The facility's deployment of video monitoring systems and other monitoring technologies; and*
 - c. *The resources the facility has available to commit to ensure adherence to the staffing plan. (PREA 115.13(a)(b)(c))*

The auditor reviewed the staffing plan for FY 2020. It addressed all provisions of the standard:

Generally accepted detention and correctional practices. Use of ACA standards for guiding operations. (The auditor observed applicable ACA standards in all policies reviewed).

Judicial findings of inadequacy. None, the auditor found no reason to dispute this.

Findings of inadequacy from an oversight body. None. The auditor found no reason during the audit process to dispute this.

Findings of inadequacy from an oversight body. As part of our PREA incident reviews, potential inadequacies are considered whenever there is a substantiated or unsubstantiated PREA report and solutions/improvements are discussed and implemented when appropriate.

All components of ASP's physical plant. The plan acknowledged that age, complexity and size of the facility. It was documented that continual identification of blind spots are made. Recent changes reported to the auditor during the audit further supported this.

Composition of the offender population. It was noted that at this facility incarcerated individuals general serve long sentences; most classify as medium/maximum custody offenders, with the majority are doing time for a violent crime. ASP houses Special Needs Incarcerated Individuals, and incarcerated individuals in Protective custody in specialized units.

The number and placement of supervisory staff. The plan reviewed the number and placement, acknowledging where a supervisor is permanently assigned in various areas of the facility. Video monitoring was reviewed in addition to supervisory staff conducting unannounced rounds during all three shifts throughout the institution including work areas, recreation/activity areas and living units.

Institution programs occurring on a particular shift. Population movement within the facility and the potential opportunities for individuals to gather in a group or to be isolated was examined and analyzed, noting when the most activity occurred, related to work assignments, recreation and programming.

Applicable state or local laws, regulations, or standards. No state laws were relevant to staffing requirements.

The prevalence of substantiated and unsubstantiated incidents of sexual abuse. The numbers for substantiated and unsubstantiated PREA investigations at ASP was examined.

The auditor found the staffing plan to be thorough and detailed and specific to the needs of this facility.

(b) In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.

The PAQ indicates the following reasons for deviating from the staffing plan: sick leave, FMLA, vacation, military, unscheduled hospital watches and training. Two rosters were provided for November 2020 and July 2021. They demonstrated staff absences and how essential positions were filled. The auditor requested and received a staffing roster for the 4th of April, May, June, and July 2021. Review of this roster supported those reasons for changes in staffing were documented and the use of overtime occurred.

(c) Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by § 115.11, the agency shall assess, determine, and document whether adjustments are needed to:

(1) The staffing plan established pursuant to paragraph (a) of this section;

(2) The facility's deployment of video monitoring systems and other monitoring technologies; and

(3) The resources the facility has available to commit to ensure adherence to the staffing plan.

Anamosa State Penitentiary Administration & Management, Review of Staffing Requirements states, *Whenever necessary, but no less frequently than once each year, for each facility the IDOC operates, in consultation with the PREA coordinator required by § 115.11, the IDOC shall assess, determine, and document whether adjustments are needed to:*

- a. *The staffing plan established pursuant to paragraph (a) of this section;*
- b. *The facility's deployment of video monitoring systems and other monitoring technologies; and*
- c. *The resources the facility has available to commit to ensure adherence to the staffing plan.*

Policy was recently updated to support the requirements of the standard. The PREA Coordinator was present during the audit and confirmed that all staffing plans will be reviewed by her office, and input will be provided. It was confirmed with the interview with the prior PREA Coordinator that she is involved in the staffing plans, but there was no documentation to support this. The interview with the Warden additionally confirmed this.

(d) Each agency operating a facility shall implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night shifts as well as day shifts. Each agency shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

Anamosa State Penitentiary Management of the Security Program, Review of Staff Requirements CONFIDENTIAL requires shift supervisors to tour every main living unit of the institution at least once each shift. It also confirms that staff are prohibited from alerting other staff of supervisory rounds. Additionally, it requires that intermediate level or higher-level supervisors to conduct and document unannounced rounds to identify and deter staff abuse and sexual harassment. This is required for all shifts and documented in the supervisor's report.

The auditor requested and received copies of the documentation showing unannounced rounds for July 10, 2021, which included the night shift.

Based on the interviews noted above, policy, documentation of the annual staffing review, randomly requested documentation and observations made during the tour, the auditor finds there is substantial evidence to support that this facility is compliant with this standard.

Standard 115.14: Youthful inmates

115.14 (a)

- Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult incarcerated individuals through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful incarcerated individuals [incarcerated individuals <18 years old].) Yes No NA

115.14 (b)

- In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult incarcerated individuals? (N/A if facility does not have youthful inmates [incarcerated individuals <18 years old].) Yes No NA
- In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult incarcerated individuals have sight, sound, or physical contact? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

115.14 (c)

- Does the agency make its best efforts to avoid placing inmates in isolation to comply with this provision? (N/A if facility does not have inmate [inmates <18 years old].) Yes No NA
- Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates [incarcerated individuals <18 years old].) Yes No NA
- Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Interview with the PREA Coordinator
- State of Iowa Department of Corrections Institutional Services Classification – Youthful Incarcerated Individuals

Both the interview with the PREA Coordinator and the policy noted above state that youthful, incarcerated individuals (defined as an individual under the age of 18 who is adjudicated as an adult) are housed at the Iowa Medical and Classification Center (IMCC), not at this facility. The auditor found no reason to dispute that no youthful offenders are housed at this facility. Therefore, the standard is not applicable. As such, it is deemed compliant.

Standard 115.15: Limits to cross-gender viewing and searches

115.15 (a)

- Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?
 Yes No

115.15 (b)

- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates in non-exigent circumstances? (N/A here for facilities with less than 50 inmates before August 20, 2017.) Yes No NA
- Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A here for facilities with less than 50 inmates before August 20, 2017.) Yes No NA

115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? Yes No
- Does the facility document all cross-gender pat-down searches of female inmates? (N/A if the facility does not have female inmates.) Yes No NA

115.15 (d)

- Does the facility implement a policy and practice that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? Yes No
- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? Yes No

115.15 (e)

- Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status? Yes No
- If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner? Yes No

115.15 (f)

- Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? Yes No
- Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary Chapter Health Services, Mental Health Management of Gender Dysphoria HSP 704, effective 7/20/2020 Confidential
- Anamosa State Penitentiary Security and Control Cross Gender Supervision (Confidential)
- Anamosa State Penitentiary Institutional Operations – Searches (Confidential)
- Training curriculum on searches
- Training records for staff – I still need for the cross gender/transgender searches.
- Random staff interviews

- Random incarcerated individual interviews
- Interview with female officer who conducted a strip search on a transgender female incarcerated individual
- Observations
- Documentation of a cross-gender (transgender) search – exigent circumstances (male searching a transgender female)
- PAQ
- Review of the video Guidance on Cross-Gender and Transgender Pat Searches

The PAQ indicates that one cross-gender strip searches occurred during the 12-month audit review period that involved exigent circumstance. The PAQ indicates that there was no cross-gender strip or cross-gender visual body cavity searches occurred that did not involve exigent circumstances. The auditor found no reason to dispute this during the audit process.

The PAQ indicates that 100% of all security staff who received training on conducting cross-gender pat-down searches and searches of transgender and intersex incarcerated individuals in a professional and respectful manner, consistent with security needs.

(a) The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.

Anamosa State Penitentiary Institutional Operations – Searches (Confidential) defines unclothed body searches, noting they will be conducted by the same gender of the gender of the incarcerated individual absent exigent circumstances. Additionally, searches conducted under exigent circumstances require two (2) staff members.

Anamosa State Penitentiary Chapter Health Services, Mental Health Management of Gender Dysphoria HSP 704, (Confidential) supports the following: Identify the patient’s preferred gender pronoun, Identify the patient’s preference for the gender of staff who shall conduct pat and strip searches. This information shall then be forwarded to security. The auditor reviewed the policy and concluded the following: the policy includes a procedure specific to each facility describing in detail how female staff are to ensure the incarcerated individuals in the housing areas are aware of their presence, including the night shift. Additionally, the policy/procedure addressed how to comply with Cross/Same Gender Supervision in Intake Areas, requiring that sufficient staff of the same gender as the incarcerated individual be available to “*perform and/or assist with all aspects of the intake process requiring unclothed body search, shower, and use of toilet facilities.*”

Anamosa State Penitentiary Institutional Operations – Searches (Confidential) defines a body cavity search and notes that it is only approved by the Warden and conducted in privacy by a qualified health practitioner.

(b) As of August 20, 2015, or August 20, 2017 for a facility whose rated capacity does not exceed 50 inmates, the facility shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. Facilities shall not restrict female inmates’ access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

This facility only houses male incarcerated individuals.

(c) The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches and shall document all cross-gender pat-down searches of female inmates.

Anamosa State Penitentiary Institutional Operations – Searches (Confidential) requires searches conducted under exigent circumstances to have two (2) staff members. It requires staff to document the reasons for the opposite gender search by memorandum which is to be forwarded to the Warden through the Associate Warden of Security.

The facility provided the auditor information on how the reporting process for cross gender searches would be completed in addition to documentation of one completed incident. Documentation reflected a cross-gender search which involved a male staff searching a transgender female, due to no availability of female staff.

(d) The facility shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit.

Anamosa State Penitentiary Security and Control Cross Gender Supervision states, *Staff shall exercise discretion when offenders are using the toilet facilities. The facility shall implement procedures that enable offenders to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their breasts (female offender as well as those patients identified as female per HSP-704, Management of Gender Dysphoria), buttocks, or genitalia, except in exigent circumstance or when viewing is incidental to routine cell checks.*

Offenders shall be made aware of the fact that staff of the opposite gender will be present on the housing unit.

At ASP on all shifts, all persons of the opposite gender entering a housing unit shall announce their presence in a loud enough voice to be heard without waking offenders who are asleep.

Policy supports that staff shall exercise discretion when incarcerated individuals are using the toilet facilities. It states, the facility shall implement procedures that enable incarcerated individuals to shower, perform bodily functions and change clothing, buttocks, or genitalia, except in exigent circumstance or when viewing is incidental to routine cell checks. Additionally, policy requires that incarcerated individuals be made aware of the fact that staff of the opposite gender will be present on the housing unit. Policy requires that this be implemented by posting notices and use of a distinct buzzer and a light when the opposite gender is entering the living unit.

Policy requires that incarcerated individuals be able to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their buttocks, or genitalia. Bathroom facilities are described in the facility description. For the unit with the common bathroom (LUE), toilets are divided by stalls with doors, and were not in direct view of staff walking by. Urinals were located in the back area; incarcerated individuals can change clothes without being seen by a female staff in full view.

Camera monitors were viewed. One camera does provide a view of the showers. Staff confirmed they are aware that female staff are not to be viewing this unless there is an exigent circumstance. Staff interviews confirmed that they are not viewing the showers unless security issues dictate the need. A few of the random incarcerated individual interviews confirmed to the auditor they are aware of the camera and were not satisfied, that they perceive that they are being seen by opposite gender staff.

Additionally, staff are able to view incarcerated individuals showering when conducting rounds on the higher-level galleries. This does not meet the requirement that allows incarcerated individuals the ability to shower without being seen in full view naked by female staff.

Corrective Action Required:

The auditor requested the facility to document that female staff have not viewed the camera directed toward the showers, or if they have, the reason for doing so, in the monthly meetings regarding PREA held in conjunction with the Sexual Abuse Incident reviews.

Modification of the area for the showers is required to ensure that staff are not able to view incarcerated individuals in full view naked while conducting routine rounds is required.

Update: The auditor was provided photos of visual barriers added to the shower area. The auditor believes this does afford the incarcerated individuals to shower without being seen in full view naked by female staff. Additionally, the auditor was provided a statement indicating that the camera viewing area will be restricted to ensure that females are not able to view cameras; this will be documented in PCM meetings and Management Team Meetings. The Auditor finds this corrective action acceptable to deem the facility compliant.

(e) The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

Anamosa State Penitentiary Security and Control Cross Gender Supervision (Confidential) states, verbatim - *Institutional security staff shall not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. If the incarcerated individual's genital status is unknown, it may be determined during conversations with the offender, by reviewing medical records, or if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.*

Policy requires that Institutional security staff shall not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. If the offender's genital status is unknown, it may be determined during conversations with the offender, by reviewing medical records, or if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. All random staff interviewees readily, affirmatively confirmed knowledge of this requirement.

(f) The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Anamosa State Penitentiary Institutional Operations – Searches (Confidential) Staff Training requires that staff shall be trained on how to conduct cross gender pat down searches and searches of transgender and intersex incarcerated individuals in a professional and respectful manner and in the least intrusive manner possible consistent with security needs.

The auditor was provided and reviewed the training curriculum for Contraband and Searches. Specific techniques for pat searching males and females are addressed. In addition to specific technique, it addresses that staff are to always be respectful and professional. Staff interviews confirmed they also

watched a video on transgender pat searches and strip searches (Provided by the PREA Resource Center – PRC). The auditor viewed the video and found it to provide detailed instruction and illustration for searching transgender/intersex incarcerated individuals. All random staff interviews confirmed to the auditor that they have been trained to conduct cross-gender pat down searches and searches for transgender individuals.

As noted above, policy/procedure supports the requirements of the standard., providing detailed information regarding compliance with the standard and how to maintain the compliance. Staff interviews in addition to documentation confirmed completion of training as described. Barriers have been added to ensure inmates can shower, without nonmedical staff of the opposite gender viewing their buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.

Standard 115.16: Inmates with disabilities and inmates who are limited English proficient

115.16 (a)

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes)? Yes No

- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? Yes No
- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision? Yes No

115.16 (b)

- Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient? Yes No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No

115.16 (c)

- Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Institutional Services Reception & Orientation Incarcerated Individual Intake and Orientation
- PAQ
- Language line contract
- Staff instructions for use of the language line services
- List of staff interpreters
- Interviews – random staff
- Interviews LEP and disabled incarcerated individuals
- Interview with Director
- Staying Safe: A Guide for Incarcerated individual Conduct English and Spanish
- Posters regarding PREA English and Spanish
- Chapter 11 Prison Rape Elimination Act (PREA) PREA-01 Incarcerated Individual PREA Information – English and Spanish

The PAQ indicates that the number of instances where inmate interpreters, readers, or other types of inmate assistants have been used and it was not the case that an extended delay in obtaining another interpreter could compromise the resident's safety, the performance of first-response duties under § 115.64, or the investigation of the resident's allegations is zero. This was confirmed by all random staff interviews.

The interview with the Director, Iowa Department of Corrections, stated the following: "Each facility has a pool of resources tailored for their specific institution to assist them in responding to the needs of incarcerated individuals in need of special accommodations. Each institution has the ability to enlist the services of interpreters, readers. These available resources include assistance for incarcerated individuals with disabilities and who are not English proficient. The Iowa Prison Industries has the capability to provide information in braille for our population with vision impairment. We partner with vocational rehabilitation and the department of the blind as needed."

Anamosa State Penitentiary Institutional Services Reception & Orientation states,

D. PREA Compliance

- 1. IDOC shall take appropriate steps to ensure that incarcerated individuals with disabilities (including, for example, incarcerated individuals who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of IDOC's efforts to prevent, detect, and respond to sexual assault, sexual abuse, and sexual harassment.*
- 2. Such steps shall include, when necessary to ensure effective communication with incarcerated individuals who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary.*
- 3. In addition, IDOC shall ensure that written materials are provided in formats or through methods that ensure effective communication with incarcerated individuals with disabilities, including incarcerated individuals who have intellectual disabilities, limited reading skills, or who are blind or have low vision.*
- 4. IDOC is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.*
- 5. IDOC shall take reasonable steps to ensure meaningful access to all aspects of the department's efforts to prevent, detect, and respond to sexual assault, sexual abuse, and sexual harassment to incarcerated individuals who are limited English proficient, including steps to provide interpreters who*

can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

6. IDOC shall not rely on incarcerated individual interpreters, incarcerated individual readers, or other types of incarcerated individual assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the incarcerated individual's safety, the performance of first-response duties or the investigation of the incarcerated individual's allegations.

(a) The agency shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.

Policy supports that incarcerated individuals will be afforded an equal opportunity to participate in or benefit from all aspects of IDOC's efforts to prevent, detect, and respond to sexual assault, sexual abuse, and sexual harassment. Incarcerated individuals' interviews with disabilities yielded no concerns. They all indicated they are safe, know about PREA and their rights, and know how to report. The auditor requested to interview the oldest incarcerated individual at the facility. This further supported the auditors finding of compliance with this provision. The Language Line contract includes services for Sign Language. Observations of housing, access to programs, availability of medical staff and accommodations demonstrated compliance with the provision.

(b) The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

The facility has the use of a language line service, the contract was provided. Incarcerated individuals LEP interviews yielded no concerns. They indicated knowledge of the law, rights, how to report and availability of information in Spanish. Policy and documentation supports that incarcerated individuals can be provided the following information materials in English and Spanish: PREA video, closed caption; PREA posters, and Staying Safe: A Guide for Incarcerated individual Conduct. Additionally, the facility has provided names of staff who can interpret Spanish, one for each shift. Chapter 11 Prison Rape Elimination Act (PREA) PREA-01 Incarcerated Individual PREA Information is available in English and in Spanish. Under purpose, it is noted, *To inform incarcerated individuals of Iowa Department of Corrections' (IDOC) zero tolerance standard for unwanted sexual behavior and to provide incarcerated individuals with information relative to their rights and responsibilities under the Prison Rape Elimination Act.*

(c) The agency shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could

compromise the inmate's safety, the performance of first-response duties under § 115.64, or the investigation of the inmate's allegations.

Policy supports the requirement of the standard. All random staff interviews confirmed that another incarcerated individual will not be relied on to interpret unless exigent circumstances, nor has this occurred. The auditor observed during the audit that there are very few incarcerated individuals who are limited English at this facility.

Finding of compliance based on the following: Policy, staff interviews, random and targeted incarcerated individuals' interviews, observations, the interview with the Director all gave the auditor sufficient evidence to support a finding of compliance.

Standard 115.17: Hiring and promotion decisions

115.17 (a)

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? Yes No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? Yes No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No

115.17 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates? Yes No

115.17 (c)

- Before hiring new employees, who may have contact with inmates, does the agency: perform a criminal background records check? Yes No
- Before hiring new employees, who may have contact with inmates, does the agency: consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse? Yes No

115.17 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? Yes No

115.17 (e)

- Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? Yes No

115.17 (f)

- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? Yes No
- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? Yes No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? Yes No

115.17 (g)

- Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? Yes No

115.17 (h)

- Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Administration and Management General Administration Agreements and Contracts (Confidential)
- Anamosa State Prison Administration and Management Personnel Employee Selection (Confidential)
- Anamosa State Penitentiary Administration and Management Personnel Iowa Department of Corrections General Rules of Employee Conduct (Confidential)
- Anamosa State Penitentiary Administration and Management Personnel Background Checks for Applicants and Current Employees (Confidential)
- Application
- Applicant Background Information and Authority for Release of Information
- PAQ
- Interview with Human Resources personnel
- Interview with Warden
- Acknowledgements of receipt of the Employee Handbook
- Personnel files for employees hired within the past 12 months (six total)
- Personnel files for employees promoted within the last twelve months, (two)
- Documentation demonstrating background checks conducted of employees and contractors at least every five years
- Review of a reference check provided by this facility regarding an employee who applied to work at another correctional operation
- Anamosa State penitentiary Administration & Management Personnel Iowa Department of Corrections General Rules of Employee Conduct

According to the PAQ, the number staff hired in the past 12 months who had background checks is 51, the number contracts hired in the past 12 months who had background checks is 21.

Anamosa State Penitentiary Administration and Management Personnel includes the following requirements. Applicants who are interviewed complete the Authority for Release of Information. The institution shall ask all applicants and employees who may have contact with incarcerated individuals directly about previous misconduct described in paragraph (1) above of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The institution shall also impose upon employees a continuing affirmative duty to disclose any such misconduct. Additionally, policy supports that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

(a) The agency shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who—

(1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);

(2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

(3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.

Anamosa State Penitentiary Administration and Management General Administration Agreements and Contracts supports the following requirements:

IDOC shall not enlist the services of contractor who may have contact with offenders who have

(1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);

(2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

(3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.

- Perform criminal back ground checks
- Complete criminal background checks at least every five years

Anamosa State Prison Administration and Management Personnel Employee Selection (Confidential) states under the category *Hiring and Promotion Decisions*

1. The institution shall not hire or promote anyone who may have contact with incarcerated individuals, who -

a. Has engaged in sexual violence in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);

b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

c. Has been civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.

Policy, interview with Human Resource staff and review of the application form demonstrated to the auditor that the agency requires that candidates address these questions in the application: (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section. The auditor randomly requested to have the documents supporting this for the last four newly hired staff and last two promotional staff; the documents supported compliance. The HR staff and policy require that the facility does impose upon employees a continuing affirmative duty to disclose any such misconduct. This is noted in the Employee Handbook. The auditor reviewed signatures of newly hired

staff confirming this. Additionally, the auditor asked random staff if they are required to report misconduct to the facility. All confirmed they have a duty to report any arrests that occurred immediately to their supervisor.

(b) The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.

Anamosa State Prison Administration and Management Personnel Employee Selection (Confidential) Anamosa State Prison Administration and Management Personnel Employee Selection (Confidential) states, *that the institution shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, who may have contact with incarcerated individuals.*

Anamosa State Penitentiary Administration and Management General Administration Agreements and Contracts supports the following requirement: IDOC shall consider incidents of sexual harassment in determining whether to promote or hire any contractor.

Policy and the interview with the Human Resource staff confirm that sexual harassment incidents are considered when determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with incarcerated individuals. No specific examples were available (as confirmed by the HR staff) to confirm this.

(c) Before hiring new employees who may have contact with inmates, the agency shall:

(1) Perform a criminal background records check; and

(2) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

Anamosa State Prison Administration and Management Personnel Employee Selection (Confidential) states, before hiring new employees who may have contact with incarcerated individuals, the institution shall:

- a. Perform criminal background records check in accordance with AD-PR-07, Background Checks for Applicants and Current Employees; and
- b. Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

Anamosa State Penitentiary Administration and Management General Administration Background Checks for applicants and Current Employees states,

A. Background Checks for All Positions selected for Interview.

1. IDOC Policy, Employee Selection, describes the IDOC process for the selection of applicants for employment.
2. Applicants that are selected for an interview must complete AD-PR-07 F-1, Authority for Release of Information.
3. Candidates shall be advised that as a condition of employment at the IDOC background checks will be done, at a minimum, on fingerprint, past employment and National Crime Information Center (NCIC) records. All information gathered shall be treated as confidential within the meaning of Iowa Code Section 22.7. The information gathered will be available to them upon request though the agency authorized to release such information, unless otherwise specifically provided by law.
4. The following records shall be checked:

- a. National Crime Information Center (NCIC) records check.
- b. A past-employment check with at least one previous employer and with all previous institutional employers.
- c. Cross check Iowa Corrections Offender Network (ICON) visiting list and ICON View by social security number.
- d. Fingerprint - A submission of a fingerprint check to the Division of Criminal Investigation (DCI) and the Federal Bureau of Investigation (FBI).
- e. All Documentation associated with the background checks shall be retained for a minimum of three years.

Anamosa State Penitentiary Administration and Management General Administration Background Checks for Applicants and Current Employees Background Checks for All Applicants or Promotions with Offender Contact states,
Consistent with Federal, State, and local law contact shall be made with all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

Policy supports this requirement. As stated, the auditor requested documentation from the last four newly hired staff and received documentation supporting that the National Crime Information Center (NCIC) was completed, in addition to other background check information. Additionally, one file had prior institutional experience; this is specifically asked on the application form and references checks are completed on all new hires. Documents showing reference checks were provided to the auditor.

(d) The agency shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.

Anamosa State Penitentiary Administration and Management General Administration Agreements and Contracts supports the following requirements:
IDOC shall perform criminal background checks

This facility has contractual staff through the community college to provide educational services. The auditor requested and received evidence of two background checks conducted on potential college staff, supporting that this process is completed.

(e) The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.

Anamosa State Penitentiary Administration and Management General Administration Background Checks for applicants and Current Employees states the institution shall either conduct criminal background records checks at least every five years of current employees who may have contact with offenders or have in place a system for otherwise capturing such information for current employees.

Anamosa State Penitentiary Administration and Management General Administration Agreements and Contracts indicates that background checks for contractors shall be conducted at least every five years.

A spread sheet was provided to the auditor demonstrating how these background checks are tracked and completion is documented.

(f) The agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

Anamosa State Penitentiary Administration and Management Personnel Employee Selection (Confidential) states,

The institution shall ask all applicants and employees who may have contact with incarcerated individuals directly about previous misconduct described in paragraph (1) above of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The institution shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

The Applicant Background Information and Authority for Release of Information asks the applicant directly: Have you ever been convicted, civilly adjudicated or administratively adjudicated of engaging or attempting to engage in sexual harassment, or sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? Have you ever resigned during a pending investigation or an allegation of sexual violence or sexual harassment while employed at a prison, jail, lockup, community confinement facility, juvenile facility or other institution?

Anamosa State Penitentiary Administration & Management Personnel Iowa Department of Corrections General Rules of Employee Conduct states,

Employee Acknowledgement of Receipt of Rules

All IDOC employees shall receive a copy of this policy upon hire and their signed acknowledgement, AD-PR-11 F-1 Acknowledgment of Receipt of Iowa Department of Corrections General Rules of Employee Conduct, shall be placed in their personnel file.

Inform their supervisor immediately if under investigation, arrested, charged, convicted, or required to appear in court for any criminal offense including moving violations and/or administrative actions that result in loss of driving privileges or weapons permit. A written report shall be provided to the Warden, Judicial District Director (depending on your work location), or the Director of Corrections within 24 hours of occurrence.

Report any violation of law or policy that could affect the security or operation of the IDOC to the Warden, Judicial District Director (depending on your work location), or the Director of Corrections within 24 hours of occurrence.

Report any conviction for sexual assault or sexual abuse of an incarcerated individual/client in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; or if they have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or if they have been civilly or administratively adjudicated to have engaged in any such conduct.

Material omissions or the provision of materially false information regarding sexual assault or sexual abuse of an incarcerated individual/client as described above shall be grounds for termination.

(g) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

Anamosa State Prison Administration and Management Personnel Employee Selection (Confidential) confirms that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

Anamosa State penitentiary Administration & Management Personnel Iowa Department of Corrections General Rules of Employee Conduct states,

Employee Acknowledgement of Receipt of Rules

All IDOC employees shall receive a copy of this policy upon hire and their signed acknowledgement, AD-PR-11 F-1 Acknowledgment of Receipt of Iowa Department of Corrections General Rules of Employee Conduct, shall be placed in their personnel file. Inform their supervisor immediately if under investigation, arrested, charged, convicted, or required to appear in court for any criminal offense including moving violations and/or administrative actions that result in loss of driving privileges or weapons permit. A written report shall be provided to the Warden, Judicial District Director (depending on your work location), or the Director of Corrections within 24 hours of occurrence.

Report any violation of law or policy that could affect the security or operation of the IDOC to the Warden, Judicial District Director (depending on your work location), or the Director of Corrections within 24 hours of occurrence.

Report any conviction for sexual assault or sexual abuse of an incarcerated individual/client in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; or if they have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or if they have been civilly or administratively adjudicated to have engaged in any such conduct. Material omissions or the provision of materially false information regarding sexual assault or sexual abuse of an incarcerated individual/client as described above shall be grounds for termination.

Anamosa State Penitentiary Administration and Management General Administration Background Checks for applicants and Current Employees states, Applicants that are selected for an interview must complete AD-PR-07 F-1, Authority for Release of Information.

Applicants must sign the AUTHORIZATION FOR RELEASE OF INFORMATION AND APPLICANT'S BACKGROUND INFORMATION, which states the following:

I affirm that all the information provided here is complete and accurate. I understand that any false or incomplete information or entries may disqualify me, and if false information is discovered after employment, it may lead to my termination.

Interview with Human Resource staff and policy support that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. This is also noted on the application form.

(h) Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

Anamosa State Prison Administration and Management Personnel Employee Selection Outside Reference Checks states,

Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual violence involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. The request must include permission to release such information signed by the former employee.

The interview with the Human Resource staff confirmed that the facility will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. The auditor was able to verify this while conducting a PREA audit at another facility in the state for an officer who transferred to that facility from Anamosa State Penitentiary.

After analysis of the noted written documentation, interviews and observations, the auditor finds that agency/facility is compliant with this standard.

Standard 115.18: Upgrades to facilities and technologies

115.18 (a)

- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)
 Yes No NA

115.18 (b)

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- PAQ
- Interview with the Director
- Interview with the Warden
- Observations made during the tour of the facility.
- Diagram of facility and review of camera monitors
- Anamosa State Penitentiary Institutional Operations Security and Control Security Operations (Confidential)
- Anamosa State Penitentiary Physical Plant, Offender Housing

The PAQ indicated that the facility has not had substantial physical modifications in which PREA requirements were considered but has updated video monitoring.

(a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse. (a) (b)

Anamosa State Penitentiary Physical Plant, Offender Housing states, PREA Standards states, *When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, IDOC shall consider the effect of the design, acquisition, expansion, or modification upon the facility's ability to protect offenders from sexual violence.*

The auditor did not observe any substantial physical modification during the facility tour. The PAQ indicates there have been none.

(b) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

Anamosa State Penitentiary Institutional Operations Security and Control Security Operations (Confidential) supports that camera are reviewed at least annually. During this review, the facility considers how technology may increase the ability to protect incarcerated individuals from sexual abuse.

It was reported to the auditor that body cameras have been assigned to staff and the process implemented. The interview with the Warden confirmed that camera additions and enhancements have been approved. He confirmed that ensuring the ability to protect inmates from sexual abuse will be considered when determining where to place them.

The interview with the Director confirmed the following: "There have not been any expansion projects and or modifications that have taken place this cycle. However, any and all modifications will always include a specific plan to consider PREA and the facility's ability to keep Iowa DOC incarcerated individuals safe. This includes updating video monitoring systems, adding staff to specific post to ensure vigilance and all PREA standards and protocol is being met. Examples: we have made modifications over the past few years as a result of the PREA audit process. We upgraded surveillance systems, and at ASP we made changes to the laundry areas by adding gates to close off open areas and we continue to review staffing pattern at all of the facilities with the PREA standards in mind, we have requested changes to the bathroom at the ASP and the kitchen basement area has been closed off with gates. Additionally, at ASP, Iowa Prison Industries, when we did our mock audit walk through

everything was still in place. We strategically place staff in areas we feel could pose a problem and added mirrors and gates in various locations at the ASP, all of these efforts have taken place over the years based on audit recommendations. The teams continue to discuss infrastructure concerns within management meetings and during incident reviews as well. The recent mock audit walk through confirmed the changes made and they have continued to add video surveillance with plans for additional cameras in several locations.”

“Additionally, regarding video/monitoring technology, the department utilizes a video monitoring system in all of the nine facilities statewide. The department considers the need to protect all incarcerated individuals and understands the importance of installing up to date monitoring to maintain vigilance and to prevent blind spots in each facility. The goal of the department is to utilize a surveillance system that will enable each facility to provide a quality monitoring system to protect incarcerated individuals from sexual abuse. All upgrades, changes, or modifications are consistent with PREA standards and goals.”

The interview with the Warden confirmed that numerous upgrades/additions to the video monitoring have been approved, awaiting installation. He confirmed that PREA, sexual safety of incarcerated individuals will be considered when making these improvements.

Policy, documentation regarding video monitoring, interviews with the Director and the Warden and observations made during the tour provided the auditor with sufficient evidence to support a finding of compliance with the provisions of this standard.

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

115.21 (a)

- If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)
 Yes No NA

115.21 (b)

- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) Yes No NA
- Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) Yes No NA

115.21 (c)

- Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate? Yes No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? Yes No
- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? Yes No
- Has the agency documented its efforts to provide SAFEs or SANEs? Yes No

115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? Yes No
- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency *always* makes a victim advocate from a rape crisis center available to victims.) Yes No NA
- Has the agency documented its efforts to secure services from rape crisis centers? Yes No

115.21 (e)

- As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews? Yes No
- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? Yes No

115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating entity follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) Yes No NA

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? [N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.21(d) above.] Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary Institutional Operations Evidence Handling, Contraband Control (Confidential)
- Chain of Evidence Form
- Anamosa State Penitentiary Institutional Operations Security & Control Escorted Trips IO-SC-12
- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, or Volunteer Sexual Misconduct/ Harassment/Retaliation with Incarcerated individuals
- Health Services Acute/Specialty Services Patient Sexual Assault HSP-628
- Observations
- Interviews SANE/SAFE staff
- Interview PREA Compliance Manager
- The Iowa Sexual Assault: A Protocol for Adult Forensic and Medical Examination
- Agreements/MOU – Riverview/RVAP
- PAQ
- The Iowa Sexual Assault: A Protocol for Adult Forensic and Medical Examination

The PAQ indicates there have been no forensic medical examinations or SANE/SAFE examinations since the last PREA audit. The auditor found no reason to dispute this during the audit process.

(a) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

Anamosa State Penitentiary Institutional Operations Evidence Handling, Contraband Control (Confidential) is a detailed procedure with specific instructions on how to appropriately collect evidence. It includes detailed procedures entitled, Preservation of Suspected Crime Scene Guidelines. It further states, that in cases of suspected sexual assault, a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions will be used.

Anamosa State Penitentiary Institutional Operations Security & Control Escorted Trips IO-SC-12 addresses how to ensure proper storage of clothing from an individual before changing out for transportation.

(b)The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.

Institutional Operations Evidence Handling, Contraband Control (Confidential) confirms that the protocol shall be developmentally appropriate for youth where applicable, and as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.

The Iowa Sexual Assault: A Protocol for Adult Forensic and Medical Examination states, "Child Sexual Assault Victims The Iowa Code states that minors (under 18 years) who are victims of sexual assault can receive immediate medical and mental health services without prior consent of a parent or guardian. In addition, minors can consent to STI testing, treatment, and prevention (vaccination) without parental consent. The Iowa Codes specifies definitions of sexual abuse, mandatory reporting situations and age guidelines regarding sexual assault of a minor. In Iowa, those aged 16 and older are of legal age to give consent to have sex. If a sexual assault victim is under 12 years of age, it is a mandatory report to law enforcement or DHS (refer to Appendix A). Depending on the institutional policies and the sexual maturation of the victim, some victims may be referred to the closest Child Protection Center (CPC) for evaluation (refer to Appendix F). The CPCs have multi-disciplinary staffs that are uniquely trained to provide services to children and their families. Forensic physical examinations and histories of children are uniquely different than adults. Children are not small adults either physiologically or emotionally." This protocol is used specifically for adults 18 yrs. and older. This facility does not housed residents under the age of 18 yrs. old.

(c)The agency shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs.

Health Services Acute/Specialty Services Patient Sexual Assault HSP-628 states, *It is the policy of the Iowa Department of Corrections that patients who report sexual abuse while incarcerated shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services; be offered psychological (mental health) and medical services; and, when appropriate, a forensic examination or sexual abuse examination will be completed by a qualified professional. Treatment services shall be consistent with the community level of care and provided without financial cost regardless of whether the victim names the aggressor or cooperates with any investigation arising out of the incident.*

Patients shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health providers according to their professional judgment. Co-pay does not apply to PREA situations.

Medical staff shall:

- a. Upon stabilization of any serious injuries, medical staff will refer the victim to a predetermined outside medical facility for completion of a sexual abuse examination and collection of forensic evidence. Patient will be seen by the SANE NURSE at that location. The patient Victim and the Aggressor shall not be taken to the same hospital for examination at the same time.
- b. Encourage victim's interaction with advocates as soon as possible after disclosure of the abuse, even if victims choose not to receive medical care.
- c. Facilitate an off-site sexual abuse examination by communication of pertinent information known about the incident, including infectious disease status of the alleged aggressor to medical staff of the off-site provider. Medical Staff shall verbally communicate this information to the emergency room personnel and it will be also on the referral going with the victim to the emergency room. Medical Staff will FAX the referral to the UIHC Admissions and Transfers prior to the patient getting there to the ER in advance the same as any other ER visit.
- d. Complete an examination if the alleged abuse has occurred after 72 hours to address any medical concerns and/or injuries, including patient and aggressor evaluation for infectious diseases. A referral to an outside medical facility may not be appropriate after 72 hours. On site physician or IDOC Medical practitioner on call will make the decision on reports given after 72 hours.
- e. Explain to the patient the benefit or rationale of the department's decision to utilize community medical services.
- h. The Shift Supervisor shall attempt to make available to the patient a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the Shift Supervisor shall make these services available through a qualified staff member from a community-based organization, or a qualified IDOC staff member. The Shift Supervisor shall document such efforts.

Institutional Operations Evidence Handling, Contraband Control Confidential ensures that the institution offers all victims of sexual assault access to forensic medical examinations at an outside medical facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners at the outside medical facility. The institution shall document its efforts to provide SAFEs or SANEs. Additionally, it provides detailed direction regarding time constraints, what evidence is to be collected, how it is collected and by whom, establishing a uniform process. The auditor contacted the SANE Coordinator for the State of Iowa. There are now two main hospitals designated for SANE exams, one on the east side of the state, one on the west side of the state. The SANE Coordinator indicated that they are well staff with certified SANE examiners available 24 hours a day. She indicated they have not had a situation where one could not be provided. She confirmed that residents/incarcerated individuals would be provided a SANE exam in accordance with the Iowa law.

Iowa code Section 915.20 and Sexual Assault Examination Payment Program, Iowa Code section 709.22(1)c(8) supports that a forensic exam will be conducted, SANE exam, and the exam will be provided free of costs.

Corrective Action Needed: Review of one investigation revealed that an incarcerated individual reported he had been raped, however, no evidence of providing a SANE exam was available. This was discussed with the investigator and clarification of this requirements was made. In order to ensure that this is not a future problem, the auditor is requesting that an updated Sexual Abuse Incident Review be conducted and provided to the auditor.

Update: The auditor received confirmation that the Warden has issued a memo reinforcing to Investigators and Medical staff the need to provide incarcerated individuals with a SANE exam when

the report of sexual assault is within a reasonable timeframe, typically 72 hours after stated incident. All aforementioned staff will participate in NIC Sponsored training on providing services to victims in a confinement setting. The auditor finds this corrective action acceptable.

(d)The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services. (e)As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

Staff, Contractor, Or Volunteer Sexual Misconduct/Harassment/Retaliation With Incarcerated individuals Prison Rape Elimination Act states,

The incarcerated individual victim is offered the opportunity to meet with a victim advocate from a community crime victim center. If an advocate from the community is not available to provide victim advocate services, the shift supervisor shall ensure that the opportunity to meet with a qualified staff member is offered to the victim. The effort to secure services from the community shall be documented. If the incarcerated individual victim desires to meet with a victim advocate or qualified staff member, the shift supervisor shall immediately make the arrangements. If the incarcerated individual victim is transported to an outside healthcare facility, this opportunity shall be offered immediately upon return to the institution and arrangements made if the incarcerated individual victim so desires.

If requested by the victim, the victim advocate or qualified staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. All counseling sessions shall be held in a private area. Counseling may continue for up to six sessions.

The Iowa Sexual Assault: A Protocol for Adult Forensic and Medical Examination states, "Iowa law states that a victim advocate cannot be denied access to a sexual assault victim if the victim has specifically requested an advocate be present." Iowa code Section 915.20 additionally states, " You have the right to request the presence of a victim counselor at any proceeding related to the offense. This includes but is not limited to, medical examination, law enforcement investigations, pretrial court hearings, trial and sentencing proceedings.

Additionally, the facility has an MOU with Rape Victim Advocacy Program (RVAP) and Riverview who agree to provide the following services:

- Maintain confidentiality
- After a signed release is formed, forward reports made to the designated PREA Coordinator, PREA Compliance Manager or Superintendent
- Provide an advocate to be available to offenders 24 hours a day
- Provide offenders with information about options and resources and to assist them through the criminal/civil justice system, if applicable

- Assist offenders in safety planning, provide personal and community advocacy while incarcerated or after release.
- Provide information about the Crime Victim Compensation Program
- Be present during investigatory interviews if requested by the offender
- Provide assurance that advocates are qualified, and an appropriate background check has been completed

(d) (e) The Iowa Sexual Assault: A Protocol for Adult Forensic and Medical Examination states, “Iowa law states that a victim advocate cannot be denied access to a sexual assault victim if the victim has specifically requested an advocate be present.” Iowa code Section 915.20 additionally states, “You have the right to request the presence of a victim counselor at any proceeding related to the offense. This includes but is not limited to, medical examination, law enforcement investigations, pretrial court hearings, trial and sentencing proceedings.

(f) To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.

The auditor confirmed through an interview with the PREA Coordinator and the IGO that the IGO, would conduct the investigation. It was reported that on a rare occurrence, the Division of Criminal Investigation (DCI) would conduct the investigation.

(g) The requirements of paragraphs (a) through (f) of this section shall also apply to:

(1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and (2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails.

Auditor is not required to audit this provision.

(h) For the purposes of this section, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

The auditor was provided appropriate documentation for three staff who would be qualified as a victim advocate in the event one is not available at the hospital. Qualification is defined in policy as follows: *Qualified staff member - An IDOC staff member who has been screened for appropriateness to serve as a victim advocate and has received approved education concerning sexual assault and forensic examination issues in general.*

Policy supports the requirements of the provisions. Processes are in place to ensure an incarcerated individual is sent to a hospital for a SANE exam when allegations are made to support a referral. State law and policy support that a qualified advocate is available through the hospital.

To summarize the information above, policy supports all aspects of the requirement of this standard. The MOU with RVAP and the Iowa Code ensure that the alleged victim would receive a SANE exam in accordance with Adult Forensic and Medical Examination established protocols. Additionally, the victim will have a trained victim advocate present, if requested, to support them through all aspects of the process. As stated, this requirement has been reinforced by the Warden and additional training is scheduled.

Standard 115.22: Policies to ensure referrals of allegations for investigations

115.22 (a)

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? Yes No
- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? Yes No

115.22 (b)

- Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? Yes No
- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? Yes No
- Does the agency document all such referrals? Yes No

115.22 (c)

- If a separate entity is responsible for conducting criminal investigations, does such publication describe the responsibilities of both the agency and the investigating entity? [N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).] Yes No NA

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary PREA -04 Prison Rape Elimination Act Prison Rape Elimination Act (PREA) Data Collection, Reporting, And Audit Compliance
- Anamosa State Penitentiary PREA -03 Prison Rape Elimination Act Staff Response to Incarcerated individual on Incarcerated individual Sexual Violence Or Retaliation
- Anamosa State Penitentiary Employee Investigations and Discipline
- Interview with the Director
- Interview with facility investigators
- Interview with the Inspector General's Office
- PAQ
- Administration & Management Employee Investigations & Discipline
- Anamosa State Penitentiary Institutional Operations Rules and Discipline Major Discipline Report Procedures
- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, or Volunteer Sexual Misconduct/ Harassment/Retaliation with Incarcerated individuals

The PAQ states the facility has had twenty allegations of sexual abuse and sexual harassment during the twelve-month review period, twenty investigations that resulted in an administrative hearing.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, or Volunteer Sexual Misconduct/ Harassment/Retaliation with Incarcerated Individuals states,
The Inspector General or designee shall determine when the evidence is sufficient for criminal prosecution and shall refer appropriate incidents to criminal authorities. All referrals shall be documented.

(a) The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. (b) The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its Web site or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated individual on Incarcerated individual Sexual Violence or Retaliation states,
The Inspector General or designee shall ensure that an administrative or criminal investigation is completed for all allegations of precursor behavior, sexual abuse, sexual harassment, or retaliation.

Anamosa State Penitentiary Employee Investigations and Discipline states,
Incidents of staff sexual misconduct, sexual harassment, retaliation, or staff neglect or violation of responsibilities that may have contributed to such incidents shall be investigated by an Inspector General Office (IGO) Investigator. For PREA related incidents refer to IDOC policy PREA-02, Staff, Contractor, or Volunteer Sexual Misconduct/Harassment/ Retaliation with Incarcerated Individuals.

Types of investigations

Internal – Assigned, institutional, or district staff that investigates routine matters, e.g., employee rule violations not covered below, contraband entry, etc.

External – Staff assigned by the Inspector General shall investigate allegations of employee rule violations when:

Such allegations pertain to the Warden or staff directly reporting to the Warden and/or an independent investigation is requested by the Deputy Director of Institution Operations;

*Such allegations pertain to staff sexual misconduct, sexual harassment, retaliation, or staff neglect or violation of responsibilities that may have contributed to such incidents;
An internal investigation would reasonably give rise to allegations of a conflict of interest, institutional cover-up, or favoritism and an independent investigation is requested by the Warden or Deputy Director of Institution Operations.
The Inspector General shall determine when the evidence in a staff sexual misconduct case is sufficient for referral for criminal prosecution and shall refer appropriate incidents to law enforcement authorities.*

Administration & Management Employee Investigations & Discipline states, Incidents of staff sexual misconduct, sexual harassment, retaliation, or staff neglect or violation of responsibilities that may have contributed to such incidents shall be investigated by an Inspector General Office (IGO) Investigator. For PREA related incidents refer to IDOC policy PREA-02, Staff, Contractor, or Volunteer Sexual Misconduct/Harassment/ Retaliation with Incarcerated Individuals.

External – Staff assigned by the Inspector General shall investigate allegations of employee rule violations when:

Such allegations pertain to staff sexual misconduct, sexual harassment, retaliation, or staff neglect or violation of responsibilities that may have contributed to such incidents;

E. Referral for Prosecution

- 1. When evidence suggest that an employee has become involved in criminal activity, the Warden, in consultation with the Inspector General and Deputy Director of Institution Operations, may refer the matter to law enforcement and/or the County Attorney.*
- 2. The Inspector General shall determine when the evidence in a staff sexual misconduct case is sufficient for referral for criminal prosecution and shall refer appropriate incidents to law enforcement authorities.*

Institutional Operations Rules and Discipline Major Discipline Report Procedures is a 43-page policy outlining the disciplinary process. It states that in cases involving allegations of sexual violence, the Inspector General/Designee rather than the Warden/Designee shall handle issues connected with possible criminal prosecution. The Inspector General/Designee may consult with the police and prosecuting authorities and the offender will receive a Miranda warning when appropriate.

Anamosa State Penitentiary Prison Rape Elimination Act Prison Rape Elimination Act (PREA) Data Collection, Reporting, And Audit Compliance states, *IDOC shall publish the sexual violence investigation policies on its website.*

The interview with the Director confirmed that the agency is committed to ensuring that an administrative or criminal investigation is completed for all allegations of sexual abuse or sexual harassment. She indicates, “the departmental policy requires that all allegations of sexual abuse or sexual harassment be referred to the Inspector General’s Office for review and investigations are assigned accordingly. The IDOC agency ensures an administrative or criminal investigation is completed for all allegations received. In addition to having a central office Statewide PREA Coordinator who has the authority to make decisions as the Asst Deputy Director of Operations, the department hired a Supervisor within the Inspector General’s Office to have direct oversight of the Sexual Violence referral process. The IGO office keeps up with the process whether administratively or criminal investigations, they are involved in the process and work with DCI and the County Attorney’s Office along with the facility PCM.” Additionally, “ All PREA related concerns and or incidents are referred to the Inspector General’s Office (IGO) via an electronically generated PREA incident report. The IGO PREA Administrator reviews and approves. The report is immediately assigned to an Investigator. The Investigator collaborates with the institution PREA Compliance Manager and or an

outside agency such as the Division of Criminal Investigation, Law Enforcement and or County Attorney etc., depending upon the circumstances of the referral. The Investigator conducts a thorough investigation and completes an investigative summary which includes timeline, pertinent evidence and information with the final finding. The institutions Office of the Warden is notified via a close out review process and or email summary. The final report is closed out in the data base and a criminal referral is made by the Inspector General as needed. Each case is reviewed and discussed throughout the process by the Inspector General and Investigative team bi-weekly to ensure quality services and completion of process in a professional, confidential and timely manner.

The auditor spoke to staff from the Inspector General's Office, an investigating agency that reports to the Director of Corrections; they review all potential investigations to determine if it will be handled at their level or assigned to a facility investigator.

In addition to policy, Interviews with the Warden, Director, PREA Coordinator and PCM all confirmed that the facility will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Institutional Operations Rules and Discipline Major Discipline Report Procedures and Administration & Management Employee Investigations & Discipline addresses incarcerated individual disciplinary and the Inspector General role. Anamosa State Penitentiary Employee Investigations and Discipline addresses who will investigate employee allegations of sexual abuse, sexual harassment, retaliation or staff neglect or violation of responsibilities that may have contributed to such incidents. These policies are accessible on the Iowa Department of Corrections website: <https://doc.iowa.gov/policies>. Referrals are documented in the Department data base and as demonstrated by the investigator, through email correspondence.

(c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.

Anamosa State Penitentiary PREA -04 Prison Rape Elimination Act Prison Rape Elimination Act (PREA) Data Collection, Reporting, And Audit Compliance states,

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.

The Iowa Department of Corrections is responsible for conducting criminal investigations – IGO. See policies above. This was also confirmed with the communication with the IG office.

(d) Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

Auditor not required to audit this provision

(e) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

Auditor not required to audit this provision

It was confirmed to the auditor by all staff interviewed that all allegations, even suspicions would be investigated. The Department wide data base supports that it would document even suspicions. Therefore, the auditor found ample evidence to support a finding of compliance with this standard.

TRAINING AND EDUCATION

Standard 115.31: Employee training

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? Yes No
- Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? Yes No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? Yes No
- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? Yes No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? Yes No
- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? Yes No
- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? Yes No

115.31 (b)

- Is such training tailored to the gender of the inmates at the employee's facility? Yes No
- Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa? Yes No

115.31 (c)

- Have all current employees who may have contact with inmates received such training?
 Yes No
- Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures? Yes No
- In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies? Yes No

115.31 (d)

- Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, or Volunteer Sexual Misconduct/ Harassment/Retaliation with Incarcerated individuals
- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff Response to Incarcerated individual on Incarcerated individual Sexual Violence or Retaliation
- State of Iowa Anamosa State Penitentiary Administration & Management Training & Staff Development AD-TS-04 Orientation & New Employee Training
- State of Iowa Administration & Management Training & Staff Development AD-TS-04
- Random staff interviews
- Training curriculum
- Training records with passing scores
- PAQ
- Interview with the Training Coordinator
- FAQ

The PAQ indicates there are 286 employees who have contact with inmates who were trained on PREA requirements as outlined in the provision.

(a) The agency shall train all employees who may have contact with inmates on: (1) Its zero-tolerance policy for sexual abuse and sexual harassment; (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and

procedures; (3) Inmates' right to be free from sexual abuse and sexual harassment; (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment; (5) The dynamics of sexual abuse and sexual harassment in confinement; (6) The common reactions of sexual abuse and sexual harassment victims; (7) How to detect and respond to signs of threatened and actual sexual abuse; (8) How to avoid inappropriate relationships with inmates; (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, or Volunteer Sexual Misconduct/ Harassment/Retaliation with Incarcerated individuals Staff Response to Incarcerated individual on Incarcerated individual Sexual Violence or Retaliation both state,

Duties of Staff, Contractors, and Volunteers

Staff, contractors, and volunteers shall adhere to all the procedures and guidelines of this policy and shall ensure their conduct does not constitute or promote sexual misconduct or in any way violates the provisions of this policy. Upon being hired and at least annually thereafter, all staff, contractors and volunteers will be trained in all procedures and guidelines pertinent to this policy.

State of Iowa Anamosa State Penitentiary Administration & Management Training & Staff Development Orientation & New Employee Training states,

PREA: The institution shall training all employees who may have contact with incarcerated individuals/clients on:

- (1) Its zero-tolerance policy for sexual abuse and sexual harassment;*
- (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;*
- (3) Incarcerated individuals'/clients' right to be free from sexual abuse and sexual harassment;*
- (4) The right of incarcerated individuals/clients' and employees to be free from retaliation for reporting sexual abuse and sexual harassment;*
- (5) The dynamics of sexual abuse and sexual harassment in confinement;*
- (6) The common reactions of sexual abuse and sexual harassment victims;*
- (7) How to detect and respond to signs of threatened and actual sexual abuse;*
- (8) How to avoid inappropriate relationships with incarcerated individuals/clients;*
- (9) How to communicate effectively and professionally with incarcerated individuals, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming incarcerated individuals;*

On-the-Job Training (OJT) All new employees shall receive On-the-Job Training that shall be documented in their training file. Correctional Officers shall receive at least 80 hours of OJT prior to being assigned to work alone with incarcerated individuals/clients.

State of Iowa Administration & Management Training & Staff Development states,

Annual on-going training includes PREA training. Training includes the following:

All employees who may have contact with incarcerated individuals, regardless of the amount of contact, shall be trained on the following information:

- (a.) Its zero-tolerance policy for sexual abuse and sexual harassment;*
- (b.) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;*
- (c.) Incarcerated individuals'/clients' right to be free from sexual abuse and sexual harassment;*
- (d.) The right of incarcerated individuals/clients' and employees to be free from retaliation for reporting sexual abuse and sexual harassment;*
- (e.) The dynamics of sexual abuse and sexual harassment in confinement;*

(f.) The common reactions of sexual abuse and sexual harassment victims;
(g.) How to detect and respond to signs of threatened and actual sexual abuse;
(h.) How to avoid inappropriate relationships with incarcerated individuals/clients;
(i) How to communicate effectively and professionally with incarcerated individuals, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming incarcerated individuals;
(j) Such training shall be tailored to the gender of the incarcerated individuals/clients at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male incarcerated individual/clients to a facility that houses only female incarcerated individuals/clients,, or vice versa.

The auditor reviewed the eLearning training module. It addressed the following topics in nine modules: Introduction (video of a survivor talking), IDOC policy, definitions related to PREA, Incarcerated Individuals rights, red flags, all staff responsibilities (prevent, detect, respond), professional boundaries, communication (including gender non-conforming individuals) and a summary. The video and the policy address all the required topics of the standard. Staff interviews validated to the auditor that the required topics are addressed.

(b) Such training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa.

State of Iowa Anamosa State Penitentiary Administration & Management Training & Staff Development AD-TS-04 Orientation & New Employee Training states,
Such training shall be tailored to the gender of the incarcerated individuals/clients at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male incarcerated individual/clients to a facility that houses only female incarcerated individuals/clients, or vice versa.

After reviewing the eLearning module, the training is tailored to male incarcerated individuals. In order to reflect gender difference, the agency provided the auditor with a power point on gender responsiveness, working with female incarcerated individuals presentation, noting that it will be added to the next fiscal year training cycle. Therefore, when added, the auditor finds that these addresses both genders.

(c) All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

State of Iowa Administration & Management Training & Staff Development AD-TS-04 In-Service Training states, *IDOC shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual violence and sexual harassment policies and procedures. In years that employees don't receive refresher training, IDOC shall provide refreshers information on current sexual violence and sexual harassment policies;*

The interview with the training coordinator and the receipt of training records confirmed to the auditor that all employees who have contact with incarcerated individuals have been trained in the past year, unless absent from the facility for an extended leave. All random interviews provided sufficient evidence to the auditor that staff are aware of the requirements information.

(d) The agency shall document, through employee signature or electronic verification that employees understand the training they have received.

State of Iowa Administration & Management Training & Staff Development In-Service Training states, *IDOC shall document, through employee signature or electronic verification, that employees understand the training they have received.*

Through eLearning, the auditor observed that a quiz is required. Training records reflected a passing score and therefore staff through electronic verification understand the training they have received.

Policy, training curriculum with updates, training records with passing scores, and interviews with random staff provided the auditor with sufficient evidence to support a finding of compliance. The training curriculum supports that all ten topics required by the standard are thoughtfully and thoroughly addressed in the curriculum. Training occurs every two years with a refresher training annually. Documentation of training records were provided to further support that the facility is compliant. It demonstrated that all staff have been trained. All staff interviews support that staff have received the training and staff were knowledgeable regarding the various aspects required by the standard.

Standard 115.32: Volunteer and contractor training

115.32 (a)

- Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures? Yes No

115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)? Yes No

115.32 (c)

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary Administration and Management, Citizen Involvement/Volunteers Volunteer Program
- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, or Volunteer Sexual Misconduct/ Harassment/Retaliation with Incarcerated individuals Staff Response to Incarcerated individual on Incarcerated individual Sexual Violence or Retaliation
- Contractor interviews
- Contractor training records
- Volunteer training records (prior to coronavirus pandemic)
- PAQ
- Volunteer/Contractor training module
- Interview with the Volunteer Coordinator

The PAQ indicates that the facility had 52 trained volunteers (prior to the coronavirus pandemic) and 8 contractual staff.

(a) The agency shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection and response policies and procedure. (b) The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contract they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. (c) The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.

Anamosa State Penitentiary Administration and Management, Citizen Involvement/Volunteers Volunteer Program states,
Training and Supervision

1. *An orientation/training session shall be completed with volunteers appropriate for their functions and the service they provide. This shall be completed and documented prior to initiation of the volunteer service.*
2. *General information provided to volunteers shall, at a minimum, include: confidentiality of incarcerated individual information, chain of command, institutional disturbances and situations, what constitutes sexual misconduct, the obligations and limitations of their responsibilities, and the necessity of open and honest sharing of information with staff.*
3. *All volunteers who have contact with incarcerated individuals shall be trained on their responsibilities under IDOC's sexual violence and sexual harassment prevention, detection, and response policies and procedures. The level and type of training provided to volunteers shall be based on the services they provide and level of contact they have with incarcerated individuals. All volunteers shall be trained on IDOC's zero-tolerance policy regarding sexual violence and sexual harassment and how to report such incidents. IDOC shall maintain documentation confirming that all volunteers understand the training they have received.*

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, or Volunteer Sexual Misconduct/ Harassment/Retaliation with Incarcerated individuals Staff Response to Incarcerated individual on Incarcerated individual Sexual Violence or Retaliation both state,
Duties of Staff, Contractors, and Volunteers

Staff, contractors, and volunteers shall adhere to all the procedures and guidelines of this policy and shall ensure their conduct does not constitute or promote sexual misconduct or in any way violates the

provisions of this policy. Upon being hired and at least annually thereafter, all staff, contractors and volunteers will be trained in all procedures and guidelines pertinent to this policy.

Training for volunteers and contractors is available online. The auditor viewed the power point presentation. It addresses the following:

- No consent for any type of sexual behavior towards incarcerated individuals
- Requirement to report immediately any information
- Zero tolerance
- No retaliation

Policy, training records and contractor interviews confirm to the auditor that these staff receive the required training regarding zero tolerance for sexual abuse and sexual harassment and their role in prevention, detection and response policies and procedure. The training curriculum includes a video which addresses zero tolerance, notice there is no consent by incarcerated individuals for any sexual behavior from staff. It informed volunteers and contractors that sex acts with a confined individual is a crime and will be prosecuted. Additionally, they are informed they have a responsibility to report sexual misconduct immediately.

Volunteers and contractual staff pass a quiz after receiving the training. A list of volunteers and dates indicating they completed the training was provided to the auditor in addition to access to the database (statewide). The IDOC has a statewide data base for tracking volunteers, type of service, date trained and date of background check. It was reported to the auditor by the Volunteer Coordinator and the PREA Coordinator that the process for reviewing volunteers is being updated and will be implemented upon the return of volunteers inside the facility.

Although volunteers were not present during the onsite audit, the auditor found sufficient evidence to support a finding of compliance – policy, interviews with the PREA Coordinator, Volunteer Coordinator and documentation of volunteer training which supports compliance with the provisions of the standard.

Based on review of the information provided to contractual staff and volunteers, and review of the randomly requested documentation, the auditor finds sufficient evidence to support a finding of compliance with this standard due to the required annual refresher training for volunteers. As indicated, no volunteer was available to be interviewed as they have not present in the facility due to the coronavirus pandemic precautions.

Standard 115.33: Inmate education

115.33 (a)

- During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? Yes No
- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? Yes No

115.33 (b)

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? Yes No

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents? Yes No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents? Yes No

115.33 (c)

- Have all inmates received such education? Yes No
- Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility? Yes No

115.33 (d)

- Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? Yes No

115.33 (e)

- Does the agency maintain documentation of inmate participation in these education sessions? Yes No

115.33 (f)

- In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information
- Posters about PREA and Ending Sexual Abuse observed throughout the facility
- Interview with the Orientation Officer
- Interviews random incarcerated individuals
- Randomly requested documents demonstrating receipt of education/orientation (corresponding with intake materials)
- Ending the Silence brochure
- Orientation Manual
- PREA What You Need to Know video
- PAQ
- Staying Safe: A Guide for Incarcerated individual Conduct (English and Spanish)

The PAQ indicates there were 395 incarcerated individuals who received information at intake, 376 incarcerated individuals who received additional education in 30 days.

(a) During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. (b) Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated individual PREA Information states,

Incarcerated Individual Education

Upon transfer to a different institution, incarcerated individuals shall receive training within the first seven days concerning how the policies and procedures of the incarcerated individual's new institution differ from those of the previous institution.

It was explained during an interview with the Treatment Director that during the intake process, incarcerated individuals are housed in an orientation unit. During the first five days, they are educated on all aspects of the facility, including PREA. A copy of the schedule was provided to the auditor. Educational materials provided to the incoming incarcerated individuals includes the following:

Staying Safe: A Guide for Incarcerated individual Conduct is given to incarcerated individuals upon intake. It contains the following information:

- *An important part of the Iowa Department of Corrections' mission is to protect you – and that includes keeping you safe from others. The rules are designed to do just that and are not meant*

*to punish you or deprive you of your rights. Rather, the rules are for **your protection** and the protection of others. Confidentiality and protecting you is a priority within IDOC. Please note per PREA standards medical and psychology staff are mandatory reporters and are required to report an allegation of sexual violence to the appropriate people.*

- Methods to keep safe
- Definitions/examples of unwanted sexual misconduct
- Opposite gender presence, prohibited behaviors of staff
- Right to be free of retaliation
- Reporting (including phone number for Ombudsman)
- Number for Statewide Sexual/Domestic Abuse Hotline (toll free)
- Possible Outcomes of An Investigation for The Incarcerated Individual:

The video shown to incarcerated individuals is sixteen minutes long. It reviews personal testimony from numerous male incarcerated individuals emphasizing that sexual abuse and sexual harassment more commonly occurring through manipulation and how to avoid manipulation. It reinforces that incarcerated individuals can report to anyone anytime. It is their right to be free from sexual abuse, sexual harassment and retaliation. It addresses how to report outside the agency.

Ending the Silence addresses zero tolerance, definitions of sexual abuse and sexual harassment, tips for avoid this, how and who to report, phone number for family to report, and external reporting options.

Additionally, the review of Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information is conducted with the incarcerated individuals. This provides the incarcerated individual with information on the Ombudsman, reporting by kiosk, definitions, staff accepting all reports (verbal, written, anonymous and third party), availability of a victim advocate, and mandatory reporting laws.

The majority of incarcerated interviews assured the auditor that this population is aware of the law, their rights, how to report and zero tolerance or sexual abuse and sexual harassment. Most indicated that information is posted "everywhere".

(c) Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.

The facility reports that all incarcerated individuals have received education. As the agency has been active in PREA compliance since 2013, the auditor found no reason to dispute this.

(d) The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information states,

Incarcerated Individual Education

IDOC shall provide incarcerated individual education in formats accessible to all incarcerated individuals, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to incarcerated individuals who have limited reading skills.

See comments to §115.16. The facility has a language line available for use when educating a non-English speaking incarcerated individual. This facility has a braille program, the PREA information has been translated into braille for any blind incarcerated individuals who can read braille. The auditor verified that the video has closed caption and is available in Spanish. Staying Safe Guide is available in Spanish. Who would read if needed? There is a special needs housing area.

(e) The agency shall maintain documentation of inmate participation in these education sessions.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information states,

Incarcerated Individual Education

IDOC shall maintain documentation of incarcerated individual participation in these education sessions either by generic note or the signed copy of Form 1 scanned into ICON incarcerated individual attachments.

(f) In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information states,

Incarcerated Individual Education

In addition to providing such education, IDOC shall ensure that key information is continuously and readily available or visible to incarcerated individuals through posters, bulletin boards, or other written formats.

Posters educating the incarcerated individual population of their right to be free of sexual abuse and harassment were highly visible throughout the facility. Many were two feet by three feet. Most random incarcerated individual interviews confirmed that “information is posted all over”.

Corrective Action Needed:

Review of the policy, incarcerated individual interviews regarding their knowledge of PREA and verification of the process in place, in addition to formal and informal interviews with staff all support that the facility has a process in place to meet the requirements. However, when interviewing two incarcerated individuals, it was noted they had not been to orientation but had been at the facility at least three weeks. Investigation revealed they did not go to orientation.

In order to find the facility compliant, the auditor is requiring fifteen examples of incarcerated individual arrival to the facility and verification of receipt of education during the intake process. Update: The documents were provided. Additionally, the facility reported that the Deputy Warden will provide supervisory oversight to ensure that all incoming incarcerated individuals will be provided with the “Staying Safe Guide” within the 72 hours and additional information within 30 days. Therefore, the auditor finds there is sufficient documentation to support a finding of compliance.

Standard 115.34: Specialized training: Investigations

115.34 (a)

- In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (b)

- Does this specialized training include techniques for interviewing sexual abuse victims? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] Yes No NA
- Does this specialized training include proper use of Miranda and Garrity warnings? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] Yes No NA
- Does this specialized training include sexual abuse evidence collection in confinement settings? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] Yes No NA
- Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] Yes No NA

115.34 (c)

- Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).] Yes No NA

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals

- Anamosa State Penitentiary PREA -03 Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation
- Interviews with investigators
- Sexual Assault Investigator training curriculum
- PAQ
- Training records, investigator training and general PREA training – institutional investigators and Inspector General investigators

The PAQ indicates there are six agency investigators (Inspector General's Office) and nine staff trained at the facility.

(a) In addition to the general training provided to all employees pursuant to § 115.31, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings. (b) Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. (c) The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals Staff and Anamosa State Penitentiary PREA -03 Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence Or Retaliation both state,
Specialized Training for Sexual Violence Investigators

In addition to the general training provided to all employees, the Inspector General shall ensure that, to the extent IDOC conducts sexual violence investigations, its sexual violence investigators have received specialized training in conducting such investigations in confinement settings.

Specialized training shall include, but is not limited to, techniques for interviewing sexual assault and sexual abuse victims, proper use of Miranda and Garrity warnings, the impact of the Peace Officers' Bill of Rights, sexual assault evidence collection in confinement settings, characteristics and behavior indicators of sexual violence perpetrators and victims in correctional settings, credibility assessments, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Inspector General shall maintain documentation that PREA sexual violence investigators have completed the required specialized training in conducting such investigations.

IDOC shall make its best efforts to ensure that any other State entity or Department of Justice component that investigates sexual violence in confinement settings shall provide the required specialized training to its agents and investigators who conduct sexual violence investigations in IDOC facilities.

(a) (c) Certificates of completion were provided for six staff demonstrating completion of the Training for Correctional Investigators, Iowa Department of Corrections. Interviews and training records provided reflected that the trained investigators have also received the general PREA training annually. The auditor spoke with an investigator at the Inspector General's Office who helps conduct the training. He confirmed he and his staff are trained regarding the Sexual Abuse Investigation, and they additionally receive the general PREA training as required by all staff. Documentation supporting this was requested and received.

(b) A review of the curriculum for the PREA Investigator Iowa Department of Corrections confirmed that it addresses the following:

- Identify techniques for interviewing juveniles during investigations of sexual abuse in confinement settings.
- Describe the dynamics of sexual abuse and sexual harassment in confinement settings.
- Identify best practice and policy requirements on first response procedures.
- Identify best practice and policy requirements on evidence collection in confinement settings, per the requirements of 115.(3)34.
- Understand what a final investigative report should contain.
- Identify techniques for writing the final report to ensure accuracy
- Explain criteria required for administrative action and prosecutorial referral, per requirements of PREA standard 115.(3)34.
- Identify techniques for writing the final report to ensure accuracy and clarity.
- Explain criteria required for administrative action and prosecutorial referral, per requirements of PREA standard 115. (3)34.
- Apply your understanding to increase prosecutions of cases that are substantiated and criminal in nature.

Miranda v Arizona is addressed throughout the training module. Garrity warnings is also addressed. Weingarten Rights are reviewed. Training is four days in length.

The interview with the investigator at the facility confirmed his knowledge of the topics in the training. He indicated that there are investigators who work each shift to help ensure that investigations are immediately initiated upon receipt of information.

(d) Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations. Auditor is not required to audit this provision.

Finding of compliance is based on the following: The auditor concluded that the policy supports the requirements of the standard, staff assigned to conduct training have received training to conduct sexual abuse investigations, and training addresses the required topics. The interview with the investigators (facility and central office) supports the requirements. Therefore, the standard is deemed compliant.

Standard 115.35: Specialized training: Medical and mental health care

115.35 (a)

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA

115.35 (b)

- If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.) Yes No NA

115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA

115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.) Yes No NA
- Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Health Services Acute/Specialty Services Patient Sexual Assault
- Specialized training medical/mental health staff curriculum
- Training records medical and mental health staff – specialized and general PREA training
- Interviews medical staff
- Interviews mental health staff
- PAQ
- eLearning PREA training

The PAQ indicated that there are 21 medical and mental health staff, 100% have received the specialized training.

(a) The agency shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: (1) How to detect and assess signs of sexual abuse and sexual harassment; (2) How to preserve physical evidence of sexual abuse; (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

Health Services Acute/Specialty Services Patient Sexual Assault, Specialized Training, states *Each institution shall ensure that all full- and part-time medical and mental health care staff who work regularly in its facilities have been trained in:*

- a. How to detect and assess signs of sexual violence;*
- b. How to preserve physical evidence of sexual violence;*
- c. How to respond effectively and professionally to victims of sexual violence; and*
- d. How and who to report allegations or suspicions of sexual violence.*

Medical and mental health care practitioners shall also receive training on how to comply with relevant laws related to mandatory reporting of sexual violence to outside authorities.

Medical and mental health staff are Department of Corrections employees. The facility uses the Specialized training for Medical and Mental Health staff developed by the National Institute of Corrections. Certificates of completion were provided to the auditor or review. The interview with the Nursing Director and mental health staff confirmed they have received the training.

(b) If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.

This is not applicable to this facility. Medical staff at this facility do not conduct forensic examinations.

(c) The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.

Health Services Acute/Specialty Services Patient Sexual Assault, Specialized Training, states *The institution shall maintain documentation that medical and mental health practitioners have received the training reference in this standard either from the agency or elsewhere. All health services staff, including the psychologist, shall complete the specialized online training.*

Copies of

(d) Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.31 or for contractors and volunteers under § 115.32, depending upon the practitioner's status at the agency.

Health Services Acute/Specialty Services Patient Sexual Assault, Specialized Training, states *Medical and mental health care practitioners shall also receive the training mandated for all employees, depending on the practitioner's status at the agency. See also Policy AD-TS-05, In-Service Training. Medical and mental health care practitioners shall also receive training on how to comply with relevant laws related to mandatory reporting of sexual violence to outside authorities.*

Policy, interview with the Nursing Director and mental health staff, review of the training module (National Commission on Correctional Health Care -NCCHC) and training records support that all medical and mental health staff receive specialized training addressing the specific topics as required in the standard. Additionally, training records and interviews confirmed these staff are also required to complete the regular PREA training per policy.

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.41: Screening for risk of victimization and abusiveness

115.41 (a)

- Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? Yes No
- Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? Yes No

115.41 (b)

- Do intake screenings ordinarily take place within 72 hours of arrival at the facility? Yes No

115.41 (c)

- Are all PREA screening assessments conducted using an objective screening instrument?
 Yes No

115.41 (d)

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? Yes No

115.41 (e)

- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior acts of sexual abuse? Yes No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior convictions for violent offenses? Yes No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: history of prior institutional violence or sexual abuse? Yes No

115.41 (f)

- Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening? Yes No

115.41 (g)

- Does the facility reassess an inmate's risk level when warranted due to a: Referral? Yes No
- Does the facility reassess an inmate's risk level when warranted due to a: Request? Yes No
- Does the facility reassess an inmate's risk level when warranted due to a: Incident of sexual abuse? Yes No
- Does the facility reassess an inmate's risk level when warranted due to a: Receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness? Yes No

115.41 (h)

- Is it the case that inmates are not ever 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? Yes No

115.41 (i)

- Has the agency implemented 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 inmate's detriment by staff or other inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures
- Institutional Services Reception and Orientation Incarcerated Individual Intake and Orientation
- Interviews random sample of incarcerated individuals
- Interviews PREA Coordinator
- Interviews PREA Manager
- Risk screening form
- Review of the last ninety-four (94) 72-hour intake assessments
- Interview with staff who completes the intake assessment (mental health staff)
- SVP tool (confidential)
- FAQs
- Interview with the investigator

The PAQ indicates that in the last 12 months, 395 incarcerated individuals who stayed over 72 hours received a risk assessment, 376 incarcerated individuals who received an updated risk assessment who stayed over 30 days.

(a) All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. (b) Intake screening shall ordinarily take place within 72 hours of arrival at the facility.

Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures states, *Initial Screening for Sexual Violence Propensity*

1. *All incarcerated individuals shall be assessed immediately upon arrival using the paper SVP-Intake Screening Tool, IS-RO-01 F-2, and shall be assessed during an intake screening for their risk of being sexually abused by other incarcerated individuals or sexually abusive toward other incarcerated individuals. This tool is confidential for staff use only and shall not be self-administered by the incarcerated individual and shall only be administered by the intake staff (See IS-RO-01 Attachment A, SVP Scoring Guide.*

2. *All incarcerated individuals shall receive a Sexual Violence Propensity (SVP) assessment. Intake screening shall ordinarily take place within 72 hours of arrival at the facility.*

Use of SVP – Transfer Facility

All incoming incarcerated individuals and clients shall be screened within 72 hours of arrival. Institutions: The Psychologist shall use the PREA Transfer Screening Questions to ask the PREA and LGBTQ+

questions and begin protocol/tracking accordingly. If a sexual violence incident takes place they will contact security, treatment and alert the counselor for the SVP assessment.

Institutional Services Reception and Orientation Incarcerated Individual Intake and Orientation Reassessment of Sexual Violence Propensity (SVP) Assessment

Intake Processes

Each institution shall establish procedures for intake processing of incarcerated individuals transferred from other institutions (Refer to IDOC Policy IS-RO-01, Incarcerated Individual Admission Procedures for specific protocol for ensuring the 72 Hour PREA Intake Screening process upon transferring to a new 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 inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability; (2) The age of the inmate;(3) The physical build of the inmate; (4) Whether the inmate has previously been incarcerated; (5) Whether the inmate's criminal history is exclusively nonviolent; (6) Whether the inmate has prior convictions for sex offenses against an adult or child; (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; (8) Whether the inmate has previously experienced sexual victimization; (9) The inmate's own perception of vulnerability; and (10) Whether the inmate is detained solely for civil immigration purposes. (e) The initial 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 inmates for risk of being sexually abusive.

The facility has a detailed assessment tool that addresses the required factors in accordance with the standard. Sexual Violence Propensity Assessment Scoring Guide for Incarcerated individuals is a 29-page guide on how to complete the assessment. Additionally, it was reported by staff that they have been trained in conducting the assessments and one staff is designated as the master trainer. There are seventeen items assessed based on records available, incarcerated individual responses and scorer interpretation. The SVP Guide ensures that a subjective assessment is conducted regarding whether or not the incarcerated individual is perceived to be gay, bisexual, transgender/intersex or gender nonconforming.

The auditor reviewed and analyzed the assessment tool (SVP). The risk assessment includes the following in addition to other questions:

- (1) Whether the resident has a mental, physical, or developmental disability;
- (2) The age of the resident;
- (3) The physical build of the resident;
- (4) Whether the resident has previously been incarcerated;
- (5) Whether the resident's criminal history is exclusively nonviolent;
- (6) Whether the resident has prior convictions for sex offenses against an adult or child;
- (7) Whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- (8) Whether the resident has previously experienced sexual victimization;
- (9) The resident's own perception of vulnerability;

Other assessment questions relate to non-sexual predatory violence, aggressive behavior demonstrating an intimidating attitude, experience or familiarity with prison culture or “street wise” behavior and possible gang involvement.

The propensity assessment distributes incarcerated individuals into seven categories with designations of the following:

- A. VP (Victim Potential): Incarcerated individuals designated by the assessment as having characteristics of a person with a higher than normal likelihood to be sexually assaulted inside a correctional facility.
- B. VI (Victim Incarcerated): Incarcerated individuals who have already been victims of sexual assault inside a correctional facility.
- C. AP (Aggressor Potential): Incarcerated individuals designated by the assessment as having characteristics of a person with a higher than normal likelihood to be sexually aggressive towards other incarcerated individuals inside a correctional facility.
- D. AI (Aggressor Incarcerated): Incarcerated individuals identified in the assessment who have sexually assaulted an incarcerated individual in a correctional setting. The finding is based on a preponderance of the evidence.
- E. NS (No Score): Incarcerated individuals who did not score with victim or aggressor characteristics.
- F. Mixed Codes: Incarcerated individuals designated by the assessment as having characteristics of persons with a higher than normal likelihood to be both sexually aggressive and sexually assaulted. It states, “contact the SVP-R Master Trainer at your correctional facility to review the case and make a determination of the correct assessment code for the incarcerated individual.”

(f) Within a set time period, not to exceed 30 days from the inmate’s arrival at the facility, the facility will reassess the inmate’s risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures states, *Initial Screening for Sexual Violence Propensity*

Within a set time not to exceed 30 days from the incarcerated individual’s arrival at an institution, the institution shall reassess the incarcerated individual’s SVP code based upon any additional, relevant information received by the institution since the most recent SVP assessment.

Use of SVP – Transfer Facility

All incoming incarcerated individuals and clients shall be screened within 72 hours of arrival. Institutions: The Psychologist shall use the PREA Transfer Screening Questions to ask the PREA and LGBTQ+ questions and begin protocol/tracking accordingly. If a sexual violence incident takes place they will contact security, treatment and alert the counselor for the SVP assessment. The counselor shall meet with all incoming incarcerated individuals to conduct the 30 day updated SVP assessment within 30 days to allow the individual time to process and become comfortable in disclosing information. Ask the PREA Transfer Screening questions again and if no change or sexual violence since meeting with the Psychologist, document no change. If a sexual violence incident has taken place since their initial arrival and meeting with the psychologist, conduct full SVP assessment and alert the psychologist to begin follow up services.

The auditor interviewed two counseling staff who conduct the follow up SVP within 30 days of arrival. Both confirmed that they take to the incarcerated individual privately and verbally review the questions with them. Documentation of this is noted in the incarcerated individual electronic file.

(g) An inmate'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 inmate's risk of sexual victimization or abusiveness.

Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures states, *Initial Screening for Sexual Violence Propensity*

An incarcerated individual's risk level shall be reassessed when warranted due to significant events, a referral, request, incident of sexual assault or sexual abuse, or receipt of additional information that bears on the incarcerated individual's SVP code.

The interview with one investigator confirmed that referrals for updated SVPs are conducted when the investigation conclusion warrants a change.

Policy and interview with the risk screen assessment staff acknowledged the requirement to update the screen. It was reported to the auditor that no examples of when warranted, when requested, incident of sexual abuse, or receipt of additional information updated risk assessment were available for review.

(h) Inmates may 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.

The SVP Scoring Guide confirms that incarcerated individuals may not be disciplined for refusing to answer questions or not disclosing complete information.

SVP Guide, interview with the risk assessment staff and random incarcerated individual interviews confirmed that they would 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 agency 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 inmate's detriment by staff or other inmates.

Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures states, *Initial Screening for Sexual Violence Propensity*

IDOC shall implement appropriate controls on the dissemination of responses to questions asked pursuant to this policy in order to ensure that sensitive information is not exploited to the incarcerated individual's detriment by staff or other incarcerated individuals.

The risk assessment factors and results are contained within a data base. It was reported that access is granted based on need. During the auditor, the auditor was able to determine from informal interviews that line staff have access to the results, but the details of the assessment are limited to those that need to know.

Based on the interviews with staff involved in the process, review of the numerous intake assessments, and policy, the auditor found the facility to be compliant with the standard. It is noteworthy that the majority of incarcerated individuals the auditor reviewed have longevity at this facility and would not be able to verify to the auditor that this process was completed. For those selected who recently transferred, the process was verified (with the exceptions noted in 115.33).

Standard 115.42: Use of screening information

115.42 (a)

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? Yes No

115.42 (b)

- Does the agency make individualized determinations about how to ensure the safety of each inmate? Yes No

115.42 (c)

- When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? Yes No
- When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's

health and safety, and whether a placement would present management or security problems?

Yes No

115.42 (d)

- Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?
 Yes No

115.42 (e)

- Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments? Yes No

115.42 (f)

- Are transgender and intersex inmates given the opportunity to shower separately from other inmates? Yes No

115.42 (g)

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures
- Anamosa State Penitentiary Incarcerated Individual Classification
- Anamosa State Penitentiary Reception & Orientation Incarcerated Individual Intake and Orientation
- Observations: Tour living conditions
- Interview PREA Compliance Manager
- Interview Staff who conduct Risk screens
- Interview Transgender incarcerated individuals
- Interview PREA Coordinator
- Work assignment sheet
- Documentation of individualized showers

(a) The agency shall use information from the risk screening required by § 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. (b) The agency shall make individualized determinations about how to ensure the safety of each inmate.

Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures states, Initial Screening for Sexual Violence Propensity

Use of the SVP Assessment

IDOC shall use information from the SVP assessment to inform housing, bed, work, education, and program assignments with the goal of keeping separate those incarcerated individuals at high risk of being sexually victimized from those at high risk of being sexually abusive.

IDOC shall make individualized determinations about how to ensure the safety of each incarcerated individual.

Institutional Services Reception and Orientation Incarcerated Individual Intake and Orientation Reassessment of Sexual Violence Propensity (SVP) Assessment

An incarcerated individual's SVP assessment shall be examined by the incarcerated individual's classification team at the incarcerated individual's regularly scheduled annual classification meeting. A new SVP assessment shall be added even if no changes are required.

The facility uses the information from the risk assessment to place individuals in safe housing situations. It was confirmed in interviews that staff who make these decisions are able to access the

SVP score, and also complete the SVP. Additionally, an example of a work assignment sheet demonstrated that the assignment areas have the SVP outcome, affording additional informed supervision.

(c) In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures states, *In deciding whether to assign a transgender or intersex incarcerated individual to a facility for male or female incarcerated individuals, and in making other housing and programming assignments, IDOC shall consider on a case-by-case basis whether a placement would ensure the incarcerated individual's health and safety, and whether the placement would present management or security problems.*

(d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate. (e) A transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration.

Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures states, *Placement and programming assignments for each transgender or intersex incarcerated individual shall be reassessed at least twice each year to review any threats to safety experienced by the incarcerated individual.*

A transgender or intersex incarcerated individual's own views with respect to his or her own safety shall be given serious consideration.

Policy and the SVP scoring guide support the language of the standard. Documentation was provided to the auditor regarding transgender individuals who are housed at the facility. This provided further support to the auditor that the facility does comply with ensuring that the agency considers on a case-by-case basis whether a placement would ensure the incarcerated individual's health and safety, and whether a placement would present management or security problems. The interview with the PREA Coordinator confirmed that placement at a male or female facility is not based on anatomy alone.

(d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate. (e) A transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration.

Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures states, *Placement and programming assignments for each transgender or intersex incarcerated individual shall be reassessed at least twice each year to review any threats to safety experienced by the incarcerated individual.*

A transgender or intersex incarcerated individual's own views with respect to his or her own safety shall be given serious consideration.

The SVP scoring guide requires that a transgender/intersex incarcerated individual is reassessed at least twice each year to review any threats to safety experienced by the incarcerated individual and that a transgender or intersex incarcerated individual's own views with respect to his or her own safety shall be given serious consideration.

The auditor requested and received documentation demonstrating that transgender/intersex incarcerated individuals are assessed. These assessments included preferred name, preferred pat and strip search gender, housing assignment, showers, in addition to other items specific to their needs. Incarcerated individual interviews confirmed to the auditor that this is occurring.

(f) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures states, *Transgender and intersex incarcerated individuals shall be given the opportunity to shower separately from other incarcerated individuals.*

Policy, incarcerated individuals, staff interviews and documentation regarding how this is accomplished for transgender/intersex incarcerated individuals was provided to the auditor demonstrating compliance with this provision.

(g) The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures states, *IDOC shall not place lesbian, gay, bisexual, transgender, or intersex incarcerated individuals in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such incarcerated individuals*

Policy supports the requirements of the standard. During the tour, the auditor did not observe any housing areas which only housed gay, bisexual, transgender or intersex incarcerated individuals. Interviews with random incarcerated individuals confirmed various housing assignments for transgender individual.

Policy, staff interviews, incarcerated individual interviews, review of documentation as summarized above provided the auditor with sufficient evidence to support a finding of compliance.

Standard 115.43: Protective Custody

115.43 (a)

- Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers? Yes No
- If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment? Yes No

115.43 (b)

- Do inmates who are placed in segregated housing because they are at high risk of sexual Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? Yes No
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) Yes No NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) Yes No NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) Yes No NA

115.43 (c)

- Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged? Yes No
- Does such an assignment not ordinarily exceed a period of 30 days? Yes No

115.43 (d)

- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety? Yes No
- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged? Yes No

115.43 (e)

- In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary Institutional Operations Housing Operations Protective Custody (PC) Housing
- Anamosa State Penitentiary Institutional Operations Housing Operations Short-Term Restrictive Housing (STRH)
- Offender Handout Rules Specific for PC Offenders
- Interview with the Warden
- Interview with staff who supervise restricted housing.
- PAQ
- Observations when touring restrictive housing areas.

The PAQ indicates that no incarcerated individual who alleged sexual abuse was held in involuntary restrictive housing. The auditor found no reason to dispute this during the audit process. The auditor was provided documentation showing that there is a place in the electronic record to document Offender Administrative Segregation Management should this occur.

(a) Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.(b) Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent

possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document: (1) The opportunities that have been limited; (2) The duration of the limitation; and (3) The reasons for such limitations. (c) The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days. (d) If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document: (1) The basis for the facility's concern for the inmate's safety; and (2) The reason why no alternative means of separation can be arranged. (e) Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

Anamosa State Penitentiary Institutional Operations Housing Operations Protective Custody (PC) Housing states, *Offenders in PC may request a review by the PCRC at any time. Reviews more frequent than every 30 days are at the sole discretion of the PCRC. Within seven days of placement, the PCRC shall conduct a PC review to determine the need for continued placement in PC. The status of all offenders placed in PC shall be reviewed every seven days for the first two months and every 30 days thereafter to determine whether the reasons for placement still exist.*

Segregation Review

The offender shall be afforded the opportunity to be present at the two month review, and each subsequent 30-day review, unless behavior at the time of the review warrants otherwise. The PCRC may accept the offender's comments in writing, call him/her to appear, and/or accept comments made on behalf of the offender by a staff member. An offender may waive his/her right to attend the in-person review, which shall be documented on the Segregation Review Form. The review shall then be held in absentia.

The Unit Team or other designated authority shall determine the programs and services available to offenders in PC both in terms of the operation of the living unit and individual restrictions.

High Risk Offenders

Offenders at high risk for sexual victimization shall not be placed in involuntary PC housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the offender in involuntary PC housing for less than 24 hours while completing the assessment.

Anamosa State Penitentiary Institutional Operations Housing Operations Short-Term Restrictive Housing (STRH) states,

Any use of restrictive housing to protect an incarcerated individual who is alleged to have suffered sexual abuse shall be subject to the requirements of PREA Standard 115.43.

STRH provides a higher degree of control and supervision than otherwise is available in the general population. STRH is NOT a punitive status. Incarcerated individuals in STRH will normally be housed in LUD-3, though other living units may be utilized based on institutional need.

The Shift Supervisor shall ensure that the reasons for placement in STRH meets the one of the above criteria (4a, b, or c) and is documented on the ICON Segregation Notice.

A copy of the Segregation Notice short form shall be provided to the incarcerated individual within 24 hour of placement. The short form shall explain in general the reason the incarcerated individual is placed in STRH. The staff member serving the short form shall document the date and time the notice is served in the ICON Segregation Notice record.

The Shift Supervisor shall advise the Health Service Staff of the admission of an incarcerated individual to STRH. Qualified Health Services Staff shall visit the at least once every 24 hours. Unless the Committee authorizes placement in protective custody, the Warden or designee shall, within 72 hours, make a determination regarding the need for continued placement and conformity with policy and procedures. The review shall be document on the ICON Segregation Notice

Incarcerated individuals in STRH shall have access to programs and services. The Unit Team or other designated authority shall determine the programs and services available to incarcerated individuals in STRH both in terms of the operation of the living unit and individual restrictions.

Programs and services will include, at a minimum:

Commissary

Food

Education

Hygiene

Clothing/Property

Laundry

Legal Resource Attorney

Electric Law Library (ELL).

Library

Mail and Omail

Health Care

Recreation

Religious Programs and Materials

Telephone

Visitation

Work

The Offender Handout Rules Specific for PC Offenders provides detailed information on how the incarcerated individual obtains access to services.

The interview with the Warden confirmed that it would be a last resort to place an incarcerated individual in protective segregation due to an incident of high risk for sexual abuse, or allegations of sexual abuse. During this interview, he outlined the variety of other options that would be exercise before this occurred, such as change in housing, or transfer to another facility.

The interview with an officer who supervises restricted housing confirmed that he is not aware of an instance where involuntary placement in protective segregation was used to protect an incarcerated individual from risk of sexual abuse, or a sexual abuse allegation.

The auditor toured all restricted housing areas, allowing any residents in that are to interact with her. No one requested to be interviewed. One incarcerated individual was interviewed as part of the random interview process.

Policy supports the requirements of the standard. As stated, the PAQ indicates this has not occurred and the auditor found no reason to dispute this during the audit process. The interview with the

Warden and supervisor who regularly supervises restrictive housing, in addition to policy provided the auditor ample evidence to support a finding of compliance.

REPORTING

Standard 115.51: Inmate reporting

115.51 (a)

- Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents? Yes No

115.51 (b)

- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? Yes No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? Yes No
- Does that private entity or office allow the inmate to remain anonymous upon request? Yes No
- Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility *never* houses inmates detained solely for civil immigration purposes) Yes No NA

115.51 (c)

- Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? Yes No
- Does staff promptly document any verbal reports of sexual abuse and sexual harassment? Yes No

115.51 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information
- Anamosa State Penitentiary PREA -03 Prison Rape Elimination Act Staff Response to Incarcerated Individual On Incarcerated Individual Sexual Violence or Retaliation
- Anamosa State Penitentiary Incarcerated Individual Information Guide
- Staying Safe A Guide for Incarcerated individual Conduct
- FAQ
- Iowa Department of Corrections Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals
- State of Iowa Department of Corrections Offender Programs Mail, Telephone, and Visiting Incarcerated Individual Correspondence
- Interviews with random staff
- Review of investigations

(a) The agency shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information states,

Reporting of Unwanted Sexual Behavior

1. Initial Report

An offender may report incarcerated individual on incarcerated individual sexual abuse, or staff, contractor or volunteer sexual harassment or sexual misconduct, or retaliation by other incarcerated individual or staff for reporting such incidents or staff neglect or violation of responsibilities that may have contributed to the incident in any way, including but not limited to:

a. Staff member — Any employee, contractor, or volunteer.

b. Send a kite or letter to the institution Warden.

c. Send a letter to:

(1.) Victim and Restorative Justice Director:

Iowa Department of Corrections

510 East 12th Street

Des Moines, IA 50319

(2.) The Iowa Ombudsman Office

Office of Citizens' Aide/Ombudsman

Ola Babcock Miller Building

1112 East Grand

Des Moines, IA 50319

Incarcerated individuals who observe or have knowledge of unwanted sexual behavior shall immediately report in any way including but not limited to the points of contact listed above.

As stated, this policy is reviewed with the incarcerated individuals during orientation.

Staying Safe A Guide for Incarcerated Individual Conduct – informs the incarcerated individuals they can report in the following manner: send kite to the Warden, write the Ombudsman or Victim and Restorative Justice Director (name, address provided).

Policy supports the requirements of the standard. It is reinforced in the Information Guide and the Staying Safe Guide. Random incarcerated individual interviews confirmed that they all know of several ways they can report any concerns they have regarding sexual abuse, sexual harassment, retaliation or staff neglect or violation of responsibilities that may have contributed to such incidents. The majority of incarcerated individuals indicated they would report directly to a staff person they felt comfortable with. All confirmed, some with prompting, that they can report verbally, in writing, anonymously, by mail or telephone.

Review of the investigations revealed the following methods were used for initiating a PREA investigation:

Director report to staff

Grievance

Letter to Central Office

Kiosk message

Staff observations

Written allegation by incarcerated individual to staff

(b) The agency shall also provide at least one way for inmates 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 inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

The facility provides the incarcerated individuals with the address to the Ombudsman. The auditor confirmed with the Ombudsman office that they will accept reports, allow the person to remain anonymous and transmit them immediately to the Iowa Department of Corrections Inspector General's office. The majority of the random incarcerated individual interviews confirmed to the auditor that they know they can contact the Ombudsman's office. After prompting, the others confirmed that believed this was true and could find the information if they believe they needed it.

State of Iowa Department of Corrections Offender Programs Mail, Telephone, and Visiting Incarcerated Individual Correspondence was updated include the following: *Mail to or from the Office of Citizens' Aide/Ombudsman shall not be opened for inspection by staff. Incarcerated individuals are not required to open the mail at the direction of staff that is to/from the Ombudsman office. Mail from the Office of Citizens' Aide/Ombudsman to incarcerated individuals will be sent via the state contracted courier service. Mail from the confidential listing may be opened only in the presence of the incarcerated individual for contraband inspection or to be assure the contents are from the addressee. Mail to/from the Office of Citizens' Aide/Ombudsman does not get opened by staff.*

(c) Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation With Incarcerated Individuals states, *Report by an incarcerated individual, anonymously, or from third parties - Any staff member who receives a report of sexual misconduct, sexual harassment, retaliation, or of staff neglect or violation of responsibilities that may have contributed to such incidents or whether verbally or in writing from an offender, anonymously, or from third parties, shall immediately notify the Shift Supervisor and complete an incident report.*

Policy and all random staff interviews confirmed to the auditor that staff will accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports. Review of the investigations supported that all allegations or suspicions are reported.

(d) The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.

Staff interviews confirmed that they believe they have a private way to report relaying to the auditor that they can ask to speak to a supervisor privately. No specific answer was provided. When prompted by the auditor if they could report directly to the Inspector General, most agreed that would be a possibility. To enhance compliance, the agency recently updated the following in policy:

Iowa Department of Corrections Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals now states, *Each institution shall provide a method for staff to privately report sexual violence against incarcerated individuals. To include calling the Ombudsman at 1.888.426.6283 or sending them correspondence at Office of Ombudsman, Ola Babcock Miller Building, 1112 East Grand, Des Moines, Iowa 50319.*

Review of the policies, interviews with staff and incarcerated individuals, information provided at orientation all provided the auditor with sufficient evidence to support a finding of compliance with the standards.

Standard 115.52: Exhaustion of administrative remedies

115.52 (a)

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse. Yes No NA

115.52 (b)

- Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (c)

- Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (d)

- Does the agency 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? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) Yes No NA
- If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.) Yes No NA
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (e)

- Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- Are those third parties also permitted to file such requests on behalf of inmates? (If a third-party files such a request on behalf of an inmate, 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.) (N/A if agency is exempt from this standard.) Yes No NA

- If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)
 Yes No NA

115.52 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)
 Yes No NA
- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) Yes No NA
- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)
 Yes No NA
- Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (g)

- If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary Institutional Operations Offender Rights Offender Grievance Procedures
- PAQ
- Interview with the Grievance Coordinator
- Review of grievances regarding sexual abuse or sexual harassment process
- Review of process for handling allegations of sexual abuse and or harassment that may be noted in a grievance form.

The standard has the following requirements: (a) An agency shall be exempt from this standard if it does not have administrative procedures to address inmate grievances regarding sexual abuse. (b)(1) The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. (2) The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse. (3) The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. (4) Nothing in this section shall restrict the agency's ability to defend against an inmate lawsuit on the ground that the applicable statute of limitations has expired. (c) The agency shall ensure that— (1) An inmate 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. (d)(1) The agency 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. (2) Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal. (3) The agency 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 agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made. (4) At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level. (e)(1) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates. (2) If a third party files such a request on behalf of an inmate, 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. (3) If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision. (f)(1) The agency shall establish procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. (2) After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the

action taken in response to the emergency grievance. (g) The agency may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.

Anamosa State Penitentiary Institutional Operations Offender Rights Offender Grievance Procedures states, *Allegations of offender on offender sexual abuse or sexual assault or staff, contractor or volunteer sexual misconduct or sexual harassment, or retaliation are not processed as a grievance. However, if an offender submits a complaint to the Grievance Officer, it will be sent to the Administrator of the Division of Investigative Services in Central Office for investigation. Refer to IDOC Policy PREA-01, Offender PREA Information, for reporting processes.*

The PAQ and policy indicates that the agency does not have administrative procedures to address incarcerated individual grievances regarding sexual abuse. Therefore, the requirements are not applicable. The interview with the grievance coordinator confirmed that she responds to the grievance as not grievable and sends the written allegation immediately to the PCM and investigator. A notice of this decision is then sent to the incarcerated individual. The auditor was provided an example of this notice during the onsite audit to review.

Standard 115.53: Inmate access to outside confidential support services

115.53 (a)

- Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? Yes No
- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.) Yes No NA
- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? Yes No

115.53 (b)

- Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? Yes No

115.53 (c)

- Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse? Yes No

- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals
- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals
- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information
- Observations
- Interviews random incarcerated individuals
- MOU
- Demonstration of incarcerated individual phone process
- Postings of crisis centers in Iowa
- Documentation showing the addition of phone numbers, tool free, confidential to all incarcerated individual phone lists

(a) The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals both state,

Incarcerated individual Access to Outside Confidential Support Services

The Each institution shall provide incarcerated individuals with access to outside victim advocates for emotional support services related to sexual violence by giving incarcerated individuals mailing addresses and telephone numbers. The institution shall enable reasonable communication between incarcerated individuals and these organizations and agencies, in as confidential a manner as possible.

The auditor was provided information regarding the process for the State of Iowa; they have a consolidated proves for all crisis centers. There are twenty centers. There are postings in the facility that provide all crisis centers for the State of Iowa which includes phone numbers and addresses.

Recently, the agency added two phone numbers to all incarcerated individuals phone lists recently, allowing them to call the numbers toll free – statewide Iowa Victim Service Call Center and Rape Victim Advocacy Program (RVAP). Upon review of a phone list with an incarcerated individual did demonstrate that the numbers have been added to the “global list.” Additionally, the PREA Coordinator provided documentation from the phone system noting that the phone number was added to all incarcerated individual phones.

Numerous phones were observed throughout the facility, in the housing area and in the recreation yard. Some phones had dividers between them to enhance reasonable communication. Only a few incarcerated individual interviews confirmed the availability of these numbers. Many indicated they believed there are phone numbers posted somewhere and indicated if they had a need, they would be able to obtain them.

(b) The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals both state,

Incarcerated individual Access to Outside Confidential Support Services

The institution shall inform incarcerated individuals, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of sexual violence will be forwarded to authorities in accordance with mandatory reporting laws.

When making a phone call (as attempted during the audit by the auditor) the phone message indicates the call is free. There is no message indicating it is recorded, which confirms to the incarcerated individual that it is not recorded.

(c) The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation With Incarcerated Individuals and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals both state,

Definitions: Memoranda of Understanding (MOU) - Agreements between community rape crisis centers and each IDOC institution that delineate the responsibilities of each entity to provide incarcerated individuals with confidential emotional support services related to sexual violence.

Incarcerated individual Access to Outside Confidential Support Services

The institution PREA Compliance Manager in association with the PREA Coordinator shall enter into or attempt to enter into a memoranda of understanding or other agreement with community rape crisis service providers. Each institution shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

Additionally, the facility has an MOU with Rape Victim Advocacy Program (RVAP) and Riverview who agree to provide the following services:

- Maintain confidentiality
- After a signed release is formed, forward reports made to the designated PREA Coordinator, PREA Compliance Manager or Superintendent
- Provide an advocate to be available to incarcerated individuals 24 hours a day
- Provide incarcerated individuals with information about options and resources and to assist them through the criminal/civil justice system, if applicable
- Assist incarcerated individuals in safety planning, provide personal and community advocacy while incarcerated or after release.
- Provide information about the Crime Victim Compensation Program
- Be present during investigatory interviews if requested by the incarcerated individual.
- Provide assurance that advocates are qualified, and an appropriate background check has been completed

The facility does provide address and phone numbers to crisis centers. There is an MOU for one specific to this facility, the number was recently added to all incarcerated individual phones. The calls to these numbers are not recorded, therefore they provide confidentiality. Therefore, the auditor finds that the facility is in substantial compliance; complies in all material ways with the standard for the relevant review period.

Standard 115.54: Third-party reporting

115.54 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? Yes No
- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals
- Agency website
- Visitor application
- PAQ
- Lobby posters

The PAQ indicates there have been no third-party complaints received from family, visitors or interested parties outside of the facility.

The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation With Incarcerated Individuals states, *Each institution shall establish a method to receive third-party reports of sexual violence, retaliation, or staff neglect or violation of responsibilities that may have contributed to such incidents and shall distribute publicly information on how to report the same on behalf of an incarcerated individual. Each institution shall immediately report all allegations of sexual violence, including third-party and anonymous reports and allegations to the Inspector General or designee and to the institution's sexual violence investigator.*

On the agency website, there is the following:

HOW TO REPORT ALLEGATIONS
OF SEXUAL VIOLENCE
IN AN IDOC PRISON

It states, Break the Silence, Report suspected sexual violence. Contact the Warden's Office or Email: PREA.reporting@iowa.gov. The auditor sent a test report to the email address noted; a response was received from central office in less than twenty-four hours.

On the visitor application it states near the bottom, BREAK THE SILENCE -- Iowa DOC has a zero tolerance for sexual violence of any kind. If you are told about or are concerned about sexual violence committed against any person in an IDOC prison, please contact the Warden immediately.

The auditor observed the following in the visitor lobby:

- How to contact Crisis Intervention services
- Audit notices
- "Break the Silence" posters.

Website site accessibility, notification to visitors on the application and in the visiting lobby provide evidence supporting a finding of compliance.

OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

Standard 115.61: Staff and agency reporting duties

115.61 (a)

- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? Yes No

- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment? Yes No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? Yes No

115.61 (b)

- Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions? Yes No

115.61 (c)

- Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? Yes No
- Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services? Yes No

115.61 (d)

- If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? Yes No

115.61 (e)

- Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals
- Anamosa State Penitentiary PREA -03 Prison Rape Elimination Act Staff Response to Incarcerated Individuals on Incarcerated Individuals Sexual Violence or Retaliation
- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individuals PREA Information
- Health Services Acute/Specialty Services Patient Sexual Abuse
- Observations
- Interviews Random staff
- Interviews medical & mental health staff
- Training reports for medical and mental health
- Staying Safe - A Guide to Incarcerated Individual Conduct
- Review of investigations

(a) The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals states, *Each institution shall establish a method to receive third-party reports of sexual violence, retaliation, or staff neglect or violation of responsibilities that may have contributed to such incidents and shall distribute publicly information on how to report the same on behalf of an incarcerated individual.*

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individuals on Incarcerated Individuals Sexual Violence or Retaliation states,

All allegations and incidents of incarcerated individuals on incarcerated individuals sexual violence, retaliation, and staff neglect or violation of duty that may have contributed to such an incident shall be reported to the Warden, the institution's sexual violence investigator, and the Inspector General or designee. All allegations shall be fully investigated as directed by the Inspector General or designee and treated in a confidential and serious manner.

Report by a staff member - Any staff member who receives a report of sexual violence, retaliation, or of staff neglect or violation of responsibilities that may have contributed to such incidents whether verbally, in writing, anonymously, or from third parties, or who has other knowledge, suspicion, or information of such incidents shall immediately report it to their supervisor and complete an incident report

Completed PREA incident reports will be forwarded to the on-duty shift supervisor, Deputy Superintendent, PREA Coordinator, and DIS Administrator.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated individual PREA Information states, *Reports of unwanted sexual behavior shall be forwarded to authorities in accordance with Iowa mandatory reporting laws.*

All staff interviews confirmed they are aware that the policy is to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, retaliation against incarcerated individuals or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Review of the investigations supports that staff have reported suspicions, verbal and written allegations from incarcerated individuals, grievances and kiosk reports.

(b) Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individuals on Incarcerated Individuals Sexual Violence or Retaliation states,

All sexual violence investigations are confidential under Iowa statute and administrative rules. Other than reporting to supervisors or the institution's sexual violence investigator or PREA Compliance Manager, staff shall not reveal any information related to a report to anyone other than to the extent necessary, as specified in IDOC policy, to make treatment, investigation, and other security or management decisions

Completed PREA incident reports will be forwarded to the on-duty shift supervisor, Deputy Superintendent, PREA Coordinator, and DIS Administrator.

All staff interviews confirmed they are aware of the requirement to maintain confidentiality of the report, and only provide information necessary to ensure treatment, security decisions and cooperate with the investigation.

(c) Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

The recently updated Staying Safe Guide added the following information: *Confidentiality and protecting you is a priority within IDOC. Please note per PREA standards medical and psychology staff are mandatory reporters and are required to report an allegation of sexual violence to the appropriate people.*

Policy requires that all staff, contractors and volunteers report sexual abuse as required by policy. Medical and mental health staff confirmed that incarcerated individuals are aware that they have a duty to report and know the limitations of confidentiality at the initiation of services.

(d) If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information states,

Reports of unwanted sexual behavior shall be forwarded to authorities in accordance with Iowa mandatory reporting laws.

Health Services Acute/Specialty Services Patient Sexual Abuse, updated September 2021 and provided to the auditor states, *If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, Health Services shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.*

There were no examples of reports to designated State agencies in accordance with mandatory reporting for under 18 or considered a vulnerable adult. Staff are aware of the requirement to report

Elder Abuse to the Iowa Department of Human Services Department. There would not be any alleged victims under the age of 18. Medical and mental health staff reported that they are legally bound in accordance with their professional license to report child and elder abuse.

(e) The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals states, *Each institution shall immediately report all allegations of sexual violence, including third-party and anonymous reports and allegations to the Inspector General or designee and to the institution's sexual violence investigator.*

Anamosa State Penitentiary PREA -03 Prison Rape Elimination Act Staff Response to Incarcerated Individuals on Incarcerated Individuals Sexual Violence or Retaliation states, *Each institution shall establish a method to receive third-party reports of incarcerated individuals -on-incarcerated individuals' sexual violence, retaliation, or staff neglect or violation of responsibilities that may have contributed to such incidents and shall distribute publicly information on how to report the same on behalf of an incarcerated individual.*

In addition to policy, all random staff interviews confirmed that all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators. The interview with the investigator confirmed that he has received all allegations immediately.

Standard 115.62: Agency protection duties

115.62 (a)

- When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Observations
- Interviews A/Commissioner
- Interview DSS
- Interview Random staff
- Directive #4948 - Protective Custody Status
- Form #2168A Sexual Victimization – Involuntary Protective Custody Recommendation
- PAQ

The PAQ indicates there have been no times the facility determined that an inmate was at risk of imminent sexual abuse. The auditor found no reason to dispute this during the audit process.

The auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA), Staff, Contractor, or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals
- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff Response to Incarcerated Individuals on Incarcerated Individuals Sexual Violence or Retaliation
- Interview with the Director
- PAQ
- Interviews with random staff
- Interview with the Warden

The PAQ indicates there have been no instances when the facility determined an incarcerated individual was subject to substantial risk of imminent sexual abuse. The auditor found no reason to dispute this during the audit process.

Anamosa State Penitentiary PREA -03 Prison Rape Elimination Act (PREA), Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff Response To Incarcerated Individuals On Incarcerated Individuals Sexual Violence Or Retaliation both State,
When an institution learns that an incarcerated individual is subject to a substantial risk of imminent sexual violence, it shall take immediate action to protect the incarcerated individual.

The interview with the Director confirmed the following: “The department considers PREA standards and policies when responding to a potential risk situation. The first response would be to take immediate action to protect the incarcerated individual from any future harm. All safety planning and considerations for the incarcerated individual would be devised on a case-by-case basis. The institutions identify safety cells in the event an incarcerated individual may be required to be removed from their living area without isolating and or segregating the incarcerated individual unless necessary. The institution would consider appropriate housing options, work detail assignments, safe keeper, transfer and assign a staffing team to meet with the incarcerated individual periodically as well as to provide support and documentation which demonstrates the institution is aware of the potential risk and has taken action to keep the incarcerated individual safe.”

The interview with the Warden confirmed a strong support for ensuring the safety of incarcerated individuals by intervening before harm occurs if there is suspicion or reason to believe he is at risk of imminent sexual abuse.

All random staff interviews confirmed that they would intervene if they saw an imminent risk of sexual abuse and confirmed they would receive support from their supervisor for taking action before sexual abuse occurred.

Policy supports compliance with the standard. Interviews with the Director, the staff, the PAQ and observations provided the auditor with sufficient evidence to support a finding of compliance.

Standard 115.63: Reporting to other confinement facilities

115.63 (a)

- Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred? Yes No

115.63 (b)

- Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? Yes No

115.63 (c)

- Does the agency document that it has provided such notification? Yes No

115.63 (d)

- Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated individuals Staff
- Anamosa State Penitentiary PREA -03 Prison Rape Elimination Act Staff Response to Incarcerated individual On Incarcerated individual Sexual Violence Or Retaliation
- PAQ
- Interview Director
- Interview Warden
- Response to allegations received from other facilities
- Two examples of notices of allegation of sexual abuse received form another facility and corresponding investigations (outside the previous 12 months).

The PAQ indicates there has been zero allegations received that an incarcerated individual was abused while confined at another facility, zero allegations received from another facility about sexual abuse that occurred at this facility in the previous 12 months.

(a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. (b) Such notification shall be provided as soon

as possible, but no later than 72 hours after receiving the allegation. (c) The agency shall document that it has provided such notification. d) The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated individuals Staff and Anamosa State Penitentiary Prison Rape Elimination Act Staff Response To Incarcerated individual On Incarcerated individual Sexual Violence Or Retaliation both state,

Reporting of Sexual Violence to Other Confinement Facilities

Upon receiving an allegation that an incarcerated individual was sexually abused or sexually assaulted by another incarcerated individual while confined at another facility, the Warden shall immediately notify the Inspector General or designee. The Inspector General or designee shall notify the facility or appropriate office of the agency where the alleged abuse occurred.

Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

The Inspector General or designee shall document that such notification has been provided

The Inspector General or designee shall ensure that the allegation is investigated in accordance with the requirements of the PREA standards.

The interview with the Director confirmed the following: Each facility has an assigned PREA Compliance Manager and assigned trained Investigators who would be contacted and made aware of the allegation. Following the initial contact, the Inspector General's Office Statewide PREA Administrator would be notified and charged with the responsibility of immediate follow up. Each facility head has an official letter they can distribute from the investigative data base whether they are the Warden or District Director. This official letter is sent out to the facility to alert their facility head that an incident has occurred. The Sexual Violence Investigator and or PREA Compliance Manager is requested to contact the facility in addition to explain what has been done thus far in the process. The two facilities coordinate the response and or inquiry or investigation accordingly. This process includes out of state incidents as well. The Warden is notified as well as the Inspector General and Deputy Director of Operations. If an outside agency is needed, the Inspector General's Office coordinates joint collaboration between the Department of Corrections and the outside agency. The Inspector General's Office arranges the initial conference call, and or meeting with the outside agency. Both agencies would remain in contact from the beginning to the completion of the investigative process. For this year's look back period we have had about five notifications for this year. We just updated our PREA or sexual violence investigative data base, to make some changes to the system in order to track more efficiently the receiving facility, their address and other pertinent information, but we have always had an electronic method of alerting other agencies both in and out of the state. "

The interview with the Warden confirmed that he would be responsible for notifying the facility head of any other facility where his staff received an allegation of sexual abuse that occurred at that facility and that he would ensure an immediate investigation of any information received that an allegation of sexual abuse occurred at his facility. He was aware that his action is required to be taken within 72 hours.

The allegation initiation notice is generated through the IDOC data base. Upon review of one example, it did not note the date the allegation was made. Recently, this was added to the data base. The date the notice is generated is inherent in the data base. Therefore, there is documentation to ensure the auditor can verify the notification is made within 72 hours. Additionally, the facility provided examples of receipt of allegations of sexual abuse that occurred at this facility along with the corresponding investigation. These incidents were outside the twelve-month review period but demonstrated to the auditor compliance with the requirements.

Interview with the director, interview with the Warden, policy and documentation of notification and investigations provide the auditor with ample evidence to support a finding of compliance.

Standard 115.64: Staff first responder duties

115.64 (a)

- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?
 Yes No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? Yes No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? Yes No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? Yes No

115.64 (b)

- If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individual
- Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence Or Retaliation
- Interviews random staff
- Staff response cards
- PAQ

The PAQ indicates there were nine allegations of sexual abuse, zero that allowed for time to collect evidence. The auditor found no reason to dispute this during the audit process.

(a) Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to: (1) Separate the alleged victim and abuser; (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. (b) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information states, *If applicable to the circumstances, the alleged Incarcerated Individual victim shall be advised by the employee receiving the report or Shift Supervisor that showering or body cleaning, or if alleged abuse was oral, drinking or brushing could damage or destroy evidence.*

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individual Staff
First Responders - The first staff on the scene of a sexual assault shall:

Separate the alleged victim and aggressor;

Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;

If it is alleged that the sexual assault occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual On Incarcerated Individual Sexual Violence or Retaliation

Duties of the Director's Office

The IDOC shall develop a consistent statewide process for reporting and investigating incidents of sexual violence, retaliation, or staff neglect or violation of duty that may have contributed to such incidents. This process shall include multiple points of reporting for Incarcerated Individual and staff, specially trained investigators, and a consistent investigative process.

First Responders - The first staff on the scene of a sexual assault shall:

Separate the alleged victim and perpetrator;

Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;

If it is alleged that a sexual assault occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim and perpetrator not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual violence is made, first responders shall take preliminary steps to protect the victim and shall immediately notify the shift supervisor.

All random interviews with security staff demonstrated they were knowledgeable regarding what action to take in the event that they learn of an allegation that an incarcerated individual was sexually abused, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. The staff who had responded to a potential usable evidence encounter did provide anecdotal information to the auditor to confirm he was knowledgeable and took the appropriate steps when responding to the encounter (which involved two individuals in one cell – investigation determined action to be consensual).

Policy and interviews with non-security staff confirmed to the auditor that the requirement of the standard would be met – the staff would request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

Corrective Action Required:

Policy addresses the requirements of the standard for provision (a) but does not for provision (b).

Update: The policy has been updated to reflect the requirements of provision (b).

Standard 115.65: Coordinated response

115.65 (a)

- Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Interview with the Warden
- Facility's coordinated response plan – Incarcerated Individual on Incarcerated Individual Allegation, Staff on Incarcerated Individual
- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individual
- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Incarcerated Individual PREA Information
- PREA kits – located in health care

The facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individual states,
Duties of the Director's Office

The IDOC shall develop a consistent statewide process for reporting and investigating incidents of sexual misconduct, sexual harassment, retaliation by staff, contractors, and volunteers, or staff neglect or violation of responsibilities that may have contributed to such incidents. This process shall include multiple points of reporting, trained investigators, and a consistent investigative process.

The Facility has two coordinated response plans – Incarcerated Individual on Incarcerated Individual Allegation, Staff on Incarcerated Individual Coordinated Response Plan. Review of them both includes that following staff first responders, medical and mental health practitioners, investigators, and facility leadership.

Corrective Action Required:

Review of one allegations of incarcerated individual on incarcerated individual alleging sexual abuse was reviewed. The auditor requested the appropriate medical evaluation. Upon investigation by the facility, none was conducted. The auditor requested that the facility Conduct another sexual abuse incident review on this investigation, on this incident. Update: An updated sexual incident review was completed, reflecting

Review of policy, the response plan, flow charts for Incarcerated Individual on Incarcerated Individual Sexual Abuse and Staff on Incarcerated Individual Sexual Abuse, and staff interviews confirmed that the facility has provided sufficient evidence to support a finding of compliance with the requirements of this standard.

Standard 115.66: Preservation of ability to protect inmates from contact with abusers

115.66 (a)

- Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? Yes No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- ACFSME contract
- Interview with the Director
- PAQ

(a) Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. (b) Nothing in this standard shall restrict the entering into or renewal of agreements that govern: (1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.72 and 115.76; or (2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

The interview with the Director confirmed the following: The agency has entered into a collective bargaining unit agreement however, as of this reporting year, there were major changes with the union. She indicated, "The Iowa Department of Corrections has the ability to reassign staff pending investigations for misconduct. The new collective bargaining agreement previously did not impact this ability. It is not an issue currently with the union changes."

Review of the contract, interview with the Director and the PREA Coordinator/Program Manager confirmed that this union has no power or authority to interfere with changing staff assignments ending an investigation. Policy supports the requirements of the standard. Therefore, the facility is deemed to be in compliance.

Standard 115.67: Agency protection against retaliation

115.67 (a)

- Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? Yes No
- Has the agency designated which staff members or departments are charged with monitoring retaliation? Yes No

115.67 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? Yes No

115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? Yes No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? Yes No

115.67 (d)

- In the case of inmates, does such monitoring also include periodic status checks?
 Yes No

115.67 (e)

- If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?
 Yes No

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals
- Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation
- Interview with the Director
- Interviews with the Warden
- Interview with the designated staff member charged with monitoring for retaliation
- Examples of retaliation monitoring
- PAQ

The PAQ indicates there have been no times an incident of retaliation occurred related to a sexual abuse allegation.

(a) The agency shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff and shall designate which staff members or departments are charged with monitoring retaliation. (b) The agency shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. (c) For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates

or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. (d) In the case of inmates, such monitoring shall also include periodic status checks. (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation. (f) An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals and Anamosa State Penitentiary Prison Rape Elimination Act Staff Response To Incarcerated Individuals On Incarcerated Individuals Sexual Violence Or Retaliation both state,
Staff shall not retaliate upon knowledge of sexual misconduct allegations.
Protection Against Retaliation

The institution shall protect all incarcerated individuals and staff who report sexual violence or cooperate with investigations from retaliation by other incarcerated individuals or staff and shall designate which staff members or institution departments are charged with monitoring retaliation.

The institution shall employ multiple protection measures, such as housing changes or transfers for incarcerated individual victims or perpetrators, removal of alleged staff aggressors or incarcerated individual perpetrators from contact with victims, and emotional support services for incarcerated individuals or staff who fear retaliation for reporting or cooperating with investigations.

For at least 90 days following a report of sexual violence, the institution shall monitor the conduct and treatment of incarcerated individuals or staff who reported the sexual violence and of incarcerated individuals who were reported to have suffered sexual violence to see if there are changes that may suggest possible retaliation by incarcerated individuals or staff and shall act promptly to remedy any such retaliation. The institution shall monitor any incarcerated individual disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The institution shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. In the case of incarcerated individuals, such monitoring shall also include periodic status checks. If any other individual who cooperates with an investigation expresses a fear of retaliation, the institution shall take appropriate measures to protect that individual against retaliation. The obligation to monitor shall terminate if IGO determines that the allegation is unfounded. The institution shall develop procedures to implement the protection against retaliation requirements and shall document all measures taken and monitoring checks. Tracking for retaliation shall be entered in the PREA Investigation Database.

The interview with the Director yielded the following response: "The department has a zero tolerance for retaliation for sexual abuse or sexual harassment allegations. There is an Incident Review process at each facility which meets monthly. All PREA Compliance Managers and institution Administrators are trained to identify and respond to retaliation claims. There is a retaliation module in the investigative data base to track retaliation claims and document how the facility responds to these claims. The staff are trained to acknowledge and investigate claims, and to follow up with an in-person meeting with the incarcerated individual. Staff Advocates and Psychologist are available and trained to provide confidential support for incarcerated individuals who report retaliation. The department has the ability to

consider housing, transfers, staff reassignments and opportunities to provide emotional support to incarcerated individuals in this process.” Furthermore, If an individual who cooperates with an investigation expresses a fear of retaliation, the agency/facility takes measures to protect that individual against retaliation. “Each facility has a designated person assigned to track retaliation. There are periodic reviews in this process as well as the incarcerated individual has the opportunity to meet with key staff, to include the treatment practitioner during this process for support. The Incident Review team composed of the PREA Compliance Manager, Retaliation Tracker and Office of the Warden reviews and receives updates of retaliation allegations. This process is monitored until the facility staff feel the incarcerated individual is safe from retaliation. The classification team process, staffing of incarcerated individuals and the hard to place conference calls monthly, all assist in this area as a resource to protect incarcerated individuals against retaliation. Our official retaliation tracking is 90 days but because of all of the processes in place it goes longer than the required 90 days of tracking.”

Policy contains all the requirements of the standard. It requires that the agency employ multiple protection measures, such as housing changes or transfers for incarcerated individual victims or abusers, removal of alleged staff or incarcerated individual abusers from contact with victims, and emotional support services for incarcerated individuals or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. It requires monitoring for at least 90 days. The monitoring is initiated at the time of the report. It does include factors relevant to monitoring of staff. Policy does specify that it is for who reported the sexual abuse and/or incarcerated individuals who were reported to have suffered sexual abuse. Additionally, it specifies that it will monitor incarcerated individuals or staff and look for at a minimum, any incarcerated individual disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff and occur for a minimum of 90 days if the initial monitoring indicates a continuing need.

The facility has a staff person charged with monitoring for retaliation. He confirmed that he does have periodic status checks, at least every 30 days. Additionally, he does track housing changes, disciplinary reports, program/treatment impacts. For staff, performance reviews staffing issues and other information. He indicated this information is all documented in the agency data base. The auditor was provided with a document demonstrating that each of the specific issues has a place for notations, in addition to an “other information” section. The auditor interviewed a staff from the Inspector General’s office familiar with the data base and confirmed this function.

The interview with the Warden confirmed that retaliation monitoring is conducted for each investigation. Additionally, he stated that retaliation would not be tolerated, and appropriate action would be taken.

The retaliation monitoring had not been completed for the majority of the 12-month review period. They were recently re-initiated; the data base was updated to reflect retaliation monitoring to be initiated at the time of the report. The auditor was provided documentation to reflect that the last two investigations had retaliation monitoring conducted and initiated at the time of the report. This reflects the time frame from when the change was initiated.

Standard 115.68: Post-allegation protective custody

115.68 (a)

- Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Institutional Operations Housing Operations Protective Custody (PC) Housing
- Anamosa State Penitentiary Institutional Operations Housing Operations Short-Term Restrictive Housing (STRH)
- Interview with the Warden
- Interview with staff who supervise restricted housing.
- PAQ
- Observations when touring restrictive housing areas.

The PAQ indicates that no incarcerated individual who alleged sexual abuse was held in involuntary restrictive housing. The auditor found no reason to dispute this during the audit process.

Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.43.

Anamosa State Penitentiary Institutional Operations Housing Operations Protective Custody (PC) Housing, states, *Offenders in PC may request a review by the PCRC at any time. Reviews more frequent than every 30 days are at the sole discretion of the PCRC. Within seven days of placement, the PCRC shall conduct a PC review to determine the need for continued placement in PC. The status of all offenders placed in PC shall be reviewed every seven days for the first two months and every 30 days thereafter to determine whether the reasons for placement still exist.*

Segregation Review

The offender shall be afforded the opportunity to be present at the two-month review, and each subsequent 30-day review, unless behavior at the time of the review warrants otherwise. The PCRC may accept the offender's comments in writing, call him/her to appear, and/or accept comments made on behalf of the offender by a staff member. An offender may waive his/her right to attend the in-person review, which shall be documented on the Segregation Review Form. The review shall then be held in absentia.

The Unit Team or other designated authority shall determine the programs and services available to offenders in PC both in terms of the operation of the living unit and individual restrictions.

High Risk Offenders

Offenders at high risk for sexual victimization shall not be placed in involuntary PC housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the offender in involuntary PC housing for less than 24 hours while completing the assessment.

Anamosa State Penitentiary Institutional Operations Housing Operations Short-Term Restrictive Housing (STRH) states, *Any use of restrictive housing to protect an incarcerated individual who is alleged to have suffered sexual abuse shall be subject to the requirements of PREA Standard 115.43.*

Written notice (Administrative STRH Notice) is distributed to the Warden, and others listed on the form before the end of the shift supervisor's tour of duty. The Warden and others will have an opportunity to review the circumstance of the STRH placement. Sufficient information will need to be outlined on this document to present an understanding of the necessity of the placement.

The interview with the Warden confirmed that it would be a last resort to place an incarcerated individual in protective segregation due to an incident of high risk for sexual abuse, or allegations of sexual abuse. During this interview, he outlined the variety of other options that would be exercise before this occurred, such as change in housing, or transfer to another facility.

The interview with an officer who supervises restricted housing confirmed that he is not aware of an instance where involuntary placement in protective segregation was used to protect an incarcerated individual from risk of sexual abuse, or a sexual abuse allegation.

The auditor toured all restricted housing areas, allowing any residents in that are to interact with her. No one requested to be interviewed.

Policy supports the requirements of the standard. As stated, the PAQ indicates this has not occurred and the auditor found no reason to dispute this during the audit process. The interview with the Warden and officer who regularly supervises restrictive housing, in addition to policy provided the auditor ample evidence to support a finding of compliance. See comments to §115.43.

INVESTIGATIONS

Standard 115.71: Criminal and administrative agency investigations

115.71 (a)

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] Yes No NA
- Does the agency conduct such investigations for all allegations, including third party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] Yes No NA

115.71 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34? Yes No

115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? Yes No
- Do investigators interview alleged victims, suspected perpetrators, and witnesses? Yes No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? Yes No

115.71 (d)

- When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution? Yes No

115.71 (e)

- Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff? Yes No
- Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? Yes No

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? Yes No
- Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? Yes No

115.71 (g)

- Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible? Yes No

115.71 (h)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution? Yes No

115.71 (i)

- Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? Yes No

115.71 (j)

- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?
 Yes No

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Observations
- Interviews Investigative staff
- Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence Or Retaliation And Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation With Incarcerated individuals
- Institutional Operations Rules and Discipline Major Discipline Report Procedures
- Interviews Investigative Staff
- Interviews Warden
- Interviews PREA Coordinator
- Interviews PREA Compliance Manager
- PAQ
- Investigative reports
- Retention schedule

The PAQ indicates there have been zero substantiated allegations that have been referred for criminal prosecution since the last PREA audit. The auditor found no reason to dispute this during the audit process.

(a) When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

Individual on Incarcerated Individual Sexual Violence Or Retaliation And Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation With Incarcerated individuals have the following excerpts:

All allegations and incidents of sexual misconduct, sexual harassment, retaliation, staff neglect or violation of responsibilities that may have contributed to such incidents, or that indicate a personal relationship by staff with incarcerated individuals shall be reported to the Warden, the institution's sexual violence investigator, and the Inspector General or designee. All allegations and incidents shall be fully investigated as directed by the Inspector General or designee and treated in a confidential and serious manner.

Each institution shall immediately report all allegations of sexual violence, including third-party and anonymous reports and allegations to the Inspector General or designee and to the institution's sexual violence investigator.

Investigations shall be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

The Inspector General or designee shall ensure that an administrative or criminal investigation is completed for all allegations of sexual violence, sexual misconduct, sexual harassment, or retaliation.

Policy, interview with the Warden and the investigators all confirmed to the auditor that starts the investigation into allegations of sexual abuse and sexual harassment promptly thoroughly, and Objectively, including allegations that are including third-party and anonymous reports.

(b) Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.34.

Anamosa State Penitentiary PREA -03 Prison Rape Elimination Act Staff Response to Incarcerated individual Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation And Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation With Incarcerated Individuals have the following excerpts:

The Inspector General shall Assign specially trained sexual violence investigators and manage all sexual violence investigations, allegations, and incidents of sexual misconduct, sexual harassment, and retaliation, or that indicate a personal relationship by staff, contractors, or volunteers with incarcerated individuals.

See § 115.34.

Review of all investigations supported that they were conducted by one of the six institutional trained sexual abuse investigators or the IGs trained sexual abuse investigator.

(c) Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

Anamosa State Penitentiary PREA -03 Prison Rape Elimination Act Staff Response to Incarcerated individual Incarcerated Individual on Incarcerated Individual Sexual Violence Or Retaliation And Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or

Volunteer Sexual Misconduct/ Harassment/ Retaliation With Incarcerated Individuals state the following:

Sexual Violence Investigators shall:

Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data;

Interview alleged victims, suspected perpetrators, and witnesses;

Review prior complaints and reports of sexual violence involving the suspected perpetrator.

Include an effort to determine whether staff actions or failures to act contributed to the abuse

The review of the investigations, interviews with the investigator and policy confirmed that the investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and does review prior complaints and reports of sexual abuse involving the suspected perpetrator. The investigators had evidence, interview statements, in addition to other evidence when the auditor reviewed the investigations. The data base affords the investigator the ability to review prior complaints and reports of sexual abuse.

(d) When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. (e) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated individual Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals state the following:

Sexual Violence Investigators shall:

When the quality of evidence appears to support criminal prosecution, the investigators shall conduct compelled interviews only after the Inspector General has determined, including but not limited to consultation with prosecutors, if compelled interviews may be an obstacle for subsequent criminal prosecution. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as incarcerated individual or staff. IDOC shall not require an incarcerated individual who alleges sexual violence submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

Institutional Operations Rules and Discipline Major Discipline Report Procedures is a 58 page policy outlining the disciplinary process. It states that in cases involving allegations of sexual violence, the Inspector General/Designee rather than the Warden/Designee shall handle issues connected with possible criminal prosecution. The Inspector General/Designee may consult with the police and prosecuting authorities and the incarcerated individual will receive a Miranda warning when appropriate.

Anamosa State Penitentiary Institutional Operations Rules & Discipline Major Discipline Report Procedures states,

In cases involving allegations of sexual violence, the Inspector General/Designee rather than the Warden/Designee shall handle issues connected with possible criminal prosecution. The Inspector General/Designee may consult with the police and prosecuting authorities and the incarcerated individual will receive a Miranda warning when appropriate.

As stated in policy, the Inspector General's office would conduct investigations that appear to support criminal prosecution. That office would consult with the country prosecutor along with the Warden of the facility (as stated by the Warden). Policy and interview with the investigator confirmed to the auditor that credibility is judged individually. It was stated that it would be considered in conjunction with established facts, not on the basis of staff or incarcerated individual status alone. Policy and the investigator interview confirmed that polygraph or truth telling devices are not used on incarcerated individuals who allege sexual abuse.

(f) Administrative investigations: (1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and (2) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Anamosa State Penitentiary Employee Investigations and Discipline states, *When there are allegations of misconduct, or failure to meet performance expectations – investigations shall begin as soon as possible.*

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated individual Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation states, investigations shall *include an effort to determine whether staff actions or failures to act contributed to the abuse.*

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated individual Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals state the following:
The investigators shall prepare a final written report that includes a description of the physical, testimonial, and documentary evidence, the reasoning behind credibility assessments, and investigative facts and findings. The report shall be provided to the Inspector General, and Warden. The report shall be a confidential record.

(g) Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. (h) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated individual Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, or Volunteer Sexual Misconduct/ Harassment/ Retaliation With Incarcerated Individuals state the following:
When the quality of evidence appears to support criminal prosecution, the investigators shall conduct compelled interviews only after the Inspector General has determined, including but not limited to consultation with prosecutors, if compelled interviews may be an obstacle for subsequent criminal prosecution. IDOC shall make best efforts to ensure that criminal investigations by outside agencies are to be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and copies of all documentary evidence are attached where feasible

Anamosa State Penitentiary Institutional Operations Rules & Discipline Major Discipline Report Procedures states,
In cases involving allegations of sexual violence, the Inspector General/Designee rather than the Warden/Designee shall handle issues connected with possible criminal prosecution. The Inspector

General/Designee may consult with the police and prosecuting authorities and the incarcerated individual will receive a Miranda warning when appropriate.

Although no criminal investigations were conducted, it was confirmed that they are documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Policy supports this requirement as well. Institutional Operations Rules and Discipline Major Discipline Report Procedures is a 58-page policy outlining the disciplinary process. It states that in cases involving allegations of sexual violence, the Inspector General/Designee rather than the Warden/Designee shall handle issues connected with possible criminal prosecution. The Inspector General/Designee may consult with the police and prosecuting authorities and the incarcerated individual will receive a Miranda warning when appropriate.

The interview with the PREA Coordinator, Warden and investigators, in addition to policy support that substantiated allegations of conduct that appears to be criminal will be referred for prosecution.

(i) The agency shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

Anamosa State Penitentiary PREA -03 Prison Rape Elimination Act Staff Response to Incarcerated individual Incarcerated Individual on Incarcerated Individual Sexual Violence Or Retaliation And Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation With Incarcerated Individuals state the following:

The institution and IGO shall retain all written sexual violence investigation reports for as long as the alleged perpetrator is incarcerated or employed by the agency, plus five years.

Two investigators reported that the physical evidence and the investigation is stored in a secure area in the security office by all facility investigators.

(j) The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated individual Incarcerated Individual on Incarcerated Individual Sexual Violence Or Retaliation And Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation With Incarcerated Individuals state the following: *The departure of the alleged perpetrator or victim from the employment or control of IDOC shall not provide a basis for terminating a sexual violence investigation.*

Policy and interview with the investigator confirmed that the departure of the alleged abuser or victim from the employment or control of the facility or agency will not provide a basis for terminating an investigation.

(k) Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

Auditor is not required to audit this provision.

(l) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated individual Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation With Incarcerated Individuals state the following:

When outside agencies investigate sexual violence, IDOC shall cooperate with outside investigators and shall endeavor to remain informed and keep the Inspector General informed about the progress of the investigation.

Policy and the interview with the investigator confirmed that when outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation. As stated by the IG investigator and Warden, if this involved the Inspector General's Office, they would keep the facility informed, and/or they would remain informed in the rare occurrence that the Division of Criminal Investigation should investigate.

The department wide data base prompts the investigator to ensure the requirements of the provisions for this standard are met. Policy, interviews with the Warden and investigations and review of the investigations, including the physical evidence provided the auditor with sufficient evidence to support a finding of compliance.

Standard 115.72: Evidentiary standard for administrative investigations

115.72 (a)

- Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals
- Interviews Investigative staff and PREA Coordinator
- Review of investigations

The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation And Anamosa State Penitentiary Prison Rape Elimination Act (PREA) States, Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation With Incarcerated individuals state, *IDOC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual violence are substantiated.*

Review of the investigations and interview with the investigators confirmed to the auditor that a preponderance of evidence is used and demonstrated in the summary of the investigation.

Policy and the interview with investigators and PREA Coordinator confirm that this is the standard to substantiate an administrative hearing. Review of the investigations confirmed that this was the standard used to support a substantiated case. Therefore, the standard is deemed compliant.

Standard 115.73: Reporting to inmates

115.73 (a)

- Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? Yes No

115.73 (b)

- If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) Yes No NA

115.73 (c)

- Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? Yes No

- Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (d)

- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility? Yes No
- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (e)

- Does the agency document all such notifications or attempted notifications? Yes No

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals
- PAQ
- Notifications
- Interviews Warden
- Interviews with Investigative staff
- Review of investigations

The PAQ indicates the following:

Seven investigations of alleged sexual abuse completed
Zero sexual abuse investigations completed by an outside agency
Zero notifications of the results of an investigation completed by an outside agency
Zero substantiated cases of staff sexual abuse
Zero notifications made pursuant to those

(a) Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals, updated September 2021 states,

Reporting to Incarcerated Individuals

Reporting to Incarcerated Individuals 1. Following an investigation into an allegation of incarcerated individual sexual misconduct the sexual violence investigator shall inform the incarcerated individual victim as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded, using PREA-02 F-4, Investigator's Closure Letter to Incarcerated Individual.

(b) If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals, updated September 2021 states

Reporting to Incarcerated Individuals

If IDOC did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the incarcerated individual.

(c) Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever: (1) The staff member is no longer posted within the inmate's unit; (2) The staff member is no longer employed at the facility; (3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals, updated September 2021 states,

Reporting to Incarcerated individuals

Following a substantiated or unsubstantiated investigation of an allegation of staff sexual misconduct, the institution shall subsequently inform the incarcerated individual victim whenever: a. The staff member is no longer posted within the incarcerated individual's unit; b. The staff member is no longer employed at the facility; c. The institution learns that the staff member has been indicted on a charge

related to sexual misconduct within the facility; d. The institution learns that the staff member has been convicted on a charge related to sexual misconduct within the facility.

(d) Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever: (1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or (2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation updated August 2021 states, *Following a substantiated or unsubstantiated investigation of an allegation of sexual abuse, the institution shall subsequently inform the incarcerated individual victim whenever: a. the institution learns that the alleged perpetrator has been indicted on a charge related to sexual abuse within the facility; b. The institution learns that the alleged perpetrator has been convicted on a charge related to sexual abuse within the facility.*

(e) All such notifications or attempted notifications shall be documented.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals, updated September 2021 states, *Reporting to Incarcerated individuals
All such notifications or attempted notifications shall be documented.*

(f) An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation and Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals, updated September 2021 states, *IDOC's obligation to report shall terminate if the incarcerated individual is released from the IDOC's custody.*

The facility provided notifications that the auditor observed while reviewing investigation files. It was confirmed to the auditor that if the Inspector General conducted the investigation, they would provide the notification. Interviews with the facility investigators and review of notifications assured the auditor that notifications contained the required information.

Corrective Action Needed: Policy needed to be corrected to accurately reflect the language of the provisions in the standard. An updated policy was provided to the auditor reflecting the standard language. See updates above. With this, the auditor finds sufficient evidence to support a finding of compliance.

DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

115.76 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies? Yes No

115.76 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? Yes No

115.76 (c)

- Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories? Yes No

115.76 (d)

- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)? Yes No
- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Administration & Management Personnel Iowa Department of Corrections General Rules of Employee Conduct
- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals
- PAQ

- Observations and interviews during the onsite audit

The PAQ indicates the following:

Zero staff from the facility have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies

Zero staff who have been disciplined for violation of agency sexual abuse or sexual harassment policies

Zero staff who have been reported to law enforcement or licensing bodies following termination or resignation for violating agency sexual abuse or sexual harassment policies

The auditor found no reason to dispute these statistics during the audit process.

Anamosa State Penitentiary Administration & Management Personnel Iowa Department of Corrections General Rules of Employee Conduct states,

Employee Acknowledgement of Receipt of Rules

All IDOC employees shall receive a copy of this policy upon hire and their signed acknowledgement, AD-PR-11 F-1 Acknowledgment of Receipt of Iowa Department of Corrections General Rules of Employee Conduct, shall be placed in their personnel file.

Inform their supervisor immediately if under investigation, arrested, charged, convicted, or required to appear in court for any criminal offense including moving violations and/or administrative actions that result in loss of driving privileges or weapons permit. A written report shall be provided to the Warden, Judicial District Director (depending on your work location), or the Director of Corrections within 24 hours of occurrence.

Report any violation of law or policy that could affect the security or operation of the IDOC to the Warden, Judicial District Director (depending on your work location), or the Director of Corrections within 24 hours of occurrence.

Report any conviction for sexual assault or sexual abuse of an incarcerated individual/client in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; or if they have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or if they have been civilly or administratively adjudicated to have engaged in any such conduct. Material omissions or the provision of materially false information regarding sexual assault or sexual abuse of an incarcerated individual/client as described above shall be grounds for termination.

(a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. (b) Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals states,

Staff Discipline

Staff shall be subject to disciplinary sanctions up to and including termination for violating IDOC policies relating to sexual misconduct, sexual harassment, retaliation, or for any neglect or violation of duty that may have contributed to such incidents

Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual misconduct.

Policy supports all aspects of these provisions of the standard.

(c) Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals states,
Staff Discipline

Disciplinary sanctions for violations of IDOC policies relating to sexual misconduct, sexual harassment, retaliation, or for any neglect or violation of duty that may have contributed to such incidents shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

Policy supports all aspects of this provision of the standard.

(d) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals states,
Staff Discipline

All terminations for violations of IDOC policies relating to sexual misconduct, sexual harassment, retaliation, or for any neglect or violation of duty that may have contributed to such incidents or resignations by staff who would have been terminated if not for their resignation, shall be referred for criminal prosecution by the Inspector General when the evidence is sufficient for a criminal referral, and by the appropriate institution management team member to any relevant licensing bodies.

Policy supports all aspects of this provision of the standard.

Policy, observations and interviews during the onsite audit, and review of the investigations, confirm to the auditor that staff misconduct would be dealt with in conjunction with the provisions of the standard and would be referred for prosecution and if applicable, to the licensing boards.

Standard 115.77: Corrective action for contractors and volunteers

115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? Yes No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? Yes No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? Yes No

115.77 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Administration and Management, General Administration Agreements and Contracts
- Anamosa State Penitentiary Administration and Management, Citizen Involvement/Volunteers Volunteer Program
- Interview with the Warden
- PAQ

The PAQ indicates that there have been zero contractors or volunteers who have been reported to law enforcement and/or relevant licensing bodies for violation of PREA standards. The auditor found no reason to dispute this during the audit process.

(a) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

Anamosa State Penitentiary Administration and Management, General Administration Agreements and Contracts addresses the following: *Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with incarcerated individuals and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.*

Anamosa State Penitentiary Administration and Management, Citizen Involvement/Volunteers Volunteer Program states,

Termination

Volunteers and their services may be discontinued at the discretion of the appointing authority. Denials must be entered in the Volunteer Database and communicated with any other facility/district that is identified as an approved site.

Volunteers who are on the regular schedule, who have not actively participated in the last six months will lose their volunteer status. Volunteers who have participated in annually or bi-annually scheduled programs such as Passover, Brothers in Blue, and Prison Fellowship will be removed as volunteers if they have not participated in these programs in the last two calendar years.

Any volunteer who engages in sexual assault, sexual abuse, or sexual harassment shall be prohibited from contact with incarcerated individuals and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

3. The institution shall take appropriate remedial measures, and shall consider whether to prohibit further contact with incarcerated individuals, in the case of any other violation of IDOC sexual violence or sexual harassment policies by a contractor or volunteer.

(b) The facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

Anamosa State Penitentiary Administration and Management, General Administration Agreements and Contracts Addresses the following: *IDOC facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with incarcerated individuals, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.*

Anamosa State Penitentiary Administration and Management, Citizen Involvement/Volunteers Volunteer Program states,

Termination

The institution shall take appropriate remedial measures, and shall consider whether to prohibit further contact with incarcerated individuals, in the case of any other violation of IDOC sexual violence or sexual harassment policies by a contractor or volunteer.

Policy and the interview with the Warden supported compliance with the requirements of the standard. The Warden assured the auditor he can and would prevent a contractual staff or volunteer from entering the facility if allegations were made, pending the outcome of the investigation. As noted, volunteers have not been entering the facility since the coronavirus pandemic precautions were initiated; these restrictions were still in place during the audit. The Pre-Audit Questionnaire notes that no contractor or volunteer has been involved in an investigation regarding sexual abuse or sexual harassment towards an inmate. The auditor found no evidence to dispute this statement during the audit process.

Based on above, the auditor found sufficient evidence to support a finding of compliance with the requirements of the standard.

Standard 115.78: Disciplinary sanctions for inmates

115.78 (a)

- Following an administrative finding that an inmate engaged in Inmate-on-Inmate sexual abuse, or following a criminal finding of guilt for Inmate-on-Inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process? Yes No

115.78 (b)

- Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories? Yes No

115.78 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior? Yes No

115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? Yes No

115.78 (e)

- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? Yes No

115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? Yes No

115.78 (g)

- Does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Institutional Operations Rules and Discipline Major Discipline Report Procedures
- Anamosa State Penitentiary Incarcerated individual Programs Sex Incarcerated individual Referrals
- Interview with the Warden
- Incarcerated individual facility rules and guidebook
- Disciplinary reports – 64 total
- PAQ
- Observations

The PAQ indicates there have been four incarcerated individuals on incarcerated individual sexual abuse administrative findings that occurred at the facility. It indicates there were zero criminal incarcerated individual on incarcerated individual sexual abuse criminal findings of guilt.

Anamosa State Penitentiary Institutional Operations Rules and Discipline Major Discipline Report Procedures is a 70-page policy outlining the disciplinary process. It states the following:

In cases involving allegations of sexual violence, the Inspector General/Designee rather than the Warden/Designee shall handle issues connected with possible criminal prosecution. The Inspector General/Designee may consult with the police and prosecuting authorities and the incarcerated individual will receive a Miranda warning when appropriate.

PURPOSE

To establish the framework by which staff utilize formal disciplinary action for violation of specified major rules. This policy lists major rule infractions and describes the procedures for writing, serving, and investigating major reports, as well as the major report hearing and appeal procedures.

POLICY

As described more fully in IDOC Policy IO-RD-01 Overview and Philosophy of Incarcerated Individual Discipline, it is the policy of the IDOC to use appropriate disciplinary action in the management of incarcerated individual violations of IDOC and institutional rules, regulations, policies, and procedures. Where the use of informal action or minor disciplinary report procedures are not appropriate or insufficient to achieve correctional goals, the major report process shall be used.

Class of Offense - The class of an offense determines the range of authorized sanction(s) that can be imposed by the ALJ for violation of rules listed in this policy. (PREA 115.78(b))

Sexual Misconduct and Sexual Violence - An incarcerated individual commits an offense under this subsection when the incarcerated individual:

Proposes a consensual sexual contact or sexual relationship with another person through gestures, such as, kissing, petting, etc., or by written or oral communications or engages in a consensual sexual contact or relationship. An incarcerated individual may be disciplined for proposing a consensual sexual contact or sexual relationship with staff only upon a finding that the staff member did not explicitly or implicitly consent to or encourage such a proposal. (PREA 115.78(e))

False Statements - An incarcerated individual commits an offense under this subsection when the incarcerated individual knowingly makes a false statement whether or not under oath or affirmation including, but not limited to, dishonesty, deception, cheating, plagiarism, etc. A report of sexual harassment and/or sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying (or any other violation of this rule), even if an investigation does not establish evidence sufficient to substantiate the allegation.

Inappropriate Sexual Harassment and Sexual Abuse – An incarcerated individual commits an offense under this subsection when the incarcerated individual commits any act against another person as defined below.

Incarcerated individual on Incarcerated individual Sexual Harassment – Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one incarcerated individual towards another incarcerated individual.

Incarcerated individual of Incarcerated individual Sexual Abuse - Any of the following acts, done by one incarcerated individual to another incarcerated individual, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

Contact between the penis and vulva or between the penis and the anus, including penetration, however slight;

Contact between the mouth and the penis, vulva, or anus;

Penetration of the anal or genital opening of another person, however slight, by the hand, finger, object, or other instrument;

Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Retaliation – The making of threats or taking negative actions towards any person because that person – Filed or is believed by the incarcerated individual to have filed a report alleging sexual abuse or sexual harassment by an incarcerated individual or staff member, or Cooperated or gave statements or is believed by the incarcerated individual to have cooperated or given statements as part of investigation into reports of sexual abuse or sexual harassment.

Inappropriate Sexual Conduct - Any of the following acts done by an incarcerated individual to any other incarcerated individual:

Ejaculating onto another person;

Forcing an incarcerated individual to watch a sex act or watch a person masturbate;

Making a single unwelcome sexual advance or request for sexual favors, if the advance or request includes an explicit or implied threat;

Using threats or coercion to have another incarcerated individual expose that individual's genitals, anus, buttocks, or breasts to another person.

Sexual Exploitation – The non-consensual contact of an exploited incarcerated individual with a third party arranged by or coerced by an incarcerated individual. The exploitation may be in exchange for some benefit received by the first incarcerated individual from the third party (“pimping”). The benefit received need not consist of something with a monetary value.

Precursor acts – An incarcerated individual who undertakes actions towards another incarcerated individual that are meant to lead to inappropriate sexual contact, sexual harassment, or sexual abuse also commits a violation of this rule. Such actions may include the providing of items of value to an individual, providing services to an incarcerated individual, offering protection, etc., when such actions are not based on mutual consent but are designed to create a debt relationship that could be exploited or are based on exploiting an imbalance of the different physical characteristics and prison experiences of the incarcerated individuals.

Sexual Misconduct and Sexual Violence – An incarcerated individual commits an offense under this subsection when the incarcerated individual:

- a) *Proposes a consensual sexual contact or sexual relationship with another person through gestures, such as, kissing, petting, etc., or by written or oral communications or engages in a consensual sexual contact or relationship. An incarcerated individual may be disciplined for proposing a consensual sexual contact or sexual relationship with staff only upon a finding that the staff member did not explicitly or implicitly consent to or encourage such a proposal.*

Class "A" if weapon used, victim exposed to potentially infectious bodily fluids, secretions, tissue, or excrement, or the victim suffers a mental or physical injury; Class "B" for all other violations.

In cases involving allegations of sexual violence, the Inspector General/Designee rather than the Warden/Designee shall handle issues connected with possible criminal prosecution. The Inspector General/Designee may consult with the police and prosecuting authorities and the incarcerated individual will receive a Miranda warning when appropriate.

The ALJ may continue discipline until criminal proceedings are resolved. After the dismissal, trial, or other disposition of criminal charges, any disciplinary proceeding still pending shall be conducted or concluded.

If an incarcerated individual is in a special needs or mental health status at the time of the incident, the investigator must obtain a statement from a mental health professional as to the incarcerated individual's responsibility for the incarcerated individual's conduct as stated in the report. The ALJ shall make a record of this statement. If the mental health professional or a doctor indicates that an incarcerated individual should not be held responsible for the incarcerated individual's conduct, the ALJ shall dismiss a disciplinary notice without conducting an in-person hearing.

Class of Offense - The class of an offense determines the range of authorized sanction(s) that can be imposed by the ALJ for violation of rules listed in this policy.

The incarcerated individual information guide provides detailed information to them regarding the disciplinary process. It provides the disciplinary policy and philosophy, informal action, minor reports, major reports, major disciplinary rule and classes of offense and major report sanctions.

(a) Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in Inmate-on-Inmate sexual abuse or following a criminal finding of guilt for Inmate-on-Inmate sexual abuse.

Policy above supports that incarcerated individuals shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the incarcerated individual engaged in incarcerated individual-on-incarcerated individual sexual abuse or following a criminal finding of guilt for incarcerated individual-on-incarcerated individual sexual abuse.

(b) Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

Policy above supports that sanctions are commensurate with the nature and circumstances of the abuse committed, the incarcerated individual's disciplinary history, and the sanctions imposed for comparable offenses by other incarcerated individuals with similar histories. Review of the disciplinary

reports for sexual misconduct for the previous 12 months supports that sanctions are commensurate, as findings commented of prior behavior leading to a stricter sanction.

(c) The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

Policy above states, *If an incarcerated individual is in a special needs or mental health status at the time of the incident, the investigator must obtain a statement from a mental health professional as to the incarcerated individual's responsibility for the incarcerated individual's conduct as stated in the report. The ALJ shall make a record of this statement. If the mental health professional or a doctor indicates that an incarcerated individual should not be held responsible for the incarcerated individual's conduct, the ALJ shall dismiss a disciplinary notice without conducting an in-person hearing.*

Review of the disciplinary reports reflected that the Administrative Law Judge (ALJ) noted that mental health staff was contacted and indicated that the incarcerated individual was responsible for their conduct.

(d) If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

The mental health staff confirmed that they would provide individual counseling regarding underlying reasons or motivations for the abuse if the participant volunteered for such counseling as a condition of access to programming or other benefits. He further indicated that a known abuser can be referred for SOTP, which based on the reason for admittance into the program, could be deemed a requirement.

Anamosa State Penitentiary Offender Programs Sex Offender Referrals

Referral to Sex Offender Treatment Program

Offenders who score Aggressor Incarcerated (AI) on the Sexual Violence Propensity Assessment, or Offenders who are found guilty of an assault of a sexual nature or sexual misconduct or a sexually violent offense while in a residential facility or while in prison. The Administrative Law Judge (ALJ) can require SOTP review through the disciplinary process. If not referred for an assessment via the disciplinary process, the classification team shall refer the case for review by the SOTP Director.

Treatment Determination and Appeal Process

If the SOTP Director determines that an offender is required to take SOTP, then the offender shall have an ALJ hearing on that decision if a hearing is required or allowed by IDOC Policy OP-SOP-10, Offenders Required to Take SOTP. The procedures for any required or permitted ALJ hearing and any appeal shall be done in accordance with IDOC Policy OP-SOP-09, SOTP Hearing and Appeal Procedures.

If no ALJ hearing is required or allowed by policy, then the offender may file a classification appeal of the SOTP Director's determination regarding the need to take SOTP or the SOTP Director's determination of the availability of an ALJ hearing by using the appeal procedures established to appeal classification decisions.

Program Reentry

*For those that have refused or been removed from the Sex Offender Treatment Program the following are the criteria for consideration for program reentry:
The offender has demonstrated at least six months appropriate behavior after being removed and prior to requesting reentry.
The offender has the ability and time to complete treatment before discharge.
The offender is in General Population status.
The offender has sufficiently addressed issues that led to the initial removal.
The offender is eligible for transfer to NCF.*

You must submit your request for reentry to the Sex Offender Treatment Program in writing to the Associate Warden of Treatment. Your case will then be reviewed and an interview scheduled to determine eligibility.

(e) The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

The PCM reported that they incarcerated individual would not be disciplined for sexual contact with staff which was found to have been initiated by staff. Policy supports this provision requirement as well. Review of the disciplinary reports for sexual misconduct against staff documented that the staff member did not consent to the actions.

(f) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

As stated in policy, disciplinary action for false statement is described as follows: *An offender commits an offense under this subsection when the offender knowingly makes a false statement whether or not under oath or affirmation including, but not limited to, dishonesty, deception, cheating, plagiarism, etc. A report of sexual assault or sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying (or any other violation of this rule), even if an investigation does not establish evidence sufficient to substantiate the allegation.*

The auditor reviewed sixty-four (64) sexual misconduct reports. When a report was written for false allegations, the evidence did support that the allegation was not made in good faith.

(g) An agency may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

The Iowa Department of Corrections does prohibit all sexual activity between incarcerated individuals and would/has disciplined incarcerated individuals for such activity. The auditor was provided sexual misconduct reports reflecting that this behavior is prohibited.

Facility policy directs that all requirements of the standard be enforced. Review of the 64 disciplinary reports for sexual misconduct for the previous 12-month period supports the requirements of the standard. The interview with the Director, PREA Coordinator and mental health staff provided further

assurance that the provisions of the standard would be followed. Therefore, the auditor reviewed sufficient evidence to support a finding of compliance.

MEDICAL AND MENTAL CARE

Standard 115.81: Medical and mental health screenings; history of sexual abuse

115.81 (a)

- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)
 Yes No NA

115.81 (b)

- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) Yes No NA

115.81 (c)

- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? Yes No NA

115.81 (d)

- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?
 Yes No

115.81 (e)

- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)

- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures
- HSP-628 Patient Sexual Abuse
- Interviews incarcerated individuals who disclose sexual victimization at Risk Screening
- Interview with staff responsible for risk screening
- Interview with mental health staff
- PAQ
- Documents showing mental health follow-up encounters
- Consent form

The PAQ indicates that 100% of incarcerated individuals who disclosed prior victimization during screening were offered a follow up meeting with mental health practitioner, 100% of incarcerated individuals who disclosed previously perpetrated sexual abuse during screening who were offered a follow up meeting with /mental health practitioner.

(a) If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. (b) If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

Institutional Services, Reception & Orientation Incarcerated Individual Admission Procedures states, *Initial Screening for Sexual Violence Propensity*

(1.) If the paper SVP Intake Screening Tool, or the Sexual Violence Propensity (SVP) assessment in ICON indicates that the incarcerated individual has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure the incarcerated individual is offered a follow-up meeting with a medical and mental health practitioner within 14 days of the SVP.

(2.) If the paper SVP Intake Screening Tool, or the Sexual Violence Propensity (SVP) assessment in ICON indicates that, an incarcerated individual has previously perpetrated sexual violence, whether it occurred in an institutional setting or in the community, staff shall ensure the incarcerated individual is offered a follow-up meeting with a mental health practitioner within 14 days of the SVP.

Policy supports the requirements of this standard. Additionally, the interview with the mental health staff confirmed that he gets referrals related to prior victimization and abuse. Documentation showing referrals to mental health was provided to the auditor. The interview with mental health staff confirmed

to the auditor that incarcerated individual who have experienced sexual abuse or perpetrated sexual abuse or offered a referral to mental health.

(c) If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

The facility is a prison, not a jail.

(d) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

HSP-628 Patient Sexual Abuse states,
Confidentiality

Any information related to sexual violence that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform of treatment plans and security and management decisions, including housing, bed, work, education and program assignments, or as otherwise required by Federal, State or local law.

Policy supports the requirement. Staff interviews (medical staff, mental health staff and the person who conducts the risk assessment and the PCM) all confirmed their knowledge and requirement to protect confidential information and only provide it on a need-to-know basis.

(e) Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

HSP-628 Patient Sexual Abuse, updated September 2021 states, *Medical and mental health practitioners shall obtain informed consent from incarcerated individual before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the incarcerated individual is under the age of 18. Electronic consent is recorded in Medical ICON.*

It was reported during interview with medical/mental health staff that there has not been an incident in which informed consent needed to be obtained prior to reporting. Staff confirmed a consent/release form would be secured before reporting to authorities about incidents of sexual abuse that occurred outside the facility. A Sexual Victimization Reporting Consent Form has been developed to ensure the process of consent is given before reporting prior sexual victimization that did not occur in the institutional setting to outside authorities for incarcerated individuals over the age of 18 years.

The auditor reviewed the last ninety-four (94) intake risk assessments. Two indicated they had experienced previous sexual abuse and wanted a referral to mental health staff. However, the facility was only able to provide evidence of this occurring for one of the referrals. Therefore, Corrective Action Required. The facility will have to provide the auditor evidence that this process has been corrected to

ensure that an incarcerated individual who requests a follow up referral receives it within the required 14 days.

Update: The auditor received confirmation that the Deputy Warden is providing oversight to the PREA compliance activities and will ensure a mental health referral I completed when requested.

Standard 115.82: Access to emergency medical and mental health services

115.82 (a)

- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?
 Yes No

115.82 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62? Yes No
- Do security staff first responders immediately notify the appropriate medical and mental health practitioners? Yes No

115.82 (c)

- Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate? Yes No

115.82 (d)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?
 Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals

- Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation
- Health Services Acute/Specialty Services Patient Sexual Assault HSP-628
- Interview with medical staff
- Interview with mental health staff
- Iowa SAE Protocol
- PAQ

The PAQ indicates there have been no instances of sexual abuse requiring emergency or follow up medical/mental health treatment. The auditor found no reason to dispute this during the audit process.

(a) Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

Health Services Acute/Specialty Services Patient Sexual Assault HSP-628 states, *It is the policy of the Iowa Department of Corrections that patients who report sexual abuse while incarcerated shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services; be offered psychological (mental health) and medical services; and, when appropriate, a forensic examination or sexual abuse examination will be completed by a qualified professional. Treatment services shall be consistent with the community level of care and provided without financial cost regardless of whether the victim names the aggressor or cooperates with any investigation arising out of the incident.*

Patients shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health providers according to their professional judgment. Co-pay does not apply to PREA situations.

Policy and the interviews with both medical and mental health staff confirmed to the auditor that they believe the nature of scope of services provided would be according to the medical and mental health practitioners' professional judgment.

(b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to § 115.62 and shall immediately notify the appropriate medical and mental health practitioners.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals and Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation state, *If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual violence is made, first responders shall take preliminary steps to protect the victim and shall immediately notify the shift supervisor.*

Medical staff is on site at this facility 24 hours a day.

(c) Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

Health Services Acute/Specialty Services Patient Sexual Assault HSP-628 addresses in specificity that patients will be offered prophylaxis against STIs when indicated. This includes follow up STI exams, testing, immunizations, counseling and treatment as indicated. Noted in policy is that CDC recommendations are followed.

As confirmed in policy and the interview with medical staff, incarcerated individual victims of sexual abuse while incarcerated will be offered timely information about and timely access to sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. As stated in policy, they use CDC guidelines.

(d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Iowa SAE Protocol states, APPENDIX C - PAYMENT FOR SEXUAL ASSAULT EXAMS
The State of Iowa pays for a sexual assault examination regardless of whether the victim reports the crime to law enforcement.

Health Services Acute/Specialty Services Patient Sexual Assault HSP-628 states,
Treatment services shall be consistent with the community level of care and provided without financial cost regardless of whether the victim names the aggressor or cooperates with any investigation arising out of the incident.

Policy and interviews confirmed that the services are provided without financial cost to the victim regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Policy, state law, and interviews with medical and mental health staff provided the auditor with sufficient evidence to support a finding of compliance for this standard. Interviews with the medical staff confirm that incarcerated individuals will receive this treatment in accordance with the professional judgment and community standards of care. Based on the interviews and policy, the auditor finds the standard to be compliant as the coordinated response plan and staff knowledge of the process support that this will be provided.

Standard 115.83: Ongoing medical and mental health care for sexual abuse victims and abusers

115.83 (a)

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? Yes No

115.83 (b)

- Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody? Yes No

115.83 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care? Yes No

115.83 (d)

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.) Yes No NA

115.83 (e)

- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if all-male facility.) Yes No NA

115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? Yes No

115.83 (g)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? Yes No

115.83 (h)

- If the facility is a prison, does it attempt to conduct a mental health evaluation of all known Inmate-on-Inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals
- Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation
- Health Services Acute/Specialty Services Patient Sexual Assault HSP-628
- Interview with medical staff
- Interview with mental health staff
- PAQ
- Observations made during the tour
- Offender Program Sex Offender Programs Sex Offender Program Referrals
- Iowa SAE appendix
- SAE Iowa Protocol

The PAQ indicates there have been no instances of sexual abuse requiring emergency or follow up medical/mental health treatment. The auditor found no reason to dispute this during the audit process.

(a) The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

Health Services Acute/Specialty Services Patient Sexual Assault HSP-628 states, *It is the policy of the Iowa Department of Corrections that patients who report sexual abuse while incarcerated shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services; be offered psychological (mental health) and medical services; and, when appropriate, a forensic examination or sexual abuse examination will be completed by a qualified professional.*

Policy and the interviews with medical and mental health staff assured the auditor that the facility would offer medical and mental health evaluation and, as appropriate, treatment to all incarcerated individuals who have been victimized by sexual abuse.

(b) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.

Health Services Acute/Specialty Services Patient Sexual Assault HSP-628 states, *The evaluation and treatment of victims of sexual violence in any prison, jail, lockup, or juvenile facility shall include, as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.*

Additionally, *The CDC recommends follow-up testing for patients who received treatment only if they report having symptoms consistent with an ST. However, patients who were treated should be informed of the option of follow-up testing to confirm the presence or lack of infection. . . . Make sure patients' medical and mental health needs related to the abuse have been addressed. Discuss with patients whether they have any other medical and/or mental health concerns related to the abuse. For patients with evidence of acute trauma a short-term follow-up appointment to reexamine and document the development of visible findings and photograph areas of injury; and an exam two (2) to four (4) weeks later to document resolution of findings or healing of injuries.*

The interview with the PCM and the mental health staff confirmed that follow up services would include collaboration with the crisis service program which the facility currently has an MOU – Riverview. This could (and has) included meeting at the facility in a private location, arranging private phone calls and a phone that is not recorded (legal phone) and continued service in the community. Policy and interviews with medical and mental health staff ensured the auditor that if a sexual abuse victim was released, counseling and treatment for the sexual abuse would be included in the discharge planning, to included follow up with the RVAP.

(c) The facility shall provide such victims with medical and mental health services consistent with the community level of care.

Health Services Acute/Specialty Services Patient Sexual Assault HSP-628 states, *Treatment services shall be consistent with the community level of care and provided without financial cost regardless of whether the victim names the aggressor or cooperates with any investigation arising out of the incident.*

In addition to policy, the SAE Iowa Protocol supports that treatment is provided in the community and therefore consistent with community level of care.

Policy and the interviews with the Interviews with both medical and mental health staff confirmed to the auditor that they believe the nature of scope of services provided would be consistent with community level of care.

(d) Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. (e) If pregnancy results from the conduct described in paragraph.

This is not applicable to the facility as they house only male offenders.

(f) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

Health Services Acute/Specialty Services Patient Sexual Assault HSP-628 provides detailed information on the process for ensuring that Incarcerated individual victims of sexual abuse while incarcerated would be offered tests for sexually transmitted infections as medically appropriate.

(g) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Health Services Acute/Specialty Services Patient Sexual Assault HSP-628 states, *Treatment services shall be consistent with the community level of care and provided without financial cost regardless of whether the victim names the aggressor or cooperates with any investigation arising out of the incident.*

Iowa Adult Sexual Assault Protocol Appendix C APPENDIX C - PAYMENT FOR SEXUAL ASSAULT EXAMS The State of Iowa pays for a sexual assault examination regardless of whether the victim reports the crime to law enforcement. This is done to ensure that prosecutors and law enforcement officers will have evidence efficiently and effectively collected if the victim later reports that crime. Funds for the Sexual Abuse Examination Payment Program come from the Crime Victim Compensation Fund. That fund is comprised entirely of fines and penalties paid by convicted criminals. Iowa Code 709§10, states that "The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing venereal disease shall be paid from the fund established in section 915.94

In addition to policy, SAE Iowa Protocol provides the following information regarding resources for follow up care which can be used by the residents of this facility and continued onto release: Sexually Transmitted Infections For current treatment guidelines: Centers for Disease Control & Prevention Sexually Transmitted Diseases Treatment Guidelines 2015: <http://www.cdc.gov/std/tg2015/tg-2015-print.pdf> or, the Pocket Guide can be downloaded at: <http://www.cdc.gov/std/tg2015/2015-pocket-guide.pdf>). For information on HIV prophylaxis in adults/adolescents, see: Centers for Disease Control & Prevention, Preexposure Prophylaxis for the Prevention of HIV Infection in the United States – 2014 Clinical Practice Guidelines. <http://www.cdc.gov/hiv/pdf/prepguidelines2014.pdf> See also Antiretroviral Postexposure Prophylaxis After Sexual, Injection-Drug Use, or Other Nonoccupational Exposure to HIV in the United States. MMWR, January 21, 2005 / 54(RR02); 1-20. Centers for Disease Control & Prevention homepage: <http://www.cdc.gov/> New York Health Department HIV Clinical Resources: <http://www.hivguidelines.org/clinicalguidelines/post-exposure-prophylaxis/hiv-prophylaxis-following-non-occupationalexposure-including-sexual-assault/> National Clinician’s HIV/AIDS Consultation Center for warm/hot lines: <http://www.nccc.ucsf.edu/> For STD clinic sites in Iowa see the Iowa STD Clinics website: <http://yourstdhelp.com/iowa.html> For Iowa STD program information/statistics: <http://idph.iowa.gov/hivstdhep/std/resources> For information on HIV testing and treatment sites and HIV/AIDS information/stats in Iowa see Iowa Department of Public Health website: <http://idph.iowa.gov/hivstdhep/hiv> Emergency Contraception The Emergency Contraception Website. Operated by Princeton University and the Association of Reproductive Health Professionals (it has no connection with pharmaceutical companies). <http://ec.princeton.edu/>.” Hospitals, physicians and other medical providers who collect and process evidence of sexual abuse submit bills directly to the Sexual Abuse Examination Payment Program. In the event that a victim is erroneously billed and pays for the cost of the evidence collection, the program will reimburse that victim. Bills should be sent to: Sexual Assault Examination Program Iowa Attorney General’s Office Lucas Building, Ground Floor 321 E. 12th St. Des Moines IA 50319 For questions, contact (515) 281-5044 or Toll Free: (800) 373-5044 See also the Iowa Attorney General’s Office website, “Sexual Assault Examination Payment Program:” (<https://www.iowaattorneygeneral.gov/for-crime-victims/sexual-assault-examinationpayment-program/>) For more information regarding how to apply for payment for sexual assault exams in your institution, see the Iowa Administrative Rules website, section 61-9.82(915), “Application for Sexual Abuse Examination Payment.” In some cases, particularly when the victim does choose to report the crime to law enforcement, additional expenses for medical treatment, counseling, lost wages due to the crime, or reimbursement for clothing may be covered by the Iowa Crime Victim Compensation Program. For more information, go to: <https://www.iowaattorneygeneral.gov/for-crimevictims/crime-victim-comp>. Additionally, the facility also provided the following resources in the State of Iowa that would be afforded to residents of the facility and continued into the community: Crime Victim Compensation Program and Iowa Protective Order Notification for Domestic Abuse Program (IPONDA).

(h) All prisons shall attempt to conduct a mental health evaluation of all known Inmate-on-Inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

Offender Program Sex Offender Programs Sex Offender Program Referrals states,
Referral to Sex Offender Treatment Program

The following offenders shall be reviewed by their institutional classification team and the team shall forward the offender’s name and information for a SOTP review to the SOTP Director:

Offenders who score Aggressor Incarcerated (AI) on the Sexual Violence Propensity

Assessment, or Offenders who are found guilty of an assault of a sexual nature or sexual misconduct or a sexually violent offense while in a residential facility or while in prison. The Administrative Law Judge (ALJ) can require SOTP review through the disciplinary process. If not referred for an assessment via the disciplinary process, the classification team shall refer the case for review by the SOTP Director.

Health Services Acute/Specialty Services Patient Sexual Assault HSP-628 states, *All institutions shall attempt to conduct a mental health evaluation of all known patient-on-patient aggressors within 60 days of learning of such sexual violence history and offer treatment when deemed appropriate by mental health practitioners.*

Policy and the interview with mental health staff confirmed to the auditor that in accordance with the policy, known abusers would be evaluated and referred for Offender Program Sex Offender Treatment within 60 days.

Policy, state law, and interviews with medical and mental health staff provided the auditor with sufficient evidence to support a finding of compliance for this standard.

DATA COLLECTION AND REVIEW

Standard 115.86: Sexual abuse incident reviews

115.86 (a)

- Does the facility 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? Yes No

115.86 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation? Yes No

115.86 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? Yes No

115.86 (d)

- Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse? Yes No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? Yes No

- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? Yes No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? Yes No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? Yes No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? Yes No

115.86 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor reviewed, gathered, analyzed and/or retained the following evidence related to this standard:

- Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, Or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals
- Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation
- Interview with the Warden
- Interview with the PREA Compliance Manager/Incident Review Team
- PAQ
- Review of Incident Review documentation – eleven total

The PAQ indicates there have been zero criminal/administrative investigations completed found to be substantiated or unsubstantiated, zero completed by a sexual abuse incident review within 30 days.

(a) The standard requires that 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 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 medical or mental health practitioners. (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 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, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager. (e) The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

Anamosa State Penitentiary Prison Rape Elimination Act (PREA) Staff, Contractor, or Volunteer Sexual Misconduct/ Harassment/ Retaliation with Incarcerated Individuals and Anamosa State Penitentiary Prison Rape Elimination Act Staff Response to Incarcerated Individual on Incarcerated Individual Sexual Violence or Retaliation both state,
Sexual Violence Incident Reviews

The institution, in association with the PREA Coordinator, shall conduct a sexual violence incident review at the conclusion of every sexual violence investigation that results in a substantiated or unsubstantiated finding.

Such review shall ordinarily occur within 30 days of the conclusion of the investigation

The review team shall include:

Warden or designee;

Unit managers or other upper-level management team members responsible for the areas of the institution where the incident occurred;

Shift supervisors involved with the case or the shift on which the misconduct occurred;

At least one of the sexual violence investigators on the case;

Medical or mental health practitioners when involved with the perpetrator or the victim;

Institution's PREA Compliance Manager;

PREA Coordinator in substantiated cases of staff sexual misconduct or incarcerated individual sexual assault.

The review team shall:

Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual violence;

Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, gang affiliation, or was motivated or otherwise caused by other group dynamics at the institution;

Examine the areas where the incident occurred to assess whether physical barriers in the area may enable abuse;

Assess the adequacy of staffing levels in that area during different shifts;

Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

Prepare a report of its findings using PREA-02 F-5, Sexual Abuse Incident Review Report, and by entry of Form 5 into the PREA Investigation Database. The report shall include but not necessarily be limited to determinations made pursuant the above, and any recommendations for improvement. The report shall be distributed to the Warden, Institution Operations Deputy Director, Inspector General, the institution's PREA Compliance Manager, and the PREA Coordinator. (PREA 115.86(d))

The institution shall implement the recommendations for improvement or shall document its reasons for not doing so.

Policy supports all aspects of the standard. The interviews with the Warden, Treatment Director and PCM who serve on the incident review team confirmed that the facility will conduct the review of sexual abuse incidents (unless unfounded), within 30 days of the conclusion of the investigation and consider the following: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual violence;

Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, gang affiliation, or was motivated or otherwise caused by other group dynamics at the institution;

Examine the areas where the incident occurred to assess whether physical barriers in the area may enable abuse;

Assess the adequacy of staffing levels in that area during different shifts;

Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

Prepare a report of its findings using PREA-02 F-5, Sexual Abuse Incident Review Report, and by entry into the PREA Investigation Database.

The report shall include but not necessarily be limited to determinations made pursuant the above, and any recommendations for improvement. The report shall be distributed to the Warden, Institution Operations Deputy Director, Inspector General, the institution's PREA Compliance Manager, and the PREA Coordinator, as stated in policy.

It was stated to the auditor that if an improvement was deemed necessary, it would make the changes or note why it could not be accomplished at this time. This information is all documented in the data base with a field for each of the requirements.

Corrective Action Required:

Review of the completed Incident Review reports did not demonstrate any review for nine of the eleven examples reviewed. All investigations from 2021 to present will need to have an incident review conducted, and copies provided to the auditor demonstrating a complete, meaningful review of the incidents. Update: Revised incident reviews were provided that evidence of compliance with the standard.

Standard 115.87: Data collection

115.87 (a)

- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? Yes No

115.87 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually? Yes No

115.87 (c)

- Does the incident-based data 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? Yes No

Standard 115.87: Data collection

115.87 (a)

- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? Yes No

115.87 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually? Yes No

115.87 (c)

- Does the incident-based data 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? Yes No

115.87 (d)

- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews? Yes No

115.87 (e)

- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its incarcerated individuals? (N/A if agency does not contract for the confinement of its incarcerated individuals.) Yes No NA

115.87 (f)

- Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary PREA -04 Prison Rape Elimination Act Prison Rape Elimination Act (PREA) Data Collection, Reporting, And Audit Compliance
- Iowa DOC Annual Reports
- PREA INVESTIGATION DEFINITIONS - Prison Rape Elimination Act National Standards Definitions
- Interview with the PREA Coordinator
- Survey on Sexual Victimization

(a) The agency 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 agency 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 agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews (e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates; (f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

Anamosa State Penitentiary PREA -04 Prison Rape Elimination Act Prison Rape Elimination Act (PREA) Data Collection, Reporting, And Audit Compliance states,

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.

DATA Collection and reporting

Public Reporting of Incident-Based Data

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.)

The PREA Coordinator shall aggregate the incident-based sexual abuse data at least annually.

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.

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)

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.

(a) In addition to policy, the facility provided the following document to support how the agency uses definitions to ensure consistency in application.

Incarcerated individuals

Sexual Abuse/Sexual Assault:

Sexual abuse of an incarcerated individual, detainee, or resident by another incarcerated individual, detainee, or resident; and Sexual abuse of an incarcerated individual, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an incarcerated individual, detainee, or resident by another incarcerated individual, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

Contact between the mouth and the penis, vulva, or anus;

Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an incarcerated individual, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the incarcerated individual, detainee, or resident:

Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

Contact between the mouth and the penis, vulva, or anus;

Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;

Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an incarcerated individual, detainee, or resident, and

Voyeurism by a staff member, contractor, or volunteer.

Voyeurism:

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an incarcerated individual, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an incarcerated individual who is using a toilet in his or her cell to perform bodily functions; requiring an incarcerated individual to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an incarcerated individual's naked body or of an incarcerated individual performing bodily functions.

Precursor Behavior: Intent to obtain non-consensual sexual acts:

All other acts the intent of which are to sexually harass, force, intimidate, or otherwise compel an unwilling incarcerated individual into any sex act. This includes but is not limited to any behavior that exhibits:

- repeated and unwelcome sexual advances or requests for sexual favors;
- gestures or actions of a derogatory or offensive sexual nature;
- coercion, voyeurism;
- grooming;
- overt or implied threats of violence where sexual acts would appear to be imminent

For the purpose of accomplishing sex acts against an incarcerated individual who would not otherwise consent. This includes protective pairing.

Retaliation

Includes but is not limited to an act of vengeance, covert or overt action or threat of action, or harassment against an incarcerated individual, staff, contractor, or volunteer in response to a complaint of sexual violence or cooperation in the reporting or investigation thereof, regardless of the merits or the disposition of the complaint. Examples: unnecessary discipline, changes in work or program assignments, unjustified transfers, placements, denials of privileges or services, intimidation, threats, assaults or other physical violence.

Staff / CONTRACTOR / VOLUNTEER

Sexual Misconduct:

Any behavior or act of a sexual nature directed toward an incarcerated individual, whether it appears to be consensual or nonconsensual, including but not limited to acts or attempted acts of:

- Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire;
- Completed, attempted, threatened, or requested sexual acts;
- Occurrences of indecent exposure including display of uncovered genitalia, buttocks, or breasts, invasion of privacy;
- Voyeurism for sexual gratification including invasion of privacy unrelated to official duties, such as staring or glaring at an incarcerated individual using the toilet for a longer period of time than necessary for security checks, requiring an incarcerated individual to expose buttocks, genitals or breasts for reasons not related to approved security measures or normal medical procedures, or taking images of the same;
- Requiring or allowing an incarcerated individual to engage in sexual contact, sexual intercourse, or other sexual conduct for any reason;
- Receiving any form or type of communication of a sexual or romantic nature from an incarcerated individual and failing to report the communication immediately as designated by institution procedure and department policy;
- Influencing or making promises regarding, but not limited to, an incarcerated individual's safety, custody, parole status, privacy, housing, privileges, work assignment, or program status in exchange for sexual favors or because an incarcerated individual refused to submit to a sexual advance. This includes an exchange of anything of value between staff, a contractor, or volunteer and an incarcerated individual (e.g. putting money into or promising to put money into an incarcerated individual's account or bringing in or promising to bring in contraband for an incarcerated individual in exchange for sexual favors).

Staff Sexual Harassment:

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one incarcerated individual, detainee, or resident directed toward another; and

Repeated verbal comments or gestures of a sexual nature to an incarcerated individual, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Retaliation

Includes but is not limited to an act of vengeance, covert or overt action or threat of action, or harassment against an incarcerated individual, staff, contractor, or volunteer in response to a complaint of sexual violence or cooperation in the reporting or investigation thereof, regardless of the merits or the disposition of the complaint.

Examples include but are not limited to: unnecessary discipline, changes in work or program assignments, unjustified transfers or placements, unjustified denials of privileges or services, intimidation, threats, assaults, or other physical violence.

(b) (c) (d)

Annual reports are available on the agency website at Prison Rape Elimination Act | Iowa Department of Corrections for 2014, 2015, 2016, 2017, 2018, 2019, and 2020. It includes a section in which data is aggregated annually. The auditor interviewed the staff from the agency IGO office who assists with compiling the data; an agency wide data based has been developed in which investigative information, sexual abuse incident review and investigation summaries are stored throughout the state therefore providing the ability to retrieve this information. The auditor reviewed the data; it includes the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice;

(e) The Annual Report provided information for Community Based Corrections Residential Facilities.

(f) The interview with the PREA Coordinator confirmed that she completes this information for the Survey on Sexual Victimization when requested by the DOJ. The last request was in 2019 A copy was provided to the auditor.

Finding of compliance is based on the following: Policy, which includes definitions, Annual report, which addresses the topics as required in the provisions, and review of the Survey on Sexual Victimization provided evidence sufficient for the auditor to make a finding of compliance.

Standard 115.88: Data review for corrective action

115.88 (a)

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas? Yes No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis? Yes No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? Yes No

115.88 (b)

- Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse Yes No

115.88 (c)

- Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means? Yes No

115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility? Yes No

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary PREA -04 Prison Rape Elimination Act Prison Rape Elimination Act (PREA) Data Collection, Reporting, And Audit Compliance
- Iowa DOC Annual Reports
- PREA INVESTIGATION DEFINITIONS - Prison Rape Elimination Act National Standards Definitions
- Interview with the PREA Coordinator
- Survey on Sexual Victimization
- Interview with the Director

(a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: (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 agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means. (d) The agency 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.

Anamosa State Penitentiary PREA -04 Prison Rape Elimination Act Prison Rape Elimination Act (PREA) Data Collection, Reporting, And Audit Compliance states,
Data Review for Corrective Action

The Inspector General's Office 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:

Identifying problem areas;

Taking corrective action on an ongoing basis; and

Preparing an annual report of its findings and corrective actions for each institution, as well as the department as a whole.

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.

The report shall be approved by the Director and posted on the IDOC website.

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.

(a) The auditor reviewed the Department's Annual Report dated 2020 for data from 2019. It contained sections that included:

- (1) Identification of problem areas;
- (2) Corrective action on an ongoing basis

The report does provide findings and corrective actions for each facility.

(b) The report does include a comparison of the current year's data and corrective actions with those from prior years and an assessment of the agency's progress in addressing sexual abuse.

(c) The agency's report is approved by the Director and is located on the website site at [annual_prea_report_2020_final.pdf \(iowa.gov\)](https://www.iowa.gov/annual-prea-report-2020-final.pdf)

(d) No information required redaction.

The Director stated the following: "Our department relies on our data base as a key resource in the PREA process. The data base has been instrumental in moving us forward in the process from the initial allegation to completion and has enabled us to share pertinent information which has enhanced communication statewide. We utilize our data base to keep track of incident reviews and the outcome. We are able to track and acknowledge our incarcerated individual victims and perpetrators from institution to institution which has increased our ability to detect and protect incarcerated individuals who may be susceptible to victimization. We have learned many valuable lessons from our data base and its ability to gather pertinent information. We have enhanced our ability to respond and provide better prevention efforts. Thanks to our audit process and our recent collaboration with the Integrated Justice Information System (IJIS) project, our department has been provided an opportunity to enhance our existing data base to improve reports and learn from our corrective action planning process. She confirmed that she does approve the Annual Reports. Her signature is noted on the report posted on the website. "

The Annual reports, located on the website, interview from the Director, and policy provided ample evidence to support a finding of compliance.

Standard 115.89: Data storage, publication, and destruction

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?
 Yes No

115.89 (b)

- Does the agency 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 through its website or, if it does not have one, through other means? Yes No

115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? Yes No

115.89 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- 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 auditor gathered, analyzed and retained the following evidence related to this standard:

- Anamosa State Penitentiary PREA -04 Prison Rape Elimination Act Prison Rape Elimination Act (PREA) Data Collection, Reporting, And Audit Compliance
- Iowa DOC Annual Reports
- PREA INVESTIGATION DEFINITIONS - Prison Rape Elimination Act National Standards Definitions
- Interview with the PREA Coordinator
- Survey on Sexual Victimization
- Interview Inspector General staff

(a) The agency shall ensure that data collected pursuant to § 115.87 are securely retained. (b) The agency shall 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 through its website or, if it does not have one, through other means. (c) Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers. (d) The agency shall maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

Anamosa State Penitentiary PREA -04 Prison Rape Elimination Act Prison Rape Elimination Act (PREA) Data Collection, Reporting, And Audit Compliance states,

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.

Data Storage, Publication, and Destruction

IDOC shall ensure that data collected is securely retained.

IDOC shall make all aggregated sexual abuse data readily available to the public at least annually on the IDOC website.

Before making aggregated sexual abuse data publicly available, IDOC shall remove all personal identifiers.

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))

(a) (b) (d) The policy and interview with the PREA Coordinator confirm that the agency does ensure that data collected pursuant to § 115.87 are securely retained. The Agency uses a Department wide data base that maintains all information pertaining to suspicions, allegations and investigations, including a summary of the investigation. At this point, this information is retained forever. This data base contains information and 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 through its website.

(c) The auditor reviewed the Annual Report; it did not contain information that contained personal identifiers.

Based on above, the auditor finds the requirements of the standard have been met.

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

115.401 (a)

- During the three-year period starting on August 20, 2013, and during each three-year period thereafter, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (N/A before August 20, 2016.)
 Yes No NA

115.401 (b)

- Is this the first year of the current audit cycle? (*Note: a "no" response does not impact overall compliance with this standard.*) Yes No
- If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is **not** the *second* year of the current audit cycle.) Yes No NA
- If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is **not** the *third* year of the current audit cycle.) Yes No NA

115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility?
 Yes No

115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? Yes No

115.401 (m)

- Was the auditor permitted to conduct private interviews with incarcerated individuals, residents, and detainees? Yes No

115.401 (n)

- Were incarcerated individuals permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

(a) During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once.

The agency website reflects that all facilities have been audited, this is the third audit cycle for this facility.

(b) During each one-year period starting on August 20, 2013, the agency shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.

Per the IDOC website, there are nine prisons, three prisons have been audited each year since 2014.

(c) The Department of Justice may send a recommendation to an agency 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 the agency with PREA-related issues.

The auditor found no evidence of any DOJ recommendation.

(d) The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.

The auditor used the 2021 Auditor Handbook, PAQ, and

(e) The agency shall bear the burden of demonstrating compliance with the standards.

(f) The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility type.

See comments throughout the report.

(g) The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.

See comments throughout the report. Sampling size is noted.

(h) The auditor shall have access to, and shall observe, all areas of the audited facilities.

The auditor had access to all areas of the facility.

(i) The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).

As noted in the report, the auditor requested and received documents.

(j) The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.

The auditor has retained all documents used in determination of compliance.

(k) The auditor shall interview a representative sample of incarcerated individuals, residents, and detainees, and of staff, supervisors, and administrators.

Number and type of incarcerated individual interviews are noted in the methodology report.

(l) The auditor shall review a sampling of any available videotapes and other electronically available data (e.g., Watchtour) that may be relevant to the provisions being audited.

The auditor was given access to monitoring of all cameras in the facility.

(m) The auditor shall be permitted to conduct private interviews with incarcerated individuals, residents, and detainees.

All interviews with incarcerated individuals were held in a private room.

(n) Incarcerated individuals, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

Posters announcing the audit, with the audits address were visible during the tour.

(o) Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

The auditor communicated with Just Detention International prior to conducting the audit.

Standard 115.403: Audit contents and findings

15.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports within 90 days of issuance by auditor. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY AUDIT. In the case of single facility agencies, the auditor shall ensure that the facility's last audit report was published. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.) Yes No NA

Final reports for the last 21 audits were accessible via the Department website.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

(a) 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 the agency under review.

Signature noted indicating that no conflict of interest exists with respect to her ability to conduct an audit of the agency under review.

(b) Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.

See narrative for compliance finding for each standard.

(c) For each PREA standard, the auditor shall determine whether the audited facility 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 facility has achieved at each grade level.

Each provision is addressed for each standard narrating the evidence used by the auditor for justifying a finding of compliance.

(d) Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility and shall include recommendations for any required corrective action.

Each standard describes the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility and includes recommendations for any required corrective action.

(e) Auditors shall redact any personally identifiable incarcerated individual or staff information from their reports, but shall provide such information to the agency upon request, and may provide such information to the Department of Justice.

The report did not require the redaction of any personally identifiable incarcerated individual or staff information.

(f) The agency shall ensure that the auditor's final report is published on the agency's website if it has one, or is otherwise made readily available to the public.

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Amy J. Fairbanks
Auditor Signature

October 18, 2021
Date