

State of Iowa Department of Corrections Policy and Procedures

Policy Number: AD-GA-13

Applicability: Institutions, CBC, Central Office, IPI

Policy Code: Public Access

Iowa Code Reference: Chapter 904

Chapter 1: Administration & Management

Sub Chapter: General Administration

Related DOC Policies: AD-GA-01

Administrative Code Reference: 11-117, 118, 119

Subject: Agreements and Contracts

PREA Standards: 115.12(a)(b), 17(a)(b)(d)(e), 77(a)(b), 115.212(a)(b), 217(a)(b)(d)(e), 277(a)(b)

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Authority:

1. PURPOSE

To ensure that agreements and contractual services provided to the Iowa Department of Corrections (IDOC) meet all applicable IDOC and state requirements.

2. POLICY

When the services of an organization are used by the IDOC, it is the policy of the IDOC to have in place procedures that assure that all agreements and contracts are provided according to the signed document.

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3. DEFINITIONS - See IDOC Policy AD-GA-16 for Definitions.

4. PROCEDURES

A. Compliance

1. Any IDOC operating under a form of management agreement or contract, and staff assigned to those, will be operated in compliance with IDOC policy.
2. The organization holding the agreement or contract must also certify that it will comply with standards applicable to the relevant performance areas to assure those operations are in accord with IDOC Policy **AD-GA-01, *Management Philosophy and Goals*** which outlines the goals of the agency.
3. The Central Office Executive Staff member responsible for each discipline shall oversee all agreements and contracts in that specialty area.
4. A specific contract monitor at each location shall be assigned for every agreement or contract, under the supervision of the Central Office Executive Staff member responsible for the agreement or contract. When agreements and contracts involve highly technical procurement or financial management issues, joint monitors may be appointed.
5. Signed agreements and contract requirements that have operational implications shall automatically be incorporated into the written procedures of the location, with the approval of the IDOC Director.

B. Contracting with Other Agencies for Confinement or Services for Incarcerated Individuals/Clients

1. When IDOC contracts for the confinement or services for IDOC clients/incarcerated individuals the new contract or contract renewal shall include the entity's obligation to adopt and comply with the PREA standards.
2. Any new contract or contract renewal shall provide for IDOC contract monitoring to ensure the entity is complying with the PREA standards. **(PREA 115.12(a)(b), 115.212(a)(b))**

C. Compliance Questions – Questions that arise concerning agreement or contract compliance shall be handled as follows:

1. Any inconsistency between the agreement or contract's requirements and IDOC policies or procedures or other agreed-upon standards shall be referred by the Warden/District Director to the IDOC's Deputy Director of Institution or CBC Operations/Designee_for review and appropriate action.
2. In the event of an emergency that involves agreement or contract provisions that are not consistent with IDOC policies, local procedures, or applicable standards, the situation shall be resolved in favor of the policy. All such cases shall be reported at once to the IDOC Director, the applicable IDOC administrator, and the representative of the agreeing or contracting organization.
3. The Warden/District Director shall develop and recommend to the IDOC Deputy Director of Institution or CBC Operations/Designee written procedures to reconcile any agreement or contract requirements that are not addressed by IDOC policy or agreed-upon standards.

D. Background Checks

1. IDOC shall not enlist the services of any contractor who may have contact with clients/incarcerated individuals, who has:
 - a. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
 - b. 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. Been civilly or administratively adjudicated 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. **(PREA 115.17(a), 115.217(a))**
2. IDOC 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 clients/incarcerated individuals. **(PREA 115.17(b), 115.217(b))**

3. IDOC shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with clients/incarcerated individuals. **(PREA 115.17(d), 115.217(d))**
4. IDOC shall conduct criminal background records checks at least every five years of contractors who may have contact with clients/incarcerated individuals. **(PREA 115.17(e), 115.217(e))**

E. Contract Violations

1. Possible or apparent violations of agreement or contract requirements will be referred to the appropriate Central Office Executive Staff member responsible for the agreement or contract upon discovery of the violation.
2. Corrective action for contractors.
 - a. Any contractor who engages in sexual abuse shall be prohibited from contact with clients/incarcerated individuals and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. **(PREA 115.77(a), 115.277(a))**
 - b. IDOC shall take appropriate remedial measures, and shall consider whether to prohibit further contact with clients/incarcerated individuals, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor. **(PREA 115.77(b), 115.277(b))**