

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS

NATIONAL
PREA
RESOURCE
CENTER



BJA
Bureau of Justice Assistance
U.S. Department of Justice

Name of facility:	Steele County Detention Center		
Physical address:	2500 Alexander Street SW, Owatonna, MN 55060		
Date report submitted:	December 29, 2014		
Auditor Information	Rodney P. Bivens		
Address:	P.O. Box 392 Sweetwater, TN 37874		
Email:	bivens.rodney@yahoo.com		
Telephone number:	865-659-2424		
Date of facility visit:	June 9-11, 2014		
Facility Information			
Facility mailing address: (if different from above)	N/A		
Telephone number:	507-446-7001		
The facility is:	☐ Military	☐ County	☐ Federal
	☐ Private for profit	☐ Municipal	☐ State
	☐ Private not for profit		
Facility Type:	☒ Jail	☐ Prison	
Name of PREA Compliance Manager:	Jennifer Pheifer	Title:	Lieutenant
Email address:	jennifer.pheifer@co.steele.mn.us	Telephone number:	507-446-7080
Agency Information			
Name of agency:	Steele County Detention Center		
Governing authority or parent agency: (if applicable)	Steele County Sheriff's Office		
Physical address:	204 East Pearl Street, Owatonna, MN 55060		
Mailing address: (if different from above)	N/A		
Telephone number:	507-444-3800		
Agency Chief Executive Officer			
Name:	Lon Thiele	Title:	Sheriff
Email address:	lon.thiele@co.steele.mn.us	Telephone number:	507-444-3800

Agency-Wide PREA Coordinator		
Name: Ron Hammann	Title:	Jail Administrator
Email address: ron.hammann@co.steele.mn.us	Telephone number:	507-446-7020

AUDIT FINDINGS

NARRATIVE:

The audit of Steele County Detention Center located in Owatonna, Minnesota was conducted on June 9-11, 2014 by Rodney Bivens, DOJ Certified PREA auditor. The PREA audit for this facility consisted of a tour of the entire facility.

An entrance meeting was held Monday, June 9, 2014 with the following staff in attendance:

Ron Hammann, Jail Administrator
Dick Wandrey, Jail Assistant Administrator
Jennifer Pheifer, Lieutenant

Following the entrance meeting, the following staff accompanied me on the facility tour Monday, June 9, 2014 from 8:15 a.m. to 11:30 a.m.:

Ron Hammann, Jail Administrator
Jennifer Pheifer, Lieutenant

Upon completion of the tour the first day, I began interviewing the randomly selected inmates, chosen by myself, from the offender housing unit rosters provided. I had randomly selected ten inmates from each housing area as well as any inmates who were limited English speaking or had hearing/vision impairment to be interviewed. In addition, I requested to interview all transgender/intersex offenders, which there were none being housed during this audit. Interviews were scheduled for inmates as well as interviews with staff, both random and specialized. Staff interviews were conducted on all shifts utilizing staffing rosters. All required interviews were conducted onsite during the three days of this audit.

There were no sexual assault/harassment allegation cases reported within the past year.

At the conclusion of the on-site visit an exit meeting was held to discuss the audit findings. The following people were in attendance:

Jail Administrator Ron Hammann

The auditor explained the process that would follow the on-site visit and the facilities responsibility to make the final report available to the public on their website. This auditor also acknowledged the willingness of all staff involved to accomplish PREA compliance as

a team.

DESCRIPTION OF FACILITY CHARACTERISTICS:

The Steele County Detention Center is an all custody county jail located at 2500 Alexander Street in Owatonna, MN. The total structure is 58,575 square feet with the secure jail area consuming 50,469 square feet. The facilities rated capacity is 160, housing both male and female inmates. There are four housing units which consist of both single and double cell occupancy. The single cell dimensions are the typical 70 square feet per cell, while double cell units provide 90 square feet. The three housing units are located to the rear of the facility and supplies an outdoor recreation area for inmate use in each unit. Booking, laundry, and the kitchen areas are located to the front of the building adjacent to the lobby. The jail maintains a centrally-located, secure corridor that controls access to all housing units and support spaces. This corridor is a highly secure and tightly controlled area. Direct supervision of the inmate is deployed at the Steele County Detention Center.

The lobby serves as the public reception area of the jail as well as access to administration. The records division, master control, inmate visiting, courts, and community services are accessed through the lobby as well. Upon release inmates will exit the facility through the lobby. Inmate visitation is accomplished via electronic video equipment. The public comes to the facility lobby and checks in to visit. The inmates remain in the housing units minimizing the movement of the inmates.

The records division maintains records on all current and former inmates. All records relating to the admissions, releases, court appearances, commissary purchases, and food services are maintained and stored in this area. The administration area consists of offices for the Jail Administrator, Assistant Jail Administrator, Inmate Programmer, Facility Trainer, Business Manager, and support staff.

The kitchen is managed by contract with Aramark, one of the largest private correctional food services vendors in the country. Aramark staff prepares the inmate meals on site and inmate trustees deliver, in meal carts, the meals to the inmates. The inmates are typically allowed to consume their meals in the dayroom of each unit. Special Management inmates will eat their meals in their cells.

The Huber Housing Unit (Work Release) is a housing unit for inmates who are employed outside the facility and are allowed by the courts to go to their place of employment to work. These inmates are allowed to leave the facility for work only and are restricted from going home or visiting family while out on work release. Inmates participating in the work release must pay a daily fee to maintain this privilege. The Huber Housing Unit has a rated capacity of 60 inmates.

The Steele County Detention Center's stated mission is "to optimize public safety by the safe and humane housing of sentenced and unsentenced detainees awaiting due process, according to all state statutes. It is hoped that the restriction of freedom, one of the inalienable rights in the United States of America, will be a deterrent to all offenders. It is the hope of the citizens of Steele County that those who pass through the Steele County Detention Center will re-enter society as more productive and responsible members of our community. We believe in the safe, humane, and fair treatment of all individuals. We believe that the implementation of this mission statement will require good management and well-trained staff." It was evident the staff at Steele County Detention Center were committed to excellence in corrections, by providing a dedicated team of professionals

whose focus is on the enhancement of the quality of life through self-improvement opportunities for the inmates entrusted to their care.

SUMMARY OF AUDIT FINDINGS:

Number of standards exceeded: 0
Number of standards met: 39
Number of standards not met: 0
Non-applicable: 4

§115.11 - Zero tolerance of sexual abuse and sexual harassment

☐ Exceeds Standard (substantially exceeds requirement of standard)

X 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 agency has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment which outlines the agency's approach to preventing, detecting and responding to such conduct. This policy was clearly outlined in Steele County Detention Center policy.

The agency employs an upper-level, agency-wide PREA coordinator and a PREA compliance manager. Based on interviews and the documentation provided, they both appear to have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards.

§115.12 - Contracting with other entities for the confinement of inmates

☐ 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)

X Non-applicable Standard

Based on documentation provided the Steele County Detention Center does not contract with other facilities to house inmates assigned to their custody. Therefore, this standard was found to be non-applicable to this facility.

§115.13 – Supervision and Monitoring

☐ 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)

Based on Steele County Detention Center policy the agency has developed, documented and made its best efforts to comply on a regular basis with a staffing plan. The staffing plan provides for adequate levels of staffing and uses video monitoring to enhance the protection of all inmates against sexual abuse and sexual harassment. Based on the documentation provided and staff interviews there have been no incidences where the staffing plan has not been complied with during this audit period, resulting in a not applicable finding with 115-13 (b).

Documentation provided and staff interviews also revealed an Annual PREA Facility Assessment was conducted by the PREA Coordinator who is the Jail Administrator and the PREA Manager to assess, determine, and document whether adjustments are needed.

In review of the Steele County Detention Center policy along with intermediate-level or higher level staff interviews, it was concluded that the facility has a policy in place and intermediate-level as well as higher level staff practice conducting unannounced rounds on all shifts. The logs reviewed provided documentation of unannounced rounds being conducted on each shift.

§115.14 – Youthful Inmates

☐ 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)

☒ Non-applicable Standard

The documentation provided, staff interviews and observation revealed that the Steele County Detention Center does not house youthful inmates. Therefore, this standard is non-applicable to the facility.

§115.15 – Limits to Cross-Gender Viewing and Searches

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

There have been no incidences of cross-gender strip searches or cross-gender visual body cavity searches. Steele County Detention Center policy outlines the procedures to be followed. A training outline for cross-gender viewing and searches was reviewed and addressed all elements of the standard including transgender and intersex inmates.

The facility has policies and procedures that enable inmates to shower, perform bodily functions and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks or genitalia. Steele County Detention Center policy was reviewed and required staff of the opposite gender announce their presence prior to entering the housing units. Inmate and staff interviews revealed that this was common practice at this facility. The inmates did confirm also during interviews they had privacy when showering, using the toilets and while changing their clothes.

115-15 (b) applies to future requirements beginning August 20, 2015. Therefore, this part of the standard is not applicable to this facility.

§115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient

☐ Exceeds Standard (substantially exceeds requirement of standard)

X 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 agency takes appropriate steps to ensure that inmates with disabilities and inmates that are limited English proficient have an opportunity to participate and benefit from all aspects of the agency's efforts to prevent, detect and respond to sexual abuse and harassment. Steele County Detention Center policy and procedures related to this standard require that all PREA training materials in the form of posters, inmate handbooks, videos and pamphlets be available in both English and Spanish.

Steele County Detention Center Policy prohibits the use of 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 or the investigation of an inmate's allegations. Staff and inmate interviews confirmed this was common practice.

§115.17 – Hiring and Promotion Decisions

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

In review of Steele County Detention Center policy and based on Human Resource staff interviews the agency does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor or volunteer 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, 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 has been civilly or administratively adjudicated to have engaged in the activity described above. The agency considers all incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor or volunteer, who may have contact with inmates.

In interview with the Human Resources Manager and review of five random personnel files the agency performs extensive criminal background records checks before hiring new employees. In review of three personnel files of employees who have been employed by the facility for at least five years, five-year background checks are being performed, including contractors and volunteers as required.

Steele County Detention Center policy imposes upon all employees, contractors and volunteers a continuing affirmative duty to disclose any such misconduct in writing during the hiring process.

§115.18 – Upgrades to Facilities and Technology

☐ 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)

X Non-applicable

Steele County Detention Center policy requires 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.

During this audit cycle there have been no facility upgrades or enhancements to the technology at this facility. Therefore, this standard was found non-applicable at this time.

§115.21 – Evidence Protocol and Forensic Medical Examinations

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy as well as an interview with the facility Investigator revealed the agency complies with all elements of this standard. The agency follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

The agency offers all victims of sexual abuse access to forensic medical examinations, at a local hospital, without financial cost, where evidentiary or medically appropriate. Such examinations is performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs).

The agency makes available to the victim, a victim advocate by Memorandum of Understanding between the agency and the Crisis Resource Center of Steele County which will provide advocacy services if requested by the victim. The victim advocate will accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information and referrals.

§115.22 – Policies to Ensure Referrals of Allegations for Investigations

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Based on Steele County Detention Center policy as well as interviews with the Jail Administrator and investigative staff, the agency ensures that an administrative and a criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Referrals of allegations are first investigated by the facility. If the allegation involves potentially criminal conduct, it is referred to the Steele County Sheriff's Office Law Enforcement Division for criminal investigation and prosecution when warranted.

§115.31 – Employee Training

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy and the facility PREA training curriculum was reviewed and confirmed all employees were provided the required PREA training at this facility. The policies as well as the training curriculum reviewed address all elements of this standard. The training is tailored to the gender of the inmates at the facility. All staff interviewed at the facility, formally and informally was very knowledgeable about PREA, the agency's zero-tolerance policy and how to report/respond to allegations of sexual abuse and sexual harassment. All staff at this facility are trained as first responders. Random employee training records were reviewed and revealed documented training had been conducted. All employees acknowledged by signature they had received and understood the training provided.

§115.32– Volunteer and Contractor Training

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy outlines the requirements for training of all volunteers and contractors who have contact with inmates. The curriculum was reviewed and outlined comprehensive training, with the objectives of the training ensuring volunteers and contractors are notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment as well as how and to whom they are to report such incidents.

A random review of volunteer and contractor training records and by interviews with a volunteer and a contractor confirmed this training was being provided. Volunteers and contractors acknowledged by signature they have received and understood the training being provided.

§115.33 – Inmate Education

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy requires that all inmates receive PREA education as part of the Admission and Orientation program and shall be provided by the staff at the facility. The inmates receive information explaining the zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse, sexual harassment and retaliation for reporting such incidents.

The inmate handbook was reviewed as well as the PREA Admission and Orientation training materials and pamphlets for content and compliance with this standard. The training being provided was adequate and provided in both English and Spanish. This information was also provided to inmates with disabilities such as low vision, low hearing and/or limited reading skills in a manner they could understand. The agency provided more comprehensive education to the inmates in person and/or by video less than 30 days after intake. The additional education being provided covered all aspects of reporting PREA incidents and the inmate's freedom from retaliation for reporting.

A random review of inmate records showed that inmates acknowledge through signature they have received and understood the training. Formal and informal interviews with inmates indicated an understanding of the training received. Posters about being free from sexual abuse as well as how to report were displayed throughout the facility.

§115.34 – Specialized Training: Investigations

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Based on Steele County Detention Center policy as well as the PREA Specialized Investigator training curriculums provided, Investigators training file review and investigative staff interviews. It was evident the facility provided, in addition to the general training received by all employees, specialized training to all its investigators. This training included 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.

§115.35 – Specialized training: Medical and mental health care

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Based on Steele County Detention Center policy as well as the PREA Specialized Medical/Mental Health training curriculums, training file review and staff interviews revealed in addition to general training provided to all employees, the agency provided specialized training to all its medical and mental health staff.

The agency ensures all medical and mental health practitioners have additional training on how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence, how to respond effectively and professionally to victims of sexual abuse and sexual harassment and how to report allegations of sexual abuse and harassment. The agency maintains documentation that all medical and mental health practitioners have received this training. Training records reflected all medical and mental health staff had received this specialized training.

The facility medical staff does not conduct forensic examinations. These are conducted at an outside agency. Therefore, section (b) of this standard is not applicable to this facility.

§115.41 – Screening for Risk of Victimization and Abusiveness

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy was reviewed along with the objective Initial PREA Intake Screening Assessment and the 30-day PREA Reassessment Screening instrument demonstrating compliance with the requirements of this standard. Upon intake to the facility all inmates are screened using the objective screening instrument.

The screening instrument was thorough and covered all required criteria for assessment of inmates to be at risk of sexual victimization as well as those potential

sexual predators. Based on interview with the staff responsible for completing the screening the information gathered on the screening instrument was restricted to staff making housing, work and program assignments. Inmates are not disciplined for refusing to answer, or for not disclosing complete information in response to the questions being asked.

Within 30 days of the inmate's arrival at the facility, all inmates are reassessed for their risk of victimization or abusiveness based upon any additional, relevant information received since the initial intake screening. An inmate's risk level is also reassessed due to a referral, request, and incident of sexual abuse or upon receipt of additional information that may have bearing on the inmate's risk of sexual victimization or abusiveness.

§115.42 – Use of Screening Information

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policies were utilized to verify compliance with this standard along with interviews of staff responsible for risk screening. The information gathered during this audit showed consistency in how the information from the risk screening is used to determine housing, bed, work, education and program assignments to better enhance the safety of each inmate.

Placement and programming assignments for each transgender or intersex inmate is reassessed at least twice each year per policy reviewing all threats to their safety. Transgender and intersex inmates are given the opportunity to shower separately from other inmates.

The agency does 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.

§115.43 – Protective Custody

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy prohibits the facility from placing inmates at high risk of victimization in involuntary segregation unless there is no alternative available. If no available alternative can be reached the inmate must be provided program, privileges, education and work opportunities. If these opportunities are withheld the facility documents the reasons for withholding the opportunity to participate. It was confirmed during interviews with the Jail Administrator and staff who supervise segregated inmates that segregation has not been used during the past 12 months to house any inmate at high risk for victimization.

§115.51 – Inmate Reporting

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy, the Inmate Handbook and the PREA pamphlets and posters provided to inmates were utilized to verify compliance with this standard. Staff and inmate interviews verified the inmates have multiple internal ways to report incidents of abuse or harassment. They can report verbally, in writing, dialing the hotline provided and/or through report of a third party.

The facility provides the inmate's access to the Crisis Resource Center of Steele County and the Agencies hotline on the inmate phone system which provides the inmates with confidential and private ways of reporting sexual abuse and harassment to outside entities.

§115.52 – Exhaustion of Administrative Remedies

☐ 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)

X Non-applicable (Exempt)

Based on Steele County Detention Center policy the agency does not require inmates, filing a report of sexual abuse, sexual harassment or retaliation, to exhaust administrative remedies through the standard grievance process. If an inmate chooses to report an incident by filing a grievance he or she may do so and it will be fully investigated.

The policy requires no timelines for filing regardless of when the alleged incident occurred. The agency ensures that an inmate who alleges sexual abuse by filing a grievance, can do so without having to submit the grievance to a staff member who is the subject of the complaint.

The agency may discipline an inmate for filing a grievance related to alleged sexual abuse only when the agency demonstrates that the inmate filed the grievance in bad faith. Inmates are informed of grievance procedures in the inmate handbook.

During the past twelve months there have been no grievances received alleging sexual abuse or sexual harassment.

§115.53 – Inmate Access to Outside Confidential Support Services

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy was reviewed and verifies inmates have access to confidential support services. A Memorandum of Understanding with the Crisis Resource Center of Steele County provides for victim advocacy for emotional support services related to sexual abuse. The Memorandum of Understanding describes the services to be provided which includes confidential support services 24 hours a day, seven days a week. Inmates are given information through signage in housing units and other places throughout the facility. The inmates also receive a pamphlet during Admissions and Orientation detailing this service and how to access it.

§115.54 – Third-Party Reporting

☐ Exceeds Standard (substantially exceeds requirement of standard)

X 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 agency provides multiple methods for receiving third-party reports of sexual abuse and sexual harassment on the agency website at: <http://www.co.steele.mn.us>. The information available on the website explains how to report sexual abuse and sexual harassment on behalf of an inmate. The facility takes all reports seriously no matter how they are received and thoroughly investigates each reported incident.

§115.61 – Staff and Agency Reporting Duties

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy was reviewed to verify compliance with this standard. Policies requires all staff to report immediately any knowledge or information regarding an incident of sexual abuse, sexual harassment or retaliation. Random interviews with staff revealed that staff is very aware of their responsibilities to report incidents of sexual abuse and/or sexual harassment.

The staff was also aware of the policy requiring them not to reveal any information about a sexual abuse incident to anyone other than to the extent necessary. The facility reports all allegations of sexual abuse and sexual harassment to the facility's designated investigator.

§115.62 – Agency Protection Duties

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

Based on Steele County Detention Center policy, when the agency learns an inmate is subject to a substantial risk of imminent sexual abuse, the staff shall take immediate action to protect the inmate. The Jail Administrator confirmed there have been no incidents in the past 12 months, where it was necessary for the facility to take any action in regards to an inmate being at substantial risk of sexual abuse.

§115.63 – Reporting to Other Confinement Facilities

- ☐ Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy, requires all sexual abuse allegations reported by another facility regarding any inmate that was confined at the Steele County Detention Center be fully investigated.

The policy also requires the Jail Administrator of Steele County Detention Center to report all allegations of sexual abuse, reported by an inmate while confined at another facility, to the Warden or Jail Administrator of the facility where the alleged abuse occurred as soon as possible, but no later than 72 hours after receiving the allegation.

Interviews with the Jail Administrator and the PREA Manager confirmed knowledge of the policies regarding their duty to report. Documentation provided revealed no instance where the facility was required to make such a notification.

§115.64 – Staff First Responder Duties

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy outlines the responsibilities of all staff members receiving an allegation of sexual abused to follow these guidelines:

- (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.

If the first staff responder is not a security staff member, the responder shall advise the alleged victim not to take any actions that could destroy physical evidence, and then notify security staff immediately.

The auditor confirmed compliance based on interviews with security staff who are first responders and review of training documents provided.

§115.65 – Coordinated Response

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center Response Plan outlines a written 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. The plan clearly defines the responsibilities of each and the procedures to follow in detail. Interviews with SART members confirmed their knowledge of the response plan.

§115.66 – Preservation of ability to protect inmates from contact with abusers

☐ Exceeds Standard (substantially exceeds requirement of standard)

X 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 Steele County Detention Centers collective bargaining agreement provided clearly outlines the removal of any employee who is guilty of violating the agencies policies regarding sexual abuse and/or sexual harassment.

§115.67 – Agency protection against retaliation

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy describes the procedures and practice to be followed to detect and prevent all retaliations against any inmate or staff member who report sexual abuse or sexual harassment. The agency has assigned a staff member to carry out the responsibilities of monitoring for retaliation. The retaliation monitoring staff member was interviewed and explained their role in preventing retaliation and the measures taken to protect inmates and staff from retaliation.

§115.68 – Post-Allegation Protective Custody

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Based on Steele County Detention Center policy, involuntary segregated housing may be used only after an assessment of all available housing alternatives has shown there are no other means of protecting the inmate. As indicated in standard 115.43, use of protective custody to protect alleged victim is only used as a last resort for a very short time. Interviews with the Jail Administrator and segregation staff showed that segregation has not been used during the last 12 months to protect any alleged victims.

§115.71 – Criminal and Administrative Agency Investigations

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

In review of Steele County Detention Center policy, the facility investigators conduct investigations immediately when notified of an allegation of abuse. Interview with the investigator and review of his training records confirmed he had received special training.

§115.72 – Evidentiary Standard for Administrative Investigations

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

According to Steele County Detention Center policy, 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. When the investigator was asked what standard of evidence was used in determining if an

allegation is substantiated, the agencies policy was recited confirming compliance with the standard.

§115.73 – Reporting to Inmate

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Based on Steele County Detention Center policy, interview with Jail Administrator and the investigator it was confirmed that following an investigation into an inmate's allegation he suffered sexual abuse in the facility, the inmate is informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded in writing.

When the agency refers the investigation to the authorities for criminal prosecution, the facility investigator shall request information regarding the progress of the investigation, from the investigative agency in order to inform the inmate.

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 Steele County Detention Center;
- (3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the Steele County Detention Center; or
- (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the Steele County Detention Center.

Following an inmate's allegation that he 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 Steele County Detention Center; or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the Steele County Detention Center. All such notifications or attempted notifications are documented.

The agency's obligation to report under this policy shall terminate if the inmate is released from the agency's custody.

§115.76 – Disciplinary sanctions for staff

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy states that staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse policies. Policy also states that termination shall be the presumptive disciplinary sanction for all staff who engage in sexual abuse of the inmates.

§115.77 – Corrective action for contractors and volunteers

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy states any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies. In interview with the Jail Administrator, there have been no incidences of sexual abuse by contractors or volunteers. If it were to occur, appropriate remedial actions would be taken immediately. Interviews with a contractor and volunteer confirmed they knew the punishment for engaging in sexual abuse or sexual harassment of inmates.

§115.78 – Disciplinary sanctions for inmates

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Based on Steele County Detention Center policy and a review of the Inmate Handbook, the inmates are 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.

Sanctions are 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.

The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his behavior when determining what type of sanction, if any, should be imposed.

The agency disciplines an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

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.

The agency prohibits all sexual activity between inmates and may discipline inmates for such activity.

§115.81 – Medical and mental health screenings; history of sexual abuse

☐ 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)

As outlined in Steele County Detention Center policy all new arrivals see a Mental Health provider. If the screening indicates the inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure the inmate is offered a follow-up meeting with the medical and/or mental health staff within 14 days of the intake screening.

If the screening indicates an inmate has previously perpetrated sexual abuse/prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure the inmate is offered a follow-up meeting with mental health staff within 14 days of the intake screening.

Any information related to sexual victimization or abusiveness that occurred in the facility is 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.

Medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in the facility, unless the inmate is under the age of 18.

§115.82 – Access to emergency medical and mental health services

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Based on Steele County Detention Center Policy and the Memorandum of Understanding with the Crisis Resource Center of Steele County, 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.

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 takes preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners.

Inmate victims of sexual abuse while incarcerated are 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.

Treatment services are 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.

§115.83 – Ongoing medical and mental health care for sexual abuse victims and abusers

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Based on Steele County Detention Center policy and interviews with medical/mental health staff. Steele County Detention Center offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in the facility.

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.

Steele County Detention Center provides such victims with medical and mental health services consistent with the community level of care. Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. Treatment services are 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.

§115.86 – Sexual abuse incident reviews

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Based on Steele County Detention Center policy and on interviews with the Jail Administrator, PREA compliance manager, and members of the incident review team. Steele County Detention Center conducts 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. This review ordinarily occurs within 30 days of the conclusion of the investigation. The review team includes upper-level management officials, with input from line supervisors, investigators, and medical and/or mental health practitioners.

The review team considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; 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 Steele County Detention Center; and they examine the area in Steele County Detention Center where the incident allegedly 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.

§115.87 – Data Collection

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy requires the agency to collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The agency must aggregate the incident-based sexual abuse data at least annually per policy.

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 agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

§115.88 – Data Review for Corrective Action

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

According to Steele County Detention Center policy and interview with the PREA Coordinator, the agency reviews data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response to policies, practices and training. The report includes a comparison of the current year's data and corrective actions with those from prior years. The Annual PREA Report is made available on the Steele County Detention Center website at: <http://www.co.steele.mn.us>.

However, this was the first year data was collected for this facility therefore there was no data review possible.

§115.89 – Data Storage, Publication, and Destruction

☐ Exceeds Standard (substantially exceeds requirement of standard)

X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (requires corrective action)

Steele County Detention Center policy was reviewed to verify compliance with this standard. The agency ensures that data collected pursuant to standard 115.87 is securely retained for at least 10 years after the initial date of collection or longer if required by state statute. All aggregated sexual abuse data is available annually on the Steele County Detention Center website at: <http://www.co.steele.mn.us>. Before publishing aggregated sexual abuse data, the agency removes all personal identifiers.

AUDITOR CERTIFICATION:

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

Rodney P. Bivens

Auditor Signature

December 29, 2014

Date