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

☑️ Interim  ☒️ Final

**Date of Report** April 27, 2019

### Auditor Information

<table>
<thead>
<tr>
<th>Name: Robert Manville</th>
<th>Email: <a href="mailto:Robertmanville9@gmail.com">Robertmanville9@gmail.com</a></th>
</tr>
</thead>
</table>

**Company Name:** Correctional Management and Communication Group

<table>
<thead>
<tr>
<th>Mailing Address: 168 Dogwood Drive</th>
<th>City, State, Zip: Milledgeville, Ga. 31061</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone: 912-486-0004</td>
<td>Date of Facility Visit: April 8-9, 2019</td>
</tr>
</tbody>
</table>

### Agency Information

**Name of Agency:** Minnesota Department of Correction

**Governing Authority or Parent Agency (If Applicable):**

Click or tap here to enter text.

**Physical Address:** 1450 Energy Park Drive, Suite 200,

**City, State, Zip:** St. Paul, MN 55108

**Mailing Address:** Same

**City, State, Zip:** Same

**Telephone (651) 361-7200**

**Is Agency accredited by any organization?** ☒️ Yes  ☐ No

<table>
<thead>
<tr>
<th>☐ Military</th>
<th>☐ Private for Profit</th>
<th>☐ Private not for Profit</th>
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<tbody>
<tr>
<td>☐ Municipal</td>
<td>☐ County</td>
<td>☒️ State</td>
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**Agency mission:** To reduce recidivism by promoting offender change through proven strategies during safe and secure incarceration and effective community supervision

**Agency Website with PREA Information:** [https://mn.gov/doc/family-visitor/prea-polic](https://mn.gov/doc/family-visitor/prea-polic)
## Agency Chief Executive Officer

<table>
<thead>
<tr>
<th>Name:</th>
<th>Paul Schnell</th>
<th>Title:</th>
<th>Commissioner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email:</td>
<td><a href="mailto:Paul.schnell@state.mn.us">Paul.schnell@state.mn.us</a></td>
<td>Telephone:</td>
<td>651-361-7200</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agency Wide PREA Coordinator:</th>
<th>Deb Wienand</th>
<th>Title:</th>
<th>PREA Coordinator; State Program Manager, senior</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email:</td>
<td><a href="mailto:debra.wienand@state.mn.us">debra.wienand@state.mn.us</a></td>
<td>Telephone:</td>
<td>651-361-7780</td>
</tr>
</tbody>
</table>

**PREA Coordinator Reports to:**
Director of Office of Special Investigations

**Number of Compliance Managers who report to the PREA Coordinator:** 10

## Facility Information

**Name of Facility:** Minnesota Correctional Facility – Lino Lakes

**Physical Address:** 7525 – 4th Avenue, Lino Lakes Minnesota 55003

**Mailing Address (if different than above):**

**Telephone Number:** 651.717.6100

<table>
<thead>
<tr>
<th>The Facility Is:</th>
<th>☐ Military</th>
<th>☐ Private for profit</th>
<th>☒ State</th>
<th>☐ Private not for profit</th>
<th>☐ Federal</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Municipal</td>
<td>☐ County</td>
<td>☒ State</td>
<td></td>
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</tbody>
</table>

**Facility Type:** ☒ Prison

**Facility Mission:** To reduce recidivism by promoting offender change through proven strategies during safe and secure incarceration and effective community supervision.

**Facility Website with PREA Information:** [https://mn.gov/doc/family-visitor/prea-policy/prea-links/](https://mn.gov/doc/family-visitor/prea-policy/prea-links/)

## Warden/Superintendent

<table>
<thead>
<tr>
<th>Name:</th>
<th>Vicki Janssen</th>
<th>Title:</th>
<th>Warden</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email:</td>
<td><a href="mailto:viciki.janssen@state.mn.us">viciki.janssen@state.mn.us</a></td>
<td>Telephone:</td>
<td>651.717..6101</td>
</tr>
</tbody>
</table>
**Facility PREA Compliance Manager**

**PREA Compliance Officer:** Mary McComb  
**Title:** Associate Warden of Operations  
**Email:** mary.mccomb@state.mn.us  
**Telephone:** 651.717.6125

**Facility Health Service Administrator**

**Name:** Messeret Daba  
**Title:** Health Service Administrator  
**Email:** Messeret.Daba@state.mn.us  
**Telephone:** 651.717.6174

### Facility Characteristics

<table>
<thead>
<tr>
<th>Designated Facility Capacity: 1352</th>
<th>Current Population of Facility: 1291</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates admitted to facility during the past 12 months</td>
<td>2149</td>
</tr>
<tr>
<td>Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more</td>
<td>2149</td>
</tr>
<tr>
<td>Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more</td>
<td>2149</td>
</tr>
<tr>
<td>Number of inmates on date of audit who were admitted to facility prior to August 20, 2012</td>
<td>120</td>
</tr>
</tbody>
</table>
| Age Range of Population: | Youthful Inmates Under 18: 5  
Adults: 21 to 99 1286 |
| Are youthful inmates housed separately from the adult population? | ☒ Yes  
☐ No  
☐ NA |
| Number of youthful inmates housed at this facility during the past 12 months | 7 |
| Average length of stay or time under supervision | 36 months |
| Facility security level/inmate custody levels | Minimum/medium |
| Number of staff currently employed by the facility who may have contact with inmates | 478 |
| Number of staff hired by the facility during the past 12 months who may have contact with inmates | 54 |
Number of contracts in the past 12 months for services with contractors who may have contact with inmates: 14

**Physical Plant**

<table>
<thead>
<tr>
<th>Number of Buildings: 38</th>
<th>Number of Single Cell Housing Units: 1</th>
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<tbody>
<tr>
<td>Number of Multiple Occupancy Cell Housing Units:</td>
<td>8</td>
</tr>
<tr>
<td>Number of Open Bay/Dorm Housing Units:</td>
<td>0</td>
</tr>
<tr>
<td>Number of Segregation Cells (Administrative and Disciplinary):</td>
<td>42</td>
</tr>
</tbody>
</table>

Description of any video or electronic monitoring technology (including any relevant information about where cameras are placed, where the control room is, retention of video, etc.): The facility has 662 cameras that provide digital recording is saved for 21 days.

**Medical**

Type of Medical Facility: Outpatient Clinic

Forensic sexual assault medical exams are conducted at: Regional Hospital, St. Paul, Minnesota

**Other**

<table>
<thead>
<tr>
<th>Number of volunteers and individual contractors, who may have contact with inmates, currently authorized to enter the facility:</th>
<th>303</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of investigators the agency currently employs to investigate allegations of sexual abuse:</td>
<td>10</td>
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**Audit Findings**

**Audit Narrative**

The auditor’s description of the audit methodology should include a detailed description of the following processes during the pre-onsite audit, onsite audit, and post-audit phases: documents and files reviewed, discussions and types of interviews conducted, number of days spent on-site, and observations made during the site-review, and a detailed description of any follow-up work conducted.
during the post-audit phase. The narrative should describe the techniques the auditor used to sample documentation and select interviewees, and the auditor’s process for the site review.

Minnesota Correctional Facility - Lino Lakes is operated by the Minnesota Department of Corrections (DOC). This is the facility’s second PREA audit. The current audit was attained and assigned to Robert Manville a certified DOJ Auditor by Correctional Management and Communication Group.

Prior to the on-site visit, the agency PREA coordinator and the facility PREA policy and supporting documentation, including the completed Pre-Audit Questionnaire, administrative reports, contracts, incident reports, memorandums, policies, brochures, staff rosters, PREA audit notices, staffing plans, training information, and other reference materials for examination prior to the on-site visit. Lino Lakes is accredited by the American Correctional Association.

Minnesota Department of Corrections has revised policies, directives, contracts and operational programs to encompass the Prison Rape Elimination Act into the day to day operations and long-term planning of all correction facilities. Part of these policies and directives includes:

- Minnesota Department of Corrections 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response
- Minnesota Department of Corrections 301.055 Security Rounds
- Minnesota Department of Corrections 301.010 Searches
- Minnesota Department of Corrections 202.050 Offender/Resident Orientation
- Minnesota Department of Corrections 300.045 Contractor Relationship to Department
- Minnesota Department of Corrections 103.014 Background Checks for Applicants and Current Employees
- Minnesota Department of Corrections 107.005 “Office of Special Investigations”
- Minnesota Department of Corrections Five-year Camera Plan
- Minnesota Department of Corrections 500.030 Orientation Training for Health Services Staff
- Minnesota Department of Corrections 202.045 Evaluation, Placement of Transgender/Intersex Offenders
- Minnesota Department of Corrections 301.085 Administrative Segregation
- Minnesota Department of Corrections 302.020 Mail
- Minnesota Department of Corrections 202.040 Offender Intake Screening and Processing
- Minnesota Department of Corrections 303.100 Grievance Procedure
- Minnesota Department of Corrections 107.007 Criminal Investigations
- Minnesota Department of Corrections 103.225 Employee Investigation and Discipline Administration
- Minnesota Department of Corrections 300.200 Officer of the Day
- Minnesota Department of Corrections 500.100 Offender Co-Payment for Health Services
- Minnesota Department of Corrections 204.020 Youthful Offenders in Adult Facilities
- Minnesota Department of Corrections 500.126 The Provision of Health Care to Juvenile Residents
- Minnesota Department of Corrections 302.120 Reporting Maltreatment of Minors

The facility population on the day of the audit was 1291 inmates. There is a total of 487 staff that have direct contact with the inmate population.

Sexual Assault Forensic Examinations are conducted at Regions Hospital Saint Paul, Minnesota. The facility also has a SART (Sexual Assault Response Team) that consists of the Administrator, PREA Manager, Investigators, and PREA Support Persons (PSP) who respond as necessary.
PREA Support Persons are staffs who have been trained to assist the victim through all processes, including providing assistance in obtaining outside support services. The Department of Corrections has established a victim advocate program. These staff will provide advocacy service or partner with other agencies to support the inmate victims of sexual abuse.

On the first day of the onsite audit, entrance meetings were held at the facility to discuss any concerns regarding the audit process and finalize the facility tour and interview schedules. The following persons were in attendance: PREA Coordinator, PREA Compliance Manager, Associate Warden of Operations, Program Lt., (Lt.), 2 Special Investigators, Captain, Corrections Program Director, Educational Director, Human Resources, Psychology Services Supervisor, and RN supervisor, Associate Warden of Administration, Program Director and Watch Commander. Tours were conducted at Lino Lakes. The tour included intake processing areas, all housing units, recreation areas, facility support areas, education and vocational area, health service area, food service area, prison industries, and the visiting rooms. Persons of the opposite gender rang a door bell and in sometimes announced themselves each time they entered a housing unit or dormitory. The tour of the Satellite correctional center, warehouse, and other offender work areas was concluded during the second day of the audit.

At the entrance of each building, and sleeping areas there is a PREA bulletin board with the following signs posted (in English and Spanish); Victim support services, Audit notice postings with the PREA auditors contact information, PREA Ways for Reporting, and Zero tolerance to sexual abuse or harassment. This same information is located in all areas of the facility that inmates were present during the facility tour.

Both medical and mental health staff are available at the facility and are available as requested. Correctional officers and support staff were noted interacting with inmates in all areas that inmates were located.

All inmates and correctional staff were willing to discuss and provided positive information on the facility’s compliance with PREA.

Interviews were conducted with specialized staff. The interviewed included the PREA compliance manager, warden, assistant warden for operations, one (1) clinical psychologists, investigator, two (2) staff assigned as PREA support persons, retaliation manager, nursing supervisor, volunteer coordinator, education director, personnel director, officers in charge (OIC) for first and second shift, volunteer and medical contractor, PREA compliance manager, PREA Coordinator, two (2) Lieutenants and industry supervisor. A facility staff roster was provided by the PREA Compliance Manager and the Auditor randomly chose available staff from the roster to be interviewed.

On day two and three of the onsite audit, the Auditor reviewed ten (10) personnel staff files, fifteen (15) inmate records, fifteen (15) employee training records, fifteen (15) computerized screening instrument and 25 investigative files. One of these investigations was allegations of sexual abuse and investigation was conducted by Minnesota Department of Corrections Office of Investigations.

A total of eighteen (18) correctional staff and a total of forty (40) inmates were interviewed. Included in this inmate population were three (3) inmates identified by mental health staff as having cognitive deficiencies, two (2) inmates that were limited English proficient, two (2) inmates who have made allegations of abuse or harassment, four (4) inmates that were identified during screening as being subject to victimization, two (2) inmate history of sexual assault, one (2) inmates that identified as
transgender, and one (1) inmate that had contacted the auditor prior to audit. Two (2) inmate that was deaf. One (1) letter from inmate were received and inmate was interviewed. Nine (8) random inmate from the satellite building and nineteen (17) inmate from all living units were interviewed.

**Facility Characteristics**

The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate, resident or detainee population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.

Lino Lakes opened in 1963 and originally served as a juvenile facility. In 1978, Lino Lakes was remodeled and converted to an adult facility. Lino Lakes' average offender population is 1291. Lino Lakes has several types of housing units located circularly with a large open area in the center of the complex area. Three housing units are similar and house general population inmates. These building were part of the original facility. Each area has two shower areas that are provided with curtains and other privacy walls to allow inmates to dress, and cloth in privacy areas to ensure inmates are not visible to female staff members. The remainder of the facility buildings or a new state of the art "K" shaped building that can house 400 offenders. These buildings are designed for program specific housing. Chemical dependency programming is provided in TRIAD, a 293-bed therapeutic community, along with Serenity West with 60 beds. Lino Lakes is also the site of the department's Sex Offender Treatment Program, which can house 270 offenders. Lino Lakes is also the site of a Prison Fellowship Academy, a faith-based program funded and operated by Prison Fellowship through a partnership with the Minnesota Department of Corrections. While the buildings have some variance in offices spaces and program spaces, all unit have showering and dressing areas that are partitioned from sight observations for person of the other gender.

Staff and visitors enter through a front entrance of the facility and are subject to mandatory metal detection, frisk of person and property, and identification verification. There is a central control room that provides a sally port area for persons to enter the secure area of the facility. This area is also one of several areas that monitor cameras that are located throughout the facility.

Lino Lakes has a total of 478 full time staff assigned to supervise the offender population.

The facility has a 42-cell segregation unit divided by management needs. Parts of the units are for protective custody including area for separation for other inmates from each other and an area for disciplinary sanctions. The unit also contains one wing that is used for mental health management including suicide watch. The area has cameras in each of the rooms. When the unit is utilized for non-suicide watch or mental health overrides the cameras are turned off. When the unit's cameras are utilized the control room is designated as a male staff post only. The segregation unit has separate shower areas that are petitioned through the use of showers to allow inmates to shower and change clothing without being viewed by person of the other gender.

The facility has an intake area for inmates who arrive or leave the facility. This area has a private area for inmates to be searched in an area that provides privacy for inmate and staff. There is a similar area located in the visitation area of the facility.
All areas of the facility are surveilled 24/7 by over 600 cameras. All of the shower and dressing areas have privacy curtains and barriers installed. A review of camera monitor stations indicated that areas viewed do not include the shower or toilet areas. The facility has a 5-year camera plan and has major enhancements to surveillance program in the last three years.

The Psychology department provides services to all offenders. Services include group counseling, individual therapy, psychological assessments and crisis interventions. The department also offers two programs for drug addiction and sex offender programing. The facility also houses level 3 mental health inmate that provide more intensive services to cognitively impaired and severely persistently mentally ill offenders.

The facility has a visitation area that includes contact visits and small non-contact area. There is a correctional stationed at the entry of the visitation areas and other correctional officers assigned to the visitation area as needed.

The facility has a dining room and food service preparation areas that are divided into cook station such as bakery, and food preparation areas. The facility has a recreation area that includes a full-size gymnasium and small recreation rooms to provide leisure activities.

The education and vocational areas include law library, general library and classrooms equipped with computers and other educational aides. The education program offers GED preparation and testing program.

There is a medical clinic area that is operational 12 hours a day five days a week. There is no infirmary on site. There is an officer’s station and additional correctional officers assigned as needed.

The facility has a satellite facility located on same property, about one fourth of a mile from the campus. The facility has two story floor concept. There are living units on the main floor of each building and support services in the basement area of the building. There is a showering and bathroom area that provides inmates to shower, change clothing and use the toilet without being seen by person of the other gender.

These inmates are involved in reentry program, while providing offenders to assist in the facility grounds and maintenance. At the entrance of the building is a PREA bulletin board with the following signs posted (in English and Spanish); Victim support services, Audit notice postings with the PREA auditors contact information, PREA Ways for Reporting, and Zero tolerance to sexual abuse or harassment. This same information is located in all areas such as warehouse, maintenance shops that inmates were present during the facility tour.

**Summary of Audit Findings**

*The summary should include the number of standards exceeded, number of standards met, and number of standards not met, along with a list of each of the standards in each category. If relevant, provide a summarized description of the corrective action plan, including deficiencies observed, recommendations made, actions taken by the agency, relevant timelines, and methods used by the auditor to reassess compliance.*
**Auditor Note:** No standard should be found to be “Not Applicable” or “NA”. A compliance determination must be made for each standard.

Number of Standards Exceeded: 8

Number of Standards Met: 35

Number of Standards Not Met:

**Summary of Corrective Action (if any)**

The facility had 35 allegations of sexual abuse or sexual harassment. One of these allegations were for sexual abuse. The remaining allegations were for sexual harassment. A review of these allegations found that the allegations were investigated by staff of the rank of Lieutenant or higher. The investigations include interviews with victims, witnesses, and predator. The investigations were timely and thorough. However, the investigations did not include a finding. The agency has a policy that provides directives on how facilities should manage inmate on inmate allegations of sexual abuse that would provide guidance on compliance with the standard. The auditor discussed with the facility of complying with agency policy and retrain investigators. Minnesota Department of Corrections PREA coordinator provided guidance for PREA compliance manager and facility wardens on Minnesota Department of Corrections 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response section “Responding to reports of sexual harassment or staff sexual misconduct.” The agency PREA coordinator provided support in email indicating compliance with this standard.

The facility has placed cameras in some bathroom areas. With the exception of J-1 which had a urinal in view of camera. The facility removed the urinal during the review period.

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**PREVENTION PLANNING**

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

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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)*

Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning,*
and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The Minnesota Department of Corrections provides supervision of prisons. The agency has several policies that mandate the agency staff, visitors, volunteers, contractor, inmates and all other persons that have any access to inmates under the agency adhere to the policy that all inmates and persons with any access to inmate abide the policy that mandates zero tolerance of sexual abuse and sexual harassment.

Minnesota Department of Corrections Policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response provides guidelines for the prevention, detection, response, investigations, prosecution, and tracking of inmate on inmate and staff on inmate sexual abuse and sexual harassment. This Policy also mandates the agency’s zero-tolerance of sexual abuse or sexual harassment. The agency employs a full time PREA coordinator that reports to the Director of Office of Special Investigations for Minnesota Department of Corrections. There are 10 PREA Compliance Managers assigned to Minnesota Department of Correction (DOC). This information was verified through organizational charts provided by the agency and review of Policy and through interviews with the PREA Coordinator, facility Warden, facility PREA Compliance Manager.

The PREA coordinator indicated during interview she had sufficient time, resources and management support to manage the agency’s PREA mandates. This was also verified through interviews with the facility Warden, and the PREA Compliance Manager who indicated the willingness and support they received for the agency-wide PREA Coordinator.

Minnesota Department of Corrections Lino Lakes has a PREA Compliance Manager and additional staff that have been assigned collateral duties to service as PREA Support Persons. An interview with the PREA Compliance Manager and her team verifies she had the time, management support and staff resources required to coordinate the facilities efforts to comply with PREA Standards.

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

All Yes/No Questions Must be answered by the Auditor to Complete the Report

**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
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)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Minnesota Department of Corrections contracts for the confinement of its inmates with private agencies or other entities including other government agencies. Presently there are 17 contracts for confinement of inmates. 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. Minnesota Department of Corrections publishes website which clearly states all new contracts, amended contracts, or contracts renewals shall include an obligation to adopt and comply with the PREA standards. Contracted providers will be subject to PREA audits and contract monitoring to ensure compliance with PREA standards.

Compliance was verified through review of contracts, review of Minnesota Department of Corrections website and telephonic interview with DOC contracting supervisor.

Standard 115.13: Supervision and monitoring

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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 inmate 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)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The agency ensures 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. Minnesota Department of Corrections Policy: 301.055 Security Rounds mandates compliance with standard. All facilities have developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring to protect inmates against sexual abuse. The facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring to protect inmates against sexual abuse. The facility’s staffing plan takes into consideration the generally accepted correctional practices in calculating adequate staffing levels and determining the need for video monitoring. The agency provided the center with PREA incidents reported including time, place and active action reports. This information is utilized to review the facility staffing plan for the upcoming fiscal year.

The facility’s Warden provided an in depth staffing plan that included consideration of any judicial findings of inadequacy in calculating adequate staffing levels and determining the need for video monitoring and policy requires that the 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. The 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. The Policy provides that the 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. The facility’s staffing plan takes into consideration the composition of the inmate population in calculating adequate staffing levels and determining the need for video monitoring.

The facility’s staffing plan takes into consideration the programs occurring on a particular shift in calculating adequate staffing levels and determining the need for video monitoring and the following: any applicable State or local laws, regulations, or standards in calculating adequate staffing levels; prevalence of substantiated and unsubstantiated incidents of sexual abuse;
staffing levels and, any other relevant factors in calculating adequate staffing levels. The facility provided a staffing analysis for 2019 which included all areas of the aforementioned Policy requirements. There have been no findings of inadequacy relevant to this standard.

Minnesota Department of Corrections Policy 300.200 Officer of the Day requires the facility Warden assigned upper management on a rotating basis the collateral duties as Officer of the day. Staff assigned to this task are responsible to making frequent rounds and to ensure that the facility meets the mandatory staffing pattern as determined by the annual staffing analysis. The facility conducts a quarterly camera and staffing compliance and staffing plan and camera needs. All essential posts are filled each shift and no essential posts are kept open for salary savings. When programs are offered, staffing is increased to provide additional supervision. The review of the facility’s PREA rounds logs confirmed intermediate-level or higher-level supervisors, including shift supervisors, (and department heads at a minimum) conduct and document such visits throughout the facility also at night and on the weekends. When programs are offered, staffing is increased to provide additional supervision.

Minnesota Department of Corrections Policy 301.055 Security Rounds requires that facility heads and facility assistants conduct unannounced rounds on each shift. It also prohibits staff from alerting other staff members that these rounds are occurring unless such announcement is related to the legitimate operational function of the facility. A review of the log books, interviews with staff and supervisor provided documentation that the shift supervisor, assistant director and facility acting superintendent make unannounced rounds in the living units on a routine basis including nights and weekends. Center provided a daily narrative log which includes PREA daily unannounced rounds of all living units. Compliance was determined by review of monthly and quarterly staff meetings, review of policy, review of daily logbooks and PREA logs for Warden, Captain and OIC and interviews with OIC on day and night shift and correctional staff.

Standard 115.14: Youthful Inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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 inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates [inmates <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 inmates? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☒ Yes ☐ No ☐ NA

- In areas outside of housing units does the agency provide direct staff supervision when
youthful inmates and adult inmates 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 youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates [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 [inmates <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)*

**Instructions for Overall Compliance Determination Narrative**

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Youthful offenders are held at this facility. There is a maximum of twenty youthful offenders that are held at this facility. The juvenile housing unit is located in a secure building. The area that houses juveniles is separate from the other part of the building. Minnesota Department of Corrections Directive 204.020 Youthful Offenders in Adult Facilities Youthful Offenders in Adult Facilities provides mandates for housing youthful offenders. Youthful offenders must not be placed in a housing unit in which the youthful offenders have sight, sound, or physical contact with any adult offenders through use of a shared dayroom or other common space, shower area, or sleeping quarters. Youthful offenders who do not possess a verified GED or high school
diploma are not eligible for any facility job assignment unrelated to the youthful offender program, except education. The facility education director may grant waivers to individual offenders after consultation with the youthful offender program supervisor. The education director documents the grant of a waiver by noting the rationale in the comment section of the general education tab in the correctional operations management system (COMS). In areas outside of housing units, facilities maintains sight and sound separation between youthful offenders and adult offenders, or provide direct staff supervision when youthful offenders and adult offenders may have sight, sound, or physical contact. Facilities must avoid placing youthful offenders in isolation to ensure that sight, sound, and physical separation is maintained.

Except in exigent circumstances, facilities must not deny youthful offenders daily exercise and education services to ensure that sight, sound, and physical separation is maintained. Youthful offenders must also have access to other programs and work opportunities to the extent possible. These staff must be specifically trained to work with youthful offenders/juveniles. Each youthful offender program provides written materials for offenders explaining the structure and rules of the program when a structured program is offered. Program materials are available at the facility.

MDOC Policy 500.1261, “The Provision of Health Care to Juvenile Residents” requires that juvenile offenders certified as adults and housed in a DOC facility must be provided with timely access to routine health care including medical, dental, mental health, and treatment services by qualified professionals as deemed necessary, by those professionals. Authorization by a parent or guardian must be required to provide this care to all offenders under the age of 18. Emergency care is provided as needed. Signed consent forms must be retained in the offender’s medical file.

Interview were conducted by staff assigned to supervise the juvenile population and interviews with 3 of the offenders assigned to this program were interviewed. Also a review of the housing unit, educational area and leisure activity area was reviewed. There were a total of 4 inmates in this living unit on the day of first day of the review and additional interview was increased by 1 on the second day of the review. The education area is located in the same area as adult offenders. There is a full time control staff and dedicated juvenile supervises assigned to this area. The control room is not a typical locked but remains unlocked and has a panel for staff to monitor cameras in the educational area. These staff have received training on managing a juvenile population. The leisure activity area is separated from the adult population. The gymnasium time is allocated separate from the use of the adult offenders. The offenders are not locked in their rooms during any times. Compliance was this standard was confirmed by review of the areas that juveniles are permitted, interviews with staff responsible for supervising juveniles and juvenile residents and medical and psychology staff. Also compliance was determined through review of agency juvenile policies including Minnesota Department of Corrections 302.120 Reporting Maltreatment of Minors.

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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? ☒ Yes  ☐ No

**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)*

Instructions for Overall Compliance Determination Narrative

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Minnesota Department of Corrections Policy: 301.010 Searches provides governance of searches at the facility. The policy establishes procedures that requires all pat searches be conducted by staff of the
same gender accept in exigent circumstances and then with the approval of the OIC. Males will pat search only males and female staff may pat search males with prior approval with the OIC. Gender specific staff will conduct all strip searches with the exception of exigent and documented exigent circumstances and with the approval of the OIC. There have been no strip searches conducted by non-gender specific staff at MCF Lino Lakes during the last several years. The facility does not house female inmates.

A tour of the facility included the facility shower and toilet areas. The facility has shower partition off from view of staff. The partition allows for staff to observe the head and feet levels of each inmate while block view of the mid-section.

All staff members are trained on gender specific guidelines. This training includes that all inmates are allowed to shower, perform bodily functions, and change clothing without staff of the opposite gender viewing their buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Minnesota Department of Corrections Policy: 301.055 Security Rounds addresses requirement that staff of the opposite gender announce their presence when entering an inmate housing unit. There are posters located in the day room, officers’ stations and other areas throughout the facility that state staff must announce their presence in entering an area of the facility that houses the gender different from the staff member and also a notice that female staff are routinely assigned to work in offender living and work areas.

Part of the Training for initial and then yearly training also confirmed that staff are trained on the mandate that all staff of the opposite gender must announce their presence when entering a housing unit. Minnesota Department of Corrections has issued a statement that is located in all the officers’ stations and on bulletin boards that includes all areas of requirements for cross gender viewing and searches by facilities. Prior to taking over, the oncoming shift announce a female is working the building and then female staff ring a door bell when entering a housing units and also announces their presence again when they enter the living area.

Verification of the requirements was documented in the training logs, during interviews with staff and inmates and during tours throughout the facility. Minnesota Department of Corrections Policy 301.010 Searches mandates staff will receive training and will comply with policy and that staff do not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status. Interviews with inmates confirmed that they had been pat-searched by officers properly and professionally. Staff training records and staff interviews verified that they had received training which includes who may be searched and the professional manner to complete searches. Interviews with staff/inmates, personal observations and an examination of policy and supporting documentation confirm compliance with this standard. Three transgender inmate interviewed indicated she was allowed to shower alone and had no complaints on any pat down searches.

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

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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)*

**Instructions for Overall Compliance Determination Narrative**

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Minnesota Department of Corrections Policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response, 203.250 Modifications for Offenders/Residents with Disabilities addresses all
requirements of the standard. Through policy and practice, the facility ensures that inmates with all
disabilities listed in §115.16 (a) have an equal opportunity to participate in and benefit from all aspects of
the agency’s efforts to prevent, detect and respond to sexual abuse and sexual harassment.

Policy 202.040, “Offender Intake Screening and Processing, and Minnesota Department of Corrections
policy 202.050 Offender/Resident Orientation address the requirements that all inmates will receive
orientation and screening regardless of disabilities. The agency’s training curriculum address
implementation of Agency Mandates. All PREA related information, including postings, brochures and
handouts are available in English and Spanish languages. Staff also may read information to inmates
when necessary. Translation services are available through a contracted language service for inmates
who are not English proficient for any language.

Communication services are available for inmates who use sign language. The facility does not rely on
inmate interpreters, inmate readers or other types of inmate assistants in the performance of first
responder duties or during the investigation of an inmate’s allegations. Interviews with first responders,
medical, mental health and investigative staff confirmed their awareness of the prohibition of using
inmate interpreters for PREA compliance functions. Three inmates with cognitive limitations and two
inmates that were limited English proficient were interviewed. One inmate that was hard of hearing and
two inmate that deaf were also interviewed. Both inmates indicated the facility had sign language
services available up their request. Interviews with these inmates, staff and an examination of policy
and supporting documentation confirmed compliance with this standard. A sign language interpreter
provided the questionnaire utilized to interview two deaf offenders. The offenders indicated this
interpreter was utilized in providing them the orientation for PREA and screening and rescreening for
sexual orientation.

**Standard 115.17: Hiring and promotion decisions**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

**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)

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be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The agency provided a number of documents that validate policy for all areas of this standard. These include New Hiring Prohibitions, Promotion Prohibitions, New Employee Hiring Policy, Hiring Process Manual, and External Web Employee. Minnesota Department of Corrections Policy: 103.014 Background Checks for Applicants and Current Employees and Policy: 300.045 Contractor Relationship to Department codifies the requirements for this standard. Each of these documents require Pre-employment background checks, a minimum of background checks within five (5) years of initial employment and background checks for all promotions prior to being offered a promotion.

Minnesota Department of Corrections central personnel office completes all background checks. Ten (10) local personnel files were examined by the Auditor to ensure compliance with all aspects of this standard. All backgrounds had been conducted. All employees who have contact with inmates have had a full field background. Two employees that have been promoted in last twelve months also had documented background checks completed prior to being approved for promotion.

Contractors and volunteers who have regular contact with inmates also have criminal background checks completed prior to having contact with inmates. Volunteer and contractor background checks are repeated yearly. A review of the visitors file provided update background checks. The facility does not hire or promote anyone who may have contact with inmates and does not enlist the services of any contractor who may have contact with inmates who has engaged in any type of sexual abuse or sexual harassment (no exceptions). Employees have a duty to disclose such misconduct and material omissions regarding such misconduct may be grounds for termination.

Submission of false information by any applicant is grounds for not hiring the applicant. The Human Resource Manager was interviewed and confirmed that the agency attempts to contact prior employers for information on substantiated allegations of sexual abuse or resignations which occurred during a pending investigation of sexual abuse. The Human Resource Manager also confirmed the agency provides 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. Policy provides that the facility notifies appropriate licensing/certifying agencies when professional staff members are terminated for substantiated allegations of sexual abuse or sexual harassment. A review of personnel and volunteer files and relevant supporting documentation, including interview with personnel manager and volunteer coordinator confirm compliance with this standard.

**Standard 115.18: Upgrades to facilities and technologies**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

**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)

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The facility has made expansions since 8/28/2012 to camera and monitoring system. Changes were to enhance the safety of the inmates and staff. The facility has placed additional cameras in housing units specifically in bathroom areas to help with monitoring offenders and staff. The cameras did not pose any threat to privacy in the open areas outside the shower and bathroom areas. The facility has developed a five-year camera plan for upgrading the monitoring system. The plan is reviewed with management quarterly and priorities are determined by Lino Lakes Management team.

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

All Yes/No Questions must be answered by the Auditor to Complete the Report

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? ☒ Yes ☐ No

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)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.
MDC Policy 107.007 Criminal Investigation states that the Office of Special Investigations (OSI) investigates allegations of felony level criminal activity by offenders and assists law enforcement agencies with conducting criminal investigations involving employees, volunteers, contractors, and visitors within the department. Completed investigations are forwarded to the appropriate assistant or deputy commissioner for referral to the appropriate county attorney’s office for criminal prosecution. Any investigative data revealing criminal activity outside of the department is referred to the appropriate law enforcement agency. This was confirmed in an interview with the assigned facility investigator. Criminal Investigation policy mandates that persons conducting investigations must be aware of PREA standards and follow appropriate Sex Abuse investigations protocol.

Policy 500.100 Offender co pay for health services clearly states that no co-payment is required for health services provided subsequent to allegations of sexual assault, abuse, or harassment. No forensic exams were conducted during the prior 12 months.

MCF-Lino Lakes has documented evidence of an attempt to engage the services of a community service provider. In lieu of securing a service provider the Agency has established a division to provide victim services including counseling, supporting including accompanying victims through hospital forensic services and consulting with community agencies for additional supporting services. A trained and educational appropriate staff manages this division to provide victim assistance and advocacy for victims of sexual assault. The division has extensive experience and training in victim advocacy. Her contact information is posted in all housing units. Interview with Division Director and with Regions Hospital of Saint Paul confirmed that the hospital’s SANE staff have community volunteers to agree to escort victims going through a victim’s forensic examination. Most of the offenders interviewed confirmed they knew how to contact her, while several others showed no interest in that resource.

Minnesota Department of Corrections Policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response Inmate Sexual Abuse and Sexual Harassment establishes the requirements for first responders, investigators and medical staff to secure the crime scene including the areas of the offense, the victim, and alleged abuser for the preservation of usable evidence. The Policy mandates that persons responsible for investigating allegations of sexual abuse follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution.

Investigators are trained and follow appropriate curriculum for a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution. Minnesota Department Correction investigations utilizes Department of Justice “National Protocol for Sexual Assault Medical Forensic Examination, Adults / Adolescents for all investigations.

The facility has developed and trained staff on a Coordinated Response Plan. The facility also has trained all PREA Support Person roles and responsibilities to assist in coordinated responses of sexual abuse. The facility uses the services at Regions Hospital that maintains a Sexual Assault Nurse Examiner on call at all times.

Compliance was confirmed by review of policies, documents including investigative files, interviews with investigator, PREA compliance manager, PREA Coordinator, Regional Hospital of Saint Paul staff, and review of an interview with Victim advocate.

**Standard 115.22: Policies to ensure referrals of allegations for investigations**
All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 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)*

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The agency has ten (10) investigators that have completed investigator training offered by Minnesota Department of Corrections. One of these investigators is assigned to MCFWRMC. The facility investigators also provide any information requested by the Police Department investigators.

Minnesota Department of Corrections Policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response requires a preliminary investigation when any allegation may meet the level of a PREA violation and an investigation for all PREA allegations. MDC Policy 107.007 Criminal Investigation mandate when information is learned from a non-DOC agency the Office of Special Investigations will notify the non-DOC agency within 72 hours of learning of any Sexual abuse or harassment allegations. When the information is learned from other agencies or third party reporting the Office of Special Investigations will begin an investigation within 24 hours. The information will be entered into PREA data base relying on the information that is provided and through the Office of Special Investigations. Compliance was determined through review of [https://mn.gov/doc](https://mn.gov/doc) website and interview with a Sexual Abuse investigator assigned to MCF Lino Lakes.

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**Standard 115.31: Employee training**

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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

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The Minnesota Department of Corrections Policy 202.057 states that offenders, staff, contractors, volunteers, and others deemed necessary by administration must receive training on sexual abuse/harassment/staff sexual misconduct prevention, detection, and the DOC’s response plan. New employee’s policy 103.420 Pre-Service and Orientation Training requires new staff to receive forty (40) hours of training. This training curriculum includes all elements of PREA training noted above. Related education is provided annually during refresher training. The review of lesson plans, training logs and PREA power point presentations confirmed that the provided training also addresses all elements identified in the standard.

Employees have PREA information noted on posters available to them and located throughout the facility. They are provided a PREA Brochure developed by the PREA office and all carry a PREA reference card. Staff annual training files were reviewed and contained documentation supporting compliance with this standard. All staff interviewed indicated they received the required PREA training initially and annually.

The agency maintains a Learning Management System for employees, and it maintains all staff records. In order to show completion of the training, staff must first receive the training and pass a test. Staff
members are required to use their personal information to enter the course and indicate they have received and meet the minimum test requirements. The extensive training provided and staff knowledge of PREA requirements confirmed that the facility is compliant with this standard. All staff members interviewed were aware of all aspects of the training and each interviewed indicated they had received training in the previous year. Compliance was confirmed by reviewing policies, fifteen (15) training records and interviews with facility staff.

**Standard 115.32: Volunteer and contractor training**

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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)*

**Instructions for Overall Compliance Determination Narrative**

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and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The facility has a person assigned to provide the management of volunteers. Volunteers are managed in accordance with agency policy 300.040 Volunteer Services Program. Part of this policy and new volunteer program orientation includes training on PREA. All volunteers participate in yearly PREA training and document this information on their Volunteer files.

The medical administrator and contracting officer for medical services coordinate for all medical contractor staff. Policy 300.045 Contractor Relationship to Department requires contracting staff must attend facility orientation and training for ten-day at the training academy at central office, prior to working independently in any assignment involving direct and on-going contact with offenders/residents.

Two medical staff were interviewed. Each received PREA training and undergoes a yearly background check prior to being allowed into the facility or supervises inmates. One volunteer was interviewed. He had received Volunteer training and could explain zero tolerance and reporting duties.

A review of the PREA training rosters signed by contract staff, a review of the volunteer and training files confirmed all information required to document training. All background checks are maintained in the administrative offices and were reviewed and found up to date. All volunteer or contract staff receives copies of a PREA updates. These updates were noted in the file and were verified through an interview with volunteer coordinator and medical administrator.

Standard 115.33: Inmate education

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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

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Policy 202.050 Offender/Resident Orientation require that newly committed offenders receive orientation regarding sexual abuse/harassment and reporting. Prior to being assigned to this facility each inmate goes through a diagnostic program or processing center. Offenders receive written and verbal information in a language easily understood by the offender, regarding:

a) The DOC zero-tolerance policy on sexual abuse/harassment;

b) How to avoid sexual contact in prison;

c) The risks and potential consequences of engaging in any type of sexual activity while incarcerated, which may include criminal sanctions and/or offender discipline;

d) How to identify and report an incident of sexual abuse/harassment or staff sexual misconduct;

e) What defines a false accusation and the consequences for making a false accusation; and

f) How to obtain counseling services and/or medical assistance if victimized.

During in-processing procedures at Lino Lakes, a staff member conducts an education program regarding the PREA, and each inmate is provided a pamphlet describing the agency’s PREA compliance program. The information identifies the key elements of the program and informs them of the zero-tolerance policy regarding sexual abuse and sexual harassment and multiple ways to report sexual abuse or sexual harassment. The information also informs the inmates they will be free from retaliation for reporting an incident and that both male and female staff members routinely work in and monitor the housing units. The information is available in English and Spanish languages.

Telephonic translation services are available to inmates who are not proficient in English. Sign Language staff are available for deaf offenders. Staff are available for other offenders who are otherwise unable to communicate (blind, mentally impaired etc.).
Inmate interviews confirmed that they received PREA information and they were aware of numerous reporting methods to include anonymous and third-party reporting, the zero-tolerance policy and their right to be free from retaliation. The tour of the Facility confirmed that several PREA education posters were prominently displayed in all housing units, the visiting rooms and common/program areas. Each time an Inmate receives training it is documented in his computerized institutional record, which includes an Education Program Search Screen. Two inmates that were not English Proficient were interviewed and verified they received the training in their preferred language. Interviews with staff and inmates; visual observations of posters/notices; examination of policy and other documentation; review of institutional files; and observation of intake procedures confirmed the facility is in compliance with this standard. The facility provided inmate orientation prior to coming to the facility, during the first several hours at the facility and then in a formal education program during the first 30 days at the facility. Inmate interviewed also said they are provided additional training during case manager meetings and almost daily by staff. Mental Health staff and case managers confirmed there is an emphasis on PREA compliance. Compliance was further determined by review of the training curriculum, interviews with offenders, staff who provide the training, sign language staff, and interpretive services staff.

**Standard 115.34: Specialized training: Investigations**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

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.

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Policy 107.005 Office of Special Investigations addresses this standard. All investigators have received training relevant to PREA. The investigator was interviewed, and they were able to explain in detail the process and procedures required during a PREA-related investigation.

A review of the training curriculum 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. In addition, the agency investigators correspond with each other and discuss investigations and serve as a resource to ensure all investigations are complete. A review of the training records confirmed completion of required specialized training in conducting sexual abuse investigations in confinement settings. The local investigator was extremely knowledgeable of sexual abuse or sexual harassment.
Standard 115.35: Specialized training: Medical and mental health care

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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? ☒ Yes ☐ No

▪ 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? ☒ Yes ☐ No

▪ 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? ☒ Yes ☐ No

▪ 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? ☒ Yes ☐ No

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.) ☐ 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? ☒ Yes ☐ No

115.35 (d)

▪ Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? ☒ Yes ☐ No
Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? ☒ Yes ☐ No

Auditor Overall Compliance Determination

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Minnesota Department of Corrections Policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response mandates all staff receive PREA training. Health Services Policy 500.030 Orientation Training for Health Services Staff requires all nursing staff, and full and part-time medical and mental health practitioners in health services, receive specialized training on: a) How to detect and assess signs of sexual abuse and harassment; b) How to preserve physical evidence of sexual abuse; c) How to respond effectively and professionally to victims of sexual abuse and harassment; and d) How and to whom to report allegations or suspicions of sexual abuse and harassment. Medical and inmate staff also received further training on sexual abuse and sexual harassment as it relates to a juvenile population. All medical and mental health staff have received training in all requirements of the standard. All staff have received training in Sexual Abuse and Sexual Harassment as mandated for all staff. A review of the training files indicated they have all received training within the last 12 months.

Compliance was verified through the review of training curriculum, review of policies, contractor training files, DOC training files and interviews with Medical and Mental Health staff.

| SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS |

**Standard 115.41: Screening for risk of victimization and abusiveness**

All Yes/No Questions Must be answered by the Auditor to Complete the Report
### 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

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All new arrivals are seen by a nurse within first two to four hours of arriving at the center and an initial interview can led to referral; all inmates are given a screening instruments; and case mangers conduct further screening within 30 days of arriving at the facility. The facility screening instrument provides that the facility will reassess the intake screening within 30 days of the inmate arriving at the center.

Minnesota Department of Corrections Policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response addresses all components of this standard for screening new and transferring inmates. Policy 202.040 Offender Intake Screening and Processing for adult offenders and Division Directive 202.041, “Juvenile Facility Admissions” for youthful offenders. This policy and directive provides all requirements mandated in Minnesota Department of Corrections Policy 202.057. Policy requires health services staff must screen offenders for potential vulnerability to sexual assault and/or tendencies to act out with sexually aggressive behavior using the MN DOC PREA screening. Staff reviews daily Corrections Operational Management System (COMS) for PREA follows up 30-day reviews and behavior or additional information that would mandate further follow up. The facility associate warden of operations (AWO) and facility
sexual abuse response team (SART) use the Screening Tool follow-up matrix as a guide to identify the appropriate follow-up response and case-by-case decision making. PREA screenings must be completed in the Corrections Operation Management System (COMS) Obligation. All follow-up responses are documented in COMS Offenders must not be disciplined for refusing to answer, or for not disclosing complete information, when screened by health services staff completing the MN DOC PREA Screening.

Policy 203.010 Case Management Process require case managers to review screening within first 30 days of arrival at facility. All diagnostic records are confidential and only available on a need to know basis. A review of the screening instrument contains all requirements identified in the standard. The system is pass word protected for need to know staff. When transferred to another facility, the inmate receives a screening review by the medical staff within the first 72 hours of the inmate’s arrival, but this activity ordinarily occurs within a few hours on the first day of arrival to the facility. This system is computerized on the statewide Minnesota DOC Prison Obligation Dashboard which automatically sends a message to the respective specialized staff whenever a positive response is given. This notification provides a time-frame for the specialized staff to take action, and changes to a red icon, if the response is not timely made, allowing management to immediately take action to ensure the offender receives proper and appropriate services. The review of screening documents by the Auditor confirmed that inmates identified as high risk for sexual victimization or at risk of sexually abusing other inmates were referred to a mental health professional and all received further assessment (10) intake files were examined by the Auditor). Staff also reviews records or other information and information from other facilities.

The inmate tracking system contains all information in computerized inmate files. Information received during the screening process is confidential and only available to staff with a need to-know and never to other inmates. Staff and inmate interviews, a review of policy/documentation (including screening documents and inmate tracking system) and observations of the intake process confirmed compliance with this standard. In interviews with the facility management team it was clear that all administrators are aware of the need to review and update screening instruments and utilize this screening instrument in managing the offender population.

Staff and inmate interviews, a review of policy/documentation (including screening documents and inmate tracking system) and observations of the intake process confirmed compliance with this standard. Three inmates who claimed history of sexual abuse (prior to incarceration) were interviewed and confirmed they were seen by psychologist within first two days of arrival and were offered follow up counseling if desired.

**Standard 115.42: Use of screening information**

**All Yes/No Questions must be answered by the Auditor to Complete the Report**

**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? ☒ Yes ☐ No

▪ 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? ☒ Yes ☐ No

▪ 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? ☒ 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)

Instructions for Overall Compliance Determination Narrative

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Minnesota Department of Corrections Policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response, and 202.040 Offender Intake Screening and Processing requires risk screening information is used to determine 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. Determinations for these assignments are made on a case-by-case basis. Staff members assigned to conduct intake screening have been provided additional training and resource
materials. Policy 202.045 addresses the evaluation and placement of transgender and intersex offenders. In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the agency considers on a case-by-case basis whether a placement would ensure the offender’s health and safety, and whether the placement would present management or security problems. The DOC does not place lesbian, bisexual, transgender, and gender variant, or intersex offenders in dedicated facilities, units, or wings solely based on such identification or status. The DOC evaluates and places offenders who claim to be undergoing transgender or transsexual-related treatment, offenders who appear to be gender-variant, or offenders having other clinical conditions in which the gender assignment is unclear in a similar manner. The agency has developed and implemented a transgender committee (TC) – comprised of the health services director, department medical director, intake/security representative, director of behavioral health, health services administrator from intake facility, department director of nursing, warden of the facility where the offender is currently housed, and any other department employee deemed necessary to make a decision. The offender’s own views regarding his or her own safety are considered in placements and job assignments. Policy mandates placement and programming assignments for each transgender or intersex inmate are reassessed at least once every six months.

The facility shower areas are modified to establish privacy from staff of the other gender. Inmates are also allowed to dress and complete bodily functions without being in view of person of the other gender.

Overall compliance of the standard was verified through review of policies, interviews with PREA Compliance Manager, Case Managers, Warden, and psychologist, other correctional staff, inmates and tour of the facility. There was 1 transgender inmate interviewed. The inmates has been at the facility for more than six months. The inmate were interviewed about 6-month review and the psychologist shared a copy of the 6-month review.

**Standard 115.43: Protective Custody**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

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 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

Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? ☒ Yes ☐ No

If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The opportunities that have been limited? ☒ Yes ☐ No

If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The duration of the limitation? ☒ Yes ☐ No

If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The reasons for such limitations? ☒ Yes ☐ No

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)

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Minnesota Department of Corrections Policy 202.057 mandates 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. Minnesota Department of Corrections Policy 301.85 Administrative Segregation requires that the use of administrative segregation reviews of placement on administrative segregation: each facility must develop an instruction for the administrative and behavioral health review of offenders on administrative segregation status. Facility instructions must meet the following minimum standards: 1. Staff must notify mental health personnel whenever an offender is placed on administrative segregation status due to medical/mental health issues; 2. The initial administrative review must occur within 24 hours of placement; 3. An administrative review occurs every seven days for the first 60 days after the initial administrative review; 4. An administrative review occurs every 30 days after 60 days placement on administrative segregation; 5. A behavioral health review must be conducted upon completion of 30 days on administrative segregation and conducted thereafter every 90 days; and 6. Behavioral health reviews must be recorded in the offender’s behavioral health record and retained accordingly. 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.

Inmates placed in segregated housing for high risk of sexual victimization 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: the opportunities that have been limited, the duration of the limitation; and the reasons for such limitations.

The facility has placed one inmate in segregation in response to an allegation of sexual abuse or sexual harassment. Inmate was engaged in sexual activity and was moved pending investigations. During the investigation the inmate notified staff psychologist that he had sexual activity against his will. The investigation was transferred to the OSI for investigation and inmate predator was transferred. Inmate was released to another living unit after interviews with psychologist.

During the audit two of the transgender inmates were housed in the administrative segregation unit. However, both were assigned due to a rule’s violation. Mental health had been notified and approved their placement in disciplinary segregation.

Compliance was determined by review of the agency policy, interviews with PREA compliance manager, review of investigative files and interviews inmate housed in the segregation unit and
with staff assigned to supervise the segregation unit. The investigation has been transferred to local law enforcement and is ongoing.

**Standard 115.51: Inmate reporting**

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

**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? ☒ Yes ☐ No

**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)

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Minnesota Department of Corrections Policy 202.057 affords offenders multiple ways to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for making a report, and staff neglect or violation of responsibilities that may have contributed to such incidents. Policy 302.020 Mail mandates correspondence to or from those state and federal officials designated by the department mail committee. The destination or return address must clearly indicate it is to or from one of these sources in order to be treated as special mail. Special mail does not need to be logged as legal mail and is opened only in offender’s presence. Staff interviews reflected a similar understanding of the means allowed, including an understanding that offenders can make reports verbally, as well as in writing, and all staff indicated that their first responsibility was to protect offenders who make such reports.

Inmates are provided training on reporting during their initial PREA orientation and are provided a form documenting they are aware of ways to report. All staff interviewed clearly understood that they can privately report sexual abuse and sexual harassment of offenders without fear of agency disciplinary action.

Inmates have unimpeded access to telephones and can call the Minnesota PREA Hotline or any law enforcement agency of their choosing. They can also report to a third party, who can make the report for them.

The facility does not hold individuals for civil immigration purposes. Sexual abuse and sexual harassment can be reported in writing, anonymously, privately, and from a third party. Staff documents all allegations. Staff members are trained to immediately report and document any sexual abuse or sexual harassment allegation. There are posters and other documents on display throughout the facility that also explain reporting methods. The facility provides a posting explaining at least one way for inmates to report sexual abuse or sexual harassment to an entity that is not part of the agency.

Minnesota has attempted to develop a Memorandum of Understanding (MOU) with Victims Advocate. In
In order to establish a victim advocate program, the Minnesota Department of Corrections has employed staff to coordinate with victim advocate services and provide victim support when needed. There are phone numbers posted on all PREA posting areas and next to telephones for inmates to contact PREA Hotline and a Victim Advocate services. Minnesota provides staff with a brochure that provides multiple ways for staff to report allegations of sexual abuse or sexual harassment. Interviews with staff and inmates; observations of posters addressing reporting methods; and an examination of policies, documentation, and the MOU confirm compliance with this standard.

**Standard 115.52: Exhaustion of administrative remedies**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

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)*

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Policy 303.100 Grievance Procedure precludes the use of Grievance System for PREA. Inmates may not file facility grievances about issue for which there is a separate review or appeal process that is identified as the “final decision,” including Minnesota Department of Corrections Policy 202.057, “Sexual Abuse/Harassment Prevention, Reporting, and Response.” Verification was determined by review of policy and interview with PREA coordinator.

Standard 115.53: Inmate access to outside confidential support services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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? ☐ Yes ☐ No

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)*

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Minnesota Department of Corrections policy 107.007 Criminal Investigations requires prior to the investigation of an alleged sexual assault, the special investigator must offer the victim the right to have a
victim advocate present during any stage of the investigation. The PREA coordinator provided a memo detailing attempts to secure the services of rape crisis centers. The agency has established a victim advocacy office to provide victim services including private reporting. This information is on Posters located next to telephones and on bulletin boards throughout the facility. The advocacy office will reach out to community-based rape crisis centers or provide sexual assault advocacy services when requested. The advocacy staff or trained in conducting advocacy services and would accompany inmates during forensic testing if requested. The service provider has provided two referral forms that provide information to inmates on victim services and reporting requirements. Inmates interviewed were aware of the program and how to get in contact with advocacy programs by confidential phone calls. Compliance was confirmed by review of department personnel action establishing position including a job description and minimum qualifications of staff assigned to these duties and review of interviews with staff providing this service.

Standard 115.54: Third-party reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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)

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The agency has developed several ways for third-party reporting of sexual abuse or harassment. Minnesota Department of Corrections Policy 202.057, “Sexual Abuse/Harassment Prevention, Reporting, and Response” includes offenders may report sexual abuse/harassment/staff sexual misconduct to an
outside agency directly or through a third party. Any party can call the agency Sexual Assault Helpline or write a letter on behalf of an offender to make a report of sexual abuse and harassment. This information can be found on the agency website. Also, most of the staff and offenders interviewed stated that they knew that reports could be made by 3rd parties. Compliance was confirmed through review of Posters, Department Of Correctional website https://mn.gov/doc/family-visitor/prea-policy/prea-links/

**OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT**

**Standard 115.61: Staff and agency reporting duties**

All Yes/No Questions must be answered by the Auditor to Complete the Report

### 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 person’s 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

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Instructions for Overall Compliance Determination Narrative

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Minnesota Department of Corrections Policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response mandates that all staff, contractors, and volunteers are required to immediately report any information regarding sexual abuse or sexual harassment or any staff neglect, action or violation that may contribute to an incident or an act of retaliation. The reporting is ordinarily made to the OIC but could also be made privately or to a third-party.

Policy requires the information concerning the identity of the alleged inmate victim and the specific facts of the case to be shared with staff who need-to-know because of their involvement with the victim’s welfare and/or the investigation of the incident. Medical and Mental Health staff were aware of their responsibilities to report allegation of sexual abuse or sexual harassment. Interviews with staff, and volunteers confirmed they were aware of their reporting duties. The facility has a check list for staff and supervisors to utilize to be certain that all information is private when an allegation of abuse or harassment is received by an inmate. Additional compliance with all aspects of the standard was verified through document and policy review. Most inmates that were interviewed indicated they felt comfortable reporting information to the shift supervisor. The facility houses offenders under the age of 18. Department of Corrections policy 320.120 Reporting Maltreatment of Minors mandates suspecting abuse or neglect of a minor must notify the appropriate social service authority.
Standard 115.62: Agency protection duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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)

Instructions for Overall Compliance Determination Narrative

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Minnesota Department of Corrections Policy 202.057 clearly state that if the DOC learns that an offender is subject to a substantial risk of imminent sexual abuse, it must take immediate action to protect the offender. This understanding was strongly stated and supported by all staff who were interviewed. Most stated that the protection of offenders was their highest priority. Most of the offenders interviewed that they had a great deal of trust in the staff to keep them safe. Staff interviewed stated their duties and responsibilities if they were aware of an inmate being subject to substantial risk. Staff stated they would act immediately to protect the inmate, including separating the inmates and alerting other staff of the situation. Additionally, staff provided steps they would take if they thought an inmate had been sexually abused such as separate inmates, secure the scene, protect possible evidence, not allow inmates to destroy possible evidence and contact their supervisor and medical staff.

In the previous 12 months there were one reported incidents of an inmate being subject to substantial risk of imminent sexual abuse. On this occasion the victim and predator were moved to the segregation unit. Compliance with this standard was verified through review of Policy, and interview with staff and PREA Compliance Manager. There has been one inmate found to be at a substantial risk within the last 12 months.

Standard 115.63: Reporting to other confinement facilities

All Yes/No Questions Must be answered by the Auditor to Complete the Report
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)

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Minnesota Department of Corrections Policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response states that upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Superintendent will notify the head of the facility or appropriate office of the agency or facility where the sexual abuse allegedly occurred. Policy requires such notification will occur as soon as possible and no later than 72 hours of receiving the allegation. Documentation is required of any such notification.
There has been one (1) allegation of an inmate being sexually abused while confined at another facility during the previous 12 months. The facility provided copies of memo forwarded the same day the information was provided by the offender during intake at the facility.

Compliance with this standard was verified by reviewing Policy, memos and interview with Intake staff and Lino Lakes Correctional Center PREA compliance manager and Warden.

**Standard 115.64: Staff first responder duties**

**All Yes/No Questions must be answered by the Auditor to Complete the Report**

**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)

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The facility operates under the Minnesota Department of Corrections Policy 202.057, “Sexual Abuse/Harassment Prevention, Reporting, and Response.” The Policy outlines duties, procedures and actions for first responders to an allegation of sexual abuse. The agency has developed a checklist to be utilized by staff to document first responder’s duties. The PREA training lesson plan outlines the duties and responsibilities for first responders and medical staff in the event an inmate is sexually abused. Inmates may report acts of sexual assault abuse, or harassment to any employee, contract employee, or volunteer.

Upon learning of an allegation that an inmate was sexually abused, if the responder is a correctional officer or other staff (1) Separate the alleged perpetrator and victim so that neither one can hear or see the other. (2) Remain with the victim to provide safety and support, and to ensure that the victim does not wash, shower, change clothes, or otherwise compromise physical evidence on his/her body prior to examination. (3) With the exception of health services staff and the watch commander, the staff receiving the report must initiate the First Responder Sexual Abuse Response Checklist. (4) Inform the watch commander/designee of the alleged sexual abuse. (5) Secure the crime scene. Take photographs as needed. (6) Complete a confidential incident report. (7) Forward the First Responder Sexual Abuse Response Checklist and confidential incident report to the watch commander.

In the past 12 months, there have been one (1) allegations that an inmate was sexually abused. Of this allegations the first security staff member responded to the report separated the alleged victim and abuser. In the past 12 months there was one (1) allegations staff were notified within a time period that still allowed for the collection of physical evidence. In the case staff preserved and protected any crime scene until appropriate steps could be taken to collect any evidence: (2) Requested 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: (3) Ensured 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. In this case the facility investigators had the forensic examination in order to forward to local police for investigations. This one occasion have been forwarded for prosecution. The case is ongoing.

Compliance was verified through review of policy, training plan, investigative files, first responder checklist and interviews with correctional (including first responder) and non-correctional staff.
Standard 115.65: Coordinated response

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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)

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Minnesota Department of Corrections Policy 202.057, “Sexual Abuse/Harassment Prevention, Reporting, and Response addresses requirements for a coordinated response plan. Lino Lakes has created a Sexual Abuse Response Team. The agency has developed and implemented a guide that includes all PREA related requirements for a proper Coordinated Response Plan. Included in this response plan is a checklist for staff to complete to ensure all areas of a coordinated response plan. Each facility is provided this template which directs that their facility specific information be included in the plan and thereafter published to facility staff. This plan addresses first responder duties, leadership duties, investigator duties, PREA manager duties, PREA Support Persons duties Mental Health and aftercare duties, and retaliation duties.

Interviews with staff and a review of Policy, coordinated response plan, review of investigative files, and the facility’s training plan confirmed compliance with this standard.

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

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report
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)*

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The agency’s master contract with AFSCME contains a provision allowing the agency to reassign any staff or place staff on administrative leave for up to twelve months pending the outcome of an investigation. The same provisions are applied for middle management, Nurses Association, State Residential Schools Education Association State Union 208. The Minnesota Association of Professional Employees requires agency notify staff and association of the reason after placement on administrative leave for more than thirty (30) days. Compliance was confirmed by review of updated Commissioner’s labor plan.

Standard 115.67: Agency protection against retaliation

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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

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<tr>
<th>115.67 (d)</th>
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<td>In the case of inmates, does such monitoring also include periodic status checks? ☒ Yes ☐ No</td>
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<td>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</td>
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<th>115.67 (f)</th>
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<td>Auditor is not required to audit this provision.</td>
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**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*)
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Minnesota Department of Corrections Policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response addresses the requirements of this standard. The policy specifically prohibits any type of retaliation to any inmate or staff member who has reported sexual abuse, sexual harassment or has cooperated with such investigations. Minnesota Department of Corrections has developed a computerized tracking system to provide documentation of staff being assigned to monitor for retaliation. The Shift Supervisor interviews all inmates involved in sexual abuse, harassment or reporting to
determine their safety and provides documentation of interview. The facility has designated PREA Support Person that monitors the conduct or treatment of inmates who have reported sexual abuse to insure any type of retaliation does not occur.

When interviewed, the Retaliation monitor stated they would document and follow up on all potential cases to ensure policy is being enforced. They will conduct periodic status checks on the frequency of incident reports, housing reassignments, program changes, any negative consequences for reporting abuse and negative performance reviews/staff job reassignments (all steps required of 115.67c). If there was a concern that there was the potential for possible retaliation, the PSP stated they would monitor the situation indefinitely. The monitoring of any type of retaliation will be done for at least 90 days or as long as needed to make sure the inmate is safe from retaliation or the inmate is transferred.

Policy outlines the protection measures available and requires the prompt remediation of any type of retaliation. Minnesota Department of Corrections has developed a designated form to be used when retaliation is being monitored. This document maintains all of the requirements established in the standard for agency protection against retaliation. A review of the PSP files and interview with the inmate and PSP confirmed substantiated compliance with this standard.

**Standard 115.68: Post-allegation protective custody**

*All Yes/No Questions Must Be Answered by the Auditor to Complete the Report*

**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)*

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Minnesota Department of Corrections policy 202.057, “Sexual Abuse/Harassment Prevention, Reporting, and Response.” mandates that the use of protective custody only if no other alternative means of protection is available, or if inmates request this level of protection. Following notice of activation, the facility SART leader must promptly take any action deemed necessary for the immediate safety needs of the alleged victim. Involuntary (administrative) segregation should only be assigned when another alternative cannot be found and must not exceed 30 days. There were no instances where protective custody or restrictive housing was used at this facility except on one occasion when the OIC advised two roommates were moved to segregation for less than 6 hours for inmate that made allegation about roommate during the midnight shift. Voluntary or involuntary restrictive housing requires weekly reviews by the casemanager. Compliance was confirmed by review of policy, segregation logbooks and interview with inmate who made allegation of harassment, sexual abuse, case manager supervisor, OIC and PREA compliance manager.

### INVESTIGATIONS

#### Standard 115.71: Criminal and administrative agency investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

**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
- 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

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Minnesota Department of Corrections Policy 202.057, “Sexual Abuse/Harassment Prevention, Reporting, and Response and Minnesota Department of Corrections 107.005 Office of Special Investigations mandates that all PREA incidents are promptly, thoroughly and objectively investigated. The Office of Special Investigations (OSI) investigates allegations of felony level criminal activity by offenders and assists law enforcement agencies with conducting criminal investigations involving employees, volunteers, contractors, and visitors within the department. When the facility conducts investigations, the agency uses investigators who have received specialized training in conducting sexual abuse investigations in a confinement setting.

The facility had 35 allegations of sexual abuse or sexual harassment. One of these allegations was for sexual abuse. The remaining allegations were for sexual harassment. A review of these allegations found that the allegations were investigated by staff of the rank of Lieutenant or higher. The investigations include interviews with victims, witnesses, and predator. The investigations were timely and thorough. However, the investigations did not include a finding. The agency has a policy that provides directives on how facilities should manage inmate on inmate allegations of sexual abuse that would provide guidance on compliance with the standard. The auditor discussed with the facility of complying with agency policy and retrain investigators. Minnesota Department of Corrections PREA coordinator provided guidance for PREA compliance manager and facility wardens on Minnesota Department of Corrections 202.057
Sexual Abuse/Harassment Prevention, Reporting, and Response section “Responding to reports of sexual harassment or staff sexual misconduct. The agency coordinator provided support in email indicating compliance with this standard.

OSI investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. Investigators interview alleged victims, suspected perpetrators, and any other possible witnesses. Investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator. The agency only conducts compelled interviews after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

Substantiated allegations of conduct that appear to be criminal are referred for prosecution. The credibility of an alleged victim, suspect or witness is assessed on an individual basis and is not determined by the person’s status as inmate or staff. The agency does not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth assessment device as a condition for proceeding with the investigation of such an allegation.

Criminal investigations are documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence. The agency retains all written reports pertaining to the administrative or criminal investigation of alleged sexual assault or for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

The agency does 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. When an outside entity investigates sexual abuse, the facility cooperates with outside investigators and endeavors to remain informed about the progress of the investigation. The facility identified one (1) case that rose to the level of criminal action that was transferred to Lino Lakes Police Department for prosecution. The investigation file was reviewed. It contains a memo from agency requesting additional information to prosecute the case.

Standard 115.72: Evidentiary standard for administrative investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report 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

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Does Not Meet Standard *(Requires Corrective Action)*

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Minnesota Department of Corrections policy 103.225 Employee Investigation and Discipline Administration, policy 107.005 Office of Special Investigations and Investigator training mandates 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.

**Standard 115.73: Reporting to inmates**

**All Yes/No Questions Must be answered by the Auditor to Complete the Report**

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

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☐ Does Not Meet Standard *(Requires Corrective Action)*

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conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Minnesota Department of Corrections policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response requires OSI to inform the offender of the findings of the investigation. Policy requires the OSI or Assistant Warden of Operations must notify the alleged victim of the outcome (once it has been determined), whether the allegations are substantiated, unsubstantiated, or unfounded. OSI provides the alleged victim relevant information if another agency conducted the investigation. OSI also informs the alleged victim regarding actions taken as a result of an allegation against another offender or staff.

Of these PREA-related allegations one (1) was allegations of abuse. In this case the inmate was provided information about the investigation updates. The investigation resulted in a criminal referral and final finding has not been determined.

Following an inmate’s allegation that a staff member has committed sexual abuse against him, unless the agency has determined that the allegation is unfounded or unless the inmate has been released from custody, the agency subsequently informs the inmate whenever the staff member is no longer posted within the inmate’s unit or the agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility. Following an inmate’s allegation that a staff member has committed sexual abuse, unless the agency has determined that the allegation is unfounded or unless the inmate has been released from custody, the agency subsequently informs the inmate whenever the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

Following an inmate’s allegation of sexual abuse by another inmate, the agency will 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. The agency documents all such notifications or attempted notifications through the use of computerized PREA Coordinators’ office has developed to provide on time documentation of all PREA related incidents, investigations, retaliation monitoring, notifications and review committee incident reviews. Compliance with this standard was verified through the review of Policy, completed forms and interviews with PREA Support Staff and PREA compliance manager and OSI investigator and offender victim.

### DISCIPLINE

**Standard 115.76: Disciplinary sanctions for staff**

**All Yes/No Questions must be answered by the Auditor to Complete the Report**

**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)*

**Instructions for Overall Compliance Determination Narrative**

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Minnesota Department of Corrections website provides all employees, contractors, and volunteers are expected to have a clear understanding that the department strictly prohibits any type of sexual relationship with an individual under the department’s supervision and considers such a relationship a
breach of the employee code of conduct. These relationships will not be tolerated. Mandatory staff training and offender education is provided to convey the expectation.

Minnesota Department of Corrections policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response mandate that offenders, staff, contractors, visitors, volunteers, or any other individuals who have business with the DOC are subject to disciplinary action and/or criminal sanctions, including dismissal or termination of contracted services, if determined to have engaged in sexual abuse/harassment/staff sexual misconduct of an offender. A violation of this policy may result in termination from the DOC.

Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) is 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. 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, will be reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies. Compliance with the standard was verified by review of appropriate policies, interviews with PREA Compliance Manager and Warden, and review of the Department’s website that includes related PREA information.

**Standard 115.77: Corrective action for contractors and volunteers**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

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)

Instructions for Overall Compliance Determination Narrative

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Minnesota Department of Corrections policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response mandates in compliance with the Prison Rape Elimination Act (PREA) standards, any contractor, physical plant contractor, or design team consultant who engages in sexual abuse must be prohibited from contact with offenders/residents. The individual must also be reported to law enforcement agencies and relevant licensing bodies, unless the activity was clearly not criminal. Designated facility staff must also take appropriate remedial measures and consider whether to prohibit an individual from further contact with offenders/residents, in the case of any other violation of agency sexual abuse or sexual harassment policies. Further, this information is provided to volunteers and contractors through the Volunteer and Contractor Training modules.

Contractors and volunteers sign a directive entitled Prison Rape Elimination Act of 2003 Acknowledgement Form. Compliance of this standard was confirmed through review of the Policy, training records of volunteers and contractors, review of volunteer files containing acknowledgement statements, and interviews with volunteer and contractors.

Standard 115.78: Disciplinary sanctions for inmates

All Yes/No Questions must be answered by the Auditor to Complete the Report

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
- 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*)

**Instructions for Overall Compliance Determination Narrative**

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.
Minnesota Department of Corrections 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response address offender disciplinary. Minnesota Department of Corrections published an Inmate Disciplinary Procedures that address the standard for compliance with PREA disciplinary sanctions for offenders. Information on inmate disciplinary sanctions is provided as part of the orientation process upon entry into the facility. Disciplinary handbook states that No offender shall request, solicit, or engage in consensual sexual behavior or consensual sexual contact, or be in a situation that gives evidence of such action. Sexual behavior includes, but is not limited to, kissing, embracing, hand holding, touching the intimate parts of another person, and exposing one’s intimate parts to another, and inappropriate masturbation. “Intimate part” means breast, penis, anus, buttocks, scrotum, or vaginal area, whether clothed or unclothed. No offender shall have nonconsensual sexual contact with another offender. This rule prohibits sexual contact if the victim does not consent, is coerced into such act by overt or implied threatening behavior, or is unable to consent or refuse. Inmates may be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact. The facility does not discipline inmates who make an allegation in good faith, even if an investigation does not establish evidence sufficient to substantiate the allegation. Interviews with investigators, psychologist and review of policy confirmed compliance with this standard.

MEDICAL AND MENTAL CARE

Standard 115.81: Medical and mental health screenings; history of sexual abuse

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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

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• 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)

Instructions for Overall Compliance Determination Narrative

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Minnesota Department of Corrections Policy 202.057 states that if through the screening process or a subsequent disclosure, staff learns information that indicates that an offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff must ensure that the offender is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. Once OSI is contacted, OSI meets with the victim within 72 hours and explains the investigation options.

The policy also states that any information related to prior sexual victimization or abuse that occurred in an institutional setting must be limited to medical and mental health practitioners, OSI, and other staff, as necessary, to inform treatment plans, security, and management decisions, including such examples as housing, bed, work, education, and program assignments. The evaluation and treatment of a victim
of prior sexual abuse/harassment or sexual misconduct includes follow-up services, a treatment plan, and referral for continued care following transfer to/placement in another facility. Referrals may also be provided when the offender is released from custody. When appropriate, staff refers the offender to appropriate community services such as a crisis center, support groups, mental health treatment, victim advocate services, and area law enforcement.

Minnesota Department of Corrections Behavioral Health Services has developed computerized screening, rescreening and an informed consent which requires inmate signing that they are aware of informed consent, unless the offender is under the age of 18. Medical and mental health provide consent from guardians prior to treatment of youthful offender.

Interviews with Mental Health and Medical administrator provided a seamless system for the treatment of inmates with history of victimization. Both medical and mental health information is shared from the time inmates enter into the Minnesota Department of Corrections, during screening upon arrival at Lino Lakes and after any referral from staff or OSI. The Mental Health staff provide follow-up meeting and develop a treatment plan as needed. Minnesota Department of Corrections has implemented an information memo that includes notification of Mental Health informed consent. Minnesota Department of Corrections 500.126 The Provision of Health Care to Juvenile Residents.

Compliance was confirmed through review of Mental Health referral documents, interviews with mental health and medical staff and facility staff.

**Standard 115.82: Access to emergency medical and mental health services**

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

**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)*

Instructions for Overall Compliance Determination Narrative

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Minnesota Department of Corrections Policy 202.057 states that if health services and mental health staff are not on duty, security staff or other first responders are required to first ensure the protection of the offender and then call the on-call medical provider, as soon as possible.

The security staff first responders will immediately notify the appropriate medical and mental health practitioners. Where medically appropriate the facility will ensure victims are offered timely information about and timely access to emergency sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. Policy 500.100 Offender Co-Payment for Health Services provides all treatment services will 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.

Regions Hospital, Saint Paul provides a Sexual Assault Nurse Examiner for conducting the medical forensic examination and provides medical care as required. Verification was confirmed by review of Policy, interviews with medical and mental health staff, and telephone conversations with the representative from the Victim advocate director and a Regions Hospital emergency room nurse.

**Standard 115.83: Ongoing medical and mental health care for sexual abuse victims and abusers**

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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**
Instructions for Overall Compliance Determination Narrative

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Minnesota Department of Corrections Behavioral Health Services has developed computerized screening, rescreening and an informed consent which requires inmate signing that they are aware of informed consent, unless the offender is under the age of 18. Minnesota Department of Corrections 500.126 policy The Provision of Health Care to Juvenile Residents requires guardian approval for treatment of juveniles.

Interviews with Mental Health and Medical administrator provided a seamless system for the treatment of inmates who have be victimized. The Mental Health staff provide follow-up meeting and develop a treatment plan as needed. Mental Health staff would continue to provide treatment and follow up services as required including provide information to mental health services and victim advocate if the inmate is released or transfer from the facility.

Minnesota Department of Corrections has a victim advocate that has education and training requirements to provide additional counseling and intervention when requested by an inmate who has been victimized.

Compliance was confirmed through review of Mental Health referral documents, interviews with mental health and medical staff and facility staff.

Compliance to the Standard was verified through review of policy, interviews with Nursing Supervisor and Clinical Psychologist.

DATA COLLECTION AND REVIEW

Standard 115.86: Sexual abuse incident reviews

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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)

Instructions for Overall Compliance Determination Narrative

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Minnesota Department of Corrections policy 202.057 Sexual Abuse/Harassment Prevention, Reporting, and Response addresses this standard and requires that each facility conduct a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded. The PREA agency office has developed and implemented an incident report tracking system. Each person responsible for a review of incidents provides a response to determine each area identified in this standard. The area in the facility where an incident allegedly occurred is assessed by the incident review team as to whether physical barriers in the area may enable abuse. Additionally, the review team assesses the adequacy of staffing levels in the area of the facility where a sexual abuse incident allegedly occurred, during different shifts. The review team also assesses whether monitoring technology should be deployed or augmented to supplement supervision by staff on each incident. A written report of the incident review team’s findings, including any recommendations for improvement is developed and submitted to the Warden and PREA coordinator.

The incident review team provided documentation of incident reviews, completed investigative information, findings of Incident Reports and documentation supporting implementations or reasons for not implementing recommendations. Compliance with this standard was determined through interviews with three incident review team members, a review of policy, and a review of incident review team reports.

Standard 115.87: Data collection

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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 inmates? (N/A if agency does not contract for the confinement of its inmates.)
  ☒ 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*)

Instructions for Overall Compliance Determination Narrative

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Minnesota Department of Corrections policy 102.050 Prison Rape Elimination Act - Data Collection, Review, and Distribution provides requirement that the PREA Office collects accurate, uniform data for every allegation of sexual abuse at facilities under the agency’s direct control using a standardized instrument and set of definitions. The PREA Office aggregates the incident-based sexual abuse data annually. The incident-based data 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.

The PREA Office maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. The PREA Office aggregated data from every other facility with which it contracts for the confinement of inmates. Upon request, the agency provides all such data from the previous calendar year to the Department of Justice no later than June 30. The facility PREA Compliance Manager provided copy of Annual PREA Report for January 2019 and information regarding the incident reporting computerized system. Compliance with this standard was also determined by a review of policy/documentation and staff interviews.

**Standard 115.88: Data review for corrective action**

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

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)*

**Instructions for Overall Compliance Determination Narrative**

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Minnesota Department of Corrections policy 102.050 “Prison Rape Elimination Act - Data Collection, Review, and Distribution address all requirement of data collection and use of data. The PREA Office reviews data collected and aggregated in order to assess and improve the effectiveness of sexual abuse prevention, detection, policies, practices, and training. The review of data encompasses identifying problem areas and taking corrective action on an ongoing basis. The agency has an annual report, including corrective actions for the facilities.

The agency’s annual report includes a comparison of the current year’s data and corrective actions with those from prior years and provides an assessment of the agency’s progress in addressing sexual abuse. The agency’s annual report is approved by the agency head and made readily available to the public through the agency’s website. The agency identifies 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. Minnesota PREA website was reviewed. PREA coordinator provided a copy of PREA Audit Report for 2018. Compliance with this standard was also determined by a review of policy/documentation and staff interviews.

**Standard 115.89: Data storage, publication, and destruction**

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report
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

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### 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)*

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### Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

PREA Office, is responsible for collecting and maintaining this data. The agency makes 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. The agency removes all personal identifiers before making aggregated sexual abuse data publicly available. The agency maintains 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.
# Standard 115.401: Frequency and scope of audits

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

## 115.401 (a)

- During the prior three-year audit period, 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? *(Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)* ☒ Yes ☐ No

## 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 inmates, residents, and detainees? ❌ Yes ☐ No

## 115.401 (n)
Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? ☒ Yes ☐ No

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All Minnesota Correctional facilities have received at least one PREA audit since August 20, 2012. At least one-third of all Minnesota Correctional facilities were audited during the one-year period after August 20, 2012. During the course of the facility audit, the Auditor toured the entire facility, was allowed to interview inmates and staff privately and was provided supporting documentation before and during the audit. Notifications of the audit were posted throughout the facility permitting inmates to send confidential letters to the Auditor prior to the audit. The facility provided a memo dated March 9, 2018.

**Standard 115.403: Audit contents and findings**

All Yes/No Questions must be answered by the Auditor to Complete the Report 115.403 (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

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Instructions for Overall Compliance Determination Narrative

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All PREA Audit Reports are maintained on the Agency’s website. This was verified through reviewing the website. The website can be reviewed through https://mn.gov/doc/family-visitor/prea-policy

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.

Auditor Instructions:

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission. ¹ Auditors are not permitted to submit audit reports that have

¹See additional instructions here: https://support.office.com/en-us/article/Save-or-convert-to-PDF-d85416c5-7d77-4fd6a216-6f4bf7c7c110.
been scanned.\textsuperscript{1} See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Robert Manville  

Auditor Signature  

May 2, 2019  

Date

\textsuperscript{1}See \textit{PREA Auditor Handbook}, Version 1.0, August 2017; Pages 68-69.