

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

Interim Final

Date of Report June 3, 2020

Auditor Information

Name: Darnel Carlson	Email: dmcarlson16@gmail.com
Company Name: <i>Click or tap here to enter text.</i>	
Mailing Address: P.O. Box 1201	City, State, Zip: Brainerd, MN 56401
Telephone: 218-831-9636	Date of Facility Visit: October 28-30, 2019

Agency Information

Name of Agency: Clay County Correctional Facility		Governing Authority or Parent Agency (If Applicable): Clay County Sheriff's Office	
Physical Address: 915 9th Avenue N		City, State, Zip: Moorhead, MN 56560	
Mailing Address: <i>Click or tap here to enter text.</i>		City, State, Zip: <i>Click or tap here to enter text.</i>	
Telephone: 218-299-5164		Is Agency accredited by any organization? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
The Agency Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for Profit	<input type="checkbox"/> Private not for Profit
<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> County	<input type="checkbox"/> State	<input type="checkbox"/> Federal

Agency mission: It is the mission of the Clay County Correctional Facility to efficiently and professionally provide a safe and secure environment for the visitors, volunteers, staff and inmates. The ultimate goal is the protection of the citizens of Clay County. The professionally trained staff are dedicated to the promotion of positive social, mental, spiritual and physical well-being of all inmates. Our Correctional Staff are committed to the principles of preserving a positive, humane and constitutionally operated atmosphere. By organizing and incorporating a behavior based classification system, the detainees are held accountable for their actions and conduct. Beneficial incentives for good behavior reward them with maximum access to programming. These programs are offered to encourage inmates to grow in a constructive, responsible direction to assist in rehabilitation and help them prepare for reintegration into the community.

Agency Website with PREA Information:

Agency Chief Executive Officer

Name: Mark Empting	Title: Sheriff
Email: Mark.Empting@co.clay.mn.us	Telephone: 218-299-5228

Agency-Wide PREA Coordinator

Name: Julie Savat

Title: Jail Administrator

Email: Julie.Savat@co.clay.mn.us

Telephone: 218-299-7350

PREA Coordinator Reports to:
Sheriff

Number of Compliance Managers who report to the PREA Coordinator 0

Facility Information

Name of Facility: Clay County Correctional Facility

Physical Address: 915 9th Avenue N Moorhead, MN 56560

Mailing Address (if different than above): Click or tap here to enter text.

Telephone Number: 218-299-5164

The Facility Is:

Military

Private for profit

Private not for profit

Municipal

County

State

Federal

Facility Type:

Jail

Prison

Facility Mission: It is the mission of the Clay County Correctional Facility to efficiently and professionally provide a safe and secure environment for the visitors, volunteers, staff and inmates. The ultimate goal is the protection of the citizens of Clay County. The professionally trained staff are dedicated to the promotion of positive social, mental, spiritual and physical well-being of all inmates. Our Correctional Staff are committed to the principles of preserving a positive, humane and constitutionally operated atmosphere. By organizing and incorporating a behavior based classification system, the detainees are held accountable for their actions and conduct. Beneficial incentives for good behavior reward them with maximum access to programming. These programs are offered to encourage inmates to grow in a constructive, responsible direction to assist in rehabilitation and help them prepare for reintegration into the community.

Facility Website with PREA Information: <https://claycountymn.gov/1433/PREA>

Warden/Superintendent

Name: Julie Savat

Title: Jail Administrator

Email: juliesavat@co.clay.mn.us

Telephone: 218-299-7350

Facility PREA Compliance Manager

Name: Click or tap here to enter text.

Title: Click or tap here to enter text.

Email: Click or tap here to enter text.

Telephone: Click or tap here to enter text.

Facility Health Service Administrator				
Name: Dr. Todd Leonard		Title: CEO – MEnD Correctional Care		
Email: tleonard@mendcare.com		Telephone: 320-774-1080		
Facility Characteristics				
Designated Facility Capacity: 192		Current Population of Facility: 128		
Number of inmates admitted to facility during the past 12 months				2964
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:				568
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:				Click or tap here to enter text.
Number of inmates on date of audit who were admitted to facility prior to August 20, 2012:				0
Age Range of Population:	Youthful Inmates Under 18: 0	Adults: 18-99		
Are youthful inmates housed separately from the adult population?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
Number of youthful inmates housed at this facility during the past 12 months:				0
Average length of stay or time under supervision:				8.98 days
Facility security level/inmate custody levels:				1 – Minimum; 2 – Medium ; 3 - Maximum
Number of staff currently employed by the facility who may have contact with inmates:				42
Number of staff hired by the facility during the past 12 months who may have contact with inmates:				5
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:				0
Physical Plant				
Number of Buildings: 1		Number of Single Cell Housing Units: 1		
Number of Multiple Occupancy Cell Housing Units:		6		
Number of Open Bay/Dorm Housing Units:		0		
Number of Segregation Cells (Administrative and Disciplinary):		4		
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.):				
<p>The Facility has video monitoring integrated into the security system. There are over 200 cameras throughout the facility with retention for a specified period. Clay County opened a new jail in October of 2018 with a new security system.</p>				
Medical				

Type of Medical Facility:	On-site clinic operated by MEnD Correctional Care – contracted service	
Forensic sexual assault medical exams are conducted at:	Sanford Hospital	
Other		
Number of volunteers and individual contractors, who may have contact with inmates, currently authorized to enter the facility:		24
Number of investigators the agency currently employs to investigate allegations of sexual abuse:		2

Audit Findings

Audit Narrative

The Prison Rape Elimination Act (PREA) on-site audit of the Clay County Correctional Facility located in Moorhead Minnesota was conducted October 28-30, 2019. Pre-Audit preparation included a thorough review of the Pre-Audit Questionnaire and all documentation and materials submitted by the facility. The documentation reviewed included agency policies, procedures, forms, educational materials, training curriculum, and other PREA related materials that were provided to demonstrate compliance with the PREA standards. This review prompted questions that were asked during the on-site audit. Answers to the questions were provided by the PREA Coordinator. The staff schedule and inmate roster were provided on the first day of the on-site audit. Audit notices were provided to the Clay County Correctional Facility 6 weeks before the audit. The audit notices were posted in visible areas throughout the facility. I did not receive any inmate correspondence throughout the audit process. The audit notices were still posted throughout the facility during the on-site audit.

During the three-day on-site audit, the auditor was provided space in the Sergeant's office to conduct confidential interviews with staff. The office was secured with a locked door and located within the secure perimeter of the jail. Inmate interviews were conducted in a small inmate classroom adjacent to a housing unit. Formal personal interviews were conducted with facility staff, inmates, volunteers, and contractors. 17 facility staff members were interviewed representing both shifts. Included in the facility staff member interviews were random staff, intake staff, intermediate-or-higher-level facility staff who conduct unannounced rounds, staff who perform risk screenings and investigative staff. Also interviewed was 1 volunteer and 2 contractors, a medical staff member, the Sheriff, the Chief Deputy, the Jail Administrator/PREA Coordinator. Additional interviews with the Jail Administrator included PREA Coordinator, administrative/HR staff, and agency contract administrator. Additional interviews with the Assistant Jail Administrator included the staff member charged with monitoring for retaliation and the incident review team member. Twenty-one inmates were interviewed which meets the required number of inmate interviews based on the jail population of 128 inmates. Included in the 20 inmate interviews were 18 random inmates, 1 inmate who reported sexual harassment and 1 inmate who disclosed being sexual abused during the risk screening. Personal files were reviewed to determine compliance with training mandates, background check procedures and on-going background checks every 5 years of staff and contractors. Inmate files were reviewed to evaluate screening and intake procedures. Also reviewed was inmate education documentation and acknowledgments. The Clay County Correctional Facility reported 3 allegations of substantiated, unsubstantiated, or unfounded reports of sexual abuse and sexual harassment. The Clay County Correctional Facility employs 51 full-time employees which include the Jail Administrator, Assistant Jail Administrator, 4 Sergeants, 1 Administrative Sergeant, 3 Programmers, 38 full-time correctional officers, 2 Court Officers and 1 work detail crew leader. Ten additional variable (part-time) employees are used to fill open shifts as needed. A facility tour was conducted by the Jail Administrator/PREA Coordinator. All areas of the facility were toured which included (jail administration, booking, master control, temporary laundry, medical, programs area, temporary staff breakroom, and 5 housing areas). The auditor observed location of cameras, staff supervision of inmates, placement of posters, PREA information resources, and security monitoring. The auditor observed toilets and sinks in each cell and private showers located in each housing area. The auditor was given access to all areas of the facility and talked to staff and inmates informally during walk-throughs of the facility during the visit.

Jail Administration has implemented a zero-tolerance for sexual abuse and sexual harassment that is supported by the Sheriff and Chief Deputy. Staff and inmates feel safe working and living in the facility. Staff were friendly, helpful, and understood their responsibilities in preventing, detecting, reporting, and

responding to sexual abuse and harassment in the facility. Staff and inmates were always made readily available to the auditor. The Administration of the Clay County Correctional Facility are dedicated to continuous improvement, managing staffing levels and fostering a culture of zero-tolerance of sexual abuse and harassment of inmates. The Sheriff, Chief Deputy and Jail Administrator were readily available during the on-site audit.

On January 4, 2016, the Clay County Correctional Facility was found in compliance with the PREA standards.

Facility Characteristics

The Clay County Correctional Facility is a class III facility under the Minnesota Department of Corrections (MNDOC) 2911 rules governing adult detention facilities in Minnesota. The Clay County Correctional Facility is provisionally licensed and inspected by the MNDOC to determine continued compliance with Minnesota Chapter 2911 rules governing adult detention facilities in Minnesota. ICE conducted an interim monitoring inspection. There were no deficiencies noted and facility staff members were commended on their dedication to duty. The Clay County Correctional Facility jail operations uses a combination of direct and indirect supervision of inmates.

Clay County has built a new facility since their last audit. The construction was completed in two phases. The first phase was completed on October 22, 2018 and the second phase was completed on February 20, 2020. Phase one was new construction and phase 2 was a remodel of a section of the original jail.

Phase two was not completed before the on-site audit. After completion, Clay County provided pictures of the areas completed in phase 2. The areas completed were the kitchen, laundry room, ITV room, visitation room, and the programs area.

The Clay County Correctional Facility is a one level building with a current design capacity of 192 inmates. There were 110 adult male and 18 adult female inmates in custody on the first day of the PREA audit. The Clay County Correctional Facility does not hold juvenile offenders. The Clay County Correctional Facility houses pre-trial and pre-sentence inmates and sentenced inmates for a time not to exceed any limits set by Minnesota Statutes.

The essential functions that include booking, master control, Sergeant's office, temporary laundry, program areas, gym, and medical are located off the main corridor. The Jail Administrator and Assistant Jail Administrator's offices are temporarily located in the law enforcement until the completion of the phase two construction. Inmate workers are used in the laundry room and cleaning the jail. Correctional staff conduct well-being checks and electronic surveillance to monitor the inmate workers. There are 6 housing areas, 1 – 60 bed two tier direct supervision unit with an adjacent room for inmate programs. 1 – two tier mental health unit with 2 separate floors and sound separation. The stairs to the second tier are located outside the housing unit. The unit has 18 single bunked cells and a program room adjacent to the unit. A raised officer desk in the hallway faces the mental health unit. 1 – 28 bed two tier double bunked unit which was unoccupied during the on-site audit. The program room adjacent to this unit was being used as a temporary laundry room. 1 – 16 bed two tier double bunked unit, 1 – 34 bed unit sectioned into 4 separate unit (1- 8 bed section, 2 – 4 bed sections, 1- 18 bed section) with a dayroom and 1 – 48 bed two tier unit. There is a male locker room and 2 change out rooms for inmates going out of the facility on work release programs and designated work release lobby equipped with video surveillance.

There are 8 holding cells in booking, 3 are individual cells and 1 cell is a transfer cell with a door on the booking side and secured vehicle sally-port side used for uncooperative intakes. Two special management units one unit has 3 individual cells off a small dayroom and the other unit has 2 individual cells off a small dayroom. Additionally, booking includes a large booking counter, a group holding area, an inmate change area, and a property storage room. There is a pre-book area between booking and the vehicle sally-port with 2 changing areas with showers.

The medical clinic has an inmate holding area, nurse's station with counter, nurse's office, medication storage room, a second office used by behavioral health staff, 2 exam rooms and 2 storage rooms. Master control is designed to oversee booking and the special management units.

The Clay County Correctional Facility contracts with Summit Food Service <http://summitfoodservice.com/> who provide contracted staff to prepare inmate meals. Meals are prepared off-site and delivered to the jail, placed in heating carts, and delivered by correctional staff to the housing units. Inmate workers will not be used in the kitchen after phase two is completed. Inmate workers are used in the laundry room and are responsible for cleaning linens, towels, and clothing for the facility. Inmate workers in the laundry are supervised by security staff, monitored via camera.

The Clay County Correctional Facility contracts with MEnD Correctional Care <https://mendcare.com/> to provide licensed medical and mental health professionals and health technicians to deliver healthcare and medications to the inmates. The medical clinic within the jail is set-up to provide emergent level treatment and triage. Inmates are transported to the emergency department or specialty appointments for advanced or specialized medical treatment.

The Clay County Correctional Facility has several program areas for inmates to use. During the on-site audit there was a temporary law library and gym. The Huber program is offered to inmates who are sentenced and approved to leave the facility, the Huber program gives inmates that qualify the opportunity to continue working for their employer during their incarceration. The Clay County Correctional Facility has an inmate work program that supplies inmate workers to work in laundry and clean inside the secured perimeter of the jail.

Programs are offered to inmates on a various set schedule. The jail offers religious programs, substance abuse programs, indoor recreation, anger management, parenting classes, and yoga.

The Clay County Correctional Facility uses a video visitation system to accommodate visits between inmates and their friends and family which are recorded. The jail has visitation kiosks for the public that will be in the main lobby of the jail.

Four staff members from the Lakeland Mental Health Center work at the Clay County Jail full-time Monday – Friday as part of The River Project. There are 2 practitioners that meet with inmates 1 on 1 to explain available services and work on helping inmates get services set-up in the community prior to their release. The practitioners also work with the County employee assigned to be the RAP Coordinator to coordinate services upon an inmate's release.

There are 2 therapists that provide counseling and one-on-one therapy with the inmates. The therapists work with MEnD Correctional Care to facilitate treatment for inmates. There is a weekly SCAB meeting attended by the Jail Administrator, Assistant Jail Administrator, Sergeant, and staff from Lakeland Mental Health Center to review new intakes and inmates with concerns. This auditor attended a SCAB meeting during the on-site audit and was impressed with the coordination of inmate care between Jail Administration, MEnD Correctional Care and the employees that form The River Project.

Summary of Audit Findings

During the past 12 months, the Clay County Correctional Facility reported three allegations of substantiated, unsubstantiated, or unfounded reports of sexual abuse and sexual harassment. The report included 1 substantiated allegation of inmate-on-inmate sexual harassment, 1 unfounded allegation of staff-on-inmate sexual assault and 1 unsubstantiated allegation of staff-on-inmate sexual harassment.

Interviews with inmates demonstrated they are provided PREA and understood the agency's zero-tolerance policy. During the intake process inmates are given information on the agency's zero tolerance policy. An inmate is given an inmate handbook and PREA brochure before being placed in a housing unit. The inmate handbook and PREA brochure outline the facility's zero-tolerance policy, how to report incidents of sexual abuse and sexual harassment, and additional educational information. Inmates interviewed reported feeling safe in the facility and believed that staff would respond to any report of sexual abuse or harassment.

Interviews with staff demonstrated initial and ongoing PREA training. Staff was knowledgeable about their responsibilities in detecting, preventing, reporting, and responding to sexual abuse and sexual harassment. Staff was able to articulate the different ways inmates and staff could report sexual abuse or sexual harassment and steps to follow if he/she were the first to respond to an incident. Staff expressed confidence that their administration takes all reports of sexual abuse and sexual harassment seriously and would investigate every allegation and would not tolerate any form of retaliation against staff or inmates. Staff reported feeling safe at work.

An interview was conducted with an inmate who reported sexual harassment of another inmate. The inmate who submitted the allegation reported the facility started an investigation within 24 hours. An interview was conducted with an inmate who disclosed sexual abuse during the risk screening. The inmate reported the facility offered medical and mental health care and was seen by medical

After a review of documentation, staff and inmate interviews, this auditor found the facility leadership promotes a culture of zero-tolerance for sexual abuse and sexual harassment started at the old facilities and carried over to the new facility.

The Clay County Correctional Facility exceeded zero standards; met 45 standards and zero standards were not met.

Number of Standards Exceeded: 0

000.00

Number of Standards Met: 45

115.11-115.89 115.401; 115.403

Number of Standards Not Met: 0

000.00

Summary of Corrective Action (if any)

115.18 -Phase two of construction was not completed before the on-site audit and was not able to be toured. The areas completed in phase two were the front lobby, kitchen, laundry room, ITV room, staff breakroom, and programs. Inmates will not be working in the kitchen; sections of the program area were completed but could not be used until the construction was completed. On May 26, 2020, the auditor was provided pictures of the completed project. The pictures provided showed different angles of the rooms and placement of cameras.

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*)

A. The Clay County Correctional Facility has implemented a zero-tolerance policy as detailed in the Prison Rape Elimination Act (PREA) policy #1.25.00 which comprehensively addresses the agency's approach to preventing, detecting, and responding to all forms of sexual abuse and sexual

harassment. The policy outlines prohibited behavior and contains the essential definitions outlined in the PREA standards. Policy #1.25.00 establishes the foundation for the agency's training efforts with inmates, staff, volunteers, and contractors.

B. The Clay County Correctional Facility has a designated PREA Coordinator, Julie Savat, Jail Administrator who reports to the Sheriff. The PREA Coordinator reports to have sufficient time and authority to develop, implement, and oversee the agency's efforts toward PREA compliance at the Clay County Correctional Facility. The appointment of an Agency PREA Coordinator is outlined in the PREA Policy #1.25.00.

C. Clay County operates one facility.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Jail Administrator Julie Savat (PREA Coordinator)

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 the confinement of inmates OR the response to 115.12(a)-1 is "NO".) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. This standard is not applicable. Clay County does not have any housing contracts with other agencies for the confinement of their inmates. If Clay County has a need in the future to house an inmate, the agency would use a PREA compliant facility.

B. This standard is not applicable.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #01.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Jail Administrator Julie Savat (PREA Coordinator)

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 ©

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

115.13 (d)

- Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? Yes No

- Is this policy and practice implemented for night shifts as well as day shifts? Yes No
- Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The Clay County Correctional Facility reports that the average daily population of the facility is 75.67. On the first day of the on-site audit there were 128 inmates in custody, the staffing plan is based on an average daily population of 155 inmates.

- A.** The Clay County Correctional Facility has a formalized, written staffing plan which includes considerations (1-11) in “a” of this standard and according to the rules and regulations set by the Minnesota Department of Corrections (MNDOC) (2911.0900).
- B.** The Clay County Correctional Facility does not deviate from its staffing plan. Part-time correctional officers or voluntary or mandated overtime would be used to maintain minimum staffing. The Clay County Correctional Facility reports zero deviations from the staffing plan.
- C.** The Clay County Correctional Facility’s PREA policy #1.25.00 requires the PREA Coordinator to review the staffing plan a minimum of once per year.
- D.** The Clay County Correctional Facility conducts and documents unannounced rounds on all shifts as outlined in PREA policy #1.25.00 and Supervisory Rounds policy #4.22.00. Facility policy prohibits staff from alerting other staff about unannounced rounds.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #01.25.00
- Clay County Correctional Facility Supervisory Round policy #4.22.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Review of the staffing plan
- Unannounced rounds review
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Interviews with Sergeants

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*)

The Clay County Correctional Facility does not house youthful inmates. There is a Juvenile Center located in Clay County, Minnesota. Minnesota State Statute prohibits housing youthful offenders in an adult facility when a juvenile facility is in the same County.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Jail Administrator Julie Savat (PREA Coordinator)

Standard 115.15: Limits to cross-gender viewing and searches

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*)

A. The Clay County Correctional Facility PREA policy #1.25.00 prohibits staff from conducting cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners. The Agency reports that in the past 12 months, there has been zero cross-gender strip or cross-gender visual body cavity searches of inmates. Also, in the past 12 months, there has been zero cross-gender strip or cross-gender visual body cavity searches of inmates that did not involve exigent circumstances or were performed by non-medical staff.

B. The Clay County Correctional Facility policy PREA #1.25.00 prohibits male staff from conducting pat-down searches of female inmates, absent exigent circumstances. The Agency reports that in the past 12 months, there has been zero pat-down searches of female inmates conducted by male staff. Also, in the past 12 months, there has been zero pat-down searches of female inmates that did not involve exigent circumstances. Random staff and inmate interviews verified there is always a female working and female inmates are always able to attend out of cell activities.

C. The Clay County Correctional Facility PREA policy #1.25.00 requires cross-gender searches to be documented. The Agency reports that it has conducted zero cross-gender strip searches of male or female inmates in the past 12 months. The Agency also reports zero cross-gender pat-down searches of female inmates by male staff in the past 12 months.

D. The Clay County Correctional Facility PREA policy #01.25.00 ensures inmates can shower, change clothing, and perform bodily functions with privacy. The policy and facility practice requires a staff member of the opposite gender to announce their presence when entering an inmate housing unit. Random staff and inmate interviews verify this as the policy and practice of the facility.

E. The Clay County Correctional Facility PREA policy #1.25.00 prohibits jail staff from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Random staff interviews confirmed this to be the facility's practice.

F. The Clay County Correctional Facility reports that 100 percent of their staff have been trained to conduct cross-gender pat-down searches and searches of transgender/intersex inmates in a professional and respectful manner. Staff was able to explain and/or demonstrate the pat-down search training they received.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Random staff interviews
- Random inmate interviews
- Training curriculum and training records

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

- A.** The Clay County Correctional Facility ensures key information about the Prison Rape Elimination Act (PREA) is continuously and readily available or visible to inmates through posters, inmate handbook, PREA brochure, and the kiosk. The facility utilizes Language Line Translation Services and ASLIS Hearing Impaired Sign Language Services. The ASLIS application is installed on an iPad Pro for inmate use. The facility has a TTY and amplified phone for deaf and hard of hearing inmates. Allowing disabled and limited English proficient inmates equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and harassment.
- B.** The Clay County Correctional Facility utilizes the Language Line, ASLIS Hearing Impaired Sign Language Services, Spanish version of the inmate handbook and other documents to provide inmates with limited English proficiency equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and harassment.
- C.** The Clay County Correctional Facility PREA policy #1.25.00 prohibits using inmate interpreters except in limited circumstances where a delay in obtaining an interpreter could compromise inmate safety.

During the on-site audit, there were zero inmates with disabilities or limited English proficient inmates in custody. The Clay County Correctional Facility reports there have been zero instances in the past 12 months, of inmate interpreters, readers, or another type of inmate assistant used to assist in first responder's duties, or the investigation of the inmate's allegations.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Clay County Correctional Facility Deaf and Hard of Hearing policy #6.28.00
- Clay County Correctional Facility Interpreters policy #6.29.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem
- Random staff interviews
- Language line contact information
- ASLIS Contract
- Preferred Communication Aid Form

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 check 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*)

A. The Clay County Correctional Facility PREA policy #1.25.00 prohibits the hiring or promotion of anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who has the prohibited conduct specified in paragraph "a" (1-3) of this standard.

B. Any incidents of sexual harassment will be considered in determining whether to hire or promote anyone or to enlist the services of any contractor, who may have contact with inmates. Clay County Correctional Facility PREA policy #1.25.00

C. The Clay County Correctional Facility PREA policy #1.25.00 states before hiring new employees who may have contact with inmates, the Clay County Correctional Facility shall perform a criminal background records check. A criminal background record check is performed through the Minnesota Bureau of Criminal Apprehension (BCA) which includes local, State, Federal, and predatory offender registers.

D. The Clay County Correctional Facility will perform a criminal background records check through the Minnesota Bureau of Criminal Apprehension (BCA) which includes local, State, Federal, and predatory offender registers before enlisting the services of any contractor who may have contact with inmates.

E. The Clay County Correctional Facility policy #1.25.00 states criminal background checks will be conducted every five years on current employees and contractors who may have contact with inmates. This information was verified during the interview with the Sheriff and PREA Coordinator.

F. The Clay County Correctional Facility asks about misconduct outlined in paragraph "a" of this standard as part of the background check for hiring or promoting employees. The employees of the Clay County Correctional Facility do not complete annual self-evaluations. Policy does require employees to disclose any misconduct outlined in paragraph "a" of this standard. Employees also sign a Code of Conduct Form.

G. The Clay County Correctional Facility PREA policy #1.25.00 outlines the requirement of this standard.

H. The PREA Coordinator confirmed during an interview that information would be shared about previous employee misconduct if requested and not prohibited by law.

The facility reports that in the past 12 months, 5 persons hired who may have contact with inmates received criminal background records checks.

The facility reports that in the past 12 months, there was 9 contract for services where criminal background record checks were conducted on all staff covered in the contract who might have contact with inmates.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Review of criminal record background checks
- Employee Code of Conduct Form

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*)

A. Since the last PREA Audit, the Clay County Correctional Facility built a new jail in 2 phases. Phase 1 opened on 10/22/18 and phase 2 opened on 02/20/20. New building construction was completed in phase 1 and a section of the old facility was remodeled in phase 2. Phase 1 construction included booking, a section of programs, medical area and inmate living units. The new facility design, placement of cameras, and approved staffing levels allows the agency to protect inmates from sexual abuse.

B. The Clay County Correctional Facility opened a new facility on 10/22/18 with a new security system. Protecting inmates from sexual abuse was considered during set-up and placement of cameras.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Tour of new facility

Corrective Action Required:

Phase two of the construction was not completed before the on-site audit and was not able to be toured. The areas completed in phase two were the front lobby, kitchen, laundry room, ITV room, staff breakroom, and programs. Inmates will not be working in the kitchen; sections of the program area were completed but could not be used until the construction was completed.

Verification of Corrective Action Required:

On May 26, 2020, the auditor was provided pictures of the completed project. The pictures provided showed different angles of the rooms and placement of cameras.

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*)

- A.** The Clay County Sheriff's Office conducts sexual abuse and harassment criminal investigations and the Clay County Correctional Facility conducts administrative sexual abuse and harassment investigations.
- B.** The Clay County Sheriff's Office Sexual Assault Investigations policy outlines the protocol for conducting sexual abuse investigations. The investigator interviewed who conducts criminal investigations was able to explain the investigatory protocols used for conducting criminal sexual abuse and harassment investigations at the facility.
- C.** Forensic medical examinations will be conducted at Sanford Medical Center located in Fargo, North Dakota <https://www.sanfordhealth.org/locations/sanford-medical-center-fargo> Sanford Health has 24/7 Sexual Assault Nurse Examiner (SANE) coverage. Sexual abuse victims transported from the jail are treated the same as someone from the community would be treated. Treatment services would be provided without financial cost to the victim.
- D.** The Clay County Correctional Facility has a signed Memorandum of Understanding (MOU) to provide victim support services with Rape and Abuse Crisis Center <https://www.raccfm.com/> At the request of a victim, an advocate will accompany the victim through the forensic medical examination and investigatory interviews. These services would also provide emotional support, crisis intervention and information.
- E.** The signed MOU between the Clay County Correctional Facility and the Rape and Abuse Crisis Center <https://www.raccfm.com/> agrees to provide victim advocate services and emotional support services to inmate victims of sexual abuse.
- F.** The Clay County Sheriff's Office conducts the criminal investigations into allegations of sexual abuse.

The Clay County Correctional Facility reported zero forensic medical examinations conducted in the past 12 months.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Rape and Abuse Crisis Center <https://www.raccfm.com/>
- Random staff interviews
- Interview with an Investigator
- Interview with Jail Administrator Julie Savat (PREA Coordinator)

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*)

A. The Clay County Correctional Facility reported that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The Agency reported receipt of 4 allegations of sexual abuse and sexual harassment during the past 12 months.

B. The Clay County Correctional Facility PREA policy #1.25.00 ensures that allegations of sexual abuse or harassment are referred for investigation. The Agency publishes their policy regarding the referral of allegations of sexual abuse or harassment for criminal investigations on its website. <https://claycountymn.gov/1433/PREA>

C. This paragraph is not applicable, the Clay County Sheriff's Office conducts criminal investigations.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Clay County website: <https://claycountymn.gov/1433/PREA>
- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem
- Interview with an investigator

TRAINING AND EDUCATION

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

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. The Clay County Correctional Facility PREA policy #1.25.00 outlines the training topics all employees who have contact with inmates receive training on preventing, detecting, and responding to sexual abuse and sexual harassment of inmates. All staff have received training on the eleven topics listed in paragraph "a" of this standard.

B. The training was designed for the unique needs of the inmates in the facility to include cross-gender supervision and respectful searching techniques. The Clay County Correctional Facility operates one building which houses adult male and female inmates.

C. The Clay County Correctional Facility provides all employees training on the Prison Rape Elimination Act (PREA) during orientation and annually thereafter.

D. The Agency documents all training, employees are required to sign an acknowledgment of receipt and understanding of training.

The Clay County Correctional Facility uses PREA Training developed by the Minnesota Sheriff's Association. The training covers all topics outlined in paragraph "a" of this standard. Training also includes reading the PREA policy.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- PREA Training Plan
- Training records review
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Random staff interviews

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*)

- A.** The Clay County Correctional Facility trains all volunteers and contractors who have contact with inmates on their responsibilities regarding sexual abuse and sexual harassment of inmates. The contracted medical provider MEnD Correctional Care provides their employees PREA training every two years on the eleven topics outlined in paragraph “a” in standard 115.31. Refresher information is provided to MEnD contract employees in years which employees do not receive refresher training. Refresher information includes review of the PREA policy and articles relevant to preventing, detecting, and responding to sexual abuse and sexual harassment. The contracted food service provider Summit Food Service provides training for their employees every two years on the eleven topics outlined in paragraph “a” in standard 115.31. Summit provides quarterly staff training on topics related to the food service industry and PREA. The Summit contracted food service employees do not have direct one-on-one contact with inmates. Inmate meals are prepared off-site and delivered to the facility. Jail staff supervise distribution of the meal trays.
- B.** The programmer facilitates volunteer training. The programmer meets with new volunteers, the volunteers are required to complete a volunteer packet, sign a data practices form, review facility PREA information, satisfactorily complete a PREA test, and successfully pass a criminal background check. Volunteers are provided information on applicable jail rules and regulations, general expectations of volunteers, the lines of authority, responsibility, and accountability for volunteers.
- C.** The Agency documents all training, volunteers and contractors are required to sign an acknowledgment of receipt and understanding of their training. MEnD Correctional Care requires their employees to sign an acknowledgement training. Summit Food Service requires their employees to sign an acknowledgement of training.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Signed PREA acknowledgment forms for volunteers
- Volunteer Handbook
- PREA training materials for volunteers
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Interview with the facility programmer
- Random interviews with volunteers
- Random interviews with contracted employees
- MEnD PREA Training Curriculum
- Summit Food Service Training Curriculum

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

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. The Clay County Correctional Facility reports that 2964 inmates have been admitted in the past 12 months and 568 of those inmates' length of stay was for 30 days or more. Inmates are provided with the agency's PREA Notice that outlines the Clay County Correctional Facility's zero-tolerance policy and how to report incidents or suspicions of sexual abuse and harassment during the booking process. Intake staff and inmate interviews confirmed this information is provided at intake. Inmates are given a PREA brochure and an inmate handbook before being assigned to housing. The handbook contains more comprehensive PREA education information.

B. Within 30 days supervisory staff has an initial review with each inmate to go over PREA education materials including how to report incidents or suspicions of sexual abuse or harassment; right to be free from sexual abuse and harassment and to be free from retaliation for reporting incidents; and the agency's policies and procedures for responding to allegations of sexual abuse or harassment. Inmates are issued a card during the booking process to access kiosks located in each housing unit. As part of the initial sign-on inmates are required to read and acknowledge the facility's PREA education information. Every 30 days thereafter, inmates are required to read and accept the PREA education information. There is an inmate handbook tab and PREA education tab on the kiosk always available to the inmates. Interviews with random staff and inmates confirmed inmates are given a PREA Notification during the booking process a PREA brochure and inmate handbook containing PREA education information.

C. The Clay County Correctional Facility provides every inmate with PREA education.

D. The Clay County Correctional Facility has a Spanish version of the inmate handbook and PREA brochures available. PREA training is available for the visually impaired, limited English proficient, deaf, or hard of hearing, or limited reading skills. Interpretive services are available for limited English speaking or deaf or hard of hearing inmates. A verbal orientation by a staff member will be provided for inmates that have limited reading skills.

E. Upon completion of the initial meeting with supervisory staff, the inmate signs an acknowledgment confirming receipt and understanding of the PREA training.

F. Key information about PREA is continuously and readily available or visible through posters throughout the facility, PREA brochure, kiosks located in the housing units, and the inmate handbook.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Inmate Handbook
- PREA posters displayed throughout the facility
- PREA brochure
- Clay County
- Interviews with intake staff
- Interviews with random inmates
- Interview with supervisory 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.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. The Clay County Correctional Facility PREA policy #1.25.00 outlines the requirement that all investigative staff receive specialized investigation training. The Clay County Correctional Facility has 1 trained investigator who completed the National Institute of Corrections online training with 10 years of law enforcement experience and 6 years in the position of Assistant Jail Administrator. The licensed investigator assigned to investigate criminal complaints in the jail has received specialized training to conduct adult and juvenile sexual assault cases. The licensed investigator has over 15 years working in law enforcement and has been an investigator for 3 years. The investigator interviewed demonstrated knowledge of conducting administrative investigations of sexual abuse or assault in a confinement setting.

B. The specialized training includes all the topics listed in paragraph “b” of this standard.

C. Training documentation is maintained for all employees that have completed specialized investigative training in confinement settings.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem
- Interview with the Assistant Jail Administrator (Administrative Investigator)
- Training documentation
- Incident report

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

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. The contracted medical provider MEnD Correctional Care provides PREA training and intervention training for the Medical Provider, Mental Health Provider and Registered Nurse who work in the facility. An interview with a registered nurse confirmed receipt of training and understood her responsibilities for detecting, responding, and reporting sexual misconduct.

B. This paragraph is not applicable, forensic medical examinations are conducted at a community hospital.

C. The training is documented, and copies were provided.

D. MEnD Correctional Care employees receive full training outlined in paragraph “a” of this standard through MEnD Correctional Care during initial orientation and every other year thereafter. The Agency provides training to MEnD employees on its zero-tolerance policy and facility-related procedures.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit questionnaire submitted by the Agency
- MEnD Correctional Care PREA training and intervention policy
- Signed acknowledgments and certificates of training
- Interview with nursing 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

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

- A.** The Clay County Correctional Facility Inmate PREA policy #1.25.00 and PREA Screening for Risk policy #06.19.00 states all inmates will be screened during intake using an objective screening instrument for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
- B.** Policy #1.25.00 and policy #06.19.00 states the intake screening will generally take place within 72 hours. Interviews with staff who perform risk screenings and randomly selected inmates Interviews with staff who perform risk screenings and random inmates verified screenings were completed within 72 hours. Generally, the risk screenings were completed within 24 hours of intake.
- C.** The Clay County Correctional Facility uses a comprehensive assessment tools (different screenings for female and male inmates) to determine if the inmate is a likely victim or predator.
- D.** The assessment tool Clay County uses considers the criteria outlined in paragraph “d” of this standard.
- E.** The assessment tool does takes into consideration prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse as known to the agency.
- F.** The Clay County Correctional Facility PREA policy #1.25.00 and PREA Screening for Risk policy #06.19.00 requires an inmate be reviewed within 30 days from the inmate’s arrival. The 30-day review will consider any new information obtained since the time of intake about possibilities for sexual victimization or abusiveness.
- G.** The Clay County Correctional Facility PREA policy #1.25.00 and PREA Screening for Risk policy #06.19.00 requires an inmate’s risk level be reassessed when any new information that bears on the inmate’s risk of sexual victimization or abusiveness.
- H.** The Clay County Correctional Facility PREA policy #1.25.00 and PREA Screening for Risk policy #06.19.00 states inmates will not be subject to discipline for refusing to answer, or for not disclosing complete information in response to the risk screening.
- I.** The inmates risk screenings are securely stored; completed assessment forms are stored in a PREA box which is delivered to Jail Administration.
- J.** Interviews with staff responsible for risk screening demonstrated training, understanding and knowledge of the risk screening content. Random interviews with inmates who reported being incarcerated in Clay County stated they were asked the questions every time they were booked into jail.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Clay County Correctional Facility PREA Screening for Risk policy #06.19.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interviews with staff responsible for risk screening.
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Interviews with randomly selected inmates

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*)

A. The Clay County Correctional Facility PREA policy #1.25.00 and PREA Screening for Risk policy #06.19.00 outlines the procedures to follow for classification of inmates for managing and separating inmates based on information gathered through the classification process to ensure

appropriate housing and any necessary security or protective precaution to help protect inmates. Interviews with the PREA Coordinator and staff responsible for risk screening verified that the safety and security of inmates, staff, and visitors is their highest priority.

B. The Clay County Correctional Facility Inmate PREA policy #1.25.00 outlines the agency's approach to making individualized determinations about how to ensure the safety of each inmate. The primary classification considers (age, sex, offense, the risk of escape, current physical conditions, safety risk, prior charge history, current behavior, and keep separates.)

C. The Clay County Correctional Facility PREA policy #1.25.00 considers housing and program assignments for transgender or intersex inmates on a case-by-case basis. The interview with the PREA Coordinator confirmed each placement of transgender or intersex inmates is determined on a case-by-case basis.

D. Transgender and intersex inmates' classification and placement would be reassessed at least twice each year. The facility reports that transgender and intersex inmates' classification and placement would generally be reassessed at least every 30-days.

E. The Clay County Correctional Facility PREA policy #1.25.00 states a transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration.

F. All the showers in the facility are private

G. The Clay County Correctional Facility is not under a consent decree, legal settlement, or legal judgment to place lesbian, gay, bisexual, transgender, or intersex inmates in a dedicated unit.

There were not any transgender or intersex inmates being housing at the facility during the on-site PREA Audit.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility Inmate Classification policy #516
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Interviews with staff responsible for risk screening

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*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. The Clay County Correctional Facility PREA policy #1.25.00 prohibits placing inmates at high risk for sexual victimization in involuntary segregated housing unless other alternatives are not available. Inmates may be administratively segregated for less than 24 hours while an assessment is completed. The PREA Coordinator confirmed that protective custody inmates would have the same opportunities as the general population units.

B. The PREA Coordinator confirmed that inmates have access to programs, privileges, education, and work opportunities and any restrictions would be documented. Minnesota Department of Corrections 2911.2800 rules for licensure requires a deprivation report about the item or activity that was restricted.

C. An inmate at high risk for sexual victimization will be placed in involuntary protective custody only until an alternative means of separation can be arranged, not ordinarily more than 30 days. Adherence to this policy was confirmed in the interview with the PREA Coordinator.

D. If an inmate is placed in involuntary protective custody, the Jail Administrator or designee will document the basis for any safety concerns and why no alternative means of separation can be arranged.

E. The Jail Administrator or designee reevaluates inmates classified as protective custody on a weekly basis as part of the classification process.

The facility reports that in the past 12 months, there have been zero inmates placed in involuntary protective custody for 1 to 24 hours awaiting completion of an assessment. The facility reports that in the past 12 months, there have been zero inmates placed in involuntary protective custody for longer than 30 days waiting for alternative placement.

During the on-site PREA Audit, there were zero inmates at risk of sexual victimization or alleged to have suffered abuse being housed in involuntary protective custody.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy 1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Jail Administrator Julie Savat (PREA Coordinator)

REPORTING

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*)

A. The Clay County Correctional Facility provides inmates multiple internal ways to report sexual abuse and harassment, retaliation, and staff neglect. Inmates receive information about reporting during intake, PREA brochure, inmate handbook, PREA education tab on kiosk and through visible information posted in common areas of the jail. The reporting methods include request forms, verbal reporting, anonymous reports, contacting Rape and Abuse, and third-party reporting. Interviews with randomly selected staff and inmates established staff know and understand their responsibility to report and inmates were informed of the options available to make a report of sexual misconduct.

B. The Clay County Correctional Facility has a signed Memorandum of Understanding with Rape and Abuse Crisis Center in Moorhead, Minnesota <https://www.racfm.com/> to act as an outside third-party reporting agency for inmates. Contact information for this agency is listed in the inmate handbook, PREA brochure and throughout the facility. These telephone numbers are programmed into the inmate telephone system as a free call. Interviews with randomly selected inmates verified knowledge of telephone numbers available if needed. The Clay County Correctional Facility provides Foreign Consulate phone numbers and addresses which is outlined in the inmate handbook.

C. The Clay County Correctional Facility policy #1.25.00 requires staff to accept reports of abuse or harassment made verbally, in writing, anonymously, and from third parties and promptly document any verbal reports. Interviews with randomly selected staff verified knowledge and understanding of their responsibility to accept reports and would document verbal reports right away. Interviews with randomly selected inmates confirmed their knowledge of how to reports incidents of sexual misconduct. Inmates were asked if they thought the Agency would take their report of sexual abuse or harassment seriously; the inmates' response was "yes".

D. Staff may privately report sexual abuse and harassment of inmates to their supervisor, any member of jail administration or the Rape and Abuse Crisis Center.

Interviews with randomly selected staff confirmed confidence that their administration takes all reports of sexual abuse and harassment seriously and all reports would be investigated.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Interviews with randomly selected staff
- Interviews with randomly selected inmates
- Posters
- Inmate Handbook
- PREA brochure

- MOU between the Clay County Jail and the Rape and Abuse Crisis Center

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*)

The Clay County Correctional Facility reports there has been 1 grievance and zero emergency grievances filed alleging sexual abuse or sexual harassment in the past 12 months.

- A.** The Clay County Correctional Facility has a formalized grievance process which is outlined in the Inmate Grievances policy #5.25.00 and the PREA policy #1.25.00. An inmate handbook is provided to the inmates and outlines the grievance process procedure.
- B.** The Clay County Correctional Facility Inmate Grievances policy #6.25.00 references the PREA policy #1.25.00 that ensures inmates are not required to use an informal grievance process, or otherwise attempt to resolve with staff, an alleged incident related to sexual abuse. There is no time limit on when an inmate can submit a grievance for allegations of sexual abuse or sexual harassment.
- C.** The Clay County Correctional Facility PREA policy #1.25.00 ensures an inmate who alleges sexual abuse will not be required to submit a grievance to a staff member who is the subject of the complaint.
- D.** A final agency decision will be issued within 90 days of the initial filing submitted by an inmate claiming sexual abuse or harassment. The Clay County Correctional Facility may utilize an extension of time to respond, up to 70 days, if the normal time-period for response is insufficient to make an appropriate decision. The inmate will be notified in writing of any such extension.
- E.** The facility allows third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates to assist inmates in filing requests for administrative remedies for allegations of sexual abuse and harassment and file a request on behalf of the inmate.
- F.** Emergency grievances are permitted if an inmate is subject to a substantial risk of imminent sexual abuse. Upon receipt of an emergency grievance alleging imminent sexual abuse, the grievance will be immediately forwarded to the on-duty Sergeant or Lead Worker to determine whether immediate

action is reasonably necessary. An initial response will be provided within 48 hours and an agency decision will be provided within 5 calendar days.

- G.** The agency policy states disciplinary action may be taken against the inmate if it is demonstrated that the inmate filed the request or grievance in bad faith.

On the dates of the on-site audit, there was one inmate who reported sexual harassment in custody. An interview was conducted with the inmate who reported sexual harassment of another inmate. The inmate who submitted the allegation reported the facility started an investigation within 24 hours.

Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility Inmate Grievances policy #06.25.00
- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Inmate Handbook
- Official Inmate Grievance Initial Review Response
- Inmate who reported sexual harassment

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*)

A. The Clay County Correctional Facility has entered into an ongoing Memorandum of Understanding (MOU) for collaborative services with Rape and Abuse Crisis Center located in Moorhead, Minnesota <https://www.raccfm.com/>. Contact information for these services are provided in the inmate handbook, PREA brochure, inmate kiosk and posted throughout the jail. Contact information for immigrant services agencies is posted in the inmate handbook. Calls to Rape and Abuse Crisis Center and immigrant services agencies are free, private telephone calls.

B. There are posted telephone numbers in the inmate handbook and PREA brochure that inmates can call free of charge using the inmate telephone system. Interviews with randomly selected inmates indicated knowledge of the free, private numbers or where they could find the numbers if needed.

C. The Clay County Correctional Facility maintains a copy of the MOU for collaborative services with the Rape and Abuse Crisis Center <https://www.raccfm.com/>

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Inmate Handbook
- PREA brochure
- MOU between the Clay County Jail and the Rape and Abuse Crisis Center
- Clay County website: <https://claycountymn.gov/1433/PREA>
- Interviews with randomly selected inmates
- Random staff interviews

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

- The Clay County Correctional Facility has a method for receiving third-party reports of sexual abuse or harassment of inmates from third parties. Information on how to report is posted on the Agency’s website <https://claycountymn.gov/1433/PREA> Reporting options available are reporting directly to the Jail Administrator during business hours; contacting the jail and requesting to speak with a shift supervisor, calling the Clay County Sheriff’s Officer or calling the Rape and Abuse Crisis Center.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Clay County Correctional Facility website: <https://claycountymn.gov/1433/PREA>
- MOU between the Clay County Jail and the Rape and Abuse Crisis Center
- Inmate handbook, PREA brochure and posted material

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 persons' statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? Yes No

115.61 (e)

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

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. The Clay County Correctional Facility PREA policy #1.25.00 outlines the procedures and expectation that any staff member who becomes aware of an incident of sexual abuse, harassment, or retaliation against staff or inmates shall immediately notify their supervisor. Interviews with randomly selected staff verified receipt of training and understood their responsibility to report. Staff reported they trusted their administration to take every allegation seriously and all allegations would be investigated.

B. Apart from reporting to those who have a legitimate need to know, the Clay County Correctional Facility PREA policy #1.25.00 prohibits staff from sharing any information related to the reported sexual abuse or harassment except to those who have a legitimate need to know. Interviews with randomly selected staff verified they would report any information to their immediate supervisor or a member of administration if their supervisor were not available.

C. Interview with medical staff confirmed their knowledge of their duty to report. Questions related to sexual abuse are asked when the initial medical screening is conducted. Prior to asking these questions, medical staff explains to the inmate their duty to report.

D. The Clay County Correctional Facility would report the allegation to the appropriate authorities if the alleged victim is under 18 or considered a vulnerable adult.

E. The Clay County Correctional Facility reports all allegations of sexual abuse and sexual harassment to the designated facility investigator. During her interview, the PREA Coordinator was clear that all allegations of sexual abuse and sexual assault would be investigated.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Interviews with medical staff
- Interviews with randomly selected staff
- Inmate medical screening form
- Inmate follow-up referral form

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*)

The Clay County Correctional Facility reports that in the past 12 months, there have been zero instances where the facility determined an inmate was subject to a substantial risk of imminent sexual abuse. Interviews with the PREA Coordinator and randomly selected staff verified immediate action would be taken to protect the inmate.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency

- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Interviews with randomly selected staff

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*)

A. The Clay County Correctional Facility PREA policy #1.25.00 states upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Jail Administrator or designee will notify the facility head where the alleged abuse occurred within 72 hours and document the notification in an incident report.

B. PREA Policy #1.25.00 the Jail Administrator or designee will notify the facility head where the alleged abuse occurred within 72 hours.

C. PREA policy #1.25.00 states the notification will be documented in an incident report.

D. PREA policy #1.25.00 ensures that any allegations received from other facilities are investigated.

The Clay County Correctional Facility reports that there have been zero allegations of sexual abuse the facility received from another confinement facility.

The Clay County Correctional Facility reports that there have been 2 allegations the facility has received that an inmate was abused while confined at another facility.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Notification reports

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*)

The Clay County Correctional Facility reports in the past 12 months, there have been zero allegations that an inmate was sexually abused. In the past 12 months, there have been zero allegations where a staff member was notified within a time that still allowed for the collection of physical evidence.

A. The Clay County Correctional Facility PREA policy #1.25.00 details the duties of the first security staff member to respond.

A security staff first responder is required to:

- Separate the alleged victim and abuser;
- Preserve and protect the crime scene;
- If appropriate, request the alleged victim not destroy evidence (as detailed in this standard);
- If appropriate, ensure the alleged abuser not destroy evidence (as detailed in this standard)

B. If the first responder is not a corrections officer, policy #1.25.00 states the responder shall be required to request that the alleged victim not take any action that could destroy evidence (as detailed in this standard) and then immediately notify security staff.

Interviews with randomly selected staff and non-security staff members showed they understood their duties as a first responder to the alleged victim and their duties as it relates to the alleged abuser.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interviews with randomly selected staff
- Interviews with medical staff
- First Responder Sexual Assault Checklist
- On Duty Supervisor – Sexual Assault Response Checklist

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*)

The Clay County Correctional Facility has developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse. The plan outlines responsibilities among staff first responders, medical practitioners, investigators, and facility leadership.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Coordinated response plan
- First Responder Sexual Assault Checklist
- On Duty Supervisor – Sexual Assault Response Checklist
- Interview with Jail Administrator Julie Savant (PREA Coordinator)

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*)

Clay County has entered into a new collective bargaining agreement since the last PREA audit. The Sheriff stated the new collective bargaining agreement maintains Agency Administration’s right to

remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or a determination of whether and to what extent discipline will be imposed.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem

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

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? Yes No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? Yes No

115.67 (d)

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

115.67 (e)

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

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. The Clay County Correctional Facility reports that in the past 12 months, there has been zero incidents of retaliation reported, known, or suspected. The Clay County Correctional Facility PREA policy #1.25.00 states inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations will not be subject to retaliation by staff or inmates. The agency reports that the designated staff members charged with monitoring inmates and staff for retaliation would be the Assistant Jail Administrator.

B. The Clay County Correctional Facility would use protective measures including housing changes, transfers, removal of alleged removal of alleged abusers from contact with victims, administrative reassignment or reassignment of the victim or alleged perpetrator to another housing area, and

support services for inmates or staff who fear retaliation. Interviews with the Sheriff and PREA Coordinator verified that the Agency would take all reports or suspicions of retaliation seriously and immediate action would be taken. When asked during the random staff interviews staff was confident that Administration would not tolerate retaliation and would take immediate action.

C. PREA Policy #1.25.00 outlines the requirements for monitoring for retaliation (as detailed in this standard). Which was confirmed during interviews with the Jail Administrator/PREA Coordinator and Assistant Jail Administrator.

D. The Assistant Jail Administrator explained the process that would be used for monitoring inmates for retaliation. Inmate reviews would be conducted weekly.

E. The Clay County Correctional Facility would take appropriate measures to protect an individual who cooperates with an investigation and expresses fear of retaliation.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Interview with the Assistant Jail Administrator who is responsible for monitoring for retaliation
- Completed monitoring form

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*)

A. The Clay County Correctional Facility PREA policy #1.25.00 prohibits placing inmates at high risk for sexual victimization in involuntary segregated housing unless other alternatives are not available. Inmates may be administratively segregated for less than 24 hours while an assessment is completed. The PREA Coordinator confirmed that protective custody inmates would have the same opportunities as the general population units.

B. The PREA Coordinator confirmed that inmates have access to programs, privileges, education, and work opportunities and any restrictions would be documented. Minnesota Department of Corrections 2911.2800 rules for licensure requires a deprivation report about the item or activity that was restricted.

C. An inmate at high risk for sexual victimization will be placed in involuntary protective custody only until an alternative means of separation can be arranged, not ordinarily more than 30 days. Adherence to this policy was confirmed in the interview with the PREA Coordinator.

D. If an inmate is placed in involuntary protective custody, the Jail Administrator or designee will document the basis for any safety concerns and why no alternative means of separation can be arranged.

E. The Jail Administrator or designee reevaluates inmates classified as protective custody on a weekly basis as part of the classification process.

The facility reports that in the past 12 months, there have been zero inmates placed in involuntary protective custody for 1 to 24 hours awaiting completion of an assessment. The facility reports that in the past 12 months, there have been zero inmates placed in involuntary protective custody for longer than 30 days waiting for alternative placement.

During the on-site PREA Audit, there were zero inmates at risk of sexual victimization or alleged to have suffered abuse being housed in involuntary protective custody.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy 1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Jail Administrator Julie Savat (PREA Coordinator)

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

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. The Clay County Correctional Facility PREA policy #1.25.00 ensures all investigations of sexual abuse and sexual harassment, including third-party and anonymous reports will be conducted promptly, thoroughly, and objectively.

B. Administrative investigations are completed by the Assistant Jail Administrator who has received specialized training pursuant to standard 115.34.

C. The investigator interviewed was able to explain the investigative steps used which includes a collection of evidence, interviews, technology, and other pertinent information available.

D. The Clay County Sheriff's Office will consult with the Clay County Attorney's Office during investigations.

E. The credibility of the alleged victim, alleged perpetrator or witnesses is based on what the evidence supports as the investigation develops. Polygraphs would not be used in an investigation. Minnesota State Statute 611A.26. S.1 prohibits the use of polygraphs on victims of sexual abuse as part of or the condition for proceeding with the investigation, charging, or prosecution of such offense.

F. The Clay County Correctional Facility PREA policy #1.25.00 outlines the requirement of this paragraph in response to administrative investigations. The facility reported in the past 12 months, there was zero administrative investigations conducted. The administrative investigation includes descriptions of any physical evidence and interviews, reasons for credibility assessments, investigative facts and findings, and an effort to determine whether staff actions or failures to act contributed to the abuse.

G. Criminal investigations are documented and include interviews, evidence, a thorough description, and any additional information pertinent to the investigation.

H. An investigation that supports criminal conduct will be forwarded by the Clay County Sheriff's Office to the Clay County Attorney's Office for prosecution.

I. Clay County Correctional Facility PREA policy #1.25.00 requires the Office to retain all written reports from administrative and criminal investigations if the alleged abuser is held or employed by the Office, plus five years.

J. The Sheriff, Chief Deputy and Jail Administrator/PREA Coordinator confirmed that an investigation would be completed even if the staff member were no longer employed with the Agency.

L. The Clay County Sheriff's Office conducts their own sexual abuse investigations.

The facility reported in the past 12 months, there was zero administrative or criminal investigations conducted.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Sheriff's Office Sexual Assault Investigation Policy
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Interview with an investigator

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

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

The Clay County Correctional Facility reports they do not impose a standard higher than a preponderance (more than fifty percent) of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with a licensed investigator
- Incident report

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 inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate 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 inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate 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 inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate 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 inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (d)

- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility? Yes No
- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (e)

- Does the agency document all such notifications or attempted notifications? Yes No

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. The Clay County Correctional Facility PREA policy #1.25.00 states following an investigation into an inmate's allegation of sexual abuse or sexual harassment will be informed whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. The facility reports in the past 12 months, there has been zero criminal or administrative investigation of alleged inmate sexual abuse completed by the agency.

B. This paragraph is not applicable, criminal investigations are completed by trained Clay County Sheriff's Office licensed investigators.

C. PREA policy #1.25.00 outlines the information that would be provided to the inmate on the status of the accused staff member. (as detailed in this standard)

D. PREA policy #1.25.00 outlines the information that would be provided to an alleged victim on the status of the alleged abuser if another inmate is the accused. (as detailed in this standard)

E. PREA policy #1.25.00 states all notifications or attempted notifications will be documented in an incident report.

During the dates of the on-site audit, there were zero inmates in custody who reported sexual abuse.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Interview with the Assistant Jail Administrator (trained administrative investigator)
- Completed inmate notification

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*)

A. The Clay County Correctional Facility reports that in the past 12 months, there has been zero staff members from the facility who has been disciplined, terminated, or resigned prior to termination for violating agency sexual abuse or sexual harassment policies. Additionally, in the past 12 months, there has been zero staff members reported to law enforcement or licensing boards for violating agency policies. The Clay County Correctional Facility PREA policy #1.25.00 outlines the disciplinary sanctions up to and including termination for violating sexual abuse and harassment policies.

B. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse. The Sheriff, Chief Deputy and PREA Coordinator confirmed a staff member would be terminated if he/she were involved in sexual abuse of inmates.

C. The Clay County Correctional Facility PREA policy #1.25.00 outlines the progressive discipline of staff members for violations of policies related to sexual abuse or harassment (other than engaging in sexual abuse).

D. All terminations or resignations for violating agency sexual abuse or harassment policies will be reported to law enforcement agencies unless the activity was clearly not criminal. The facility would be required to submit a special incident report to the Minnesota Department of Corrections.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem
- Interview with Jail Administrator Julie Savat (PREA Coordinator)

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*)

A. The Clay County Correctional Facility reports in the past 12 months, there has been zero contractors or volunteers reported to law enforcement or relevant licensing bodies for engaging in sexual abuse of inmates.

B. The Jail Administrator/PREA Coordinator was clear that any contractor or volunteer who engaged in sexual abuse of an inmate would not be tolerated and immediate actions would be taken. The Jail Administrator/PREA Coordinator stated that the volunteer would be prohibited from the facility regardless of the allegation. The policy does allow the facility to consider whether the volunteer would be prohibited from further contact with inmates.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Jail Administrator Julie Savat (PREA Coordinator)

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

115.78 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior? Yes No

115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? Yes No

115.78 (e)

- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? Yes No

115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? Yes No

115.78 (g)

- Does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. The Clay County Correctional Facility has a formalized discipline plan applicable to inmates that is followed as outlined in policy and the inmate handbook. The discipline plan includes due process and a fair hearing conducted by an impartial person or panel of persons.

- B.** Disciplinary decisions are based on the nature and circumstances of the abuse committed, the inmate's discipline history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- C.** The disciplinary process takes into consideration whether an inmates/detainee's mental disability or illness contributed to the inmate's/detainee's behavior.
- D.** The facility does not offer therapy, counseling, or other interventions to address and correct underlying reasons or motivations for offending inmates.
- E.** An inmate would not be disciplined for sexual contact with a staff member unless there is a finding that the staff member did not consent to the contact.
- F.** The Clay County Correctional Facility does not discipline inmates for a report of sexual abuse made in good faith based on a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- G.** The Clay County Correctional Facility prohibits all sexual activity between inmates and disciplines inmates for such activity and deems such activity as criminal sexual abuse only if it determines the activity was not coerced.

The facility reports there has been zero administrative or criminal findings of inmate-on-inmate sexual abuse that has occurred at the facility

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Inmate Handbook
- Interview with Jail Administrator Julie Savat (PREA Coordinator)

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

115.81 (d)

- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law? Yes No

115.81 (e)

- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

C. The Clay County Correctional Facility reports that inmates who disclose any prior sexual victimization during the risk assessment are offered a follow-up meeting with medical or mental health. Medical staff interviewed report that inmates who are referred to a follow-up meeting with medical or mental health are seen within 14 days. On the dates of the onsite audit, there was zero inmates who had disclosed prior sexual victimization identified to interview.

D. Medical and mental health staff are limited from disclosing information related to sexual victimization that occurred in an institutional setting to other staff unless it is necessary to inform jail staff about security or management decisions. Medical staff interviewed said that they would notify the Jail Administrator or Assistant Jail Administrator

E. Questions related to sexual abuse are asked when the initial medical screening is conducted. Prior to asking these questions medical staff explain to the inmate their duty to report and would obtain informed consent if the prior victimization did not occur in a confinement setting.

During the on-site audit, there was an inmate interviewed who disclosed sexual victimization during the risk screening. The inmate reported being offered medical and mental health services and meeting with medical staff.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Initial medical screening form and follow-up screening form
- Interview with medical staff
- Interview with staff who perform risk screenings
- Inmate who disclosed sexual victimization during the risk screening

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*)

A. The Clay County Correctional Facility PREA policy #1.25.00 states inmate victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of services will be determined by the professional judgment of medical and mental health practitioners.

B. Policy requires staff take preliminary steps to protect the victim and immediately notify the on-call nurse.

C. Inmates would be offered information about timely access to emergency contraception and sexually transmitted prophylaxis from the SANE Nurse as deemed medically appropriate. Medical staff interviewed would follow-up with the inmate to set up a treatment plan for continuing medical care after consulting with the facility's medical provider.

D. Policy states treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with medical staff
- Interview with Jail Administrator Julie Savat (PREA Coordinator)

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

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. The Clay County Correctional Facility contracts with MEnD Correctional Care to provide medical and mental health services in the facility. The services include a medical provider, mental health provider and RN nursing services.

- B.** Interviews with medical staff confirmed they would provide follow-up services and treatment plans as appropriate to the inmate. Information for continued care would be sent with an inmate transferring to another facility.
- C.** Community level of care is provided for all inmates. In some instances' treatment is at a higher level of care based on the immediate medical and/or mental health treatment available at the jail.
- D.** Medical staff verified pregnancy tests would be offered to inmates as medically appropriate.
- E.** The Clay County PREA policy #1.25.00 states if pregnancy results from the abuse, such victims shall receive comprehensive information about, and access to, all lawful pregnancy-related medical services in a timely manner.
- F.** Inmate victims of sexual abuse would be offered testing, treatment, and information for sexually transmitted infections. Medical staff interviewed verified the inmate would be offered testing, treatment, and information.
- G.** Policy states treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation.
- H.** Not applicable

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- MEnD Correctional Care Sexual Assault Nursing Protocol
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with medical staff
- Interview with Jail Administrator Julie Savat (PREA Coordinator)

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*)

A. The Clay County Correctional Facility reports that in the past 12 months, zero criminal or administrative investigation of alleged sexual abuse or assault were completed, and zero incident reviews were conducted. (excluding only “unfounded” incidents). PREA policy 1.25.00 states that an incident review will ordinarily be conducted within 30 days after the conclusion of every sexual abuse investigation (unless the allegation is determined to be unfounded).

B. Policy states the review should ordinarily occur within 30 days of the conclusion of the investigation.

C. The Clay County incident review team consists of the Jail Administrator, Assistant Jail Administrator, staff from Lakeland Mental Health with input from Sergeants and line staff.

D. Interviews with the PREA Coordinator verified there is a sexual abuse incident review on substantiated or unsubstantiated allegations of sexual abuse.

E. If the incident review team makes any recommendations, the facility will implement or document the reason for not implementing the recommendations.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre- Audit Questionnaire submitted by the Agency
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Documentation from completed Incident Review

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*)

The Clay County Correctional Facility collects accurate, uniform data for every allegation of sexual abuse and sexual harassment at the facility using a standardized instrument and set of definitions. The agency aggregates the data annually and prepares an annual report.

A&E. The Clay County Correctional Facility collects data for every allegation of sexual abuse and sexual harassment.

B. The Jail Administrator/PREA Coordinator and Assistant Jail Administrator reviews the data annually.

D. The Clay County Correctional Facility maintains, reviews, and collects data as needed from all available incident- based documents.

E. This paragraph is not applicable; Clay County does not contract with a private facility for the confinement of its inmates.

F. This paragraph is not applicable; the Department of Justice has not requested agency data.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Julie Savat Jail Administrator (PREA Coordinator)
- Interview with the Assistant Jail Administrator
- Incident based data collected by the Agency

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*)

A. The Clay County Correctional Facility reviews data collected and uses the data for ongoing improvement and corrective action at the facility.

B. The Clay County Correctional Facility prepares an annual report that includes a comparison between the current year's data and the previous years' data in its efforts to continue to address sexual abuse and harassment.

C. The Sheriff's Office does not complete an annual report. Jail Administration provides the Sheriff and Chief Deputy with annual data collected regarding sexual abuse and harassment allegations.

D. An explanation of the redacted material is provided

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Sheriff Mark Empting and Chief Deputy Stephen Landsem
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Interview with the Assistant Jail Administrator
- Review of collected data
- Clay County Correctional Facility website: <https://claycountymn.gov/1433/PREA>

Standard 115.89: Data storage, publication, and destruction

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

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?
 Yes No

115.89 (b)

- Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means? Yes No

115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? Yes No

115.89 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

A. The Assistant Jail Administrator maintains documentation collected from standard 115.87 on a secure database.

B. The Agency's sexual abuse data is publicly distributed on the agency's website:
<https://claycountymn.gov/1433/PREA>

C. All personal identifiers are redacted before making the information public.

D. Policy dictates unless prohibited by Federal, State, or local law, sexual abuse data is maintained for a minimum of 10 years after the date of the initial collection.

Policy, Materials, Interviews, and Other Evidence Reviewed:

- Clay County Correctional Facility PREA policy #1.25.00
- Completed Pre-Audit Questionnaire submitted by the Agency
- Interview with Jail Administrator Julie Savat (PREA Coordinator)
- Clay County Jail website: <https://claycountymn.gov/1433/PREA>

AUDITING AND CORRECTIVE ACTION

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

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*)

This is the Clay County Correctional Facility's second PREA Audit. On January 4, 2016, the Clay County Correctional Facility was found to be in full compliance with the Prison Rape Elimination Act (PREA) standards. The PREA Coordinator is experienced, knowledgeable, and organized and supplied all the documents requested which made the PREA Audit flow smoothly. This auditor was given full access to the facility and was able to meet privately with staff and inmates without interference. PREA Audit posters in English and Spanish were posted 6 weeks prior to the audit and were hanging in all common areas throughout the facility with the auditor's name and address visible to inmates. Zero inmate correspondence was received during the PREA audit process

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

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

Does Not Meet Standard (*Requires Corrective Action*)

The Clay County Correctional Facility had the January 4, 2016 Final PREA Audit Report posted on its website. <https://claycountymn.gov/1433/PREA>

The contract agreement requires the facility to post a copy of the final PREA Audit Report within 90 days of receiving the report.

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 been scanned.² See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Darnel Carlson

06/03/2020

Auditor Signature

Date

¹ See additional instructions here: <https://support.office.com/en-us/article/Save-or-convert-to-PDF-d85416c5-7d77-4fd6-a216-6f4bf7c7c110>.

² See *PREA Auditor Handbook*, Version 1.0, August 2017; Pages 68-69.