

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

Interim       Final

Date of Report    July 28, 2020

### Auditor Information

Name: Elisabeth Copeland      Email: sunflowerorgsolutions@gmail.com

Company Name: Click or tap here to enter text.

Mailing Address: P. O. Box 43      City, State, Zip: Seneca, KS 66538

Telephone: 785-294-0830      Date of Facility Visit: June 24 – 25, 2020

### Agency Information

Name of Agency: Jackson County Sheriff's Office      Governing Authority or Parent Agency (If Applicable): Jackson County

Physical Address: 210 US 75 Hew      City, State, Zip: Holton, KS 66543

Mailing Address: same as above      City, State, Zip: Click or tap here to enter text.

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 Website with PREA Information: www.jaso.org

### Agency Chief Executive Officer

Name: Tim Morse      Telephone: 785-364-2251

Email: tim.morse@jasoks.org

### Agency-Wide PREA Coordinator

Name: Steve Buck      Telephone: 785-364-2251

Email: steve.buck@jasoks.org

PREA Coordinator Reports to: Sheriff Tim Morse      Number of Compliance Managers who report to the PREA Coordinator: 1

## Facility Information

Name of Facility: Jackson County Sheriff's Office

Physical Address: 210 US 75 Hwy

City, State, Zip: Holton, KS 66436

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

City, State, Zip: Click or tap here to enter text.

The Facility Is:

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

Facility Type:

Prison

Jail

Facility Website with PREA Information: www.jasoks.org

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

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

ACA

NCCHC

CALEA

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

N/A

If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:  
Click or tap here to enter text.

### Warden/Jail Administrator/Sheriff/Director

Name: Steve Buck

Email: steve.buck@jasoks.org

Telephone: 785-364-2251

### Facility PREA Compliance Manager

Name: Dan Ballenger

Email: dan.ballenger@jasoks.org

Telephone: 785-364-2251

Facility Health Service Administrator  N/A

Name: Click or tap here to enter text.

Email: Click or tap here to enter text.

Telephone: Click or tap here to enter text.

## Facility Characteristics

Designated Facility Capacity:	108	
Current Population of Facility:	73	
Average daily population for the past 12 months:	87	
Has the facility been over capacity at any point in the past 12 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Which population(s) does the facility hold?	<input type="checkbox"/> Females <input type="checkbox"/> Males <input checked="" type="checkbox"/> Both Females and Males	
Age range of population:	18-72	
Average length of stay or time under supervision:	12 days	
Facility security levels/inmate custody levels:	Low, Medium and High	
Number of inmates admitted to facility during the past 12 months:	1358	
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for <i>72 hours or more</i> :	484	
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for <i>30 days or more</i> :	215	
Does the facility hold youthful inmates?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Number of youthful inmates held in the facility during the past 12 months: (N/A if the facility never holds youthful inmates)	Click or tap here to enter text. <input checked="" type="checkbox"/> N/A	
Does the audited facility hold inmates for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>Select all other agencies for which the audited facility holds inmates: Select all that apply (N/A if the audited facility does not hold inmates for any other agency or agencies):</p>	<input type="checkbox"/> Federal Bureau of Prisons <input checked="" type="checkbox"/> U.S. Marshals Service <input type="checkbox"/> U.S. Immigration and Customs Enforcement <input type="checkbox"/> Bureau of Indian Affairs <input type="checkbox"/> U.S. Military branch <input type="checkbox"/> State or Territorial correctional agency <input checked="" type="checkbox"/> County correctional or detention agency <input type="checkbox"/> Judicial district correctional or detention facility <input checked="" type="checkbox"/> City or municipal correctional or detention facility (e.g. police lockup or city jail) <input type="checkbox"/> Private corrections or detention provider <input type="checkbox"/> Other - please name or describe: <a href="#">Click or tap here to enter text.</a> <input type="checkbox"/> N/A	
Number of staff currently employed by the facility who may have contact with inmates:	15	

Number of staff hired by the facility during the past 12 months who may have contact with inmates:	3
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:	3
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	3
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	10
<b>Physical Plant</b>	
<p><b>Number of buildings:</b></p> <p>Auditors should count all buildings that are part of the facility, whether inmates are formally allowed to enter them or not. In situations where temporary structures have been erected (e.g., tents) the auditor should use their discretion to determine whether to include the structure in the overall count of buildings. As a general rule, if a temporary structure is regularly or routinely used to hold or house inmates, or if the temporary structure is used to house or support operational functions for more than a short period of time (e.g., an emergency situation), it should be included in the overall count of buildings.</p>	1
<p><b>Number of inmate housing units:</b></p> <p>Enter 0 if the facility does not have discrete housing units. DOJ PREA Working Group FAQ on the definition of a housing unit: How is a "housing unit" defined for the purposes of the PREA Standards? The question has been raised in particular as it relates to facilities that have adjacent or interconnected units. The most common concept of a housing unit is architectural. The generally agreed-upon definition is a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, etc. In addition to the primary entrance and exit, additional doors are often included to meet life safety codes. The unit contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations. Many facilities are designed with modules or pods clustered around a control room. This multiple-pod design provides the facility with certain staff efficiencies and economies of scale. At the same time, the design affords the flexibility to separately house inmates of differing security levels, or who are grouped by some other operational or service scheme. Generally, the control room is enclosed by security glass, and in some cases, this allows inmates to see into neighboring pods. However, observation from one unit to another is usually limited by angled site lines. In some cases, the facility has prevented this entirely by installing one-way glass. Both the architectural design and functional use of these multiple pods indicate that they are managed as distinct housing units.</p>	5
Number of single cell housing units:	0
Number of multiple occupancy cell housing units:	4
Number of open bay/dorm housing units:	1
Number of segregation cells (for example, administrative, disciplinary, protective custody, etc.):	4
In housing units, does the facility maintain sight and sound separation between youthful inmates and adult inmates? (N/A if the facility never holds youthful inmates)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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**Medical and Mental Health Services and Forensic Medical Exams**

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

**Investigations**

**Criminal Investigations**

Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment:	3
When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply.	<input type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
Select all external entities responsible for CRIMINAL INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for criminal investigations)	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.) <input checked="" type="checkbox"/> N/A

**Administrative Investigations**

Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?	3
When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply	<input type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.) <input checked="" type="checkbox"/> N/A

# Audit Findings

## Audit Narrative

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

### PRE-AUDIT

A Notice of PREA Audit was sent to the Jackson County Sheriff's Office (JASO) on May 18, 2020 via the PREA Coordinator Steve Buck. Notices were to be posted in all living units, program areas, recreation areas and any other areas that offenders would gather. The notice also contained contact information of the auditor and advised staff and offenders that the onsite portion of the PREA audit will be conducted on June 24 – 25, 2020. At this time, this Auditor requested the pre-audit questionnaire (PAQ) be sent to during the week of June 1, 2020.

On June 20, 2020, this Auditor received a flash drive containing JASO's Pre-Audit Questionnaire. The flash drive contained agency policies and other supporting documentation. The Auditor reviewed the provided documentation and began completing the Auditor's Compliance Tool to determine a baseline for compliance and to formulate questions for the onsite portion of the audit.

On June 22, 2019, a tentative agenda for the PREA audit was sent the PREA Compliance Manager (PCM). This agenda outlined the when the auditing would be on site, the types of staff and inmates that would be interviewed and when the audit would conclude. The PCM was advised of which specialized staff would be interviewed as well as which specialized inmate populations would be interviewed.

### ONSITE

The Auditor was greeted and given a history and the layout of the facility by PCM Dan Ballenger. After the initial meeting, a detailed tour was provided to the Auditor.

PCM Dan Ballenger lead the onsite tour. The tour began with the housing units. The Auditor viewed camera placements, showers/restrooms and observed cross-gendered announcements being made to offenders. PREA reporting information was clearly marked on bulletin boards in each living unit. In all living units toilets and shower stalls all had appropriate coverings. The "Notice of PREA Audit" was also clearly visible throughout the tour.

In addition to the living units, booking, kitchen, laundry, medical area, and control posts were also toured. PREA reporting information in English and Spanish were found on every bulletin board and were clearly marked.

Immediately after the tour, the PCM provided the Auditor with staff rosters from all three shifts and provided a list of specialized staff. The Auditor then randomly selected from each shift, as well as established times to interview specialize staff.

The PCM provided the auditor with housing unit rosters. In reviewing the housing rosters the Auditor randomly selected two - four inmates from each unit for random inmate interviews and selected inmates for the targeted protocols. Based on the available inmate population, inmates were selected for the following targeted protocols: Limited English Proficient (LEP). A total of 16 inmates were selected to be interviewed. JASO provided confidential locations in the jail for the Auditor to interview inmates.

JASO provided appropriate accommodations for the Auditor to conduct inmate and staff interviews. The Auditor was given access to staff files, inmate files and any documentation that was requested. Facility staff was great to work with and were very accommodating. The PCM and Sheriff were readily available to answer any questions and assist in any way. Staff at JASO was extremely helpful and polite throughout the entire process and escorted the Auditor throughout the facility.

The Auditor interviewed a total of 16 inmates who had various lengths of stay. In addition, the Auditor interviewed a total of 15 staff to include the Sheriff, PCM Medical Health Practitioner, Upper Level Supervisors, Intake Staff, Staff who Perform Risk Screening, staff who Monitor Retaliation, a member of the SAIR Team, Investigator, as well as random staff from all shifts.

Prior to the exit interview, the Auditor reviewed onsite documentation. There was an exit interview conducted at the end of the site visit.

## POST AUDIT

After the onsite portion of the PREA audit, this Auditor reviewed the notes from the tour; all interviews conducted and did another review of the supporting documentation. Work on the final audit report began.

On July 28, 2020, the PREA audit report was submitted to the PREA Resource Center and copies were sent to the PCM and Sheriff.

## Facility Characteristics

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

JASO is in in Holton, Kansas. It currently holds adult male and female inmates. In addition to arrests made in Jackson County, JASO contracts to hold inmates from the U.S. Marshall Services and Kansas Department of Corrections. JASO holds all custody levels with the average age of the inmates' range from 18 to 72.

JASO (Jail Division) is contained in one building. Within this building are five (5) pods grouped around a control room, a kitchen, laundry area, sally port, inside recreation area and visitation. All meals are served and eaten inside the pods. JASO has four cells that are used for administrative and disciplinary issues.

It has a designed capacity of 108. On the first day of onsite portion of this audit, JASO had a population of 64 inmates.

JASO employs 15 correctional staff which includes upper level supervisors. In addition to correctional staff, JASO contracts with Advanced Correctional Healthcare, Inc (ACH) for onsite medical and mental health services. Currently there are three contractors who have contact with inmates. JASO also utilizes volunteers to provide bible study and Alcoholics/Narcotics Anonymous (AA/NA) to inmates. At this time, volunteers are not allowed in the facility to the outbreak of Covid-19. Volunteers have not been inside this facility since the end of March 2020.

## Summary of Audit Findings

*The summary should include the number and list of standards exceeded, number of standards met, and number and list of standards not met.*

**Auditor Note:** No standard should be found to be “Not Applicable” or “NA”. A compliance determination must be made for each standard.

### Standards Exceeded

**Number of Standards Exceeded:** 0

**List of Standards Exceeded:** Click or tap here to enter text.

### Standards Met

**Number of Standards Met:** 45

### Standards Not Met

**Number of Standards Not Met:** 0

**List of Standards Not Met:** Click or tap here to enter text.



## PREVENTION PLANNING

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

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

#### 115.11 (a)

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

#### 115.11 (b)

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

#### 115.11 (c)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's*

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

a) JASO has written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment of inmates. JASO PREA Policy, PREA 19, dated December 2019 states, "It is the policy of the Jackson County Sheriff's Office Jail Division to provide a safe and secure environment for all inmates. Inmates have the right to be free from all sexual abuse and sexual harassment and the JASO has a "zero tolerance" for such actions. All incidence will be investigated, regardless of whom the alleged victim or alleged perpetrator may be. JASO has implemented a Coordinated Response that includes prevention, detection, response, and prosecution/discipline of assailants. This policy targets sexual abuse and sexual harassment of inmates whether by staff or by other inmates." (Page 1)

This policy outlines how it will implement the agency's zero tolerance approach to preventing, detecting, and responding to sexual abuse and sexual harassment. This policy also includes sanctions for those found to have participated in participated behaviors and JASO's strategies and responses to reduce and prevent sexual abuse.

b) JASO has designated an upper-level, agency-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards. The Jail Administrator has been designated as the PREA Coordinator for JASO. JASO Policy PREA 19 states, "The Jail Administrator, tasked to develop, implement, and oversee Departmental efforts to comply with the national PREA standards."

The Jail Administrator, who also holds the rank of Captain, is listed in JASO's organizational chart and reports directly to the Sheriff.

JASO Policy PREA 19 also designates a PREA Compliance Manager. "The Sheriff shall designate a PREA Compliance Manager to oversee agency efforts to comply with PREA standards. The PREA Compliance Manager shall have overall responsibility for coordinating all elements of the Coordinated Response."

The PCM at JASO holds the rank of Sergeant.

During the onsite portion of this audit, the PREA Coordinator was out of state on a prisoner transport. However, the PREA Compliance Manager (PCM) was available to be interviewed. The PCM stated, "I have the authority and I have enough time to complete my responsibilities."

**RECOMMENDATION:** JASO Policy PREA 19 defines the PREA Compliance Manager (PCM) as "A person designated by the Captain or Sheriff, as having overall responsibility for ensuring that all elements of the Coordinated Response to Sexual Abuse and Harassment are met in a coordinated fashion." However, later in the policy it states "The Sheriff shall designate a PREA Compliance Manager..." It is recommended the language in the definition of the PCM and the body of the policy be changed to match.

c) N/A JASO operates one facility

Based on the documentation review, tour of the facility, and interviews, JASO meets this standard.

## 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.)  Yes  No  NA

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

a, b) N/A JASO does not contract for confinement of inmates.

## 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 facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?  Yes

No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?  Yes  No  NA
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?  Yes  No

### 115.13 (b)

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

### 115.13 (c)

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

### 115.13 (d)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

In the past 12 months, JASO has had an average daily population of 87.

a, c) JASO has developed a staffing plan and makes its best efforts to comply on a regular basis with said staffing plan to ensure adequate levels of staffing and video monitoring to protect inmates against sexual abuse.

JASO Policy, PREA 01-01-01, revised September 2019 states, "To ensure the safety of all staff and individuals incarcerated in the facility, the Jackson County Jail shall undergo an annual review of its

staffing plan and its video monitoring equipment.” This same policy also states, “When reviewing the staffing plan as well as the review of the video monitoring equipment, the following must be considered: Any findings of inadequacies from: Judicial, Federal Investigation Agencies, Internal oversight bodies, External oversight bodies, Physical building itself, Inmate population and its makeup, Number and placement of supervisory staff, Any programs occurring and on which shift, State or Local laws, Current regulations or standards, Prevalence of substantiated or unsubstantiated incidents of sexual abuse, Any and all other relevant factors.”

The Auditor reviewed a staffing and video monitoring review dated January 21, 2020. This review shows minimum staffing per shift and review of the cameras installed throughout the facility. At this time, JASO has 29 cameras installed.

This review was signed by the PREA Coordinator and the Sheriff per requirements in JASO Policy PREA 19. This policy states, “Video monitoring equipment shall be reviewed annually, at the yearend meeting. To ascertain any potential adjustments to either cameras or DVR system to ensure the safety of all individuals incarcerated in the facility. The annual review must be including but not be limited to the Sheriff, PREA coordinator and any other pertinent staff. The annual Staffing and video review form shall be filled out during this meeting, signed and placed in the PREA file for retention.”

When it comes video technology the Sheriff stated, “We look for vulnerable places and add cameras. It’s very important to protect people. We are always looking to upgrade and add memory to our system. As it stands now, we can keep 120 days’ worth of film. We also make sure we can pan and tilt our cameras to increase visibility.”

b) N/A JASO has not deviated from their staffing plan.

d) JASO has implemented 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. This practice incorporates all shifts. JASO PREA Policy 19 states, “The JASO Jail Division shall provide directives to reflect the 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. This round shall be documented on the unannounced round sign in sheets Staff shall be prohibited from alerting other staff members that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility.”

The Sheriff, PREA Coordinator and PCM are responsible for conducting these rounds.

The Auditor interviewed one upper-level supervisor responsible for conducting unannounced rounds. They stated these rounds are documented on a log. They also stated they have not had an issue of staff announcing their presence to other staff as the supervisors are highly visible and are constantly moving around the jail.

The Auditor reviewed documentation from September 2019 to January 2020 demonstrating unannounced rounds made at JASO.

Based on documentation review and interviews, JASO meets this standard.

## **Standard 115.14: Youthful inmates**

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

### 115.14 (a)

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

### 115.14 (b)

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

### 115.14 (c)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

a, b, c) N/A JASO does not house youthful inmates. This was confirmed through interviews with staff, facility tour and documentation review.



## 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, except in exigent circumstances? (N/A if the facility does not have female inmates.)  
 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 if the facility does not have female inmates.)  Yes  No  NA

### 115.15 (c)

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

### 115.15 (d)

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

### 115.15 (e)



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

### 115.15 (f)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

JASO houses adult male and female offenders.

a) JASO does not conduct cross gender strip searches or cross-gender visual body cavity searches. In the past 12 months, JASO has not conducted cross-gender or visual body cavity searches.

JASO Policy 5.03, Jackson County Jail Searches Policy, states, "When male and female inmates are housed at JASO (Jackson County Jail), normally there is at least one male and one female staff member available to support same-gender strip searches. Strip searches are conducted in a respectful and dignified manner by trained staff of the same gender. The requirement for the same gender strip searches may be waived in the following circumstances: 1. In an emergency, i.e. escape, riot, fire, etc. 2. In exigent, time critical instances, when a correctional officer of the same gender is not available and there is reasonable suspicion that a weapon or dangerous contraband may be recovered by the search that could not otherwise reasonable be retrieved or neutralized and other(s) perceive a threat to life or health." This policy also states, "Any body cavity search is documented with a copy of

the authorization from the Captain or designee and kept in the inmate's file. When any body cavity searches other than visual are indicated, medical staff performs these duties, except in exigent circumstances."

b, c) This same policy also states, "Inmate searches require expertise and professional attitude on the part of the employee. Pat or rub searches may only be conducted by an employee of the same gender of the inmate or detainee, and may be performed in any area of the facility and during movement...Pat or Rub searches conducted during exigent circumstances will be documented in the jail log."

The Auditor interviewed three female inmates. All inmates reported they have not been strip searched or pat searched by male staff since they have been incarcerated at JASO.

All staff interviewed reported cross-gender strip or body cavity searches are not allowed. Staff also reported male staff do not pat search female inmates.

d) JASO has implemented policies and procedure enabling inmates to shower, perform bodily functions, and change clothing without non-medical 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.

JASO Policy PREA 19 states, "An inmate shall be able to shower and perform bodily functions without nonmedical staff of the opposite gender viewing them, except in exigent circumstances (as defined above, per national PREA standards) or when such viewing is incidental to routine security checks. All video monitoring of individual cells shall maintain a privacy screen to ensure this."

In the past 12 months, JASO has not had any exigent circumstances.

During the tour of JASO the Auditor found shower curtains on all showers or swinging half doors made of metal. The curtains and swinging doors provided privacy for all inmates. Showers at JASO are individual stalls. Toilets are also protected from view.

JASO has also implemented procedures requiring staff of the opposite gender to announce their presence when entering an inmate housing unit. JASO Policy PREA 19 states, "Staff shall be aware of inmates' state of undress. The presence of staff of the opposite gender shall be announced prior to entering a housing unit where an inmate would normally be undressed. This announcement shall be called on the radio to control by the individual that made the announcement and shall be logged on the cell check sheet by the individual running the control board."

Most inmates (11/16 male and female) interviewed reported cross gender announcements are made over the intercom. Those who report the announcements are not "always made", advised the Auditor there are times they do not hear the announcement clearly due to the noise in the pod.

Every correctional officer interviewed report cross-gender announcements are made. While touring the facility, cross gender announcements were made for each pod.

e) JASO has policy in place prohibiting staff from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.

JASO Policy 5.03 states, "*Strip searches* are conducted on all persons during the intake process, once it is determined that they will be housed within the general population of the facility. Strip searches shall not be performed on transgender inmates for the sole purpose of identifying gender. The intake

process normally includes issue of clothing, toiletry items, securing of personal valuables, bathing, etc.)” (Page 3)

Every correctional officer interviewed reported these types of searches are not allowed. They also reported they have never seen this type of search conducted.

There were zero transgender or intersex inmates onsite to be interviewed during this portion of the audit.

f) JASO reports all correctional staff (15) have been trained on conducting cross-gender pat down searches and searches of transgender and intersex inmates. JASO also has policy requiring this training.

• JASO Policy PREA 19 states, “All staff members shall be trained in cross gender and transgender pat searches,

as well as sexual abuse and harassment intervention.”

All staff interviewed reported they received training on cross-gender pat searches and searches of transgender and intersex inmates. JASO provided training certificates supporting staff statements. Training was completed through National Institute of Corrections (NIC) Learn, an e-learning platform.

Based on documentation review, facility tour and interviews, JASO meets this standard.

## **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**

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

a, b) JASO has established procedures to provide disabled inmates and inmates who are limited English proficient 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.

JASO Policy PREA 19 states, "The facility shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills." This same policy also states, " In the event the individual is found to have issues understanding the facilities Zero tolerance Policy on Sexual harassment and sexual misconduct, Staff shall make every effort in ascertaining the issue and contacting appropriate services for them, to ensure their understanding. For individual that are Limited English Proficient (LEP), shall contact the Language line at 1-855-811-4787, per Jackson County Sheriff's Office Policy #76. For individuals that are Deaf or hard of hearing, Staff are to contact the Topeka Independent Living Resource Center for possible assistance."

At the time of the onsite portion of this audit, LEP did not have inmates who classified as disabled to be interviewed. This included inmates who were visually or hearing impaired.

JASO had one inmate who was classified as limited English proficient. This inmate's first language is Spanish. They stated they have been given information on how to report sexual abuse in Spanish. They also report they have no difficulty in communicating their needs to staff.

c) JASO prohibits use of inmate interpreters, inmate readers, or other type of assistants except in limited circumstances.

JASO Policy PREA 19 states, "Inmates shall not be used as interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties or the investigation of the inmate's allegations.

In the past 12 months, JASO has had zero instances where inmate interpreters, readers or other type of inmate assistance have been used.

Interviews with correctional staff support this practice.

Based on documentation review and interviews, JASO meets this standard.

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

#### 115.17 (c)

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

#### 115.17 (d)

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

#### 115.17 (e)

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

#### 115.17 (f)

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

#### 115.17 (g)

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

#### 115.17 (h)

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

#### Auditor Overall Compliance Determination

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



## Instructions for Overall Compliance Determination Narrative

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a, b, f) JASO Policy PREA 19 states, "The Jackson County Jail will not hire or promote anyone who has engaged in sexual abuse in a prison, jail lock up, community confinement facility, juvenile facility or in the community or who has been administratively or civilly adjudicated as having engaged in sexual abuse. The jail shall consider any incidence of harassment when considering hiring or promotion. At the time of hire or consideration for promotion individuals will be asked about any previous incidents of sexual abuse (unless prohibited by law) the jail shall provide information on substantiated allegations of sexual abuse to any other institutional employer who requests such information."

This same language can also be found in JASO Policy 2.17, Employee, Contractor Backgrounds, dated August 28, 2015. This policy states, "The agency shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who— (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section. The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates." This same policy also states, "The agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct."

c) JASO currently has 15 correctional staff. Of the 15 staff, three (3) have been hired in the past 12 months. All three new hires have had criminal background checks completed.

d, e) JASO has policy in place requiring either criminal background record checks to be conducted at least every five years for current employees and contractors. This language is found in JASO Policy 2.17 which states, "The agency shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates." This same policy also states, "The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees."

While onsite, the Auditor randomly pulled five personnel files. All files contained the required background checks.

g) JASO Policy 2.17 states, "Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination."

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



Based on policy review and onsite documentation review, JASO meets this standard.

## Standard 115.18: Upgrades to facilities and technologies

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

#### 115.18 (a)

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

#### 115.18 (b)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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a, b) N/A JASO has not acquired a new facility or made any substantial expansions or modifications to its current building. JASO has not installed or updated their current video monitoring system, electronic surveillance system or other technology since August 20, 2012 or since the last PREA audit of March 22, 2020.

## 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 evidentiarily or medically appropriate?  Yes  No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?  Yes  No
- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?  Yes  No
- Has the agency documented its efforts to provide SAFEs or SANEs?  Yes  No

#### 115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?  Yes  No

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

#### 115.21 (e)

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

#### 115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency 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 *always* makes a victim advocate from a rape crisis center available to victims.)  Yes  No  NA

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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*not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Agency investigators make up the PREA Investigative Unit (PIU) and are responsible for conducting all criminal/administrative investigations of alleged sexual abuse and or harassment of inmates.

In the past 12 months, there have been zero (0) forensic exams conducted for inmate sexual abuse. JASO does not have SANEs/SAFEs onsite. Forensic exams are conducted at the Stormont Vail Hospital in Topeka, Kansas. Sexual Abuse Nurse Examiners (SANEs) are employed at this hospital and perform all forensic exams.

a) JASO follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence. This protocol can be found in JASO Policy 69, Sexual Assaults, dated January 2012.

All staff interviewed understood their role in preventing the loss of evidence. Each correctional officer stated they would not let an inmate victim or perpetrator shower, change clothes or use the restroom. They also reported they would be required to close off the area and wait for the investigators to arrive on scene.

b) N/A JASO does not house youthful offenders or juvenile offenders.

c, d, e) JASO Policy 69 states, "Victim-centered care is paramount to the success of the forensic examination of victims of sexual assault. A timely, professional forensic examination increases the likelihood that injuries will be documented, and evidence collected to aid in the investigation and prosecution of sex offenders. Evidence may normally be collected up to 92 hours after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain." This same policy also states, "Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport. Inform the victim that a Deputy of the same sex will be provided if desired and available. Contact a victim advocate as soon as possible to provide assistance throughout the reporting and investigative process. Supply victims of sexual assault with the phone number for the Rape, Abuse, and Incest National Network (RAINN) Hotline, 1-800-656-HOPE. Operators at this hotline connect the caller with the rape crisis center closest to the victim's location. Request a response from investigations, and clearly explain his or her role and limit the preliminary interview so that the victim is not then asked the same questions by a detective. Be aware that a victim of sexual assault may bond with the first responding Deputy. It is important to explain the role of the different members of the sexual assault response team and help with transitions through introductions. Record observations of the crime scene, including the demeanor of the suspect and victim and document any injuries or disheveled clothing."

In addition to RAINN, JASO also has a memorandum of understanding (MOU) with the YWCA Center for Safety and Empowerment located in Topeka, Kansas. The YWCA Center for Safety and Empowerment will provide victims from JASO access to victim advocacy support and services. This MOU was signed June 19, 2019.

This is also supported by language in JASO PREA Policy 19 which states, "The JASO shall attempt to provide victims of sexual abuse victim advocacy services from a local YWCA. If this is not possible, efforts shall be made to provide victim advocacy services through a community-based organization or by a qualified staff member. The facility shall document its efforts in doing so. The JASO shall attempt to provide a victim advocate to support the victim through the forensic medical exam and investigatory processes."

JASO Policy 69 also states, “When it is determined that a forensic examination will be conducted, a victim advocate or a support person of the victim’s choosing shall be allowed to be present in the room and during the interview, unless it would be harmful to the investigation. The Deputy shall take responsibility for excluding a support person, when appropriate, and providing an explanation to the victim and the support person. The department will not pass the cost of the forensic exam onto the victim of a sexual assault but shall seek sources of financial support from the community or state for these expenses. Deputies shall not use the state compensation program as means to encourage cooperation from victims. In the case of a victim who is unable at this time to proceed with an investigation, financial concerns shall be addressed prior to the examination.”

f) N/A JASO is responsible for all administrative and criminal investigations of sexual abuse or harassment.

Based on documentation review and interviews, JASO meets this standard.

## 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 the policy 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*)

### Instructions for Overall Compliance Determination Narrative

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

JASO has policy in place requiring all allegations of sexual abuse and harassment are investigated. In the past 12 months, JASO has had one allegation of sexual abuse and/or sexual harassment.

a) JASO Policy PREA 19 states, "It is the policy of the Jackson County Sheriff's Office Jail Division...All incidence will be investigated, regardless of whom the alleged victim or alleged perpetrator may be. JASO has implemented a Coordinated Response that includes prevention, detection, response, and prosecution/discipline of assailants. This policy targets sexual abuse and sexual harassment of inmates whether by staff or by other inmates."

The Sheriff states, "We have been aggressive on our cases and wanting to make sure it doesn't happen again. We are not going to fool around with that stuff."

b) JASO has a policy requiring allegations of sexual abuse or sexual harassment be referred for investigation and to ensure the referrals are documented.

JASO Policy PREA 19 also states, "Upon being notified of an allegation of sexual abuse, at a minimum, the alleged victim(s) and perpetrator(s) shall be separated, the Sergeant, Captain, Undersheriff and Sheriff shall be notified, and the Coordinated Response (see Attachment A) shall be initiated. If the onsite Nurse is not on duty, a medical protocol shall be initiated and a phone call shall be made to the on-call practitioner. The PREA Checklist (see Attachment B) shall be completed for each report, which ordinarily shall be initiated by the Shift Supervisor or person in charge of the shift. For administrative reports, or reports otherwise not reported through the Shift Supervisor, the PREA Checklist shall be completed by the PCM. Upon completing all possible fields, the PREA Checklist shall be forwarded to the PCM for review, and completion if necessary. The PCM shall ensure completion of the PREA Checklist and that it is forwarded to PIU (PREA<sup>rea</sup> Investigative Unit) for inclusion in the investigative file."

The Auditor interviewed one investigator from the PIU. The investigator reported every step of an investigation is documented and maintained in the investigative file. This was also confirmed by the PCM.

JASO's PREA Policy is also posted on their website. It can be found at <https://www.jasoks.org/divisions/jail-division/prison-rape-elimination-act-prea/>.

c) N/A JASO is responsible for conducting all criminal investigations.

Based on documentation review and interviews, JASO meets this standard.

## 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*)

### Instructions for Overall Compliance Determination Narrative

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

JASO has trained all 15 employees, who may have contact with inmates, in the prevention, detection and response to sexual abuse and sexual harassment of inmates. JASO houses both male and female adult inmates.

a, b, d) JASO Policy PREA 19 states, "(Staff) Shall complete the training on the NIC (National Institute of Corrections) website, under the category "PREA: Your Role Responding to Sexual Abuse" after the training staff shall forward the training certificate onto the PREA Coordinator for filing in the staff's permanent file.



This training shall cover the following topics: How to fulfill their responsibilities under sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; Inmates' right to be free from sexual abuse and sexual harassment; The right of inmates and staff to be free from retaliation for reporting sexual abuse and sexual harassment; The dynamics of sexual abuse and sexual harassment in confinement; The common reactions of sexual abuse and sexual harassment victims; How to detect and respond to signs of threatened and actual sexual abuse; How to avoid inappropriate relationships with inmates; How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.”

All correctional officers interviewed reported attending PREA training online through NIC. Each person was able to discuss topics covered in this course.

The PCM advised staff also receive PREA training through informational emails.

The Auditor reviewed training certificates for all correctional officers. JASO jail division attended a three-hour course titled “PREA: Your Role Responding to Sexual Abuse.”

c) This same policy also states, “Refresher training shall be provided annually. Training shall include a review of this policy and staff responsibilities to prevent and report sexual assaults, and other relevant PREA-related material.”

Based on documentation review and interviews, JASO meets this standard.

## Standard 115.32: Volunteer and contractor training

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

#### 115.32 (a)

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

#### 115.32 (b)

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

#### 115.32 (c)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

JASO has trained all 13 contractors/volunteers who may have contact with inmates, in JASO’s zero tolerance policy and how to report sexual abuse and harassment of inmates.

a, b, c) JASO Policy PREA 19 states, “The facility shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the sexual abuse and sexual harassment prevention, detection, and response policies and procedures. The level and type of training provided to volunteers and contractors shall be based on the services they provide and the level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. The facility shall maintain documentation confirming that volunteers and contractors understand the training they have received.

The Auditor reviewed seven statements signed by church volunteers. This statement covers zero-tolerance of sexual abuse and sexual harassment of individuals incarcerated at JASO, how to report such allegations and the notification if a contractor/volunteer engages in such behavior will no longer be allowed into the secured areas of the facility. This statement also notifies contractor/volunteers that information regarding such behavior will be forwarded to the County Attorney.

Based on policy and documentation review, JASO meets this standard.

## 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 the comprehensive education referenced in 115.33(b)?  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*)

## Instructions for Overall Compliance Determination Narrative

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

In the past 12 months, JASO has provided 1,358 inmates information on JASO's zero tolerance policy and how to report incidents of sexual abuse or harassment.

a, e) Inmates at JASO receive information at time of intake about zero-tolerance policy and how to report incidents of sexual abuse or sexual harassment.

JASO Policy 19 states, "During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. During the booking process a pamphlet containing the following information is made available to the individual being processed for housing. Outlining the what is sexual harassment, what is inmate sexually abuse, what is staff sexual misconduct, what to do if you are sexually abused, what happens after you report sexual abuse, how to avoid sexual abuse, and what you should know if you are a perpetrator of sexual abuse."

It is the practice of JASO to provide a PREA pamphlet outlining the agency's zero-tolerance of sexual abuse and sexual harassment of inmates as well as how to report sexual abuse during the booking process. Inmates are also required to sign an acknowledgement they received this pamphlet. Inmates also sign a "PREA Re-Education Acknowledgement" within 30 days of being booked into JASO. JASO's re-education form asks the following questions: Have you received the PREA pamphlet; Do you understand we have zero-tolerance policy on Sexual Abuse/Harassment; Do you understand you have the right to be free from retaliation, for either reporting an incident or cooperating with an incident; Do you understand if you have been victimized the first thing that would occur is separation of the victim and perpetrator; Do you remember the questions that were asked during intake; Has anything changed since the day you were processed into the facility?

All Correctional Staff also double as Intake (PREA Education Staff. All correctional staff interviewed reported inmates will receive a PREA pamphlet during the booking process.

All inmates interviewed stated they remember getting a PREA "packet" when booked in. Most also reported there is PREA information on the Kiosk and remembered signing another PREA form.

While onsite the Auditor reviewed five inmate files. These files were randomly selected from the 16 inmates interviewed. The Auditor found all five files had the initial acknowledgment of receiving the

PREA pamphlet at booking and a signed Re-education Acknowledgment. This form was signed up to fourteen days after being booked into JASO.

b, c, d) This same policy also states, "Within 30 days of intake, the facility shall provide comprehensive education to inmates in person regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, the facility shall also provide information regarding procedures for responding to such incidents. The facility shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills."

f) JASO Policy PREA 19 states, "In addition to providing such education, the facility shall ensure that key information is continuously and readily available or visible to inmates through posters, handbooks, or other written formats."

JASO has posters in English and Spanish in every pod explaining the zero-tolerance policy and how to report sexual abuse and sexual harassment.

Based on the facility tour, documentation review and interviews, JASO meets this standard.

## 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 receive 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*)

### Instructions for Overall Compliance Determination Narrative

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JASO currently has three agency investigators trained to conduct sexual abuse and sexual harassment allegations made by inmates.

a, b, c) JASO has policy in place requiring investigators to be trained to conduct sexual abuse investigations in confinement settings. JASO also maintains documentation of said training.

JASO policy PREA 19 states, "Investigators investigating incidence inside the jail, shall be required to be certified investigators of PREA incidents per national PREA Standards: Training in conducting such investigations in confinement settings; Techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral; The facility shall maintain documentation that investigators have completed the required specialized training in conducting sexual abuse investigations; Any investigative component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations."

Investigators in the JASO PIU receive their training through a company named Train Force USA. This training is titled, "Prison Rape and Sex Assault Investigations Inside Correctional Facilities."

The Auditor interviewed one PIU investigator while onsite. The investigator was able to discuss the training they received, and the topics covered during the online course.

Auditor verified all three PIU investigators have received this specialized training.

This training does cover all elements identified in this standard and the training requirements outlined in JASO policy PREA 19.

Based on documentation review and interviews, JASO meets this standard.

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

### 115.35 (b)

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

### 115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if



the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)  Yes  No  NA

#### 115.35 (d)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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JASO has three contracted medical and mental health practitioners who have contact with inmates on a weekly basis. Services are provided onsite.

a, c, d) JASO has a policy related to the training of medical and mental health practitioners who work regularly in its facility.

JASO policy PREA 19 states, "Medical and behavioral health staff training shall include the following: How to detect and assess signs of sexual abuse and sexual harassment and preserve physical evidence of sexual abuse; How to respond effectively and professionally to victims of sexual abuse and sexual harassment; How and to whom to report allegations or suspicions of sexual abuse and sexual harassment; The facility shall maintain documentation that medical and behavioral health practitioners have received the training; Medical and behavioral health care practitioners shall also receive the training mandated for staff members."

Medical and mental health practitioners are contracted through Advanced Correctional Healthcare, Inc (ACH). In addition to taking the NIC course mandated for all employees by JASO titled, "PREA: Your

Role Responding to Sexual Abuse” they have also taken the specialized course through ACH titled, “Healthcare Staff Responsibilities for PREA.”

While onsite the Auditor interviewed one medical practitioner. They reported receiving training through JASO and ACH.

Auditor verified documentation of training.

b) N/A Medical staff at JASO do not contact forensic examinations onsite.

Based on documentation review and interviews, JASO meets this standard.

## **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, as 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, as 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, as 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 an incident of sexual abuse?  Yes  No
- Does the facility reassess an inmate's risk level when warranted due to 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*)

#### Instructions for Overall Compliance Determination Narrative

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In the past 12 months, 484 inmates have entered JASO and had a stay longer 30 days. JASO has the following classifications: Low Custody/Potential Victim; Medium Custody/General Population and High Custody/Potential Perpetrator.

a, b) JASO has policy requiring screening, upon admission, for risk of sexual abuse victimization or sexual abusiveness toward other inmates.

JASO policy PREA 19 states, "All inmates shall be assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. Intake screening shall ordinarily take place within 72 hours of arrival at the facility."

All Correctional Officers double as Risk Screeners and are responsible for conducting the initial screen.

All officers interviewed reported the PREA Classification Form is part of the booking process. They advised this must be completed before an inmate can be housed.

All inmates interviewed reported being ask the "PREA questions," when they were admitted to JASO.

While onsite the Auditor pulled five inmate files. The files were pulled from the group of 16 inmates interviewed. Of these five files, all inmates had an initial PREA Classification Form completed on the date they were admitted to JASO.

c, d, e) This same policy also states intake screening shall be done on the "PREA Classification Form."

JASO policy PREA 19 states, "The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: Whether the inmate has a mental, physical, or developmental disability; The age of the inmate; The physical build of the inmate; Whether the inmate has previously been incarcerated; Whether the inmate's criminal history is exclusively nonviolent; Whether the inmate has prior convictions for sex offenses against an adult or child; Whether the inmate is or is perceived by the screener to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; Whether the inmate has previously experienced sexual victimization; The inmate's own perception of vulnerability; and Whether the inmate is detained solely for civil immigration purposes. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive."

When asked what information the PREA Classification Form collects, staff responses included "age," "build," "prior sexual victimization," "history of violence," and "LGBT questions."

The Auditor reviewed the "PREA Screening Questionnaire" and found it meets all requirements outlined in this standard.

f, g) JASO policy PREA 19 also states, Within 30 days from the inmate's arrival at the facility, the PREA Classification Officer will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness."

JASO has one PREA Classification Officer. This officer is responsible for making housing placements and conducting the screening reassessment.

The Auditor interviewed the PREA Classification Officer. This officer stated, "All inmates are reassessed within 14 days of booking." When asked about other reassessments, the officer stated reassessments will be done if new information is received or if a PREA incident happens.

All inmates interviewed reported they remembered sitting down with this officer and answering the PREA questions.

While onsite the Auditor pulled five inmate files. The files were pulled from the group of 16 inmates interviewed. Of these five files, all inmates had an initial PREA Classification Form completed on the date they were admitted to JASO and a reassessment completed within 30 days of admission.

h) PREA 19 also states, "Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to the PREA Classification form.

While officers reported they have never had an inmate not participated, they reported inmates are not disciplined for not participating in the intake screening or reassessment.

i) JASO has appropriate controls in place to control the dissemination of the responses to questions on the PREA Classification Form (screening form.)

PREA 19 states, "The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. The PREA screening form shall be placed into the PREA questionnaire box upon completion of the booking process and evaluated by the PREA Classification Officer. The PREA Classification Officer will collect the PREA classification sheets and reeducate Inmates in the following manner: The PREA classification officer will visit with the inmate on a one on one basis within 30 days of intake. Using the reeducation form, the PCO shall conduct the reeducation. Including explanation and materials about Our Zero tolerance policy."

All officers interviewed reported they place the initial screening form in a locked bock. They reported the Classification Officer has access to his box.

The PREA Classification Office stated after reviewing the forms, they are scanned into a computer and the hard copies are secured in a locked file. Only upper level management has accessed to this computer file.

This was confirmed through interviews with the Sheriff and PCM.

Based on documentation review and interviews, JASO meets this standard.

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

a, b) JASO uses information from the PREA Classification Form to make housing, bed and work assignments.

JASO policy PREA 19 states, “The PREA Classification form, shall be utilized when selecting housing, work and program assignments. The goal is keeping separate those inmates. Individualized determinations about how to ensure the safety of each inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.”

The only inmate work assignments at JASO are workers in the kitchen, laundry and trustees. JASO does not have programming as it relates to education or cognitive behavioral change groups. However, bible study and Alcoholics/Narcotics Anonymous (AA/NA) are available for inmates.

JASO reported inmates classified as High Custody/Potential Perpetrators are not allowed in inmate jobs. Inmate workers in the kitchen are directly supervised and inmates working in the laundry are also directly supervised. During the tour, the Auditor found sufficient camera coverage in the kitchen for officers in the Control Bubble to view. The Auditor also found the laundry room is located just off the Control Bubble. This also allows for additional supervision when inmate workers are present.

The PCM stated, “99% of inmates booked into our jail screen as Medium Custody/General Population. If an individual screens out as Low Custody/Potential Victim or High Custody/Potential Perpetrator; then we house them accordingly.” The PCM went on to state High Custody/Potential Perpetrators will be housed in a separate pod. Low Custody/Potential Victim’s will be housed in pods directly in front of the Control Bubble in bunks closest to the door. The PCM stated this allowed for direct viewing by staff in between hourly security checks.

The Classification Officer stated they work with the PCM and PREA Coordinator to make housing assignments.

c, d, e, f, g) In the past 12 months, JASO has not housed a transgender or intersex inmate.

JASO policy PREA 19 states, “In deciding whether to assign a transgender or intersex inmate to a either a male or female housing unit, or any programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and whether the placement would present management or security problems. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate. A transgender or intersex inmate’s own view with respect to his or her own safety shall be given serious consideration when determining housing assignments. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates regardless of housing assignments. The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated cell placement solely on the basis of such identification or status, unless such placement is in a dedicated cell placement in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.”

PCM and PREA Classification Officer both reported transgender and intersex inmates are housed according to their classification. They also reported inmate views of their own safety are taken very seriously. This also includes shower opportunities. While each pod as individual showers with sufficient coverage for privacy, if a transgender or intersex inmate expressed concern for the safety during this time, they can be moved to the booking area for a shower.

Based on documentation review, facility tour and interviews, JASO meets this standard.

## **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 any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.)  Yes  No  NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.)  Yes  No  NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.)  Yes  No  NA

### 115.43 (c)

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

### 115.43 (d)

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

#### 115.43 (e)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

JASO has never housed an inmate involuntarily in segregated housing due to the risk of sexual victimization. JASO does not have designated pod or wing for segregated housing. If an inmate needs to be separated from the rest of the population due to safety issues, they would be housed in a single cell located in booking.

a) JASO has a policy prohibiting the placement of inmates at high risk for sexual victimization in involuntary segregated housing unless a determination has been made there are no available alternative means of separation from likely abusers.

JASO policy PREA 19 states, "Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment."

PCM reported an inmate victim would never be held separately from the pod. The PCM stated the alleged perpetrator would be held separately then transferred out to keep the victim safe.

Interview with the Sheriff echoed this practice.

b) This same policy states, “Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document: The opportunities that have been limited; The duration of the limitation; and, The reasons for such limitations.”

The only inmate work assignments at JASO are workers in the kitchen, laundry and trustees. JASO does not have programming as it relates to education or cognitive behavioral change groups. However, bible study and Alcoholics/Narcotics Anonymous (AA/NA) are available for inmates.

c, d, e) JASO policy PREA 19 states, “The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days. If an involuntary segregated housing assignment is made, clear documentation shall be presented with the following: The basis for the facility’s concern for the inmate’s safety; and, the reason why no alternative means of separation can be arranged. Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.”

Based on documentation review and interviews, JASO meets this standard.

## 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? (N/A if the facility *never* houses inmates detained solely for civil immigration purposes)  
 Yes    No    NA

### 115.51 (c)

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

### 115.51 (d)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

JASO provides multiple ways for inmate to report sexual abuse and sexual harassment.

a, c) JASO policy PREA 19 states, “There are multiple methods for an inmate to report allegations of sexual abuse or harassment. Allegations may be reported verbally to any staff member or in writing using an Inmate Communication Form on the Kiosk or along with the following confidential methods: An inmate is encouraged to report immediately any and all allegations of inmate sexual abuse or sexual harassment. Inmates can report through the JASO Sexual Assault Helpline, accessible by dialing 785-486-2694 through any inmate phone free of charge... Staff, inmate family members or others may report incidents or suspected incidents of sexual abuse by calling 785-468-2694. Allegations of sexual abuse or harassment reported through the third-party hotline shall be confidential and may remain anonymous at the request of the reporting party. These calls shall be referred to the JASO PREA Coordinator, Captain, Undersheriff or Sheriff.”



All officers interviewed reported inmates can report sexual abuse or sexual harassment by either telling an officer directly, writing a note or by calling the hotline.

All inmates reported they can report sexual abuse or sexual harassment by either telling staff or calling the hotline.

b) This same policy states, "Inmates can report through the JASO Sexual Assault Helpline, accessible by dialing 785-486-2694 through any inmate phone free of charge. Calls may be placed anonymously, or the caller may provide identifying information at the caller's discretion. Access to and the ability to retrieve messages received through the Helpline shall be restricted to administrative staff. The JASO Sexual Assault Helpline shall be publicized in all JASO Pods through the use of posters, notices, etc. Inmate phones shall have helpline instructions posted in a conspicuous location on or near the phones."

The Auditor verified this information is posted throughout the facility.

The PCM reported the hotline is answered by Horton Police Department. The PCM stated the Horton PD immediately notifies JASO when an allegation is reported.

d) JASO policy PREA 19 states, "ALL Staff shall Immediately report any knowledge, suspicion, or information regarding an Incident of sexual abuse or harassment, whether it is concerning an inmate or another staff member. Staff may report privately, verbally, by writing or by calling dispatch. Staff may report to their supervisor, Appointing Authority, or PIU privately. Documentation shall be completed by the end of shift."

All staff reported they would immediately report any allegation to a supervisor. When asked if there was a way for them to report outside of this facility, most reported they could also use the hotline.

Based on documentation review, facility tour and interviews, JASO meets this standard.

## Standard 115.52: Exhaustion of administrative remedies

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

#### 115.52 (a)

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

#### 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*)

### Instructions for Overall Compliance Determination Narrative

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In the past 12 months, JASO has received zero (0) grievances or emergency grievances alleging sexual abuse.

a) JASO is not exempt from this standard and has an administrative procedure for dealing with inmate grievances regarding sexual abuse.

b, c, d) JASO policy PREA 19 states, "Any inmate may submit a grievance either formal, informal or verbally regarding sexual Abuse regardless of the period in which it allegedly occurred to a staff member not involved in the incident. Inmates shall not be made to submit grievances through staff involved. Decisions on any part of the merits of the complaint shall be reported to the inmate within 90 working days."

Guidance for submitting a grievance is posted on all kiosks and inmate tablets.

e) This same policy states, "Inmates may use a third party (fellow inmate, family member, attorney or outside advocate) To assist in filling requests for administrative remedies relating to allegations of sexual abuse, and filing such requests on behalf of the inmate. The Jackson County Victims Advocate is Lisa Hyten 785-851-1002. Documentation shall be made of any inmate who declines to have a third-party assist filing a grievance alleging sexual abuse."

f) JASO policy PREA 19 states, "Emergency grievances alleging substantial sexual risk of imminent sexual abuse require a response in no less than 48 hrs. The final agency decision for emergency grievances must be within five working days."

g) JASO does not discipline inmates for filing a grievance.

Based on documentation review and interviews

, JASO meets this standard.

## 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? (N/A if the facility *never* has persons detained solely for civil immigration purposes.)  Yes  No  NA
- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?  Yes  No

### 115.53 (b)

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

### 115.53 (c)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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JASO provides inmates with access to outside victim advocates for emotional supported services related to sexual abuse.

a) JASO policy PREA 19 states, "Victims of sexual abuse shall be provided the brochure on community sexual assault programs, which shall be available through health services staff, Mental Health Services and the PCM."

This information is also posted on bulletin boards in every pod.

b) Inmates are notified when using the phone system, the extent to which phone calls are monitored. This is an automatic recording. Inmates are also notified written correspondence is monitored. Letters to victim advocates are not considered legal mail.

c) This same policy also states, "The JASO shall attempt to provide victims of sexual abuse victim advocacy services from a local YWCA. If this is not possible, efforts shall be made to provide victim advocacy services through a community-based organization or by a qualified staff member. The facility shall document its efforts in doing so."

JASO has a memorandum of understanding (MOU) with the YWCA Center for Safety and Empowerment located in Topeka, Kansas. The YWCA Center for Safety and Empowerment will provide victims from JASO access to victim advocacy support and services. This MOU was signed June 19, 2019.

Based on documentation review and facility tour, JASO meets this standard.

## 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*)

#### Instructions for Overall Compliance Determination Narrative

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a) JASO policy PREA 19 states, "Staff, inmate family members or others may report incidents or suspected incidents of sexual abuse by calling 785-468-2694. Allegations of sexual abuse or harassment reported through the third-party hotline shall be confidential and may remain anonymous at the request of the reporting party. These calls shall be referred to the JASO PREA Coordinator, Captain, Undersheriff or Sheriff."

This information is also posted on JASO website. It can be found at:

<https://www.jasoks.org/divisions/jail-division/prison-rape-elimination-act-prea/>

Based on documentation review, JASO meets this standard.

# 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*)

### Instructions for Overall Compliance Determination Narrative

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

JASO requires all staff to immediately report any knowledge or suspicion of sexual abuse or sexual harassment.

a, e) JASO policy PREA 19 states, "ALL Staff shall Immediately report any knowledge, suspicion, or information regarding an Incident of sexual abuse or harassment, whether it is concerning an inmate or another staff member. Staff may report privately, verbally, by writing or by calling dispatch. Staff may report to their supervisor, Appointing Authority, or PIU privately. Documentation shall be completed by the end of shift. Failure to report is a violation of policy and may result in administrative or disciplinary sanctions. Failure to report suspected abuse of an inmate is a Class B Misdemeanor."

All staff reported they are mandated to report sexual abuse and sexual harassment. When asked what would happen if they did not report, all staff reported they would either be fired or charged with a crime.

b) This same policy also states, "Apart from reporting to designated supervisors, staff shall not reveal any information related to sexual abuse reports to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions."

All staff interviewed reported confidentiality is required when receiving a PREA allegation.

c) JASO PREA 19 states, "Medical and behavioral health practitioners are required to report sexual abuse and must inform inmates of their duty to report at the instigation of services."

Interview with the medical health practitioner revealed medical and mental health staff are mandated reporters or sexual abuse.

d) This same policy also states, "If a victim is considered a vulnerable adult under Kansas law, any incidence shall be reported to the designated state or local agency as required by law."

While JASO does not house youthful offenders or juveniles, incarcerated individuals are considered vulnerable adult.

Based on documentation review and interviews, JASO meets this standard.

### Standard 115.62: Agency protection duties



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

### 115.62 (a)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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In the past 12 months, JASO has no incidents where an inmate is imminent danger of sexual abuse.

a) JASO policy PREA 19 states, "The response shall ensure that alleged victims receive immediate protection from substantial risk of imminent danger of sexual abuse and on-going medical and behavioral health care and support services as well as ensure that investigators are allowed to obtain useable evidence."

All staff reported if they learned an inmate was imminent danger of sexual abuse they would separate the inmate from the pod for safety purposes and immediately contact a supervisor.

The Sheriff stated he expects his staff to separate the individual and look at the housing situation for safety purposes. He also expects his staff to begin the PREA checklist and begin notifications.

Based on documentation review and interviews, JASO meets this standard.

## 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*)

#### Instructions for Overall Compliance Determination Narrative

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

In the past 12 months, JASO has had zero (0) allegations from inmates reporting they had been sexually abused while confined at another facility.

a, b) JASO has policy in place requiring upon receiving an allegation that an inmate was sexually abused while confined at another facility to notify the facility of the allegation.

JASO policy PREA 19 states, "Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation."

c, d) This same policy states, "The agency shall document that it has provided such notification. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

The Sheriff stated he would be the person who make the notification to the other agency.

Based on documentation review and interviews, JASO meets this standard.

#### 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*)

### Instructions for Overall Compliance Determination Narrative

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JASO has a Coordinated Response in place providing staff guidance on their first responder duties to allegations of sexual abuse.

a, b) JASO policy PREA 19 identifies JASO's first responders' responsibilities when responding to sexual abuse. It states, "Any inmate who alleges that he or she has been the victim of sexual abuse shall be offered immediate protection from the assailant. JASO staff shall not make judgments or assumptions about the credibility of an alleged victim, suspect, or witness of sexual abuse. Upon being notified of an allegation of sexual abuse, at a minimum, the alleged victim(s) and perpetrator(s) shall be separated, the Sergeant, Captain, Undersheriff and Sheriff shall be notified, and the Coordinated Response (see Attachment A) shall be initiated. If the onsite Nurse is not on duty, a medical protocol shall be initiated and a phone call shall be made to the on-call practitioner. The PREA Checklist (see Attachment B) shall be completed for each report, which ordinarily shall be initiated by the Shift Supervisor or person in charge of the shift. For administrative reports, or reports otherwise not reported through the Shift Supervisor, the PREA Checklist shall be completed by the PCM. Upon completing all possible fields, the PREA Checklist shall be forwarded to the PCM for review, and completion if necessary. The PCM shall ensure completion of the PREA Checklist and that it is forwarded to PIU (PREA Investigative Unit) for inclusion in the investigative file. When a report is received that an inmate has been the victim of sexual abuse or harassment while incarcerated at another facility or under the supervision of another Agency: As soon as possible, but no later than 2 hours of receiving the report, the PCM shall notify the Undersheriff and Sheriff."

All staff interviewed were able to discuss the coordinated response with the Auditor. They were aware of their role in the agency's response to sexual abuse.

Based on documentation review and interviews, JASO meets this standard.

## 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*)

#### Instructions for Overall Compliance Determination Narrative

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

a) JASO policy PREA 19 identifies JASO’s coordinated response. It states, “The response shall ensure that alleged victims receive immediate protection from substantial risk of imminent danger of sexual abuse and on-going medical and behavioral health care and support services as well as ensure that investigators are allowed to obtain useable evidence. Any inmate who alleges that he or she has been the victim of sexual abuse shall be offered immediate protection from the assailant. JASO staff shall not make judgments or assumptions about the credibility of an alleged victim, suspect, or witness of sexual abuse. Upon being notified of an allegation of sexual abuse, at a minimum, the alleged victim(s) and perpetrator(s) shall be separated, the Sergeant, Captain, Undersheriff and Sheriff shall be notified, and the Coordinated Response (see Attachment A) shall be initiated. If the onsite Nurse is not on duty, a medical protocol shall be initiated, and a phone call shall be made to the on-call practitioner. The PREA Checklist (see Attachment B) shall be completed for each report, which ordinarily shall be initiated by the Shift Supervisor or person in charge of the shift. For administrative reports, or reports otherwise not reported through the Shift Supervisor, the PREA Checklist shall be completed by the PCM. Upon completing all possible fields, the PREA Checklist shall be forwarded to the PCM for review, and completion if necessary. The PCM shall ensure completion of the PREA Checklist and that it is forwarded to PIU (PREA Investigative Unit) for inclusion in the investigative file. When a report is received that an inmate has been the victim of sexual abuse or harassment while incarcerated at another facility or under the supervision of another Agency: As soon as possible, but no later than 2 hours of receiving the report, the PCM shall notify the Undersheriff and Sheriff.”

All staff interviewed were able to discuss the coordinated response with the Auditor. They were aware of their role in the agency’s response to sexual abuse.

Based on documentation review and interviews, JASO meets this standard.

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

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

#### **115.66 (a)**

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

#### **115.66 (b)**

- Auditor is not required to audit this provision.

### **Auditor Overall Compliance Determination**

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

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

### Instructions for Overall Compliance Determination Narrative

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

a) N/A JASO does not have a collective bargaining agreement.

Based on interviews, JASO meets this standard.

## 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*)

### **Instructions for Overall Compliance Determination Narrative**

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In the past 12 months, JASO has no incidents of retaliation.

a) JASO has a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigation from retaliation by other inmates or staff.

JASO policy PREA 19 states, "Retaliation against inmate or staff who report sexual abuse or sexual harassment or who cooperate with investigations shall be strictly prohibited. Staff shall report any allegations of retaliation to the facility PREA Compliance Manager either verbally or in writing. Inmates are encouraged to report retaliation as well."

b, c) This same policy states, "The facility shall employ multiple protection measures, such as housing changes or transfers for 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. For at least 90 days following a report of sexual abuse, the facility shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items to monitor include any inmates' disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. This shall also include periodic status checks, for inmates...Monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need. All security staff are charged with this monitoring...The obligation to monitor shall terminate only if the allegation is determined to be unfounded."

Staff who monitor retaliation reported, "I keep track of all individuals involved. I touch base with them to make sure they are ok and that nothing bad has happened. If so, we can make a housing change."

d, e) JASO policy PREA 19 also states, "Periodic status checks shall be part of the retaliation monitoring process, these status checks shall involve speaking directly to the inmate. Such checks shall be documented and forwarded to the PCM... •If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take appropriate measures to protect that individual against retaliation."

Staff who monitor retaliation reported, "We do checks at 30, 60 and 90 days. We will go past 90 days if need be."

Based on documentation review and interviews, JASO meets this standard.

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

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

## 115.68 (a)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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In the past 12 months, JASO has not placed an inmate in involuntary segregated housing for protection after suffering sexual abuse.

a) JASO does not have designated pod or wing for segregated housing. If an inmate needs to be separated from the rest of the population due to safety issues, they would be housed in a single cell located in booking.

JASO policy PREA 19 states, "Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment."

PCM reported an inmate victim would never be held separately from the pod. The PCM stated the alleged perpetrator would be held separately then transferred out to keep the victim safe.

Interview with the Sheriff echoed this practice.

This same policy states, "Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document: The opportunities that have been limited; The duration of the limitation; and, The reasons for such limitations."

The only inmate work assignments at JASO are workers in the kitchen, laundry and trustees. JASO does not have programming as it relates to education or cognitive behavioral change groups. However, bible study and Alcoholics/Narcotics Anonymous (AA/NA) are available for inmates.

JASO policy PREA 19 states, “The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days. If an involuntary segregated housing assignment is made, clear documentation shall be presented with the following: The basis for the facility’s concern for the inmate’s safety; and, the reason why no alternative means of separation can be arranged. Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.”

Based on documentation review and interviews, JASO meets this standard.

## 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*)

### Instructions for Overall Compliance Determination Narrative

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a) In the past 12 months, JASO has had zero (0) substantiated allegations of sexual abuse. JASO PIU conducts all criminal and administrative investigations of sexual abuse and sexual harassment of inmates.

PIU investigator reports all allegations are investigated immediately.

b) JASO policy PREA 19 states, "Investigators investigating incidence inside the jail, shall be required to be certified investigators of PREA incidents per national PREA Standards: Training in conducting such investigations in confinement settings; Techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral; The facility shall maintain documentation that investigators have completed the required specialized training in conducting sexual abuse investigations; Any investigative component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations."

Investigators in the JASO PIU receive their training through a company named Train Force USA. This training is titled, "Prison Rape and Sex Assault Investigations Inside Correctional Facilities."

The Auditor interviewed one PIU investigator while onsite. The investigator was able to discuss the training they received, and the topics covered during the online course.

Auditor verified all three PIU investigators have received this specialized training.

This training does cover all elements identified in this standard and the training requirements outlined in JASO policy PREA 19.

c, d, f, g, h) JASO policy PREA 19 states, "For every allegation of sexual abuse or sexual harassment, ALL documents and items to demonstrate a complete and proper Coordinated Response shall be located entirely in the electronic PIU Case file. The Investigator shall upload documents and case information. Documents and processes, gathered or facilitated by the PCM, shall be forwarded

electronically to PIU for inclusion in the electronic case file. This Documentation should include, but not be limited to: Investigative Summary and Report. Interviews, audio recordings, video recordings, photographs, list of evidence, and all other documents and items respective to the case. PREA Checklist. S.A.I.R., if appropriate. Documentation from Medical/Behavioral Health, investigators, SAFE/SANE (if applicable). Documentation of least restrictive housing. if the victim was involuntarily isolated, shall ensure completion and retention of requirements. Documentation of monitoring retaliation.”

PIU Investigator reported the safety and security is the most important thing to an investigation. Also, as part of the investigation the investigators will collect physical evidence, video evidence if available, witness statements and other statements of parties involved. The investigator also reported all allegations are handled the same. It makes no difference if it comes in as a third-party report or a direct report from the victim.

PIU Investigators also reported polices and procedures are reviewed during an administrative investigation and they look for the preponderance of evidence to substantiate an allegation.

e) This same policy states, “ No inmate who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.”

PIC Investigator reported polygraphs are not allowed.

i, j) JASO policy PREA 19 states, “The Jackson County Jail shall retain ALL investigative files; for at minimum the continued term of the perpetrator’s incarceration or employment plus five years.”

PIU Investigators reported investigations into sexual abuse and sexual harassment does not end until the investigation is complete.

l) N/A JASO investigators conduct all criminal and administrative investigations of sexual abuse at the facility.

Based on documentation review and interviews, JASO meets this standard.

## 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*)

### Instructions for Overall Compliance Determination Narrative

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

In the past 12 months, JASO has had one (1) criminal/administrative investigation of sexual abuse.

a) JASO policy PREA 19 states, "For every allegation of sexual abuse or sexual harassment, ALL documents and items to demonstrate a complete and proper Coordinated Response shall be located entirely in the electronic PIU Case file. The Investigator shall upload documents and case information. Documents and processes, gathered or facilitated by the PCM, shall be forwarded electronically to PIU for inclusion in the electronic case file. This Documentation should include, but not be limited to: Investigative Summary and Report. Interviews, audio recordings, video recordings, photographs, list of evidence, and all other documents and items respective to the case. PREA Checklist. S.A.I.R., if appropriate. Documentation from Medical/Behavioral Health, investigators, SAFE/ SANE (if applicable). Documentation of least restrictive housing. if the victim was involuntarily isolated, shall ensure completion and retention of requirements. Documentation of monitoring retaliation."

PIU Investigator reported the safety and security is the most important thing to an investigation. Also, as part of the investigation the investigators will collect physical evidence, video evidence if available, witness statements and other statements of parties involved. The investigator also reported all allegations are handled the same. It makes no difference if it comes in as a third-party report or a direct report from the victim.

PIU Investigators also reported policies and procedures are reviewed during an administrative investigation and they look for the preponderance of evidence to substantiate an allegation.

Based on documentation review and interviews, JASO meets this standard.

## 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*)

### Instructions for Overall Compliance Determination Narrative

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

a) JASO has policy requiring that any inmate who makes an allegation they suffered sexual abuse is informed verbally or in writing as to the outcome of the investigation.

JASO policy PREA 19 states, "Following an investigation of sexual abuse, the PIU, shall inform the inmate of the disposition of the investigation (substantiated, unsubstantiated, or unfounded) in writing using the Inmate notification form."

PIU Investigators report inmates will be notified of the outcome of any sexual abuse or sexual harassment investigations.

There were no inmates onsite who reported sexual abuse,

The Auditor reviewed the one investigative completed investigative file of staff on inmate sexual abuse. Two attempts to contact the victim were made as the victim was release from JASO before the investigation was complete.

b) N/A JASO investigators are responsible for conducting all criminal and administrative sexual abuse and harassment investigations of inmates.

c, d, e ) This same policy states, "Following the report of staff sexual abuse of an inmate, the facility shall inform the inmate (unless it is determined to be unfounded) when: The staff member is no longer employed at the facility; and/or The staff member has been indicted on a charge related to sexual abuse within the facility. Following the report of inmate sexual abuse of another inmate, the facility shall inform the inmate when: The alleged abuser is indicted on a charge related to sexual abuse within the facility: The alleged abuser is convicted on a charge related to sexual abuse within the facility. At the conclusion of the investigation, these status updates shall be completed by the investigator and formalized in writing."

Based on documentation review and interviews, JASO meets this standard.

## DISCIPLINE

### Standard 115.76: Disciplinary sanctions for staff

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

### 115.76 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?  Yes  No

### 115.76 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?  Yes  No

### 115.76 (c)

- Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?  Yes  No

### 115.76 (d)

- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)?  Yes  No
- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

The Auditor reviewed the one completed investigation of employee on inmate sexual abuse (voyeurism). This investigation was substantiated, and the employee was fired.

a, b, c, d) JASO policy PREA 19 states, "Disciplinary actions on staff shall be commiserate with the nature of the acts committed. Staffs disciplinary history and the disciplinary actions imposed on other staff members with similar offenses and that terminations or resignations of staff who have violated the

PREA policy are reported to law enforcement (unless the offense is not criminal) and any relevant licensing agency.”

Based on documentation review and interviews, JASO meets this standard.

## Standard 115.77: Corrective action for contractors and volunteers

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

#### 115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?  Yes  No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?  Yes  No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?  Yes  No

#### 115.77 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

JASO has had no allegations of sexual abuse or sexual harassment made against their volunteers or contractors.

a, b) JASO policy PREA 19 states, “Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The facility shall take appropriate

remedial measures and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.”

The Sheriff advised any volunteer or contractor accused of sexual abuse or sexual harassment will not be allowed contact with inmates pending the outcome of the investigation.

Based on documentation review and interviews, JASO meets this standard.

## **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)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

In the past 12 months, JASO has not disciplined any inmates due to sexual abuse or sexual harassment.

a, b) JASO policy PREA 19 states, "Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories."

c, d) This same policy states, "The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. The inmate shall be referred to Medical and Mental Health Services for potential interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits."

e, f) JASO policy PREA 19 states, "The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation."

g) This same policy states, "Non coerced sexual encounters do not constitute PREA violations. These acts are not permissible in the Jackson County Jail but are not PREA violations"

Based on documentation review, JASO meets this standard.

## MEDICAL AND MENTAL CARE

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

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

#### 115.81 (a)

- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)  
 Yes  No  NA

#### 115.81 (b)

- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)  Yes  No  NA

#### 115.81 (c)

- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?  Yes  No

#### 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*)

### Instructions for Overall Compliance Determination Narrative

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

a, b) N/A JASO is not a prison.

c) JASO policy PREA 19 states, "If the information obtained during the screening indicates sexual abuse of any kind: from either in an institutional setting or in the community. The Screening Officer shall forward the information immediately to the PREA Classification Officer as well as the contracted medical provider for further assessment."

The PCM reported all inmates are offered medical and mental health services when they report prior victimization. He stated an email is sent to their contractor for them to be seen.

Most staff reported medical and mental health services are offered at the time inmates report victimization during the risk screen; however, these same staff stated services are often refused.

The medical health professional stated they are notified by email when an inmate reports prior victimization. They also reported they are asked these questions again during their required 14-day medical assessment. All inmates are provided a medical assessment within 14 days of being admitted to JASO.

d) All staff and contractors report any allegations of sexual abuse and sexual harassment are kept strictly confidential.

e) This same policy states, "Informed consent shall be obtained from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting."

Based on documentation review and interviews, JASO meets this standard.

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

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

#### 115.82 (a)

- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?
  - Yes  No

### 115.82 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?  Yes  No
- Do security staff first responders immediately notify the appropriate medical and mental health practitioners?  Yes  No

### 115.82 (c)

- Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?  Yes  No

### 115.82 (d)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

a, b) Inmate victims of sexual abuse receive time, unimpeded access to emergency medical treatment and crisis intervention services.

JASO policy PREA 19 states, "Victims of sexual abuse while incarcerated shall be offered: Emergency contraception and pregnancy tests (when vaginal penetration has occurred) when deemed medically necessary, for female inmates Prophylaxis for sexually transmitted infections If pregnancy results from sexual abuse while incarcerated at Jackson County Jail, victims shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy related medical services."

There were no inmates onsite who reported sexual abuse.

The medical health practitioner interviewed reported all sexual abuse victims would receive immediate medical treatment.

d) JASO assesses no cost for any services associated with victims of sexual abuse. This was confirmed through interviews with the medical health professional and the PCM.

Based on documentation review and interviews, JASO meets this standard.

## **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. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*)  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. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*)  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*)

### Instructions for Overall Compliance Determination Narrative

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a, b, c, d, e, f) JASO policy PREA 19 states, "Victims of sexual abuse while incarcerated shall be offered: Emergency contraception and pregnancy tests (when vaginal penetration has occurred) when deemed medically necessary, for female inmates; Prophylaxis for sexually transmitted infections; If pregnancy results from sexual abuse while incarcerated at Jackson County Jail, victims shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy related medical services."

The medical health practitioner interviewed reported all sexual abuse victims would receive immediate medical treatment. The practitioner also reports the level of care an inmate victim would receive at JASO is consistent with the community level of care.

There were no inmates onsite who reported sexual abuse.

g) JASO assesses no cost for any services associated with victims of sexual abuse. This was confirmed through interviews with the medical health professional and the PCM.

h) N/A JASO is not a prison.

Based on documentation review and interviews, JASO meets this standard.

## DATA COLLECTION AND REVIEW

### Standard 115.86: Sexual abuse incident reviews

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

#### 115.86 (a)

- Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?  Yes  No

#### 115.86 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation?  Yes  No

#### 115.86 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?  Yes  No

#### 115.86 (d)

- Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?  Yes  No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?  Yes  No
- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?  Yes  No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts?  Yes  No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?  Yes  No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?  Yes  No

## 115.86 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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JASO conducts sexual abuse incident reviews (SAIR) at the conclusion of every criminal or administrative sexual abuse investigation. In the past 12 months, JASO has conducted one SAIR.

- JASO policy PREA 19 states, "All instances where sexual abuse is not unfounded (whether substantiated or unsubstantiated) through an appropriate investigation, shall be reviewed by a Sexual Abuse Incident Review Team."
- The Auditor reviewed the one completed investigation JASO had in the past 12 months. The report was completed November 24, 2019 and the SAIR was completed on December 10, 2019.
- The Sheriff reported the SAIR review team consists of himself, the PREA Coordinator, and PIU Investigator.
- The SAIR review team considers the following: Whether the allegation or investigation indicates a need to change policy or practice; Whether the incident or allegation was motivated by race, ethnicity, gender identity, sexual orientation, gang affiliation or other motivations.

This was confirmed through documentation review and interviews with the Sheriff and PCM.

- The Sheriff stated any recommendations made by the review team would be implemented and overseen by the PREA Coordinator.

Based on documentation review and interviews, JASO meets this standard.

## Standard 115.87: Data collection

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

### 115.87 (a)

- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?  Yes  No

### 115.87 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually?  Yes  No

### 115.87 (c)

- Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?  Yes  No

### 115.87 (d)

- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?  Yes  No

### 115.87 (e)

- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)  Yes  No  NA

### 115.87 (f)

- Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)  Yes  No  NA

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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



a, b, c, d) JASO policy PREA 19 states, "Jackson County Jail administration shall review data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies and training, including: Identifying problem areas; Taking corrective actions on an ongoing basis; and Preparing an annual report of its findings from data review and any corrective actions for the facility."

The Auditor reviewed JASO annual reports from 2019. This report is also posted on the JASO website at: <https://www.jasoks.org/divisions/jail-division/prison-rape-elimination-act-prea/> This website also has posted PREA statistics from 2018, 2017 and 2016.

e) N/A JASO does not contract for the confinement of inmates.

f) N/A DOJ has not requested agency data from JASO.

Based on documentation review, JASO meets this standard.

## Standard 115.88: Data review for corrective action

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

#### 115.88 (a)

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?  Yes  No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?  Yes  No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?  Yes  No

#### 115.88 (b)

- Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?  Yes  No

#### 115.88 (c)

- Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?  Yes  No

#### 115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

a, b, c, d) JASO policy PREA 19 states, "Jackson County Jail administration shall review data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies and training, Including: Identifying problem areas; Taking corrective actions on an ongoing basis; and Preparing an annual report of its findings from data review and any corrective actions for the facility."

The Auditor reviewed JASO annual reports from 2019. This report is also posted on the JASO website at: <https://www.jasoks.org/divisions/jail-division/prison-rape-elimination-act-prea/> This website also has posted PREA statistics from 2018, 2017 and 2016.

Based on documentation review and interviews, JASO meets this standard.

## 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

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a, b, c, d) All sexual abuse data is locked in a secure area.

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Based on documentation review and interviews, JASO meets this standard.

## 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

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## Instructions for Overall Compliance Determination Narrative

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

a, b) JASO operates one facility. Their first PREA audit was completed in 2016. This is the second year of the current audit cycle.

h m) While onsite the Auditor was provided private office settings to conduct interviews with all staff and inmates. The Auditor had access to all areas of JASO.

i) The Auditor was provided all documentation requested.

n) Inmates and staff were permitted to send confidential correspondence. While the Auditor did not receive correspondence, the Notice of Audit outlined the confidentiality requirements and was posted throughout the facility.

Based on the Auditor's experience during this audit process, JASO meets this standard.

## 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. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. 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

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## Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's*

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

It's clear that JASO believes that incarcerated individuals have the right to be free from sexual abuse and sexual harassment. This zero-tolerance culture is evident in the policies of the agency, the actions of JASO leadership as well as the knowledge the staff demonstrated of PREA. JASO leadership was quick to ask great questions and wanted the Auditor's input. Staff was able to articulate the agencies coordinated response to sexual abuse and harassment.

The overall theme of the interviews with inmates included feeling safe at the facility and the belief that staff takes reports of sexual abuse seriously. The inmates were able to explain how to report incidents of sexual abuse and harassment and were able to discuss how they were exposed to PREA education upon intake. While some stated they could not remember the PREA video in its entirety, they did remember viewing it. All inmates reported they knew that opposite gender staff announced themselves at the beginning of each shift.

Staff knew their responsibilities to prevent, detect, and respond to incidents of sexual abuse and harassment. Staff was able to articulate the coordinated response to sexual abuse and harassment. They knew to separate the victim from the alleged perpetrator, secure the scene and to contact their supervisor. They stated that all reports would be documented by the end of shift. They also stated that if they received knowledge of someone being in imminent danger, they would immediately secure the safety of that individual. It is clear there is a zero –tolerance culture at JASO.

Interviews with specialized staff were completed and the results were positive and supported the zero-tolerance culture. Each knew their role and responsibilities as it pertains to PREA compliance and documentation. They articulated the coordinated response and the expectations that staff would follow all policies. Administrative staff was very open to any suggestions the Auditor presented during the tour and the exit meeting.

JASO was found to be in compliance with all PREA standards.

# 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.<sup>1</sup> Auditors are not permitted to submit audit reports that have been scanned.<sup>2</sup> See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

/s/ Elisabeth Copeland

July 28, 2020

**Auditor Signature**

**Date**

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

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