

**PREA AUDIT REPORT     Interim    Final**  
**ADULT PRISONS & JAILS**

**Date of report:** November 4, 2016

<b>Auditor Information</b>			
<b>Auditor name:</b> Darnel Carlson			
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<b>Telephone number:</b> 218-822-7007			
<b>Date of facility visit:</b> April 19-20, 2016			
<b>Facility Information</b>			
<b>Facility name:</b> Hubbard County Detention Center			
<b>Facility physical address:</b> 301 Court Avenue Park Rapids, MN. 56470			
<b>Facility mailing address:</b> <i>(if different from above)</i> <a href="#">Click here to enter text.</a>			
<b>Facility telephone number:</b> 218-732-3331			
<b>The facility is:</b>	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input checked="" type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
<b>Facility type:</b>	<input type="checkbox"/> Prison	<input checked="" type="checkbox"/> Jail	
<b>Name of facility's Chief Executive Officer:</b> Joe Henry, Jail Administrator			
<b>Number of staff assigned to the facility in the last 12 months:</b> 38			
<b>Designed facility capacity:</b> 116			
<b>Current population of facility:</b> 55			
<b>Facility security levels/inmate custody levels:</b> Minimum, General, Special Management			
<b>Age range of the population:</b> 18-99			
<b>Name of PREA Compliance Manager:</b> <a href="#">Click here to enter text.</a>		<b>Title:</b> <a href="#">Click here to enter text.</a>	
<b>Email address:</b> <a href="#">Click here to enter text.</a>		<b>Telephone number:</b> <a href="#">Click here to enter text.</a>	
<b>Agency Information</b>			
<b>Name of agency:</b> Hubbard County Detention Center			
<b>Governing authority or parent agency:</b> <i>(if applicable)</i> Hubbard County Sheriff's Office			
<b>Physical address:</b> 301 Court Avenue Park Rapids. MN. 56470			
<b>Mailing address:</b> <i>(if different from above)</i> <a href="#">Click here to enter text.</a>			
<b>Telephone number:</b> 218-732-3331			
<b>Agency Chief Executive Officer</b>			
<b>Name:</b> Cory Aukus		<b>Title:</b> Sheriff	
<b>Email address:</b> caukes@co.hubbard.mn.us		<b>Telephone number:</b> 218-732-3331	
<b>Agency-Wide PREA Coordinator</b>			
<b>Name:</b> Nick Weaver		<b>Title:</b> Assistant Jail Administrator	
<b>Email address:</b> <a href="mailto:nweaver@co.hubbard.mn.us">nweaver@co.hubbard.mn.us</a>		<b>Telephone number:</b> 218-732-2515	

## **AUDIT FINDINGS**

### **NARRATIVE**

The Hubbard County Jail was audited on April 19-20, 2016. A review of the pre-audit documents had been conducted prior to the on-site visit. The initial meeting began at approximately 8:00 AM and was attended by Jail Administrator Joe Henry. The Audit process was discussed, the staff schedule, inmate roster, and a list of additional documents were requested for review as part of the audit.

The facility tour was conducted by Jail Administrator Joe Henry. During the initial tour, all areas of the facility were toured, including master control, intake/booking, kitchen and laundry areas, education/programming areas, recreation areas, inmate housing units, administrative offices, and health services. During the facility tour, this Auditor noted that some PREA related material was posted in the facility. The PREA Audit notice was visibly posted throughout the facility. The facility has a CCTV system that covers all areas of the jail with video retention. During the twelve month period prior to the audit, there were zero instances of substantiated, unsubstantiated, or unfounded incidents of sexual abuse or harassment.

During the onsite audit, this auditor reviewed and requested copies of specific documentation and information for compliance with PREA. This included review of staff backgrounds, staff orientation and training records, contractor and volunteer training and orientation documents, inmate PREA education documents, screening tools, and investigative reports. Interviews were conducted with the Sheriff, Jail Administrator, PREA Coordinator, Investigative staff, Medical staff, Human Resource staff, Volunteer who has contact with inmates, Intermediate-or-Higher-Level facility staff, random staff, and inmates.

Hubbard County Mission Statement:

Mission Statement:

To protect and serve the residents and visitors of Hubbard County in a manner that ensures a safe environment in which to live, work and visit without regard to religion, color, sex or nationality.

## **DESCRIPTION OF FACILITY CHARACTERISTICS**

The Hubbard County Detention Center is a Class III facility as defined by rule 2911.0200.S.13 from the Minnesota Department of Corrections 2911 Licensing Rules Adult Detention Facilities. The Hubbard County Jail has a licensed capacity of 60 inmates and houses adult male and female inmates who are pre-trial, pending final sentencing, or serving a sentence less than one year per conviction. Hubbard County houses sentenced inmates for the Department of Corrections, and inmates from other county jails in Minnesota. The Hubbard County Detention Center was built in 2006 and utilizes podular direct and podular indirect supervision.

The Hubbard County Detention Center is a one level building that consists of a vehicle sally port, booking area, master control shared with dispatch, administrative office for team leaders, kitchen, laundry, medical area, program room, multi-purpose area, and three housing units, with a two bed single cell unit located in booking. There is one (1) thirty-two (32) bed two (2) tier unit; one (40) forty bed one (1) tier unit; one (1) thirty-four (34) two (2) tier unit; and five (5) individual holding cells in booking.

The Hubbard County Detention Center contracts with A'viands LLC as their food service provider. A'viands provides essential personnel required to prepare meals and perform all necessary functions of a kitchen. A'viands personnel supervise inmate labor used in the kitchen to help prepare meals, wash dishes, and clean the kitchen. Meals are prepared on-site and delivered to the housing units and served to the inmates. Inmate workers are assigned to the facilities laundry. Laundry services is responsible for cleaning the bedding, linens, and clothing for the facility.

The Hubbard County Detention Center directly contracts with an independent Registered Nurse to provide health care services. Inmates are transported to the nearest clinic or hospital for further medical assessment and treatment when necessary. On November 1, 2016 The Hubbard County Detention Center entered into an agreement with MEnD Correctional Care to provide Licensed and a certified medical practitioner that provides for the delivery of health care services, including, medical, dental, and mental health services.

The Hubbard County Detention Center offers programs to inmates on various set schedules. The inmates are offered a variety of programs including, A.A. classes, spiritual based programs, recreation, and education classes. There is one programmer that works Monday-Friday who facilitates programming for each housing unit throughout the week.

## **SUMMARY OF AUDIT FINDINGS**

On April 19-20, 2016 two site visits were completed at the Hubbard County Detention Center in Hubbard County, Minnesota. The Hubbard County Jail exceeded 0 standards; met 42 standards; 0 standards were not met; 1 standard was not applicable.

Number of standards exceeded: 0

Number of standards met: 42

Number of standards not met: 0

Number of standards not applicable: 1

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

- (a) Policy 612 – Prison Rape Elimination Act (612.2) clearly states the agency’s zero tolerance with regard to sexual assault and abuse in their facility, in compliance with statutes, regulations, and best correctional practices. Policy 612 – Prison Rape Elimination Act outlines the agency’s approach to preventing, detecting, and responding to sexual abuse and harassment, prohibited behavior, and definitions as defined in the PREA Standards. Policy 11 – Rules of Conduct prohibit staff from engaging in sexual abuse and are subject to disciplinary sanctions up to and including termination for staff who have engaged in sexual abuse.
- (b) The Hubbard County Detention Center Organizational Chart designates the Assistant Jail Administrator as the PREA Coordinator. The interview with the designated PREA Coordinator reports that he has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards. The Hubbard County Sheriff’s Office operates one facility which is the Hubbard County Jail.

Interviews with Agency Administration verify the commitment to enforcing the agency’s zero tolerance policy for sexual abuse and harassment. Interviews with staff and inmates confirm Agency Administrations commitment to enforcing a zero tolerance policy toward sexual abuse and harassment and confidence that all claims will be taken seriously and investigated without retaliation toward staff and inmates involved.

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

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

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This standard is not applicable to Hubbard County. Hubbard County has zero contracts with other agency’s for confinement of their inmates. Hubbard County houses inmates for other agency’s and the MN Department of Corrections.

### Standard 115.13 Supervision and monitoring

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

- (a) Policy 247 – Staffing states that Hubbard County Detention Center ensures the safety, security, and efficient operation of their facility by assigning custody personnel according to a detailed staffing plan that is developed and maintained in accordance with law. Department of Corrections rule (2911.0900.S.1) mandates the staffing plan be reviewed at least annually. The most recent staffing plan is based on the licensed capacity of 60 inmates.
- (b) The Hubbard County Detention Center does not deviate from the staffing plan, part-time staff or voluntary overtime is used to cover shifts when needed. The interview with the Jail Administrator verifies the Hubbard County Detention Center does not deviate from the staffing plan, part-time staff or voluntary overtime is used to cover shifts when needed. The interview with the Jail Administrator and review of the staffing plan verify compliance with this standard. There has not been any additional cameras added to the facility; all current cameras are in proper working order and replaced when needed.
- (c) The interview with the Assistant Jail Administrator/PREA Coordinator confirms that he is involved in the annual review of the staffing plan.
- (d) While reviewing documentation and through staff interviews during the on-site audit, this Auditor found that a practice of intermediate-level or higher-level supervisors conducting and documenting unannounced rounds had not been implemented. It was found that the supervisors complete rounds throughout the facility but a formal process was not in place. The corrective action needed is for Jail Administration to setup a formalized process for conducting and documenting unannounced rounds throughout the facility. The process this Auditor and Jail Administration worked together on is to create a form to document the rounds and educate the Team Leads. On May 13, 2016, this auditor received an email advising that the Agency implemented the unannounced rounds by intermediate-level or higher-level supervisors documenting on May 12, 2016. On October 27, 2016 this auditor received documentation of supervisory unannounced rounds conducted by intermediate-level or higher-level supervisors. The log shows unannounced rounds are being conducted on all shifts.

### Standard 115.14 Youthful inmates

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

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Policy 512 – Juvenile Detentions addresses this standard. During the twelve months prior to the audit, there was one juvenile and zero youthful inmates housed at the Hubbard County Detention Center. The Hubbard County Detention Center holds juveniles for 24 hours excluding weekends and holidays. Juveniles and Youthful inmates would be housed in the separate 2 cell unit with enclosed sub-dayroom in the booking area which meets the requirements of this standard.

### **Standard 115.15 Limits to cross-gender viewing and searches**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

- (a) Policy 528 – Searches states that jail staff will not conduct cross-gender modified strip searches or strip searches except in exigent circumstances. Physical body cavity searches will be performed only by a physician. There have been zero cross-gender modified strip searches or strip searches performed in the twelve months prior to the audit.
- (b) Policy 528 – Searches states that except in exigent circumstances, male staff may not pat down female inmates. Any instance of male staff conducting a pat search of a female inmate must be documented. Interviews conducted with staff and inmates verify that female inmates’ are not restricted from attending out of cell activities. In the twelve months prior to the audit, there have been zero cross-gender pat down searches performed by male staff of a female inmate.
- (c) Policy 528- Searches requires that all cross-gender modified strip searches and strip searches must be documented.
- (d) After reviewing agency policy and procedure, this auditor could not find written policy that enables 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. Interviews with staff and inmates verify this practice is being followed. The corrective action this Auditor recommends will be adding the correct verbiage to the Searches Policy.
- (e) After reviewing agency policy and procedure, this auditor could not find written policy that prohibits staff from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status. Interviews with staff confirm they do not and would not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status. The corrective action this Auditor recommends will be adding the correct verbiage to the Searches Policy.
- (f) Training records and interviews with staff verify receiving training on conducting cross-gender pat down searches and searches of transgender and intersex inmates professionally and in a respectful. This Auditor will be recommending a training curriculum for newly hired staff and to meet PREA Training requirements every other year. While interviewing staff and inmates during the on-site audit, this Auditor found that staff of the opposite gender were not announcing their presence when entering an inmate housing unit. The corrective action this auditor and Jail Administration discussed was to immediately train staff to announce their presence when entering a housing unit with inmates of the opposite gender.

On May 11, 2016 the Hubbard County Detention Center staff started announcing their presence by using “male on the floor” or “female on the floor” when entering a housing unit with inmates of the opposite gender.

On June 21, 2016 the Hubbard County Detention Center Searches policy was updated to include 528.2.1 which states “Inmates are able 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

well being check.” The Searches policy was also updated to include 528.9 which states “Staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining genital status (see Prison Rape Elimination Act Policy for transgender and intersex definitions). If genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records or, if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional.”

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Policy 604 – Inmates with Disabilities addresses this standard. The facility utilizes the language line for limited English speaking inmates and interpreters for deaf and hard of hearing inmates.

Interviews with staff confirm inmate interpreters or readers have not been used; but would use inmate assistants if circumstances exist where a delay could compromise the inmate’s safety. There were zero inmate interpreters, readers or other types of assistants used in the the twelve months prior to the audit. At the time of the on-site audit, there weren’t any limited English speaking or deaf or hard of hearing inmates housed at the Hubbard County Detention Center.

### **Standard 115.17 Hiring and promotion decisions**

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

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Policy 308 – Selection Process prohibits the hiring or promoting of anyone who may have contact with inmates that:

1. Have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institutions;
2. Have been convicted of engaging or attempting to engage in sexual activity by overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
3. Have been civilly or administratively adjudicated to have engaged in sexual activity.

After reviewing agency documents, this auditor could not verify that new hire candidates or promotion candidates were directly asked questions 1-3 above during the hiring or promotional process or in evaluations of current employees. The corrective action this auditor recommends is to add and provide documentation that questions 1-3 above have been added to an employment or promotional application or the questions are included as part of the

interview process. After reviewing policy and procedure, this auditor could not find policy that the agency shall not enlist the services of any contractor who may have contact with inmates that have engaged in the activity described in 1-3 above.

Policy 308 – states every person who may have inmate contact as a member or contractor, shall prior to service, undergo a thorough background investigation and follow-up criminal background checks at least every five years. Unless prohibited by law, the agency will provide information on substantiated allegations of sexual abuse or harassment that involve a former employee upon receiving a request from an institutional employer.

On June 1, 2016 the Hubbard County Detention Center’s Rules of Conduct Policy was updated to include 116.3.9 which prohibits the agency from enlisting the services of a contractor who may have contact with inmates that have engaged in the activity described in 1-3 above.

On October 27, 2016 this auditor received documentation of interview questions and employee evaluation’s that had been updated to include questions related to 1-3 above.

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

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

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Interviews with Administration confirm that PREA will be taken into consideration in any future planning for technology upgrades to the facility. The agency replaces cameras when needed and has added cameras to the exterior of the building.

### **Standard 115.21 Evidence protocol and forensic medical examinations**

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

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The Hubbard County Sheriff’s Office conducts administrative and criminal investigations for allegations of sexual abuse and sexual harassment. Interviews with investigative staff verify receipt of specialized training and that all allegations of sexual abuse and harassment will be investigated.

After review of policy and procedure this auditor could not find documentation of the evidence protocol. To be compliant with this standard please provide documentation of evidence protocol.

During the on-site audit, this auditor found that this agency did not have a verbal agreement or MOU with a Rape

Crisis Center or qualified staff from a community-based organization to provide inmates with a victim advocate. For compliance with this standard the agency will have to contact a victim advocate agency and enter into a MOU or documentation of trying to enter into an agreement to provide a victim advocate to provide emotional support, crisis intervention, information, and referrals.

Inmate's alleging sexual abuse will be offered and have access to forensic examinations. Inmates would be transported to St. Joseph's Area Health Systems, Park Rapids MN., <http://www.sjahs.org/> who have a SANE Nurse available 24/7.

There has been zero substantiated claim of sexual abuse and zero forensic medical exams performed in the twelve months prior to the audit.

On May 13, 2016 The Hubbard County Detention Center's Prison Rape Elimination Act Policy was updated to include 612.7 the required evidence protocol for investigations and the Prison Rape Elimination Act Training Policy was updated to include 317.5 specialized Investigator Training.

On October 25, 2016 this auditor received a copy of a signed memorandum of understanding dated June 20, 2016 between the Hubbard County Detention Center and Support Within Reach <http://www.supportwithinreach.org/> to provide emotional support services, crisis intervention, information, and referrals to inmates.

### **Standard 115.22 Policies to ensure referrals of allegations for investigations**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Interviews with the Sheriff and investigative staff verify that an administrative or criminal investigation will be completed on all allegations of sexual abuse and sexual harassment.

Review of policy and procedure found the agency did not have a written policy requiring all allegations of sexual abuse or harassment are investigated. Review of documentation found that the policy regarding referrals of allegations of sexual abuse or harassment was not published on the agency website or made publicly available via other means. Corrective action needed for compliance is to provide a written policy requiring all allegations of sexual abuse and harassment are investigated and the agency publicly posts the policy on their agency website or other means.

On May 13, 2016 The Hubbard County Detention Center's Prison Rape Elimination Act Policy was updated to include 612.7 which requires all allegations of sexual abuse or harassment are investigated.

The Hubbard County Detention Center has published on their website <http://www.co.hubbard.mn.us/Sheriff/hcprea.htm> their policy of investigating all allegations of sexual abuse and harassment.

### Standard 115.31 Employee training

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

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Review of training records and curriculum verify that staff have received training. Interviews with staff verify being provided training and can effectively communicate the training information.

During the document review, this auditor was unable to verify the training plan for continuing training bi-annually and refresher information during the years between the training. For compliance with this standard, the agency will have to complete a training plan for initial training for newly hired staff, refresher training bi-annually, and refresher information during the years in between refresher training.

On Monday, October 31, 2016, this auditor was provided the PREA Training curriculum used by the Hubbard County Detention Center.

### Standard 115.32 Volunteer and contractor training

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

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Documentation reviewed confirms Volunteers receive PREA training as part of an orientation. Volunteers sign that they have received and understand the training. Interviews with volunteers confirm receipt of training.

Documentation provided shows that the Jail Nurse has not received PREA training. To show compliance with this standard the agency will have to provide PREA training to the contracted Registered Nurse. Interviews with medical staff verify PREA Training has not been provided.

The food service vendor does provide PREA Training however the agency does need to provide the food service vendor employees with their zero tolerance policy and how to report incidents of sexual abuse or sexual harassment. The PREA Coordinator must maintain training records confirming that contractors have received and understand the training. To show compliance, the agency must get copies of training records and provide their zero tolerance policy and how to report incidents of sexual abuse and sexual harassment.

On May 13, 2016 the Hubbard County Detention Center's Prison Rape Elimination Act Training Policy was updated to include 317.3 which requires contractors who have contact with inmates will receive office approved training on the detection and prevention of sexual abuse and harassment within this facility.

On October 25, 2016 this auditor received a copy of the Agency's Professional Visitor Orientation that was implemented which provides contract staff with the Agency's zero tolerance policy and how to report incidents of

sexual abuse and sexual harassment.

On October 27, 2016 this auditor received a copy of the Aviaand's PREA Training and signed training documentation that staff received and understood the training they received.

On November 1, 2016 the Hubbard County Detention Center entered into a contract with MEnD Correctional Care to provide inmate medical services. MEnD Correctional Care provides comprehensive PREA training which covers all topics in standard 115.13 as part of their new employee orientation with refresher training every 2 years. Years in which employees do not receive refresher training the employees are provided refresher information. MEnD's Policy – PREA Training and Intervention and MEnD Protocol – Sexual Assault addresses the requirements of this standard.

### Standard 115.33 Inmate education

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

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Policy 612 – Sexual Assault addresses this standard. During the initial booking process inmates are provided with information on the facilities zero tolerance for sexual abuse and how to report incidents. Inmates are issued a card at booking to access kiosks located in each of the housing units. When the inmate signs into the kiosk for the first time, they are required to read and acknowledge the facility's PREA education information. Every thirty days thereafter, inmates are required to read and accept the PREA information. PREA education is available in the inmate handbook, each inmate is issued an inmate handbook, the PREA section of the handbook is posted in each unit. The agency provides inmate education in formats accessible to all inmates including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, and inmates who have limited reading skills as described in standard 115.16. Interviews with inmates confirm receiving PREA education and that written information is provided to them on the kiosk and in the inmate handbook.

Interviews with staff verify that inmates are provided PREA education.

On October 25, 2016 this auditor received a copy of a new educational brochure "End The Silence" for inmates.

### Standard 115.34 Specialized training: Investigations

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

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Hubbard County has one investigator that has received specialized training to conduct sexual abuse investigations in confinement settings. A copy of the certificate of completion was provided during the on-site audit. At the time of the on-site audit there were zero investigative reports to review. While reviewing the agency policies, this auditor could not find a policy requiring investigators are trained in conducting sexual abuse investigations in confinement. For compliance with this standard; agency to provide a policy that addresses this standard.

On May 13, 2016 the Hubbard County Jail's Prison Rape Elimination Act Training Policy was updated to include 317.5 which requires investigators to receive specialized training in compliance with this standard.

#### **Standard 115.35 Specialized training: Medical and mental health care**

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

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During documentation review and interviews with medical staff, this auditor could not find a policy related to the training of medical practitioners who work regularly in the facility. Mental health services are not provided at the facility; inmates are transported to a mental health care provider in the community. Medical staff does not perform forensic medical examinations at the facility; alleged inmate victims are transported to St. Joseph's Area Health Services, Park Rapids, MN., <http://www.sjahs.org/> where a SANE nurse is available 24/7. For compliance with this standard; agency to provide a policy that addresses this standard and provide the contracted Registered Nurse with specialized training outlined in this standard and the training mandated for employees under 115.31 based on the level of contact with inmates.

On May 13, 2016 the Hubbard County Jail's Prison Rape Elimination Act Training Policy was updated to include 317.3 and 317.4 which requires medical contractors receive training mandated for employees under 115.31 and specialized medical training. Forensic medical examinations will not be conducted by MEND employees. If required, emergent medical care will be provided prior to an inmate victim's transport to a community-based agency.

On November 1, 2016 the Hubbard County Detention Center entered into a contract with MEND Correctional Care to provide inmate medical services. Training records provided by MEND verify staff has received and understand training on the topics required in this standard.

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific**

### **corrective actions taken by the facility.**

While reviewing documents during the on-site audit, this auditor found that the facility had not implemented a risk assessment screening tool. The corrective action needed is for the agency to select a risk assessment form, examples were provided by this Auditor, train staff on use of the form, determine who and where the assessments will be conducted - considering privacy. Select an implementation date for assessing new intakes and completing assessments on current in-custody inmates. Determine where the assessments will be stored implementing appropriate controls on dissemination within the facility.

Provide a policy that requires screening upon admission to a facility or transfer to another facility will be completed within 72 hours of arrival at the facility.

Provide a policy that requires the facility reassess each inmate's risk of victimization or abusiveness within a set period of time not to exceed 30 days after arrival at the facility.

Provide a policy that requires an inmate's risk level 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.

Provide a policy that prohibits disciplining inmates for refusing to answer or for not disclosing complete information related to questions (d)(1); (d)(7); (d)(8), or (d)(9) of this section.

On June 15, 2016 the Hubbard County Jail's Inmate Classification Policy was updated to include 516.3, 516.3.1 (a-d), and 516.61 which meets the requirements of this standard.

On November 2, 2016 this auditor was provided a copy of the risk assessment tool implemented by the Hubbard County Detention Center which met the requirements of this standard.

### **Standard 115.42 Use of screening information**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The agency has not implemented a screening for risk of victimization or abusiveness. The agency will have to develop policy or procedures to use the information from the risk screening to inform, housing, bed, work, education, and program assignments. Develop a policy that individualized determinations on how to ensure the safety of each inmate and housing and program assignments for transgender or intersex inmates in the facility on a case-by-case basis. Develop a policy that placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year and a transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration. Develop a policy that transgender and intersex inmates are given the opportunity to shower separately from other inmates and lesbian, gay, bisexual, transgender, or intersex inmates will not be placed in dedicated units based solely on the basis of such identification or status.

On June 15, 2016 the Hubbard County Jail's Inmate Classification Policy was updated to include 516.6.1 and 516.9 which meets the requirements of this standard.

On November 2, 2016, the Hubbard County Detention Center provided a copy of the risk assessment that has been implemented.

### Standard 115.43 Protective custody

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Policy 510 – Special Management Inmates – (510.5) – Protective Custody states that inmates placed in protective custody shall receive all services and programs that are available to inmates in general population and that are deemed a privilege. Any deviation from allowing usually authorized items or activities shall be documented. Inmates in protective custody will have a review of status every seven days to determine whether their status in protective custody is still warranted.

In the twelve months prior to the audit, there have been zero inmates placed in involuntary segregated housing for one to 24 hours awaiting completion of assessment and zero inmates placed in involuntary segregated housing for longer than 30 days while awaiting alternative placement.

For compliance with this standard, the agency must include a policy prohibiting placement of inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination made that there is no available alternative.

On June 15, 2016 the Hubbard County Jail’s Inmate Classification Policy was updated to include 516.9 which prohibits placement of inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination made there is no available alternatives.

### Standard 115.51 Inmate reporting

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Policy 612 – Prison Rape Elimination Act (612.4) states that inmates may report sexual assault or abuse incidents anonymously or to any staff member they choose and should not be required to use their normal point of contact. Staff shall accommodate all inmate requests to report allegations of sexual abuse or harassment. Staff shall accept reports made verbally, in writing, anonymously, or from third parties and shall promptly document all verbal reports. Inmate education material states that inmates may report in person, through written inmate communication, through the grievance system, or via the kiosk. Staff may privately report sexual abuse and harassment of inmates to the Jail Administrator.

Interviews with staff confirm they would be comfortable reporting sexual abuse and harassment of inmates without fear of retaliation to Jail Administration and are confident that the report would be taken seriously and investigated.

The agency currently does not have at least one way for inmates to report abuse or harassment to a public or private entity who will immediately forward inmates reports of sexual abuse and sexual harassment to agency officials. The agency must find at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency.

Policy 608 – Legal Requirements of Foreign Diplomats and Foreign Nationals provides a procedure at the time of booking for inmates who are identified as foreign nationals.

The agency does not have information posted in the units or listed in the inmate handbook on how inmates detained solely for civil immigration purposes can contact relevant consular officials. The agency will have to post or list in the inmate handbook how an inmate can contact relevant consular officials.

On October 25, 2016 this auditor received a copy of a signed memorandum of understanding dated June 20, 2016 between the Hubbard County Detention Center and Support Within Reach <http://www.supportwithinreach.org/> to be the external reporting option for inmates. The contact information is provided in the “End The Silence” brochure provided to each inmate.

On November 14, 2016 this auditor received a copy of the updated inmate handbook that explains how a detained foreign national can contact relevant consular officials.

### **Standard 115.52 Exhaustion of administrative remedies**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Policy 620 – Inmate Grievances does not include grievance procedures related directly to grievances submitted regarding allegations of sexual abuse or harassment. For compliance with this standard, policy updates need to be made related directly to grievances submitted regarding allegations of sexual abuse or harassment.

In the twelve months prior to the audit, there were zero grievances filed that alleged sexual abuse

On July 13, 2016 the Hubbard County Jail’s Inmate Grievance Policy was updated to include 620.4 and 620.4.1 which meets the requirements of this standard.

### **Standard 115.53 Inmate access to outside confidential support services**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

The agency has not entered into any agreements with outside victim advocates to provide emotional support services as it relates to sexual abuse for the inmates. For compliance with this standard, the agency must enter into or document attempts to enter into agreements with an outside victim advocacy service.

On October 25, 2016 this auditor received a copy of a signed memorandum of understanding dated June 20, 2016 between the Hubbard County Detention Center and Support Within Reach <http://www.supportwithinreach.org/> to provide victim advocacy services.

#### **Standard 115.54 Third-party reporting**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Agency has to establish a method to receive third-party reports of sexual abuse and sexual harassment. Publicly distribute information on how to report sexual abuse and harassment on behalf of an inmate. Add information to inmate handbook and education material to obtain compliance with this standard.

The Hubbard County Detention Center has published on their website <http://www.co.hubbard.mn.us/Sheriff/hcprea.htm> a method to receive third-party reports of sexual abuse and sexual harassment on behalf of an inmate. The “End The Silence” brochure provided to each inmate includes contact information to inmates for third-party reporting.

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Policy 612 – Prison Rape Elimination Act (612.4) requires staff who becomes aware of an incident of sexual abuse, sexual harassment, or retaliation against inmates or staff shall immediately notify a supervisor. Threats or allegations of sexual abuse and sexual harassment, regardless of the source, shall be documented and referred for investigation. Sexual abuse and sexual harassment reports shall only be made available to those who have a legitimate need to know, and in accordance with this policy and applicable law.

Provide an agency policy or procedure that medical staff shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services.

On May 13, 2016 the Hubbard County Jail's Prison Rape Elimination Act Policy was updated to include in 612.4 that any agency representation, volunteer or contractor who becomes aware of an incident of sexual abuse, harassment, or retaliation against inmates or staff are required to immediately notify a supervisor.

On November 1, 2016 the Hubbard County Detention Center entered into a contract with MEnD Correctional Care to provide inmate medical services. MEnD Nursing Protocol – Sexual Assault requires medical staff to report sexual abuse allegations based on facility policy, notification to inmates of their limitations of confidentiality, and only disclosing information related to the alleged misconduct to those necessary per facility policy. Minnesota law requires mandated reporting to the Department of Human Services if the victim is under the age of 18 or considered a vulnerable adult. MEnD has an established procedure which is part of their initial medical assessment to notify inmates of their limitations of confidentiality.

#### **Standard 115.62 Agency protection duties**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Interviews with Jail Administration and staff verify knowledge of their responsibility to keep inmates safe and would take immediate action to protect an inmate after learning the inmate is at risk of imminent sexual abuse. In the twelve months prior to the audit, there were zero times the facility determined that an inmate was subject to substantial risk of imminent sexual abuse.

#### **Standard 115.63 Reporting to other confinement facilities**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Policy – 612 Prison Rape Elimination Act (612.4.1) addresses this standard. In the twelve months prior to the audit, the Hubbard County Sheriff's Office has received zero allegations from another agency that an inmate was sexually abused while in custody at the Hubbard County Detention Center. In the twelve months prior to the audit, the Hubbard County Detention Center has received zero reports from inmates that he/she was sexually abused while confined in another agency.

### Standard 115.64 Staff first responder duties

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Staff interviews verify understanding of what their responsibilities are as a first responder. After review of agency policies, this auditor was unable to locate a first responder policy for allegations of sexual abuse. In the twelve months prior to the audit, there were zero allegations that an inmate was sexually abused. There was one allegation that an inmate was sexually abused while being confined at the Hubbard County Detention Center. This allegation was reported to the Hubbard County Detention Center while the inmate was confined at another facility. The allegation was investigated by the Hubbard County Sheriff's Office and substantiated. On May 13, 2016 the Hubbard County Jail's Prison Rape Elimination Act Policy was updated to include 612.6 which outlines staff first responder duties for compliance with this standard.

### Standard 115.65 Coordinated response

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Agency hasn't developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse. Auditor will work with the agency to develop a coordinated response plan. On October 26, 2016, this auditor received a copy of a comprehensive plan for responding to incidents of sexual abuse. The plan includes an outline of responsibilities for first responders, Jail Administration, jail medical and mental health staff, law enforcement investigator, transporting officer, PREA Coordinator, and retaliation officer.

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Agency Administration maintains the right to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and what extent discipline is warranted. Interviews with the Sheriff and review of the labor contract verify Agency Administration maintains the management rights in the contract.

#### **Standard 115.67 Agency protection against retaliation**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Policy 612 – Prison Rape Elimination Act states all inmates and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations, shall be protected from retaliation. The Jail Administrator or authorized designee shall assign a supervisor to monitor, for at least 90 days, the conduct and treatment of inmates and or staff who report sexual abuse or sexual harassment, as well as inmates who were reported to have suffered sexual abuse, to determine if there is any possible retaliation. Monitoring may continue beyond 90 days if needed. Inmate monitoring shall also include periodic status checks. Interviews with the Sheriff and Jail Administrator verify they would protect inmates from retaliation by housing changes, transfer to another PREA compliant facility, and removal of alleged staff or inmate abusers from contact with victims.

In the twelve months prior to the audit, there have been zero incidents that required monitoring for retaliation.

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

For compliance with this standard, the agency must include in policy prohibiting placement of inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination made that there is no available alternative.

The interview with the Jail Administrator verifies that inmates at high risk of victimization or who have alleged sexual abuse are placed in involuntary segregated housing only until an alternative means of separation can be arranged. In the twelve months prior to the audit, there have been zero cases of inmates who have alleged to have suffered sexual abuse held in involuntary segregated housing.

On June 15, 2016 the Hubbard County Jail's Inmate Classification Policy was updated to include 516.9 which prohibits placement of inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination made there is no available alternatives.

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Policy 612 – Prison Rape Elimination Act reflects some of the requirements of the standard, for compliance with this standard, the agency will need an update to their policy. Criminal and administrative investigations are conducted by an investigator who has received specialized training in conducting sexual abuse investigations in confinement. If criminal acts are identified as a result of the investigation, the case will be referred for prosecution.

Interviews with investigative staff verify compliance with this standard.

In the twelve months prior to the audit, there was zero substantiated allegations of conduct that appeared to be criminal that were referred for prosecution.

On May 13, 2016 the Hubbard County Jail's Prison Rape Elimination Act Policy was updated to include 612.7 which addresses the requirements of this standard.

#### **Standard 115.72 Evidentiary standard for administrative investigations**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

After review of documentation, this auditor was unable to find that the agency will not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Interviews with investigative staff confirm the evidentiary standard used is the preponderance of the evidence.

On May 13, 2016 the Hubbard County Jail's Prison Rape Elimination Act Policy was updated to include 612.7.1 which

states the evidentiary standard for administrative investigations is the preponderance of evidence.

### **Standard 115.73 Reporting to inmates**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

After review of policies, this auditor was unable to find a policy that addresses the requirements of this standard. For compliance with this standard, the agency will need to add the requirements of this standard to policy. Interviews with the Jail Administrator and investigative staff confirm the inmate would be informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. In the twelve months prior to the audit, there were zero allegations of conduct investigated and zero notifications to inmates.

On May 13, 2016 the Hubbard Detention Center's Prison Rape Elimination Act Policy was updated to include 612.7.2 which addresses this standard.

### **Standard 115.76 Disciplinary sanctions for staff**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

After review of documentation this auditor was unable to find information in reference to disciplinary sanctions for staff for this standard. For compliance with this standard agency will need to update a policy related to staff discipline.

In the twelve months prior to the audit, there were zero staff who violated sexual abuse or sexual harassment policies or have been terminated or resigned prior to termination for violating sexual abuse or sexual harassment policies.

On May 13, 2016 the Hubbard County Detention Center's Prison Rape Elimination Act Policy was updated to include 612.7.1 which states: The staff shall be subject to disciplinary sanctions, up to and including termination, for violating this policy. Termination shall be the presumptive disciplinary sanction for staff members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the law enforcement agency that would handle any related investigation and to any relevant licensing bodies.

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

After review of documentation this auditor was unable to find information in reference to corrective action for contractors and volunteers for this standard. For compliance with this standard agency will need to update a policy related to corrective action for contractors and volunteers.

In the twelve months prior to the audit, there were zero contractors or volunteers who violated sexual abuse or sexual harassment policies or have been terminated or resigned prior to termination for violating sexual abuse or sexual harassment policies.

On May 13, 2016 the Hubbard County Jail’s Prison Rape Elimination Act Policy was updated to include 612.8.1 which addresses the corrective action that will be taken if a volunteer or contractor violates the agency’s sexual abuse policy.

**Standard 115.78 Disciplinary sanctions for inmates**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Policy 600 – Inmate Discipline reflects the requirements of this standard. The Hubbard County Detention Center prohibits all sexual activity between inmates and will discipline inmates for such activity. The inmate handbook explains the facility rules, discipline, and the appeal process.

In the twelve months prior to the audit, there have been zero administrative findings of inmate-on-inmate sexual abuse and zero criminal findings of guilt for inmate-on-inmate sexual abuse that have occurred at the facility.

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

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Staff interviews during the on-site audit and review of documentation found that the agency does not have a process in place to offer inmates who have experienced prior sexual victimization a follow-up meeting with the Registered Nurse. The agency will have to develop a system for referring inmates to the Registered Nurse to be compliant with this standard.

On May 13, 2016 the Hubbard County Jail's Prison Rape Elimination Act Policy was updated to include 612.11 which addresses this standard.

On November 1, 2016 the Hubbard County Detention Center entered into a contract with MEnD Correctional Care to provide inmate medical services. The Health Assessment used by MEnD Correctional Care includes questions related to PREA. If an inmate who discloses prior sexual victimization in an institutional or community setting would like to speak with mental health, the assessor refers the inmate to mental health; an appointment will be scheduled within 14 days. MEnD Sexual Protocol only allows medical practitioners to disclose information related to an alleged sexual misconduct to those necessary per facility policy and to notify the alleged victim of their duty to report any allegations of sexual misconduct that occurred in an institutional setting.

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Policy 612 – Sexual Assault addresses a portion of this standard, for compliance with this standard, updates to the policy are needed.

On May 13, 2016 the Hubbard County Jail's Prison Rape Elimination Act Policy was updated to include 612.11 Examination, Treatment and Testing which complies with this standard.

On November 1, 2016 the Hubbard County Detention Center entered into a contract with MEnD Correctional Care to provide inmate medical services. Inmate victims of sexual abuse will be provided emergent medical care at the facility and then transported to St. Joseph's Area Health Systems, Park Rapids MN: <http://www.sjahs.org/> who has a SANE Program. Forensic medical examinations will not be performed at the Hubbard County Detention Center.

Inmate victims of sexual abuse while in jail will be offered information and access to emergency contraception and sexually transmitted infections prophylaxis free of charge in accordance with professionally accepted standards of care, where medically appropriate. Jail Administration confirmed that the victim's safety is a priority and the victim would not incur any financial costs for medical care.

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Policy 612 – Prison Rape Elimination Act addresses a portion of this standard, for compliance with this standard, updates to the policy are needed.

On May 13, 2016 the Hubbard County Jail's Prison Rape Elimination Act was updated to include 612.11 Examination, Treatment, and Testing which complies with this standard. The treatment plan provided by medical staff at St. Joseph's Area Health Systems, Park Rapids, MN: <http://www.sjahs.org/> would be followed and required follow-up appointments would be scheduled by the jail's Registered Nurse.

On November 1, 2016 the Hubbard County Detention Center entered into a contract with MEnD Correctional Care to provide inmate medical services. MEnD Nursing Protocol requires inmates be offered medical and mental health services and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. The evaluation and treatment including follow-up services, treatment plans, and referrals for continued care following their transfer or release from the detention center. The treatment provided to the inmate at St. Joseph's Area Health Systems in Park Rapids would be provided without financial cost to the victim which would include pregnancy tests and all treatment for STD's. Follow-up services and treatment recommended from the SANE nurse would be reviewed by the medical provider and a treatment plan implemented in the jail taking into consideration the recommendations prepared by the SANE nurse.

### Standard 115.86 Sexual abuse incident reviews

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

After review of the policy and procedures, this auditor did not find any documentation requiring the agency to conduct an incident review of sexual abuse within 30 days of the conclusion of the investigation on all unsubstantiated and substantiated sexual abuse investigations. For compliance agency will have to designate an incident review team and include language in a policy or procedure.

In the twelve months prior to the audit, there have been zero substantiated or unsubstantiated sexual abuse investigations.

On May 13, 2016 the Hubbard County Jail's Prison Rape Elimination Act Policy was updated to include 612.14 Sexual

Abuse Incident Review. Which establishes requirements for when an Incident Review must normally be conducted, what the incident review team must consider, make recommendations, and either implementation of the recommendations by the Jail Administrator or documentation why recommendations were not implemented. On October 26, 2016, this auditor was provided a copy of an Incident Review Checklist which listed the members of the Incident Review Team and a document that will be used by the Incident Review Team for an incident review.

### Standard 115.87 Data collection

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Agency has not collected accurate, uniform data for every allegation of sexual abuse. For compliance the agency will need to develop a system for collecting and aggregating the incident based data at least annually.

On May 13, 2016 the Hubbard County Jail's Prison Rape Elimination Act Policy was updated to include 612.13 Data Reviews which addresses this standard.

On November 14, 2016, this auditor received a copy of the document the Hubbard County Detention Center is using for collecting and aggregating annually, the incident based data. The Hubbard County Detention Center is prepared to provide their data to the U.S. Department of Justice, upon request.

### Standard 115.88 Data review for corrective action

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Agency has not collected data to be reviewed or made the report available to the public after approval from the Sheriff. For compliance the agency will have to develop a system to collect data, review the data, and make available to the public after approval from the Sheriff.

On May 13, 2016 the Hubbard County Jail's Prison Rape Elimination Act Policy was updated to include 612.13 Data Reviews which addresses this standard.

The Hubbard County Detention Center will review data on an annual basis and provide a report on their website: <http://www.co.hubbard.mn.us/Sheriff/hcprea.htm> that has been approved by the Sheriff. At the time of this audit, the facility did not have data compiled for 2015, however the Agency will begin posting their information with the 2016 data that is being collected. When requested by a member of the public, the current information is readily

available at the Hubbard County Detention Center.

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

Agency has not collected data to make available to the public at least annually. Make aggregated data, after removing all personal identifies, readily available to the public at least annually through the web-site. On May 13, 2016 the Hubbard County Jail’s Prison Rape Elimination Act Policy was updated to include 612.13 Data Reviews which addresses this standard. The PREA Coordinator securely retains collected sexual abuse data in his office and will maintain this data for at least ten years after the date of the initial collection unless federal, state, or local law requires otherwise. The Hubbard County Detention Center will make their data readily available on their website: <http://www.co.hubbard.mn.us/Sheriff/hcprea.htm> and at the Hubbard County Detention Center.

**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.

Darnel Carlson

11/14/16

Auditor Signature

Date