

# Prison Rape Elimination Act (PREA) Audit Report Juvenile Facilities

Interim     Final

Date of Report 12/30/2019

## Auditor Information

Name: Sonya Love      Email: sonya.love57@outlook.com

Company Name: Diversified Consultant Services

Mailing Address: P.O. Box 452      City, State, Zip: Blackshear, Georgia 31516

Telephone: 678-200-3446      Date of Facility Visit: August 20-22, 2019

## Agency Information

Name of Agency: Scott County Juvenile Alternative Facility      Governing Authority or Parent Agency (If Applicable): Scott County Community Corrections – MN Department of Corrections

Physical Address: 200 4th Ave W.      City, State, Zip: Shakopee, MN 55379

Mailing Address: N/A      City, State, Zip: Click or tap here to enter text.

The Agency Is:       Military       Private for Profit       Private not for Profit  
 Municipal       County       State       Federal

Agency Website with PREA Information: <https://www.scottcountymn.gov/272/Juvenile-Alternative-Facility>

## Agency Chief Executive Officer

Name: Molly Bruner

Email: mbruner@co.scott.mn.us      Telephone: 952-496-8348

## Agency-Wide PREA Coordinator

Name: Eric Schultz

Email: eschultz@co.scott.mn.us      Telephone: 952-496-8958

PREA Coordinator Reports to:      Number of Compliance Managers who report to the PREA Coordinator:

Robert Nelson – Facility Manager	1
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### Facility Information

Name of Facility: Scott County Juvenile Alternative Facility

Physical Address: 17681 Valley View Drive

City, State, Zip: Jordan, MN 55352

Mailing Address (if different from above):  
N/A

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 Website with PREA Information: <https://www.scottcountymn.gov/273/About-the-JAF>

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: Performance Base Standards (PbS))

N/A

If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe: Performance-based Standards (PbS) is a data-driven improvement model grounded in research that holds juvenile justice agencies, facilities and residential care providers to the highest standards for operations, programs and services.

### Facility Administrator/Superintendent/Director

Name: Robert Nelson

Email: [bnelson@co.scott.mn.us](mailto:bnelson@co.scott.mn.us)

Telephone: 952-496-8924

### Facility PREA Compliance Manager

Name:

Email:

Telephone:

Facility Health Service Administrator  N/A

<b>Name:</b>	
<b>Email:</b>	<b>Telephone:</b>
<b>Facility Characteristics</b>	
<b>Designated Facility Capacity:</b>	<b>16</b>
<b>Current Population of Facility:</b>	<b>12</b>
<b>Average daily population for the past 12 months:</b>	<b>12</b>
<b>Has the facility been over capacity at any point in the past 12 months?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Which population(s) does the facility hold?</b>	<input type="checkbox"/> Females <input type="checkbox"/> Males <input checked="" type="checkbox"/> Both Females and Males
<b>Age range of population:</b>	<b>10-21</b>
<b>Average length of stay or time under supervision</b>	<b>12 days</b>
<b>Facility security levels/resident custody levels</b>	<b>Minimum</b>
<b>Number of residents admitted to facility during the past 12 months</b>	<b>237</b>
<b>Number of residents admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:</b>	<b>155</b>
<b>Number of residents admitted to facility during the past 12 months whose length of stay in the facility was for 10 days or more:</b>	<b>82</b>
<b>Does the audited facility hold residents 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)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Select all other agencies for which the audited facility holds residents: Select all that apply (N/A if the audited facility does not hold residents for any other agency or agencies):</b>	<input type="checkbox"/> Federal Bureau of Prisons <input 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 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 residents:	22
Number of staff hired by the facility during the past 12 months who may have contact with residents:	5
Number of contracts in the past 12 months for services with contractors who may have contact with residents:	7
Number of individual contractors who have contact with residents, currently authorized to enter the facility:	7
Number of volunteers who have contact with residents, currently authorized to enter the facility:	9
<b>Physical Plant</b>	
<p>Number of buildings:</p> <p>Auditors should count all buildings that are part of the facility, whether residents 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 residents, 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>	2 (1 facility & 1 school building)
<p>Number of resident housing units:</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 residents 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 residents 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>	1
Number of single resident cells, rooms, or other enclosures:	16
Number of multiple occupancy cells, rooms, or other enclosures:	0
Number of open bay/dorm housing units:	3
Number of segregation or isolation cells or rooms (for example, administrative, disciplinary, protective custody, etc.):	0

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Medical and Mental Health Services and Forensic Medical Exams</b>	
Are medical services provided on-site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are mental health services provided on-site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Where are sexual assault forensic medical exams provided? Select all that apply.	<input type="checkbox"/> On-site <input checked="" type="checkbox"/> Local hospital/clinic <input type="checkbox"/> Rape Crisis Center <input type="checkbox"/> Other (please name or describe: <a href="#">Click or tap here to enter text.</a> )
<b>Investigations</b>	
<b>Criminal Investigations</b>	
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:	0
When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-resident or resident-on-resident), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply.	<input type="checkbox"/> Facility investigators <input type="checkbox"/> Agency investigators <input checked="" 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 checked="" 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: <a href="#">Click or tap here to enter text.</a> ) <input type="checkbox"/> N/A
<b>Administrative Investigations</b>	
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-resident or resident-on-resident), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply	<input checked="" type="checkbox"/> Facility investigators <input 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<br><input type="checkbox"/> Other (please name or describe: <a href="#">Click or tap here to enter text.</a> )<br><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.*

#### Overview

The Scott County Juvenile Alternative Facility (JAF) is a non-secure residential facility that provides non-secure detention and residential services. The JAF is part of the Scott County Community Corrections department. The mission of the Scott County Community Corrections is to ensure public safety by reducing offender recidivism through community involvement, effective programming, and supervision of offender's while being supportive and responsive to the needs of victims and the community.

The on-site Prison Rape Elimination Act (PREA) compliance audit of the Scott County Juvenile Alternative Facility (JAF) located in Jordan, Minnesota was conducted on August 20-22, 2019 by U.S. Department of Justice (DOJ) certified PREA Auditor, Sonya Love, Diversified Consultant Services. The Auditor conducted an opening meeting, toured the residential facility, interviewed a random sample of staff and residents, and reviewed PREA related staff and resident documentation. Upon completion of the onsite audit process, a closing meeting was held with the administrative staff to discuss the audit process and the next step in the audit process.

#### Pre-Audit Phase

The standards used for this audit became effective August 20, 2012. An internet search confirmed the Scott County JAF January 1, 2019 to December 31, 2019 Sexual Assault and Sexual Harassment Annual Report was posted on the agency's website for 2019. The Auditor was provided a copy of the Scott County Juvenile Alternative Facility Safety Guide (handbook) English onsite. The Spanish version of the overview is available as needed for distribution to residents upon arrival to the residential facility during orientation. The Scott County JAF overview contained information such as the facility goals, program components, and resident program groups.

An examination of the Scott County Juvenile Alternative Facility Safety Guide revealed that Scott County JAF detailed the following:

#### **Facility Goals:**

1. The facility is intended to be an incentive-based program to begin the management of juvenile offenders through intervention on a much faster time track than additional processing.
2. To provide a short-term intervention while allowing youth to receive services in their community. The needed alternative that will allow an offender to avoid the negative results of longer-term detention in a secure facility.
3. To create a pro-active environment rather than a re-active environment.
4. The facility will expedite the movement of an offender to a more normal (restorative) community based, solution focused setting.
5. When possible, will provide immediate assessments and evaluations as well as solutions planning in lieu of court processes.
6. Provide for public safety.
7. Ensure staff are adequately trained in the following:
  - a. Motivational Interviewing
  - b. Truthought Cognitive Curriculum
  - c. Crisis Prevention Intervention
  - d. Voices – Gender Specific Curriculum

### **Program Components:**

The following are some activities that youth will be exposed to:

- A full day of school
- Recreation
- Group process
- Skill building
- Independent living skills
- Cognitive behavioral skills
- Character groups

### **Resident Program Groups:**

**Chemical Health Group:** A gender-specific 45-minute structured group occurring once per week facilitated by a Scott County Mental Health provider. The aim is to provide psychoeducation on various dimensions of drug and alcohol use. Educational information will be imparted through readings, discussion, and interactive activities in a fun, engaging, and interactive setting. Motivational interviewing strategies will be employed.

**Emotions Management Group:** A gender-specific 45-minute structured group occurring once per week facilitated by a Scott County Mental Health provider. The goal of this group is to validate a young person's experience by helping them to recognize, express, and copy with all the feelings they experience in a safe environment. Youth learn skills to help them cope with the ongoing stresses in life and maintain satisfying relationships.

**Reflection/Process Group:** The reflection group is an opportunity for youth to review and identify the skills and strengths they used throughout the afternoon, and a way to reinforce programs in their program and the skills utilized. Youth will complete a written assignment and present them in a group format with discussion.

**Group Building Activities:** The group works with one another to complete a task in order to build care, honesty and respect within the group. The group will work to rely and trust one another in order to accomplish a particular goal. These activities can be as simple as participating in a common game to work to on teamwork through a ropes type course to work on trust.

**Monthly Cultural Activities:** The group participates in activities involving cultural diversity such as movies, plays, and art shows. They are given the opportunity to experience the history and traditions of their cultures, as well as other cultures. In doing this, they are able to gain a better understanding of where they and others come from.

**Community Service:** There are several community service projects that they youth participate in to assist them in paying off court ordered restitution and to help in restorative justice practices. These projects include picking up trash at the Scott County Government, cleaning up parks, and cleaning road ditches of trash and debris.

**Recreation:** Residents are required to participate in at least one hour of active and one hour of passive leisure time daily. Recreation may take place on-site or off-site depending on the activity. The on-site recreation would be volleyball, football, basketball and biking. The off-site recreation activities would include hiking, biking, and fishing, along with the use of Dakota Sport and Fitness facilities which include indoor basketball, swimming, Rockwall climbing, lifting weights or jogging or classes offered through DSF.

## **Document Request**

The auditor completed a document review of the Scott County JAF Pre-Audit Questionnaire (PAQ), applicable policies, procedures, and supplemental information. Telephone calls and emails were exchanged between the PREA Coordinator to discuss logistics for the onsite portion of the audit. The following documentation was requested for the onsite visit:

- Roster of residents by unit/room
- Roster of residents with disabilities
- Roster of residents who were Limited English Proficient (LEP)
- LGBTI residents
- Residents who reported sexual abuse
- Residents who reported sexual victimization during risk screening
- Staff roster by shifts
- Specialized staff roster
- Resident census the first day of the audit
- A roster of new employees hired in the past 12 months
- 2019 Staffing Plan
- List of contact information for volunteers (if applicable)
- SANE/SAFE point of contact information
- Copies of training acknowledgments for volunteers and contractors (if applicable)

Prior to the on-site visit, the PREA Coordinator reviewed the Pre-Audit Questionnaire (PAQ) and provided evidence in support of standards and substandard. Examples of documentation provided included policies, documents, forms and memos.

## **Entrance Briefing and Tour (On-site Audit)-First day**

The on-site visit for the Prison Rape Elimination Act (PREA) compliance audit of Scott County JAF was held on August 20-21, 2019 by The Diversified Consulting Services, PREA certified auditor Sonya Love. The population on the first day of the audit was 12. The rated capacity was 16. The age range of the population was 11 – 17. The average population for the last 12 months was 12. A meeting took place with the PREA Coordinator, Program Supervisor and Program Director to outline the auditor’s sampling strategy, logistics for the residential facility tour, interview schedule and to discuss the need to review additional policies and supplemental documents. The Auditor was provided a private room in which to work and conduct confidential interviews. All requested files and rosters, both staff and residents were made available to the Auditor for review.

The auditor interviewed the following categories of specialized and random staff, during the onsite phase of the audit:

<b>Category of Staff Interviewed</b>	<b># Interviews Conducted</b>
Random Staff	7
Specialized Staff	12
Total Staff Interviewed * some staff were interviewed for both groups	7
<b>Other Staff Interactions During the Facility Tour</b>	<b># Interviews Conducted</b>
Staff Interactions during the facility tour	3
Staff who refused to be interviewed	0
Total Staff Interviewed	12
<b>Category of Specialized Staff Interviewed</b>	<b># Interviews Conducted</b>
Agency Contract Administrator (on file)	0
Agency PREA Coordinator	1
Intermediate or higher-level facility staff responsible for conducting an unannounced round	1
Line staff who supervise youthful residents, if any	1
Education staff who work with youthful residents, if any	0
Program staff who work with youthful residents, if any	2
Medical staff	0
Mental health staff	0
Administrative staff	1
SAFE and SANE staff	1
Volunteers who have contact with residents	0
Contractors who have contact with residents	0
Investigative staff	1
Staff who perform screening for risk of victimization and abusiveness	1
Staff who supervise residents in segregated housing	0
Designated staff member charged with monitoring retaliation	1
First responders, security staff	0
First responders, non-security staff	1
Intake staff	1
<b>Total staff interviewed</b>	<b>12</b>

## Site Review

Immediately following the opening meeting, a tour of the residential facility was completed. The Auditor was escorted throughout the facility by the PREA Coordinator. During the tour, the Auditor reviewed PREA related documentation and materials located on bulletin boards. The Auditor observed camera surveillance, physical supervision, and electronic monitoring capabilities throughout the residential facility. Other areas of focus during the tour included, but were not limited to, levels of staff supervision, and limits to cross-gender viewing.

All signs and postings were in both English and Spanish. Residents affirmed the ability to shower, dress, and use the toilet facilities without exposing themselves to employees of the opposite gender. Informal and formal conversations with employees and residents regarding the PREA standards were conducted. Postings regarding how residents can report PREA violations and the agency's zero-tolerance policy for sexual abuse and sexual harassment were prominently displayed in all living units, meeting areas, and throughout the facility.

Audit notice postings with the PREA Auditor's contact information were posted in the same areas. The Auditor noticed PREA audit postings were posted well in advance of the on-site visit. Resident interviews confirmed the placement of the PREA notices. Observations noted during the tour:

- Sexual Violence Center – Sexual Violence Center can be reached by dialing 952-448-5425 (Chaska office) or 612-871-5111 (Minneapolis office); JAF PREA Hotline by dialing 952-496-8934, and the Minnesota Department of Corrections by dialing 651-361-7200 were posted on all living units.
- The Auditor tested access to outside entities to report abuse was available to residents on agency's telephone.

## Resident Interviews

At the time of the audit there were 12 residents housed at Scott County JAF. A total of 7 targeted residents and 3 random residents were interviewed. Interviews were conducted using the Department of Justice (DOJ) protocols to assess residents' knowledge of PREA and the reporting mechanisms available to them.

<b>Category of Residents Interviewed</b>	<b># Interviews Conducted</b>
Random residents	3
Targeted residents	7
Youthful residents	12
<b>Total residents interviewed</b>	<b>10</b>
<b>Targeted Resident Interviews-Breakdown</b>	<b># Interviews Conducted</b>
Youthful residents	12
Residents with a Physical Disability	0
Residents who are Blind, Deaf, or Hard of Hearing	0
Residents who are Limited English Proficient (LEP)	0
Residents with a Cognitive Disability	1
Residents who Identify as Lesbian, Gay, or Bisexual	0
Residents who Identify as Transgender or Intersex	0
Residents in Segregated Housing for High Risk of Sexual Victimization	0

Residents who Reported Sexual Abuse that occurred at the Facility	0
Residents who Reported Sexual Victimization During Risk Screening	6
<b>Total Number of Targeted Residents Interviews</b>	<b>7</b>

\*Note: Residents selected from various living units

### **Staff Interviews**

A total of 7 random staff members (from all shifts) and 12 administrative/specialized staff were interviewed. The administrative staff included positions such as the PREA Coordinator, Human Resources representative and other staff persons. All staff interviewed confirmed having been trained to act as first responders in the event of a PREA related incident. Both random and specialized staff were interviewed on each day of the on-site audit.

### **Victim Advocacy**

The Auditor conducted a telephone interview with the local community victim advocacy organization, Sexual Violence Center, regarding the Memorandum of Agreement (MOA) that exists with Scott County JAF. The conversation confirmed that Scott County JAF has a provider relationship with an advocacy organization that will provide, a 24 hour per day, seven days per week Sexual Assault Hotline, medical accompaniment and advocacy for a resident victim of sexual assault. A telephone call discussion with a SANE/SAFE examiner at St Francis Regional Medical Center confirmed that examinations are conducted by specialized trained medical staff.

### **File Review**

Following the interviews, the Auditor reviewed the files requested during the pre-audit phase. The Auditor reviewed 7 training records to establish compliance with PREA training mandates. This Auditor confirmed that new employees of Scott County JAF completed background checks before hire, and all received National Crime Information Clearance before working around residents. The Auditor reviewed five (5) residential facility volunteer file and seven (7) contractor files. Screening and intake procedures were evaluated by reviewing 7 resident files which included a vulnerability assessment instrument and resident education verification documentation.

### **Investigations**

During the current auditing period, there was one reported allegations of sexual abuse/sexual harassment both it was unfounded. Criminal investigations are handled by the Scott County Sheriff Office for the Scott County JAF. Information is transmitted quickly to the appropriate investigating agency.

### **Closeout**

A closing meeting was held with the Auditor and the administrative staff on August 22,2019. Discussions centered around the audit process, preliminary findings, and the post-audit process. The

Auditor thanked the staff for their hard work and dedication to the PREA process and participation in the second phase of the audit process.

## 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.*

The Scott County Juvenile Alternative Facility (JAF) is a 16 bed non-secure residential facility that provides non-secure detention and residential services. The JAF provides gender specific programming that is evidence based to its adjudicated and non-adjudicated youth. This includes short term detention, 30-day evaluations, and cognitive programming to at risk male and female youth ages 11 – 17. The JAF follows the principles of evidence-based practices in its modality through the use of counseling, role playing, group therapy, and its program assignments to assist the youth and their efforts to improve decision making.

The Scott County Juvenile Alternative Facility (JAF) is passionate in helping youth residents gain skills to improve their life and reduce their chances of repeat offenses. The staff is experienced, and each staff member has at least a bachelor's degree and routinely attends training courses to keep current on ways to benefit youth residents. Since 1998 Scott County JAF vision has been to help residents through a cycle of change and leave them with a feeling of self-confidence to handle life situations is the facility's ultimate goal.

The Scott County JAF strives to provide residents with programs and services that:

- Reduce repeat offenses
- Increase self-confidence
- Improve decision-making skills
- Provide safe and secure housing
- Increase motivation to change negative behaviors
- Participate in community service victim restoration
- Continue community involvement - attend school, continue employment, or participate in extracurricular activities

The Scott County Juvenile Alternative Facility (JAF) provides a least restrictive approach to youth involved in the Juvenile Justice System through collaboration of community resources. A focused effort utilizing an evidence-based approach in approaching the problems of delinquency and emotional crisis among adolescents, the primary goal is placed upon treating youth with the framework of interpersonal experiences rather than isolation. A philosophical approach of program uses crisis as a teachable moment and focuses on youth strengths rather than deficit when problem-solving to achieve success.

## 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: 0

### Standards Met

Number of Standards Met: 39

### Standards Not Met

Number of Standards Not Met: 0  
List of Standards Not Met: 0

#### Corrective Action:

#### Standard 115.335: Specialized Training

A mental health provider works part-time in the facility conducting substance abuse groups. The mental health care provider completed general PREA training and specialized training as required in Standard 115.335, Specialized Training.

## PREVENTION PLANNING

### Standard 115.311: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

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

#### 115.311 (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

#### 115.311 (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

#### 115.311 (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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.311 Zero Tolerance; and the organizational chart collectively address the requirements of Standard 115.311. Scott County JAF has established an agency PREA Coordinator whose position is the Program Supervisor and he reports to the Community Corrections Director and the Facility Director in all things related to PREA. During the interview with the Facility Program Supervisor/PREA Coordinator, he confirmed he had sufficient time and authority to meet his duties as the PREA Coordinator. Based upon the sum of interviews conducted, review of applicable policy and related documentation, it is apparent that Scott County JAF achieves compliance with the standard for the relevant review period. Scott County JAF is determined to meet Standard 115.311.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.311 Zero Tolerance
- Organizational Chart
- Interview with the PREA Coordinator

## Standard 115.312: Contracting with other entities for the confinement of residents

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

#### 115.312 (a)

- If this agency is public and it contracts for the confinement of its residents with private agencies or other entities including other government agencies, has the agency included the entity's obligation to adopt and 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 residents.)  Yes  No  NA

#### 115.312 (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 residents.)  Yes  No  NA

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

The Scott County JAF does not contract with any entities to house residents. The PREA Coordinator confirmed that Scott County JAF has not entered a contract with an entity that fails to comply with the PREA standards. All applicable contractors are required to adopt and comply with PREA standards. Staff interviews and reviews of applicable policy and related contracts confirm compliance of Standard 115.312. Scott County JAF met the requirements of Standard 115.312.

### Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients

- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.312 Contracting Resident Confinement
- Interview with the PREA Coordinator

## Standard 115.313: Supervision and monitoring

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

### 115.313 (a)

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents 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 juvenile detention and correctional/secure residential 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 residents 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 resident 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: Institution programs occurring on a particular shift?  Yes  No

- 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

### 115.313 (b)

- Does the agency comply with the staffing plan except during limited and discrete exigent circumstances?  Yes  No
- In circumstances where the staffing plan is not complied with, does the facility document all deviations from the plan? (N/A if no deviations from staffing plan.)  Yes  No  NA

### 115.313 (c)

- Does the facility maintain staff ratios of a minimum of 1:8 during resident waking hours, except during limited and discrete exigent circumstances? (N/A if the facility is not a secure juvenile facility per the PREA standards definition of “secure”.)  
 Yes  No  NA
- Does the facility maintain staff ratios of a minimum of 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances? (N/A if the facility is not a secure juvenile facility per the PREA standards definition of “secure”.)  Yes  No  NA
- Does the facility fully document any limited and discrete exigent circumstances during which the facility did not maintain staff ratios? (N/A if the facility is not a secure juvenile facility per the PREA standards definition of “secure”.)  Yes  No  NA
- Does the facility ensure only security staff are included when calculating these ratios? (N/A if the facility is not a secure juvenile facility per the PREA standards definition of “secure”.)  Yes  No  NA
- Is the facility obligated by law, regulation, or judicial consent decree to maintain the staffing ratios set forth in this paragraph?  Yes  No

### 115.313 (d)

- 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: Prevailing staffing patterns?  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

### 115.313 (e)

- Has the facility 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? (N/A for non-secure facilities)  Yes  No  NA
- Is this policy and practice implemented for night shifts as well as day shifts? (N/A for non-secure facilities)  Yes  No  NA
- Does the facility 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? (N/A for non-secure facilities)  Yes  No  NA

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.313 Supervision and Monitoring collectively address the requirements of Standard 115.313. The agency policy requires Scott County JAF to review

staffing plans on an annual basis. Interviews with the PREA Coordinator confirmed compliance with PREA, and that other safety and security issues are always a primary focus when they consider and review their respective staffing plans. The PREA Coordinator confirmed that he has been provided with all necessary resources to support the programs and procedures to ensure compliance with PREA standards. The audit included an examination of the centralized video monitoring systems, residents' access to telephones, grievance system and staff interviews.

Supervisory/Administrative staff members routinely made unannounced rounds covering all shifts and these rounds are documented. The forms demonstrated Scott County JAF compliance with this standard. Interviews with staff confirmed unannounced rounds to all areas of the residential facility are conducted on a weekly basis, with no warning to employees. The Scott County JAF has video cameras to augment staff presence along with the placement of mirrors to reduce potential blind spots. These cameras were observed by the Auditor during the tour. The facility utilizes convex mirrors to supplement security in areas where there are numerous corners or potential blind spots. Scott County JAF met the requirements for Standard 115.313.

#### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.313 Supervision and Monitoring
- Organizational Chart
- Annual Staffing Plan
- Shift reports and rosters
- Auditor review of files of unannounced rounds
- Interview with the PREA Coordinator
- Interviews with staff (random and targeted)

### **Standard 115.315: Limits to cross-gender viewing and searches**

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

##### **115.315 (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

##### **115.315 (b)**

- Does the facility always refrain from conducting cross-gender pat-down searches in non-exigent circumstances?  Yes    No    NA

### 115.315 (c)

- Does the facility document and justify all cross-gender strip searches and cross-gender visual body cavity searches?  Yes  No
- Does the facility document all cross-gender pat-down searches?  Yes  No

### 115.315 (d)

- Does the facility have policies that enable residents 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 enable residents 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 a resident housing unit?  Yes  No
- In facilities (such as group homes) that do not contain discrete housing units, does the facility require staff of the opposite gender to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing? (N/A for facilities with discrete housing units)  Yes  No  NA

### 115.315 (e)

- Does the facility always refrain from searching or physically examining transgender or intersex residents for the sole purpose of determining the resident's genital status?  Yes  No
- If a resident's genital status is unknown, does the facility determine genital status during conversations with the resident, 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

### 115.315 (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 residents 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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.315 Limits to Cross-Gender Viewing and Searches collectively address the requirements of Standard 115.315. Scott County JAF 115.315 indicates that the facility does not conduct cross-gender strip searches or cross-gender visual body cavity searches unless in exigent circumstances. In addition, the PAQ indicated there were no cross-gender searches of any resident at the facility during the last 12 months. Scott County JAF house both male and female residents. All random and specialized staff (100%) interviewed confirmed that Scott County JAF staff are prohibited from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident's genital status. The PREA Coordinator also confirmed this in his interview with the Auditor.

Random and targeted residents confirmed during interview that 100% of opposite gender staff announce their presence when entering the living area. During the onsite tour of the residential house the Auditor heard announcements being made by Scott County JAF staff regularly. Residents (100%) also confirmed that Scott County JAF affords each resident with the ability to shower, use the toilet and change their clothes without opposite gender staff viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine living area checks. Residents (100%) indicated that Scott County JAF staff were respectful of their privacy as it pertains to PREA. Scott County JAF met the requirements for Standard 115.315.

## Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.315 Limits to Cross-Gender Viewing and Searches
- Training sign in sheets and curriculum

- Scott County Juvenile Alternative Facility Safety Guide
- Training sign in sheets and curriculum
- Interviews with residents (random and targeted)
- Interviews with staff (random and specialized)
- Interview with the PREA Coordinator

## Standard 115.316: Residents with disabilities and residents who are limited English proficient

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

### 115.316 (a)

- Does the agency take appropriate steps to ensure that residents 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: Residents who are deaf or hard of hearing?  Yes  No
- Does the agency take appropriate steps to ensure that residents 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: Residents who are blind or have low vision?  Yes  No
- Does the agency take appropriate steps to ensure that residents 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: Residents who have intellectual disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that residents 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: Residents who have psychiatric disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that residents 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: Residents who have speech disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that residents 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 residents 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 residents with disabilities including residents 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 residents with disabilities including residents 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 residents with disabilities including residents who: Are blind or have low vision?  Yes  No

### 115.316 (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 residents 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

### 115.316 (c)

- Does the agency always refrain from relying on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.364, or the investigation of the resident'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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.316 Limited English Proficient collectively address the requirements of Standard 115.316. The Scott County Community Corrections Department takes 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 residents who are limited English proficient. The agency has an on-going contract with Language Line, Minnesota Language Connection (MLC), and Kim Tong Translation to provide all residents in need of interpretive services assistance if required to communicate effectively. The providers employ interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. These services are available 24 hours a day. The Auditor reviewed current vendor agreements with the providers. During random interviews (100%) facility staff confirmed that they refrain from relying on resident interpreters, resident readers, or other types of resident assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.364, or the investigation of the resident's allegations. In the past 12 months, the number of instances where resident interpreters, readers, or other types of resident assistants have been used and it was not the case that an extended delay in obtaining another interpreter could compromise the resident's safety, the performance of first-response duties under § 115.364, or the investigation of the resident's allegations was confirmed by PREA Coordinator and PAQ as zero. There were zero physically disabled youth during the audit. Scott County JAF met the requirements of Standard 115.316.

#### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.316 Limited English Proficient
- Interviews with staff (random and specialized)
- Interviews with residents (random and targeted)
- Interview with the PREA Coordinator

### **Standard 115.317: Hiring and promotion decisions**

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

#### **115.317 (a)**

- Does the agency prohibit the hiring or promotion of anyone who may have contact with residents 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 residents 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 residents 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 residents 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 residents 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 residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above?  Yes  No

#### 115.317 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with residents?  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 residents?  Yes  No

#### 115.317 (c)

- Before hiring new employees, who may have contact with residents, does the agency perform a criminal background records check?  Yes  No
- Before hiring new employees, who may have contact with residents, does the agency consult any child abuse registry maintained by the State or locality in which the employee would work?  Yes  No
- Before hiring new employees who may have contact with residents, 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

#### 115.317 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with residents?  Yes  No
- Does the agency consult applicable child abuse registries before enlisting the services of any contractor who may have contact with residents?  Yes  No

#### 115.317 (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 residents or have in place a system for otherwise capturing such information for current employees?  Yes  No

#### 115.317 (f)

- Does the agency ask all applicants and employees who may have contact with residents 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 residents 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

#### 115.317 (g)

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

#### 115.317 (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**

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.317 Hiring, Promotional, and Discipline collectively address the requirements of Standard 115.317. Scott County JAF policies prohibit the hiring or promotion of anyone (staff, volunteers, and contractors) who may have contact with residents who have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution. The PREA Coordinator also confirmed that the agency prohibits the hiring or promotion of anyone who may have contact with residents 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.

Likewise, Scott County JAF prohibits the hiring or promotion of anyone who may have contact with residents who has been civilly or administratively adjudicated. More, the PREA Coordinator confirmed the agency's hiring and promotion practices for Scott County JAF. The agency conducts motor vehicle checks, criminal background and sex offender checks of all (staff, when applicable volunteers, and contractors) when applicable on a continuous basis but always at least every five years. The Auditor reviewed documentation from the Department of Human Resources, Office of Inspector General, Background Studies Division dated January 16, 2019, indicating that the agency conducts what is termed a "Study" on "subjects" or staff on the active employment roster using a program called NETStudy 2.0. The studies are continuously monitored. Therefore, the criminal background checks remain current. In the past 12 months, the PREA Coordinator also confirmed that Scott County JAF completed criminal background checks on 12 employees who may have contact with residents.

Scott County JAF has a policy that prohibits the enlistment of services of any contractor who may have contact with residents who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution. The PREA Coordinator indicated that the facility would restrict any contractor or volunteer who was 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. Further, the PREA Coordinator indicated that Scott County Community Department also prohibits Scott County JAF from enlisting the contractual services of any contractor who may have contact with residents 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. The agency's policy also prohibits the enlistment of services of any contractor who may have contact with residents who has been civilly or administratively adjudicated. Scott County JAF meets the requirements of Standard 115.317.

### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.317 Hiring, Promotional, and Discipline
- Scott County Community Corrections PREA Self-Disclosure Questions
- Scott County JAF PREA Employee Garrity Form
- Interviews with staff (random and specialized)
- Memorandum from
- Interview with the PREA Coordinator

## Standard 115.318: Upgrades to facilities and technologies

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

### 115.318 (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 residents 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

### 115.318 (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 residents 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

*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.*

Scott County JAF has not added or acquired a new building to the existing facility since August 20, 2012. The Pre-Audit Questionnaire and diagram of camera installations indicated that since the last audit the facility has added new cameras to its video monitoring system. Scott County JAF met the requirements of Standard 115.318.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.318 Upgrades to Facilities and Technologies
- Observations of the Auditor during the on-site tour
- Interviews with staff (random and specialized)
- Interview with the PREA Coordinator

## RESPONSIVE PLANNING

### Standard 115.321: Evidence protocol and forensic medical examinations

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

#### 115.321 (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

#### 115.321 (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

#### 115.321 (c)

- Does the agency offer all residents who experience sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate?  Yes  No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?  Yes  No
- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?  Yes  No
- Has the agency documented its efforts to provide SAFEs or SANEs?  Yes  No

#### 115.321 (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

#### 115.321 (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

#### 115.321 (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

### 115.321 (g)

- Auditor is not required to audit this provision.

### 115.321 (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

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.321 Evidence Protocol and Forensic Medical Examinations; County of Scott Standard of Agreement with Sexual Violence Center; Scott County Memorandum of Agreement: Scott County JAF and Scott County Human Services/Mental Health Center (SCMHC); and St Francis Regional Medical Center SANE Program document collectively address the requirement of Standard 115.321. Policy 115.321 outlines circumstances when a resident is not required to pay for medical services such as (1) the service is provided in an emergency; (2) the service is provided as a result of an injury received in the facility; or (3) the service is provided at the request of the administrator of a correctional facility. The agency offers all residents who experience sexual abuse access to forensic medical examinations at St Francis Regional Hospital, without financial cost, where evidentiary or medically appropriate. The PREA Coordinator confirmed that in the past twelve (12) months there has been zero forensic medical exams conducted on residents from Scott County JAF.

The Auditor confirmed by examination that Scott County has a MOU with Scott County Human Services/Mental Health Center (SCMHC) and the Sexual Violence Center. The PREA Coordinator

confirmed that the facility utilizes St Francis Regional Medical Center when in need of a SANE examiner. The hospital has a process in place to contact the SANE examiner in the event of a sexual assault. The Scott County JAF would immediately provide a trained Sexual Assault Response Team (SART) member as the victim advocate, to provide emotional support, crisis intervention, information, and referrals. SART intervention would limit trauma to the victim.

Random and specialized staff confirmed knowledge of the MOU with local victim advocacy organization as well as what services are offered by each provider. Residents understood what type of services were available for victims of sexual abuse but did not recall specifics. Each resident could tell the Auditor where additional victim information could be located on the living units. Specialized staff confirmed that if requested by the victim, Scott County JAF would provide a victim advocate, qualified agency staff member, or qualified community-based organization staff member to accompany and support the victim through the forensic medical examination process and investigatory interviews. In addition to counseling provided by a local mental health provider, victims of sexual abuse, either during or prior to admission, can receive emotional support services from a Victim Advocate at the Sexual Violence Center. Residents can call the JAF PREA Hotline at 952-496-8934, Minnesota Department of Corrections at 651-361-7200, Sexual Violence Center at 952-448-5425 (Chaska office) or 612-871-5111 (Minneapolis office), as well as report via email at [PREAJUVENILE@CO.SCOTT.MN.US](mailto:PREAJUVENILE@CO.SCOTT.MN.US). Further, residents are also provided with the address and website to the Sexual Violence Center to contact the organization.

**Sexual Violence Center Crisis  
Chaska Office  
500 N. Pine St. Suite 203  
Chaska, Minnesota 55318  
[www.sexualviolencecenter.org](http://www.sexualviolencecenter.org)**

Scott County JAF is responsible for investigating allegations of sexual abuse in the facility. Allegations of sexual abuse that rise to criminal behavior is referred to the Scott County Sheriff's Office for investigation and referral for prosecution when applicable. During an interview with an agency investigator, he confirmed that the facility follows the requirements for investigating allegations of sexual abuse. The same investigator confirmed that the investigative protocol is developmentally appropriate for youth and was adapted from or otherwise is 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; as well as confirmed trained investigators complete the National Institute of Corrections Investigating Sexual Abuse in a Confinement Setting: Advanced Investigations. Scott County JAF met the requirements of Standard 115.321.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.321 Evidence Protocol and Forensic Medical Examinations
- County of Scott Standard of Agreement with Sexual Violence Center dated 2016

- Scott County Memorandum of Agreement: Scott County JAF and Scott County Human Services/Mental Health Center (SCMHC)
- St Francis Regional Medical Center SANE Program document
- Interviews with staff (random and specialized)
- Interview with the PREA Coordinator

## Standard 115.322: Policies to ensure referrals of allegations for investigations

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

#### 115.322 (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

#### 115.322 (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

#### 115.322 (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 115.321(a).)  Yes  No  NA

#### 115.322 (d)

- Auditor is not required to audit this provision.

#### 115.322 (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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.322 Referrals of Allegations for Investigations collectively address the requirements of Standard 115.322. The agency has a policy in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency, Scott County Sheriff’s Office, with the legal authority to conduct criminal investigations. The policy is available and accessible on the agency’s website. The agency has a practice that documents all such referrals. Per the PAQ, Scott County JAF had (1) incident dated 8/2018, inappropriate touching was referred to the Scott County Sheriff Office for investigation during the past twelve (12) month period. The victim recanted her allegation indicating to the Scott County Sheriff Office that the incident was fabricated and motivated by a disagreement with another resident. The incident did not require a referral to the prosecutor’s office. Scott County JAF met the requirements of Standard 115.322.

#### Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.322 Referrals of Allegations for Investigations
- Interview with the PREA Coordinator
- Review of the agency’s website

## TRAINING AND EDUCATION

### Standard 115.331: Employee training

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

**115.331 (a)**

- Does the agency train all employees who may have contact with residents on its zero-tolerance policy for sexual abuse and sexual harassment?  Yes  No
- Does the agency train all employees who may have contact with residents 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 residents on residents' right to be free from sexual abuse and sexual harassment  Yes  No
- Does the agency train all employees who may have contact with residents on the right of residents 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 residents on the dynamics of sexual abuse and sexual harassment in juvenile facilities?  Yes  No
- Does the agency train all employees who may have contact with residents on the common reactions of juvenile victims of sexual abuse and sexual harassment?  Yes  No
- Does the agency train all employees who may have contact with residents on how to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents?  Yes  No
- Does the agency train all employees who may have contact with residents on how to avoid inappropriate relationships with residents?  Yes  No
- Does the agency train all employees who may have contact with residents on how to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents?  Yes  No
- Does the agency train all employees who may have contact with residents on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?  Yes  No
- Does the agency train all employees who may have contact with residents on relevant laws regarding the applicable age of consent?  Yes  No

**115.331 (b)**

- Is such training tailored to the unique needs and attributes of residents of juvenile facilities?  Yes  No
- Is such training tailored to the gender of the residents at the employee's facility?  Yes  No

- Have employees received additional training if reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa?  Yes  No

#### 115.331 (c)

- Have all current employees who may have contact with residents 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

#### 115.331 (d)

- Does the agency document, through employee signature or electronic verification, that employee 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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.331 Training & Education; and Scott County Community Corrections Staff PREA NIC Training Requirements Memorandum collectively address the policy requirement of Standard 115.331. The training curriculums provided by the facility was tailored to the unique needs and attributes of juvenile residents.

Scott County JAF trains all employees regarding the residential facility and agency policies to include:

- Zero Tolerance Policy for sexual abuse and sexual harassment
- How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures
- Residents' right to be free from sexual abuse and sexual harassment
- The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment
- The dynamics of sexual abuse and sexual harassment in a residential setting
- 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 resident
- How to communicate effectively and professionally with residents that self-identify as lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities

An interview with the PREA Coordinator confirmed that all staff are required to participate in in-service training that is tailored to the female and male juvenile population housed at Scott County JAF. The Auditor also reviewed the training sign in sheets to confirm that staff receive PREA training. The curriculum includes requirements outlined in Standard 115.331. PREA Training sign-in sheets were reviewed by the Auditor for each random and specialized staff interviewed during the onsite portion audit. Scott County JAF staff are required to complete a review of agency policies addressing PREA and indicate by signing an acknowledgement form confirming the training.

The PREA Coordinator confirmed that Scott County JAF hosts trainings as well as distribute brochures and memos to staff to better explain PREA related issues, discuss a PREA related trend, and issue mandates to support a training initiative to enhance detection and prevention practices in the facility. This is the first audit for this facility, but the number of staff employed by the facility, who may have contact with residents, who were trained or retrained on the PREA requirements was 20. Interviews with random and specialized staff regarding PREA training confirmed that all staff sampled participated in training in the last two years. All staff confirmed that during the year the facility issues PREA related memos to staff by email. Scott County JAF met the requirements of Standard 115.331.

#### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.331 Training & Education
- Scott County Community Corrections Staff PREA NIC Training Requirements Memorandum
- PREA Training Sign In Sheets
- Interviews with staff (random and specialized)
- Interview with the PREA Coordinator

### **Standard 115.332: Volunteer and contractor training**

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

**115.332 (a)**

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

**115.332 (b)**

- Have all volunteers and contractors who have contact with residents 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 residents)?  Yes  No

**115.332 (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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.331 Training & Education; Scott County Community Corrections Juvenile Alternative Facility PREA (Prison Rape Elimination Act) Notification Form for Volunteers and Contractors; Scott County Community Corrections JAF PREA Orientation Acknowledgement Form; and the Scott County Community Corrections JAF PREA Training PowerPoint collectively address the requirement of Standard 115.332.

All volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency's policies and procedures regarding sexual abuse and sexual harassment prevention, detection. The facility currently has nine (9) volunteers and seven (7) contractors. The curriculum the agency utilized for training provide the level and type of training that is based on the services they provide and level of contact they have with residents. All volunteers/contractors complete the following training Annually:

- a. JAF PREA Volunteer Training Power Point.
- b. JAF - Zero Tolerance Policy / Notification
- c. PREA Orientation Video

The JAF maintains documentation confirming that volunteers and contractors understand the training they have received. This information will be completed annually by March 1st each year and placed in the JAF PREA Report. Scott County JAF met the requirements of Standard 115.332.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.331 Training & Education
- Scott County Community Corrections Juvenile Alternative Facility PREA (Prison Rape Elimination Act) Notification Form for Volunteers and Contractors
- Scott County Community Corrections JAF PREA Orientation Acknowledgement Form
- Scott County Community Corrections JAF PREA Training PowerPoint
- Interview with the PREA Coordinator

**Standard 115.333: Resident education**

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

**115.333 (a)**

- During intake, do residents receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?  Yes  No
- During intake, do residents receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?  Yes  No
- Is this information presented in an age-appropriate fashion?  Yes  No

**115.333 (b)**

- Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?  Yes  No

- Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?  Yes  No
- Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Agency policies and procedures for responding to such incidents?  Yes  No

#### 115.333 (c)

- Have all residents received the comprehensive education referenced in 115.333(b)?  
 Yes  No
- Do residents receive education upon transfer to a different facility to the extent that the policies and procedures of the resident's new facility differ from those of the previous facility?  
 Yes  No

#### 115.333 (d)

- Does the agency provide resident education in formats accessible to all residents including those who: Are limited English proficient?  Yes  No
- Does the agency provide resident education in formats accessible to all residents including those who: Are deaf?  Yes  No
- Does the agency provide resident education in formats accessible to all residents including those who: Are visually impaired?  Yes  No
- Does the agency provide resident education in formats accessible to all residents including those who: Are otherwise disabled?  Yes  No
- Does the agency provide resident education in formats accessible to all residents including those who: Have limited reading skills?  Yes  No

#### 115.333 (e)

- Does the agency maintain documentation of resident participation in these education sessions?  
 Yes  No

#### 115.333 (f)

- In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to residents through posters, resident 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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.331 Training & Education; Scott County Community Corrections JAF Parent Report Packet; Scott County Community Corrections JAF Youth Safety Form/PREA Notification Acknowledgment Form; the Scott County Juvenile Alternative Facility Safety Guide and PREA Orientation Information document collectively address the policy requirements of Standard 115.333.

Likewise, Scott County JAF policies dictate that a receiving facility provides PREA training on receiving a resident assigned to the facility including those who are Limited English Proficient, deaf, visually impaired, physically or cognitive disabilities or residents who have limited reading skills. Resident education is a mandated requirement for the agency's facilities. Resident education is documented via the Juvenile Adult Information Management System (JAIMS).

Scott County JAF also mandates that staff review with residents the Scott County Juvenile Alternative Facility Safety Guide, PREA Orientation Information document, and other PREA related educational information and inform residents of the agency's zero-tolerance policy, their right to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting allegations of sexual abuse/sexual harassment. Residents (100%) interviewed confirmed that each was provided a resident handbook (Scott County Juvenile Alternative Facility Safety Guide) in a language they understood. Each resident signed acknowledgements after receiving PREA education at the Scott County JAF. Additionally, each resident (100%) interviewed could describe multiple ways to report sexual abuse or sexual harassment. All (100%) of residents present during the onsite audit of the facility were aware that Scott County JAF posted throughout the facility reporting options for residents. Residents interviewed were aware of PREA reporting methods such as informing staff, using the PREA hotline number, filing a grievance or third-party reporting. Most resident present during the onsite audit had a personal cellphone in their possession and they confirm an awareness of how to contact the Scott County Sheriff's Office. PREA posters were displayed throughout the facility in prominent areas with phone numbers to call to report abuse. Scott County JAF met the requirements of Standard 115.333.

### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire

- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.331 Training & Education
- Scott County Community Corrections JAF Parent Report Packet
- Scott County Community Corrections JAF Youth Safety Form/PREA Notification Acknowledgment Form
- Scott County Juvenile Alternative Facility Safety Guide and PREA Orientation Information document
- Auditor review of resident education materials
- Auditor review of resident institutional files
- Interviews with staff (random and specialized)
- Interviews with residents (random and targeted)
- Interview with the PREA Coordinator

## Standard 115.334: Specialized training: Investigations

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

### 115.334 (a)

- In addition to the general training provided to all employees pursuant to §115.331, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(a).)  
 Yes    No    NA

### 115.334 (b)

- Does this specialized training include techniques for interviewing juvenile sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.321(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 115.321(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 115.321(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 115.321(a).)  
 Yes    No    NA

### 115.334 (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 115.321(a).)  
 Yes    No    NA

### 115.334 (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

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.331 Training & Education collectively address the requirements of Standard 115.334. In addition to the general PREA training, Scott County JAF provided to all employees pursuant to §115.331, investigators receive training in conducting investigations in confinement settings. Three (3) Scott County JAF staff completed specialized training using material from the PREA Resource Center (PRC) entitled "Investigating Sexual Abuse in Confinement." This was verified through examination of training documents and staff interviews, as well as a review of the training curriculum which included techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action. Based upon the sum of evidence examined and review of applicable policy and related documentation, Scott County JAF met the requirements of Standard 115.334.

### Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients

- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.331 Training & Education
- Interview with an PREA administrative investigator
- Interview with the PREA Coordinator

## Standard 115.335: Specialized training: Medical and mental health care

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

### 115.335 (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 juvenile 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

### 115.335 (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

### 115.335 (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

#### 115.335 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.331? (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
- Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.332? (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

*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 facility utilizes community providers to deliver medical and general mental health care to the residents with one exception a substance abuse education group. The standard requires all 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. The mental health practitioner completed the required general and specialized training as required by the standard as a corrective action. The PAQ was corrected. Scott County JAF met the requirements of Standard 115.335.

#### Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.331 Training & Education

- Interview with the PREA Coordinator

Corrective Action: The mental health care provider completed specialized training as required in Standard 115.335, Specialized Training.

# SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

## Standard 115.341: Screening for risk of victimization and abusiveness

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

### 115.341 (a)

- Within 72 hours of the resident's arrival at the facility, does the agency obtain and use information about each resident's personal history and behavior to reduce risk of sexual abuse by or upon a resident?  Yes  No
- Does the agency also obtain this information periodically throughout a resident's confinement?  Yes  No

### 115.341 (b)

- Are all PREA screening assessments conducted using an objective screening instrument?  Yes  No

### 115.341 (c)

- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (1) Prior sexual victimization or abusiveness?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (2) Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (3) Current charges and offense history?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (4) Age?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (5) Level of emotional and cognitive development?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (6) Physical size and stature?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (7) Mental illness or mental disabilities?  Yes  No

- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (8) Intellectual or developmental disabilities?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (9) Physical disabilities?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (10) The residents' own perception of vulnerability?  Yes  No
- During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: (11) Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents?  Yes  No

#### 115.341 (d)

- Is this information ascertained through conversations with the resident during the intake process and medical mental health screenings?  Yes  No
- Is this information ascertained during classification assessments?  Yes  No
- Is this information ascertained by reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident's files?  Yes  No

#### 115.341 (e)

- 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 resident's detriment by staff or other residents?  Yes  No

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does*

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.341 Obtaining Information From Residents; Scott County Juvenile Alternative Facility Client Admission Assessment; Scott County Juvenile Alternative Facility Treatment Plan; Scott County Juvenile Alternative Facility Law Enforcement Hold; Scott County Juvenile Alternative Facility PREA/Safety Plan; and Scott County Juvenile Alternative Facility 30 Day Youth Progress Review collectively address the requirements of Standard 115.241. The agency has a practice that requires that all residents are assessed for risk of victimization and abusiveness upon admission to Scott County JAF or transfer from or to another facility toward others. The policy requires that residents be screened for risk of sexual victimization or risk of sexually abuse within 72 hours of their admission. The admission screening form considers the criteria outlined in 115.341 (d) to assess residents for risk of victimization and abusiveness such as the age of the resident; physical build; previous incarcerations; the resident's perception of vulnerability; and whether the resident is or is perceived to be gay, bisexual, transgender, intersex or gender nonconforming.

Interviews with specialized staff and admission staff confirmed that Scott County JAF would not discipline a resident for refusal to answer, or for not disclosing complete information in response to any or all PREA related questions posed regarding screening for risk of sexual victimization and abusiveness. Specialized staff and the PREA Coordinator all confirmed during individual interviews that Scott County JAF has a system in place to guard against the dissemination of sensitive information by staff or other residents.

Interviews with staff confirmed their understanding that within 30 days from the resident's arrival at the facility the resident would undergo a reassessment for risk of victimization or abusiveness based upon new information that could impact the resident's risk of sexual victimization or abusiveness. An interview with the PREA Coordinator confirmed that Scott County JAF does not discipline residents for refusing to answer, or for not disclosing complete information in response to questions asked.

During the previous 12 months there were 211 residents entering Scott County JAF screened for risk of sexual victimization or risk of sexually abusing other residents. The number of residents that stayed longer than 30 days and reassessed was 190. Based on staff and resident interviews, and sampling 7 institutional admission forms, Scott County JAF meets the requirements outlined in Standard 115.341.

#### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.341 Obtaining Information From Residents
- Scott County Juvenile Alternative Facility Client Admission Assessment
- Scott County Juvenile Alternative Facility Treatment Plan
- Scott County Juvenile Alternative Facility Law Enforcement Hold
- Scott County Juvenile Alternative Facility PREA/Safety Plan

- Scott County Juvenile Alternative Facility 30 Day Youth Progress Review
- Interviews with staff (random and specialized)
- Interviews with residents (random and targeted)
- Interview with the PREA Coordinator

## Standard 115.342: Use of screening information

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

#### 115.342 (a)

- Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Housing Assignments?  Yes  No
- Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Bed assignments?  Yes  No
- Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Work Assignments?  Yes  No
- Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Education Assignments?  Yes  No
- Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Program Assignments?  Yes  No

#### 115.342 (b)

- Are residents isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA
- During any period of isolation, does the agency always refrain from denying residents daily large-muscle exercise? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA
- During any period of isolation, does the agency always refrain from denying residents any legally required educational programming or special education services? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA

- Do residents in isolation receive daily visits from a medical or mental health care clinician? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA
- Do residents in isolation also have access to other programs and work opportunities to the extent possible? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA

#### 115.342 (c)

- Does the agency always refrain from placing lesbian, gay, and bisexual (LGB) residents in particular housing, bed, or other assignments solely on the basis of such identification or status?  Yes  No
- Does the agency always refrain from placing transgender residents in particular housing, bed, or other assignments solely on the basis of such identification or status?  Yes  No
- Does the agency always refrain from placing intersex residents in particular housing, bed, or other assignments solely on the basis of such identification or status?  Yes  No
- Does the agency always refrain from considering lesbian, gay, bisexual, transgender, or intersex (LGBTI) identification or status as an indicator or likelihood of being sexually abusive?  Yes  No

#### 115.342 (d)

- When deciding whether to assign a transgender or intersex resident to a facility for male or female residents, does the agency consider, on a case-by-case basis, whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns residents 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 residents, does the agency consider, on a case-by-case basis, whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems?  Yes  No

#### 115.342 (e)

- Are placement and programming assignments for each transgender or intersex resident reassessed at least twice each year to review any threats to safety experienced by the resident?  Yes  No

#### 115.342 (f)

- Are each transgender or intersex resident'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

### 115.342 (g)

- Are transgender and intersex residents given the opportunity to shower separately from other residents?  Yes  No

### 115.342 (h)

- If a resident is isolated pursuant to provision (b) of this section, does the facility clearly document: The basis for the facility's concern for the resident's safety? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA
- If a resident is isolated pursuant to provision (b) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged? (N/A if the facility *never* places residents in isolation for any reason.)  Yes  No  NA

### 115.342 (i)

- In the case of each resident who is isolated as a last resort when less restrictive measures are inadequate to keep them and other residents safe, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS? (N/A if the facility *never* places residents in isolation for any reason.)  
 Yes  No  NA

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and the Scott County Community Corrections Juvenile Alternative Facility, Policy 115.342 Resident Housing collectively address the requirements of this standard. Scott County JAF policies address how the facility will use information from the risk screening to inform housing, education and bed location to keep residents with a history of abusiveness from those residents with a history of victimizations. Interviews with an admission staff person, the PREA Coordinator all confirmed that Scott County JAF makes

individualized determinations about how to ensure the safety of each resident using information from the risk screening in order to make informed decisions in the matters of housing, education, and program assignments. The goal is to keep separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive.

Further, in making determinations for other housing and programmatic assignments, the PREA Coordinator confirmed that Scott County JAF will consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether the placement would present management or security problems. Scott County JAF policies also require that placement and programming assignments for a transgender or intersex resident to be reassessed at least twice each year to review any threats to safety experienced by the resident.

During the onsite audit there were zero transgender or intersex residents in the facility therefore there was no documentation for the Auditor to examine. The Scott County JAF Client Admission Assessment, Treatment Plan, Law Enforcement Hold, and PREA/Safety Plan forms all are also used by the facility to document a transgender or intersex resident's own view with respect to his/her own safety and those views are given serious consideration. At the time of the audit there was zero self-declared bisexual resident housed at the Scott County JAF. During the facility tour the Auditor found no segregated facilities, units, or wings used to house gay, bisexual, transgender, or intersex residents on the sole basis of such identification or status. Based on staff and resident interviews, examination of assessment documents, a review of applicable policy, an interview with a targeted resident and related documentation; Scott County JAF meets the requirements outlined in Standard 115.342.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.342 Resident Housing
- Interviews with staff (random and specialized)
- Interviews with residents (random and targeted)
- Interview with the PREA Coordinator

## REPORTING

### Standard 115.351: Resident reporting

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

#### 115.351 (a)

- Does the agency provide multiple internal ways for residents to privately report: Sexual abuse and sexual harassment?  Yes  No
- Does the agency provide multiple internal ways for residents to privately report: Retaliation by other residents or staff for reporting sexual abuse and sexual harassment?  Yes  No
- Does the agency provide multiple internal ways for residents to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?  Yes  No

#### 115.351 (b)

- Does the agency also provide at least one way for residents 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 resident reports of sexual abuse and sexual harassment to agency officials?  Yes  No
- Does that private entity or office allow the resident to remain anonymous upon request?  Yes  No
- Are residents detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security to report sexual abuse or harassment? (N/A if the facility *never* houses residents detained solely for civil immigration purposes.)  Yes  No  NA

#### 115.351 (c)

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

#### 115.351 (d)

- Does the facility provide residents with access to tools necessary to make a written report?  Yes  No

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.351 How To Report; Scott County Community Corrections JAF Youth Safety Form/PREA Notification Acknowledgment Form; Scott County Juvenile Alternative Facility Safety Guide document; and the Scott County Community Corrections JAF Mandated Reporter/Child Maltreatment Reporting document collectively address the requirements of Standard 115.251. The agency policy delineated Scott County JAF to provide multiple ways for residents to privately report sexual abuse, sexual harassment, retaliation by other residents or staff reporting sexual abuse and sexual harassment.

During the facility tour the Auditor noted on display was information advising residents about multiple ways for them to report sexual abuse or sexual harassment such as posters, 24-hour hotline numbers, and telephone number to the local authorities (external entity). The Scott County Sheriff Office can accept calls from residents alleging sexual abuse or sexual harassment and immediately forward resident reports of sexual abuse and sexual harassment to the agency, allowing the resident to remain anonymous if requested.

During resident orientation each resident is informed about the grievance process, the locations of the grievance box and multiple ways to report sexual abuse or sexual harassment. Residents (100%) (random and targeted) were all aware of several ways to report sexual abuse or sexual harassment to include third-party reporting and verbally informing a Scott County JAF staff member. Staff (100%) interviewed understood they should accept verbal reports of sexual abuse or sexual harassment, document the incident and report the allegations to a supervisor immediately. Scott County JAF staff, family, and friends may also utilize the hotline numbers to report an allegation privately. Staff (100%) interviewed indicated a willingness to privately report sexual abuse or sexual harassment by telephone to a Scott County JAF supervisor. Further, interviews with staff (100%) also indicate they understand they must accept all reports and they are responsible for immediately reporting all allegations and

document the incident in an incident report. During the facility tour the Auditor noted that the grievance box was in a common area accessible to all residents. Grievance forms were also readily available. Scott County JAF met the requirements of Standard 115.251.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.351 How To Report
- Scott County Community Corrections JAF Youth Safety Form/PREA Notification Acknowledgment Form
- Scott County Juvenile Alternative Facility Safety Guide document
- Scott County Community Corrections JAF Mandated Reporter/Child Maltreatment Reporting document
- Interviews with staff (random and specialized)
- Interviews with residents (random and targeted)
- Interview with the PREA Coordinator

**Standard 115.352: Exhaustion of administrative remedies**

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

**115.352 (a)**

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address resident grievances regarding sexual abuse. This does not mean the agency is exempt simply because a resident 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

**115.352 (b)**

- Does the agency permit residents 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 a resident 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

**115.352 (c)**

- Does the agency ensure that: A resident 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

#### 115.352 (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 residents in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)  Yes  No  NA
- If the agency determines that the 90-day timeframe is insufficient to make an appropriate decision and claims an extension of time [the maximum allowable extension of time to respond is 70 days per 115.352(d)(3)], does the agency notify the resident 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 resident does not receive a response within the time allotted for reply, including any properly noticed extension, may a resident 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

#### 115.352 (e)

- Are third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, permitted to assist residents 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 residents? (If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, 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 resident declines to have the request processed on his or her behalf, does the agency document the resident's decision? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Is a parent or legal guardian of a juvenile allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile? (N/A if agency is exempt from this standard.)  Yes  No  NA
- If a parent or legal guardian of a juvenile files a grievance (or an appeal) on behalf of a juvenile regarding allegations of sexual abuse, is it the case that those grievances are not conditioned

upon the juvenile agreeing to have the request filed on his or her behalf? (N/A if agency is exempt from this standard.)  Yes  No  NA

#### 115.352 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that a resident 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 a resident 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 resident 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

#### 115.352 (g)

- If the agency disciplines a resident for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the resident 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

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.352 Exhaustion of Administrative Remedies; Scott County Community Corrections Juvenile Alternative Facility, PREA – Grievance Form ONLY; Scott County Community Corrections Juvenile Alternative Facility, PREA – Parent; and the Scott County Community Corrections Juvenile Alternative Facility, Policy 2960,0080 Subpart 18 Resident and Family Grievance Procedures collectively address the requirements of Standard 115.352.

### Matters Appropriate to the Offender Grievance Process:

Examples of issues about which a resident may initiate the grievance process include, but are not limited to:

1. The substance and requirements of policies, procedures, and rules of the Department or facility (including, but not limited to, correspondence, staff treatment, medical or mental health, some visitation, and food service);
2. The way staff members interpret and apply the policies, procedures, or rules of the Department or of the facility;
3. Actions of individual staff, contractors, or volunteers;
4. Acts of reprisal for using the Grievance Process;
5. Any other concerns relating to conditions of care or supervision within the Department or its contractors, except as noted in this policy and administrative procedure; and,
6. **PREA**

The agency established procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse and accepting third-party reports from family and concerned citizens such as an attorney or clergy. The PREA Coordinator indicated that Scott County JAF may require as a condition of processing the request that the alleged victim agree to have the request filed on his behalf and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. The PREA Coordinator also confirmed that after receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, the facility would 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 meanwhile safeguarding the victim. Furthermore, the PREA Coordinator confirmed that after receiving an emergency grievance described above, the facility would provide an initial response within 48 hours and issue a final agency decision within 5 calendar days. More, the PREA Coordinator indicated that the initial response and final agency decision would also document the agency's determination whether the resident is in substantial risk of imminent sexual abuse and document the agency's actions. The PREA Coordinator indicated that the facility may claim an extension of time to respond, of up to seventy (70) days, if the normal time period for response is insufficient to make an appropriate decision. The

facility shall notify the offender in writing of any such extension and provide a date by which a decision shall be made.

Policy allows a resident to submit a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred. Within the policy it outlines that the agency always refrains from requiring resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. The agency disciplines a resident for filing a grievance related to alleged sexual abuse, ONLY where the agency demonstrates that the resident filed the grievance in bad faith. Scott County JAF met the requirements of Standard 115.352.

#### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.352 Exhaustion of Administrative Remedies
- Scott County Community Corrections Juvenile Alternative Facility, PREA – Grievance Form ONLY
- Scott County Community Corrections Juvenile Alternative Facility, PREA – Parent Packet
- Scott County Community Corrections Juvenile Alternative Facility, Policy 2960,0080 Subpart 18 Resident and Family Grievance Procedures
- Interview with the PREA Coordinator

### **Standard 115.353: Resident access to outside confidential support services and legal representation**

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

##### **115.353 (a)**

- Does the facility provide residents with access to outside victim advocates for emotional support services related to sexual abuse by providing, posting, or otherwise making assessable 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 residents and these organizations and agencies, in as confidential a manner as possible?  Yes  No

##### **115.353 (b)**

- Does the facility inform residents, 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

#### 115.353 (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 residents 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

#### 115.353 (d)

- Does the facility provide residents with reasonable and confidential access to their attorneys or other legal representation?  Yes  No
- Does the facility provide residents with reasonable access to parents or legal guardians?  Yes  No

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.353 Access to Outside Services; County of Scott Standard of Agreement with Sexual Violence Center; and Scott County Memorandum of Agreement: Scott County JAF and Scott County Human Services/Mental Health Center (SCMHC) collectively address the requirements of Standard 115.353. The facility provides residents with access to outside victim advocates for emotional support services related to sexual abuse and the contact information is posted throughout the facility. These posters were observed posted during the tour of the facility. Residents can call the JAF PREA Hotline at 952-496-8934, Minnesota Department of Corrections at

651-361-7200, Sexual Violence Center at 952-448-5425 (Chaska office) or 612-871-5111 (Minneapolis office), as well as report via email at [PREAJUVENILE@CO.SCOTT.MN.US](mailto:PREAJUVENILE@CO.SCOTT.MN.US). Further, residents are also provided with the address and website to the Sexual Violence Center to contact the organization.

Sexual Violence Center Crisis  
Chaska Office  
500 N. Pine St. Suite 203  
Chaska, Minnesota 55318  
[www.sexualviolencecenter.org](http://www.sexualviolencecenter.org)

The facility maintains copies of the agreement with Sexual Violence Center and Scott County Human Services/Mental Health Center (SCMHC). During the interviews of residents, each stated they can call their attorney anytime, and it does not count as their telephone call for the week. Moreover, residents consistently affirmed their ability to receive and make telephone calls to family, guardians or an attorney and the ability to visit with individuals approved for visitation rights. Scott County JAF met the requirements of Standard 115.353.

#### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.353 Access to Outside Services
- County of Scott Standard of Agreement with Sexual Violence Center
- Scott County Memorandum of Agreement: Scott County JAF and Scott County Human Services/Mental Health Center (SCMHC)
- Interviews with staff (random and specialized)
- Interviews with residents (random and targeted)
- Interview with the PREA Coordinator

## **Standard 115.354: Third-party reporting**

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

#### **115.354 (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 a resident?  Yes  No

#### **Auditor Overall Compliance Determination**

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

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

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

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.354 Third Party Reporting; and Scott County Community Corrections Juvenile Alternative Facility, PREA – Parent Packet collectively address the policy requirements of Standard 115.354. Scott County JAF has established a PREA Hotline number to receive reports of sexual abusive behavior from victims and third-party reports. This number was posted on every living units in Scott County JAF. This same number is publicly provided to friends and family of residents to facilitate third-party reporting of sexual abuse and sexual harassment on behalf of a resident at Scott County JAF.

The agency also established an email address ([preajuvenile@co.scott.ms.us](mailto:preajuvenile@co.scott.ms.us)) for residents or third-party persons to report sexual abuse or sexual harassment. The Auditor interview of random and targeted residents (100%) indicated an awareness of third-party reporting methods. Residents or third parties can call the JAF PREA Hotline at 952-496-8934; Minnesota Department of Corrections at 651-361-7200; or the Sexual Violence Center at 952-448-5425 (Chaska office), 612-871-5111 (Minneapolis office), or via website at [www.sexualviolencecenter.org](http://www.sexualviolencecenter.org). Based on interviews and documentation reviewed, Scott County JAF met the requirements of Standard 115.354.

### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.354 Third Party Reporting
- Scott County Community Corrections Juvenile Alternative Facility, PREA – Parent Packet
- Interviews with staff (random and specialized)
- Interviews with residents (random and targeted)
- Interview with the PREA Coordinator

## OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

### Standard 115.361: Staff and agency reporting duties

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

#### 115.361 (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 residents 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

#### 115.361 (b)

- Does the agency require all staff to comply with any applicable mandatory child abuse reporting laws?  Yes  No

#### 115.361 (c)

- Apart from reporting to designated supervisors or officials and designated State or local services agencies, are staff prohibited 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

#### 115.361 (d)

- Are medical and mental health practitioners required to report sexual abuse to designated supervisors and officials pursuant to paragraph (a) of this section as well as to the designated State or local services agency where required by mandatory reporting laws?  Yes  No
- Are medical and mental health practitioners required to inform residents of their duty to report, and the limitations of confidentiality, at the initiation of services?  Yes  No

#### 115.361 (e)

- Upon receiving any allegation of sexual abuse, does the facility head or his or her designee promptly report the allegation to the appropriate office?  Yes  No

- Upon receiving any allegation of sexual abuse, does the facility head or his or her designee promptly report the allegation to the alleged victim's parents or legal guardians unless the facility has official documentation showing the parents or legal guardians should not be notified?  
 Yes    No
  
- If an alleged victim is under the guardianship of the child welfare system, does the facility head or his or her designee promptly report the allegation to the alleged victim's caseworker instead of the parents or legal guardians?  Yes    No
  
- If a juvenile court retains jurisdiction over the alleged victim, does the facility head or designee also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation?  Yes    No

### 115.361 (f)

- 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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and the Scott County Community Corrections Juvenile Alternative Facility, Policy 115.361 Staff and Agency Reporting Duties collectively address the requirements of Standard 115.361. The facility policy requires staff to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation that occurred at Scott County JAF. Interviews with the PREA Coordinator both confirm that staff is also prohibited from revealing any information related to a sexual abuse report to anyone other than to the

extent necessary, as specified in applicable directives, to make treatment, investigation, and other security and management decisions.

According to the PREA Coordinator, Scott County JAF reports all allegations of sexual abuse and sexual harassment including third party and anonymous reports to the PREA Coordinator and upper management. The PREA Coordinator would initiate the investigative process. Scott County JAF met Standard 115.361.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.361 Staff and Agency Reporting Duties
- Interviews with staff (random and specialized)
- Interviews with residents (random and targeted)
- Interview with the PREA Coordinator

**Standard 115.362: Agency protection duties**

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

**115.362 (a)**

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

**Auditor Overall Compliance Determination**

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

**Instructions for Overall Compliance Determination Narrative**

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Juvenile Alternative Facility, Policy 115.362 Resident Screening; Scott County Juvenile Alternative Facility, PREA/Safety Plan form; and the Scott County Juvenile Alternative Facility, Report of Allegation(s) of Sexual or Physical Assault form collectively address the requirements of Standard 115.362. The facility policy requires staff to take immediate action to protect a resident when he/she is identified as being subject to substantial risk of imminent sexual abuse. Staff (random and specialized) indicated knowledge and understanding of their role and responsibility when a staff person learns that a resident is subject to a substantial risk of imminent sexual abuse, they must take immediate action to protect the resident. Staff also affirmed they would follow the guidelines set forth in Policy 115.362. Interviews with staff (random and specialized) and the PREA Coordinator confirmed compliance with Standard 115.362. In the past 12 months, zero times the agency or facility determined that a resident was subject to a substantial risk of imminent sexual abuse. Scott County JAF met the requirements of Standard 115.362.

#### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Juvenile Alternative Facility, Policy 115.362 Resident Screening
- Scott County Juvenile Alternative Facility, PREA/Safety Plan
- Scott County Juvenile Alternative Facility, Report of Allegation(s) of Sexual or Physical Assault
- Interviews with staff (random and specialized)
- Interview with the PREA Coordinator

### **Standard 115.363: Reporting to other confinement facilities**

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

##### **115.363 (a)**

- Upon receiving an allegation that a resident 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
- Does the head of the facility that received the allegation also notify the appropriate investigative agency?  Yes  No

##### **115.363 (b)**

- Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?  Yes  No

##### **115.363 (c)**

- Does the agency document that it has provided such notification?  Yes  No

#### 115.363 (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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.363 Responding to Other Confinement Facilities; and the Scott County Juvenile Alternative Facility, PREA Third Party Reporting document collectively address the requirements of Standard 115.363. The PREA Coordinator confirmed during his interview that upon receiving the notification that a resident was sexually abused while confined at another facility he would notify the head of the facility or the appropriate office of the agency where the abuse occurred after 72 hours after receiving the allegations. During the past 12 months, the number of allegations the facility received that a resident was abused while confined at another facility was one.

Further, the PREA Coordinator also confirmed that upon notification of sexual abuse allegation Scott County JAF would notify the PREA Coordinator and initiate an investigation to gather preliminary information to pass on to the PREA Coordinator. Based on interviews, review of applicable policy and related documentation, Scott County JAF met Standard 115.363.

#### Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.363 Responding to Other Confinement Facilities
- Scott County Juvenile Alternative Facility, PREA Third Party Reporting document

- Interview with the PREA Coordinator

## Standard 115.364: Staff first responder duties

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

#### 115.364 (a)

- Upon learning of an allegation that a resident 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 a resident 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 a resident 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 a resident 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

#### 115.364 (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

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.364 First Responder Duties; and Scott County Juvenile Alternative Facility, PREA 1<sup>st</sup> Responder Duties/Report – Harassment/Misconduct document collectively address the requirement of Standard 115.364. Scott County JAF policy mandates that staff should, upon learning of an allegation that a resident was sexually abused, as the first responder safe guard the victim and at the same time separate the victim from the abuser, secure the crime scene, and collect physical evidence if the abuse occurred within a time period that would permit the recovery of usable physical evidence. Interviews with staff (random and specialized) (100%) confirmed that each staff member understood their responsibility as a first responder as outlined in Standard 115.364. Scott County JAF met the requirements of Standard 115.364.

#### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.364 First Responder Duties
- Scott County Juvenile Alternative Facility, PREA 1<sup>st</sup> Responder Duties/Report – Harassment/Misconduct document
- Interviews with staff (random and specialized)

### **Standard 115.365: Coordinated response**

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

##### **115.365 (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.

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.365 Coordinated Response collectively address the requirement of Standard 115.365. Scott County JAF has developed a written facility plan to coordinate response actions. Scott County JAF policy specifies the guidelines and procedures that prevent sexual abuse/sexual assault and provides for prompt and effective intervention, in the event abuse or assault occurs. The policy also includes procedures for the investigation, discipline and prosecution of the assailant or abuser. The policy provides response protocol that details first responder duties, reporting procedures, physical evidence collection/preservation, and leadership responsibilities. Further, interviews with random staff confirms understanding of their responsibility in a coordinated response among staff first responders, and facility leadership taken in response to an incident of sexual abuse. Scott County JAF met the requirements of Standard 115.365.

#### Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.365 Coordinated Response
- Interviews with staff (random and specialized)
- Interview with the PREA Coordinator

### Standard 115.366: Preservation of ability to protect residents from contact with abusers

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

#### 115.366 (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 residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?  Yes  No

## 115.366 (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.*

Scott County JAF does not enter into collective bargaining agreements pertinent to staffing. No current agreements that limit the agency's ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. Scott County JAF met the requirements of Standard 115.366.

### Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.366 Preservation of Ability to Protect Residents from Contact with Abusers
- Interview with the PREA Coordinator

## Standard 115.367: Agency protection against retaliation

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

## 115.367 (a)

- Has the agency established a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff?  Yes  No

- Has the agency designated which staff members or departments are charged with monitoring retaliation?  Yes  No

#### 115.367 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services, for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations,?  Yes  No

#### 115.367 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency monitor: The conduct and treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by residents 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 residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents 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 resident 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: Resident 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: Resident 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

#### 115.367 (d)

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

#### 115.367 (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

#### 115.367 (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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.367 Agency Protection Against Retaliation; and the Scott County Juvenile Alternative Facility, PREA After Care – Retaliation Monitoring form collectively address the requirements of Standard 115.367. Scott County JAF policy establishes that the agency has established a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff and has designated a staff member charged with monitoring retaliation.

The facility's PREA Coordinator monitors for possible retaliation at Scott County JAF. He would report to the agency's PREA Coordinator any violations of this policy. In an interview with the facility PREA Coordinator, he indicated that he would monitor for any resident disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The PREA Coordinator

did make note that the Scott County JAF policy stated the following, “It is recognized that because of space restraints, the JAF may not be able to accommodate housing changes for resident protection and may need to employ alternative protection measures.” In addition, the PREA Coordinator also indicated that the monitoring possibly would include face to face meetings with the staff and/or resident for at least 90 days following a report of sexual abuse. Furthermore, the PREA Coordinator said that he would continue the monitoring process beyond 90 days if the initial monitoring indicated a justification for additional monitoring. If any other staff/resident who cooperates with the investigation and expresses a fear of retaliation, as the monitor, the PREA Coordinator would take all necessary actions to protect the staff/resident against any form of retaliation. The obligation to monitor would end if an investigation determines that the allegation was unfounded. Scott County JAF met the requirements of Standard 115.367.

#### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.367 Agency Protection Against Retaliation
- Scott County Juvenile Alternative Facility, PREA After Care – Retaliation Monitoring
- Interview with the PREA Coordinator

### **Standard 115.368: Post-allegation protective custody**

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

##### **115.368 (a)**

- Is any and all use of segregated housing to protect a resident who is alleged to have suffered sexual abuse subject to the requirements of § 115.342?  Yes  No

#### **Auditor Overall Compliance Determination**

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

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

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does*

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.368 Post Allegation Protective Custody collectively address the requirements of Standards 115.368 and 115.342. Scott County JAF policy states that the facility does not utilize “isolation” within the facility. The JAF reserves the right to use administrative re-assignment of housing, and program re-evaluation for the protection of its residents. Any resident that has an administrative re-assignment, will be documented along with other safety measures on a resident safety plan. The safety plan shall be re-evaluated at least every 30 days.

The Auditor confirmed through interview with the PREA Coordinator, that the number of residents that alleged sexual abuse in the past 12 months post allegation protective custody remained zero since the submission of the PAQ. The PREA Coordinator affirm that use of segregation for a PREA related incident would always be a last resort. He was aware and could detail other alternatives to protect a resident absent of placement in segregation. Scott County JAF met the requirements of Standard 115.368.

#### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.368 Post Allegation Protective Custody

## **INVESTIGATIONS**

### **Standard 115.371: Criminal and administrative agency investigations**

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

##### **115.371 (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 115.321(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 115.321(a).]  Yes  No  NA

#### 115.371 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations involving juvenile victims as required by 115.334?  Yes  No

#### 115.371 (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

#### 115.371 (d)

- Does the agency always refrain from terminating an investigation solely because the source of the allegation recants the allegation?  Yes  No

#### 115.371 (e)

- 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

#### 115.371 (f)

- 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 resident or staff?  Yes  No
- Does the agency investigate allegations of sexual abuse without requiring a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?  Yes  No

#### 115.371 (g)

- 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

#### 115.371 (h)

- 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

#### 115.371 (i)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?  Yes  No

#### 115.371 (j)

- Does the agency retain all written reports referenced in 115.371(g) and (h) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention?  Yes  No

#### 115.371 (k)

- 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

#### 115.371 (l)

- Auditor is not required to audit this provision.

#### 115.371 (m)

- When an outside agency 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 115.321(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

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.371 Criminal and JAF Investigations; Scott County Community Corrections Juvenile Alternative Facility, Policy Investigations; and Scott County JAF PREA – Incident Investigation Packet collectively address the requirements of Standard 115.371. When Scott County JAF conducts its own administrative investigation into allegations of sexual abuse and sexual harassment, it does so promptly, thoroughly, and objectively. Scott County JAF, PREA Coordinator confirmed in separate interviews with the Auditor that investigations of PREA allegations, extend to third party and anonymous reports. It will be at the discretion of the local authorities as to whether allegations of conduct that appear to be criminal be referred for prosecution. Scott County JAF shall request of local authorities that they use investigators who have received special training in sexual abuse investigations pursuant to PREA Standard 115.334. When an outside entity such as the local police department investigates sexual abuse, Scott County JAF fully cooperates with outside investigators and remains informed about the progress of the investigation through the PREA Coordinator who reports to the PREA Coordinator.

Scott County JAF policies, examination of investigative reports coupled with interviews with the PREA Coordinator all confirm that upon receipt or discovery of an allegation or sexual abuse incident, at a minimum, the PREA Coordinator/administrative investigator will review both direct and circumstantial evidence, interview all alleged victims or suspected perpetrators, determine the need for a criminal investigation and report the matter to the PREA Coordinator. Scott County JAF will fully cooperate with investigators and endeavor to remain informed about the progress. Further, an interview with the PREA Coordinator both confirm that substantiated allegations of conduct that appear to be criminal are referred for prosecution. The number of substantiated allegations of conduct that appear to be criminal that were referred for prosecution since the last PREA audit is one.

The PREA Coordinator also confirmed that Scott County JAF retains all written reports pertaining to the administrative or criminal investigation of alleged sexual assault or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. Scott County JAF ensures that the departure of an alleged abuser or victim from employment or control of the agency does not provide a basis for terminating an investigation. Furthermore, Scott County JAF has a policy in place that requires that all reports be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

The PREA Coordinator/administrative investigator described the role of an investigator which included responsibilities such as gathering and preserving direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data, interviewing alleged victims, suspected perpetrators and witnesses, reviewing prior reports and complaints of sexual abuse involving the suspected perpetrator. Based upon interviews with the PREA Coordinator, Scott County JAF meets the requirements of Standard 115.371.

### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.371 Criminal and JAF Investigations
- Scott County Community Corrections Juvenile Alternative Facility, Policy Investigations
- Scott County JAF PREA – Incident Investigation Packet
- Interview with investigator
- Interview with the PREA Coordinator

## Standard 115.372: Evidentiary standard for administrative investigations

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

### 115.372 (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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.372 Evidentiary Standard for Administrative Investigations; and the Scott County Community Corrections Juvenile Alternative Facility, Policy Investigations collectively address the requirements of Standard 115.372. The policy states the facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations are substantiated in administrative and criminal investigations. The Auditor interviewed an

investigator who confirmed that the facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations are substantiated in administrative and criminal Investigations. Scott County JAF met the requirements of Standard 115.372.

#### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.372 Evidentiary Standard for Administrative Investigations
- Scott County Community Corrections Juvenile Alternative Facility, Policy Investigations
- Interview with investigator

### **Standard 115.373: Reporting to residents**

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

##### **115.373 (a)**

- Following an investigation into a resident's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?  Yes  No

##### **115.373 (b)**

- If the agency did not conduct the investigation into a resident's allegation of sexual abuse in the agency's facility, does the agency request the relevant information from the investigative agency in order to inform the resident? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)  Yes  No  NA

##### **115.373 (c)**

- Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the resident's unit?  Yes  No
- Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?  Yes  No
- Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident

whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?  Yes  No

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

#### 115.373 (d)

- Following a resident's allegation that he or she has been sexually abused by another resident, 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 a resident's allegation that he or she has been sexually abused by another resident, 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

#### 115.373 (e)

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

#### 115.373 (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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County

Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.373 Reporting to Residents; Scott County Community Corrections Juvenile Alternative Facility, Policy Investigations; and Scott County Juvenile Alternative Facility PREA Notification Page collectively address the requirements of Standard 115.373.

A total of one allegation of sexual harassment and/or abuse were documented in the last 12 months. One sexual abuse incident was investigated. At the conclusion of an investigation (unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody), Scott County JAF would inform the resident: If the staff member is no longer employed at the facility, Scott County JAF learns that the staff member has been indicted on a charge related to sexual abuse at Scott County JAF, the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility, the alleged abuser has been indicted on a charge related to sexual abuse within the facility or the alleged abuser has been convicted on a charge related to sexual abuse at Scott County JAF. The PREA Coordinator explained his responsibility to document all such notifications or attempted notifications of the resident (victim). One resident was notified of the outcome of an investigation in writing. Documentation is maintained in the investigative file. Compliance with this standard was determined by a review of policy, an examination of the written notices, and staff interviews. Scott County JAF met the requirements for Standard 115.373.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.373 Reporting to Residents
- Scott County Community Corrections Juvenile Alternative Facility, Policy Investigations
- Scott County Juvenile Alternative Facility PREA Notification Page
- Interview with the PREA Coordinator

**DISCIPLINE**

**Standard 115.376: Disciplinary sanctions for staff**

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

**115.376 (a)**

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

**115.376 (b)**

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

### 115.376 (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

### 115.376 (d)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.376 Disciplinary Sanctions for Staff; Scott County Community Corrections Juvenile Alternative Facility, Policy Investigations; and the Scott County Community Juvenile Alternative Facility PREA – Garrity Administrative Warning form collectively address the requirements of Standard 115.376.

Employees are subject to disciplinary sanctions for violating agency sexual abuse or sexual harassment policies. There was zero incidents of a reported case allegation of sexual harassment with staff in the past 12 months. In the past 12 months, the number of staff from the facility that have violated agency sexual abuse or sexual harassment policies was zero. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff that would have been terminated if not for their resignation, may be reported to criminal investigators and to any law enforcement or relevant professional/certifying/licensing agencies by the agency, unless the activity

was clearly not criminal. Compliance with this standard was determined by a review of policy/documentation and staff interviews. Scott County JAF met the requirements for Standard 115.376.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.376 Disciplinary Sanctions for Staff
- Scott County Community Corrections Juvenile Alternative Facility, Policy Investigations
- Scott County Community Juvenile Alternative Facility PREA – Garrity Administrative Warning
- Minnesota Statute Employee Relations: Reassignment, Demotion, Promotion, Transfer, Lateral Move, and Voluntary Reduction
- Minnesota Statute Employee Relations: Termination of Employment Policy
- Minnesota Statute Employee Relations: Grievance Procedure
- Minnesota Statute Employee Relations: Employee Discipline
- Minnesota Statute Administration: Employee Code of Conduct Policy
- Interview with the PREA Coordinators
- Interview with the Human Resource (HR) representative

**Standard 115.377: Corrective action for contractors and volunteers**

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

**115.377 (a)**

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with residents?  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

**115.377 (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 residents?  Yes  No

**Auditor Overall Compliance Determination**

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

### Instructions for Overall Compliance Determination Narrative

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.377 Corrective Actions for Contractors and Volunteers; and the Scott County Community Corrections Juvenile Alternative Facility, Policy Investigations collectively address the requirement of Standard 115.377. The facility policy states that any contractor or volunteer engaging in sexual abuse of residents will be subject to referral to local law enforcement. The policy further requires that the contractor or volunteer is prohibited from having contact with residents. During his interview with the Auditor, the PREA Coordinator confirmed that any contractor or volunteer who engages in sexual abuse would be prohibited from contact with residents, reported to law enforcement agencies (unless the activity was clearly not criminal) and when applicable reported to relevant licensing bodies. During this reporting period, Scott County JAF indicated zero contractors or volunteers’ allegations of sexual abuse or sexual harassment violations as outlined in policy. Scott County JAF met the requirements of Standard 115.377.

#### Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.377 Corrective Actions for Contractors and Volunteers
- Scott County Community Corrections Juvenile Alternative Facility, Policy Investigations
- Interview with the PREA Coordinator

### Standard 115.378: Interventions and disciplinary sanctions for residents

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

#### 115.378 (a)

- Following an administrative finding that a resident engaged in resident-on-resident sexual abuse, or following a criminal finding of guilt for resident-on-resident sexual abuse, may residents be subject to disciplinary sanctions only pursuant to a formal disciplinary process?  Yes  No

#### 115.378 (b)

- Are disciplinary sanctions commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories?  Yes  No
- In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident is not denied daily large-muscle exercise?  Yes  No
- In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident is not denied access to any legally required educational programming or special education services?  Yes  No
- In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident receives daily visits from a medical or mental health care clinician?  Yes  No
- In the event a disciplinary sanction results in the isolation of a resident, does the resident also have access to other programs and work opportunities to the extent possible?  Yes  No

#### 115.378 (c)

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

#### 115.378 (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 offer the offending resident participation in such interventions?  Yes  No
- If the agency requires participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, does it always refrain from requiring such participation as a condition to accessing general programming or education?  Yes  No

#### 115.378 (e)

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

#### 115.378 (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

### 115.378 (g)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.378 Interventions and Disciplinary Sanctions; and Scott County Community Corrections Juvenile Alternative Facility, Policy Investigations collectively address the requirements of Standard 115.378.

Policy defines sexual abuse as persons regardless of gender, consent, coercion, force of threat involving non-consensual touching by force or threat of force, as the greatest severity level prohibited act. It identifies residents engaging in sexual acts and making sexual proposals or threats to another as a high severity level prohibited act. Non-consensual sex or sexual harassment of any nature is prohibited and will result in a disciplinary action. Scott County JAF prohibits consensual sex between residents, but it does not constitute sexual abuse. The facility's disciplinary sanctions are commensurate with the nature and circumstances of the abuse committed, along with the resident's disciplinary history and the sanctions imposed for comparable offenses by other residents with similar histories. Scott County JAF does not discipline residents who make an allegation in good faith, even if an investigation does not establish evidence sufficient to substantiate the allegation. Interviews with the PREA Coordinator support compliance with this standard. The PREA Coordinator indicated that a resident's mental disabilities or mental illness would be considered when determining the type of sanction, if any, should be imposed. Compliance with this standard was determined by a review of

policy/documentation, and staff and resident interviews. Scott County JAF met the requirements for Standard 115.278.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.378 Interventions and Disciplinary Sanctions
- Scott County Community Corrections Juvenile Alternative Facility, Policy Investigations
- Interview with staff (random and specialized)
- Interview with residents (random and targeted)

**MEDICAL AND MENTAL CARE**

**Standard 115.381: Medical and mental health screenings; history of sexual abuse**

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

**115.381 (a)**

- If the screening pursuant to § 115.341 indicates that a resident has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the resident is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?  Yes  No

**115.381 (b)**

- If the screening pursuant to § 115.341 indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the resident is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening?  Yes  No

**115.381 (c)**

- 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

## 115.381 (d)

- Do medical and mental health practitioners obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident 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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.381 Medical and Mental Health Screenings - Sexual Abuse; Scott County Community Corrections Juvenile Alternative Facility, Treatment Plan form; and the Scott County Community Corrections Juvenile Alternative Facility, Client Admission Assessment form collectively address Standard 115.381.

Residents who disclose prior sexual victimization or who disclose previously perpetrating sexual abuse during an intake screening will be offered a follow-up meeting through a referral service with a medical or mental health practitioner within 14 days of the admission screening to provide the appropriate level of care. Staff interviewed affirm that if screening pursuant to § 115.341 indicates that a resident has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, Scott County JAF staff will ensure that the resident is offered a follow-up meeting with a mental health provider within 14 days of the admission screening in the community.

Staff interviewed affirmed that information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health providers and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, education, and program assignments, or as otherwise required by Federal, State, or local law. Staff was able to provide the Auditor with examples of a reason other staff would need to know sensitive information about a resident such as a housing consideration.

Staff also affirmed a duty to obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting. Scott County JAF has a consent process that grants the authorization to release and request information. Staff interviews confirmed compliance with this policy. In the past 12 months, 100% of resident clinical files examined where a resident disclosed previously perpetrating sexual abuse during screening, were offered a follow-up meeting with a community mental health service or medical provider. The medical and mental health providers are not employees of JAF. Staff affirmed during interviews with the Auditor, that they maintain secondary materials documenting compliance with this service and Standard 115.381. Scott County JAF met the requirements of Standard 115.381.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.381 Medical and Mental Health Screenings - Sexual Abuse
- Scott County Community Corrections Juvenile Alternative Facility, Treatment Plan
- Scott County Community Corrections Juvenile Alternative Facility, Client Admission Assessment
- Interview with the PREA Coordinator

**Standard 115.382: Access to emergency medical and mental health services**

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

**115.382 (a)**

- Do resident 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

**115.382 (b)**

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do staff first responders take preliminary steps to protect the victim pursuant to § 115.362?  Yes  No
- Do staff first responders immediately notify the appropriate medical and mental health practitioners?  Yes  No

**115.382 (c)**

- Are resident 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

### 115.382 (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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and the Scott County Community Corrections Juvenile Alternative Facility, Policy 115.382 Access to Emergency Medical and Mental Health Services collectively address requirement Standard 115.382.

Scott County JAF provides medical and mental health services to all residents placed at Scott County JAF through a system of community referrals. Medical and mental health services are provided by utilizing hospitals and mental health facilities near or in close radius to Scott County JAF. Information and access to emergency medical care are offered to all resident victims, as clinically indicated. Victim advocacy services are offered through trained offsite victim advocacy or mental health organizations. Agency policy prohibits resident co-pays for medical treatment from being applied to victims of sexual abuse and all treatment is offered at no financial cost to the resident. Resident victims of sexual abuse are offered information about and timely access to information on sexually transmitted infection prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. There was no allegation of sexual abuse that required referral for forensic examination and evidence collection by a SANE/SAFE examiner in the past 12 months. Compliance with this standard was determined by a review of policy/documentation and interviews with a SANE/SAFE provider and medical staff at a nearby facility. Scott County JAF met the requirements for Standard 115.382.

### Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients

- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.382 Access to Emergency Medical and Mental Health Services

## Standard 115.383: 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

#### 115.383 (a)

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?  Yes  No

#### 115.383 (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

#### 115.383 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care?  Yes  No

#### 115.383 (d)

- Are resident 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 residents 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

#### 115.383 (e)

- If pregnancy results from the conduct described in paragraph § 115.383(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 residents 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

#### 115.383 (f)

- Are resident victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?  Yes  No

### 115.383 (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

### 115.383 (h)

- Does the facility attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.383 Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers collectively address requirements of Standard 115.383.

Scott County JAF offers medical and mental health evaluations and, as appropriate, treatment to all residents who have been victimized by sexual abuse. Services are consistent with a community level of care, without financial cost to the resident. The facility houses male and female residents. Scott County JAF does not staff medical and mental health departments but offers victims of sexual abuse/sexual harassment medical and mental health services consistent with the standard of care available in the community by utilizing nearby medical facilities and mental health providers. Resident victims, while incarcerated, would be offered testing for sexually transmitted infections as medically appropriate. Mental health evaluations are conducted on all known resident-on-resident abusers within at least 14 days of learning of such abuse history, but usually immediately, when staff members become aware of this information. When appropriate, treatment is offered by mental health

practitioners. A review of documentation and interviews with PREA Coordinator support the finding that this facility follows this standard. Scott County JAF met the requirements for Standard 115.383.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.383 Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers
- Interview with the PREA Coordinator

**DATA COLLECTION AND REVIEW**

**Standard 115.386: Sexual abuse incident reviews**

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

**115.386 (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

**115.386 (b)**

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

**115.386 (c)**

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

**115.386 (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 §§ 115.386(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?  Yes  No

### 115.386 (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

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; Scott County Community Corrections Juvenile Alternative Facility, Policy 115.386 Sexual Abuse Incident Reviews; and Scott County Juvenile Alternative Facility PREA – Critical Incident Review form collectively address the requirements of Standard 115.386. The facility is in compliance with this standard and provides information regarding the Sexual Assault Review Team (SART) and its role. The details of the make-up of the SART and the elements to be considered in their assessments of incidents. An investigation conducted in last twelve (12) months documented an incident review upon completion of the investigation. The SART includes upper-level management officials and allows for input from

supervisors, investigators and other staff. Interviews with staff revealed that they understand the purpose of the SART and the process. Scott County JAF met the requirements of Standard 115.386.

**Policy, Materials, Interviews and Other Evidence Reviewed:**

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.386 Sexual Abuse Incident Reviews
- Scott County Juvenile Alternative Facility PREA – Critical Incident Review
- Interview with the PREA Coordinator

**Standard 115.387: Data collection**

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

**115.387 (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

**115.387 (b)**

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

**115.387 (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

**115.387 (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

**115.387 (e)**

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

**115.387 (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.*

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.387 Data Collection collectively address the requirements of Standard 115.387.

Scott County JAF collects accurate, uniform data for every allegation of sexual abuse/sexual harassment by using a standardized instrument. As confirmed by a review of 2018 Scott County’s Annual Report, the agency collects accurate, uniform data for every allegation of sexual abuse/sexual harassment by using a standardized instrument. This is the first PREA audit for the facility. The agency tracks information concerning sexual abuse using data from the facilities using computerized data management program. The data collected includes the information necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by the Department of Justice. Scott County JAF aggregates and reviews all data annually. Upon request, the agency would provide all such data from the previous calendar year to the Department of Justice no later than June 30. Facility compliance with this standard was also determined by a review of policy, a review of the tracking documentation and staff interviews. The PREA Coordinator works in conjunction with PREA Coordinator to maintain and collect data required to meet this standard. The PREA Coordinator confirmed the process by interview. Scott County JAF met the requirements for Standard 115.387.

### Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.387 Data Collection
- Interviews with members of the Sexual Abuse Incident Review Team

- Interview with the PREA Coordinator

## Standard 115.388: Data review for corrective action

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

#### 115.388 (a)

- Does the agency review data collected and aggregated pursuant to § 115.387 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 § 115.387 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 § 115.387 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

#### 115.388 (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

#### 115.388 (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

#### 115.388 (d)

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

### Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.388 Data Collection and Review collectively address the requirement of Standard 115.288. Scott County JAF reviews and assesses all sexual abuse/sexual harassment data at least annually to improve the effectiveness of its sexual abuse prevention, detection, and response policies. The identification of trends, issues or problematic areas are a priority and, if discovered, corrective action is initiated. The PREA Coordinator would forward data to the agency Director. An annual report would be prepared and placed on the agency website. Compliance with this standard was determined by a review of policy/documentation and staff interviews. Scott County JAF met the requirements for Standard 115.288.

### Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.388 Data Collection and Review
- Scott County Sexual Assault Prevention Program Annual Report
- Interview with the PREA Coordinator
- Interview with the agency Director

## Standard 115.389: Data storage, publication, and destruction

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

#### 115.389 (a)

- Does the agency ensure that data collected pursuant to § 115.387 are securely retained?  
 Yes  No

#### 115.389 (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

### 115.389 (c)

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

### 115.389 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.387 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients; Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards; Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions; and Scott County Community Corrections Juvenile Alternative Facility, Policy 115.389 Data Collection, Retention, and Destruction (Data Management) collectively address the Standard 115.389. The standard requires that data is collected and securely retained for 10 years unless applicable laws require otherwise. The aggregated PREA data is reviewed and all personal identifiers are removed. A review of documentation confirmed the practice. Scott County JAF met the requirements of Standard 115.389.

### Policy, Materials, Interviews and Other Evidence Reviewed:

- Pre-Audit Questionnaire
- Minnesota State Statutes 609.341-3452 Mistreatment of Residents or Patients
- Scott County Community Corrections Juvenile Alternative Facility, Juvenile PREA Standards
- Scott County Community Corrections Juvenile Alternative Facility, PREA Definitions
- Scott County Community Corrections Juvenile Alternative Facility, Policy 115.389 Data Collection, Retention, and Destruction (Data Management)
- Interview with the PREA Coordinator

## 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 residents?  Yes  No

##### 115.401 (n)

- Were residents permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?  Yes  No

## Auditor Overall Compliance Determination

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

## 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.*

This was the first PREA audit of this facility. The Auditor was allowed access to all areas of the facility and had access to all required supporting documentation. The Auditor was able to conduct private interviews with both residents and staff. The Auditor was provided supporting documentation before and during the audit. Notifications of the audit posted throughout the Scott County JAF allowed residents to send confidential letters to the Auditor prior to the audit. There were no confidential letters mailed to the Auditor as a result of the audit postings in the housing units. Scott County JAF met the requirements for Standard 115.401.

### Policy, Materials, Interviews and Other Evidence Reviewed:

- Interview with the PREA Coordinator
- Interviews with residents (random and targeted)
- Interviews with staff (random and specialized)

## 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 AGENCY 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

- 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.*

All final audit reports for Scott County are properly and publicly posted on the agency website. This is the first PREA audit for this facility.

### **Policy, Materials, Interviews and Other Evidence Reviewed:**

- Interview with the PREA Coordinator
- Interviews with residents (random and targeted)
- Interviews with staff (random and specialized)
- Scott County website

## 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 resident 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.

Sonya Love

12/30/2019

**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.