

DIRECTIVE #1

Data collection, incident reviews, annual reports, data storage, publication, and destruction shall be the responsibility of the Detentions Bureau Compliance Section, at the direction of the PREA Compliance Manager.

Procedure A: Sexual Abuse Incident Reviews

The facility shall conduct an incident review (Attachment – ‘C’) at the conclusion of every sexual abuse investigation, including allegations not substantiated, unless the allegation has been determined to be unfounded. The incident review shall ordinarily occur within 30 days of the conclusion of the investigation.

The review team shall include the PREA coordinator, section manager, with input from line supervisors, investigators, and medical or mental health practitioners.

The review team shall:

- Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- Consider whether the incident or allegation was motivated by any of the following factors:
 - Race;
 - Ethnicity;
 - Gender identity;
 - Lesbian, gay, bisexual, transgender or intersex identification;
 - Status or perceived status;
 - Gang affiliation;
 - Other group dynamics at the facility;
- Examine the area in the facility where the incident is reported to have occurred to assess if physical barriers exist in the area which may enable abuse;
- Assess the adequacy of staffing levels in that area during different shifts;

- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- Prepare and submit a report of its findings, including any recommendations for improvement, to the PREA Compliance Manager and appropriate Section Manager.

The Section Manager shall implement the recommendations for improvement or document their reasons for not doing so.

The PREA Compliance Manager will forward all completed reports and documentation to the Detentions Bureau Chief Deputy via chain of command.

Procedure B: Data Collection

The Compliance Section shall:

- Collect accurate, uniform data for every allegation of sexual assault/abuse at all KCSO custody facilities using a standardized instrument and set of definitions and aggregate the data at least annually. The data will be documented on an Annual PREA Facility Review Report form (Attachment 'D');
- Collect incident-based data to 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.
- Maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual assault/abuse incident reviews.
- Obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its incarcerated people.
- Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice (DOJ) no later than June 30.

[See Attachments A and B for DOJ Sexual Violence Survey questions]

DIRECTIVE B-2: Data review for corrective action

The Compliance Section shall conduct an annual review of the aggregated, incident-based data collected to assess and improve the effectiveness of all PREA related training, policies, and procedures.

The review data will be compiled into a report detailing the findings, which will include:

- Identification of any deficiencies within each facility or section;
- Suggested corrective actions (if any);
- Comparison of the current year's data with the prior year; and
- Assessment of progress in addressing sexual assault/abuse.

The completed report shall be forwarded to the Detentions Bureau Chief Deputy via chain of command for approval. Upon approval, the report will be made readily available to the public via the Sheriff's Office public website.

Specific material that would present a clear and specific threat to the safety and security of a facility will be redacted prior to publication for public viewing. The report must indicate the nature of the material redacted.

DIRECTIVE B-3: Data storage, publication and destruction

The Compliance Section shall:

- Ensure that data collected is securely retained;
- Remove all personal identifiers prior to making all facility aggregated sexual abuse data available to the public annually on its website.
- Maintain collected sexual assault/abuse data for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise.

Procedure C: Audits

In order to demonstrate compliance with federal PREA legislation standards, the Sheriff shall authorize and direct designated staff to select and contract the services of a DOJ certified PREA auditor.

Upon request KCSO shall provide the United States Marshals Service with a copy of the audit report demonstrating PREA compliance at the time of contract renewal.

DIRECTIVE C-1: Frequency and scope of audits

The Compliance Section shall ensure that each KCSO jail and lockup is audited once in each three (3) year audit cycle. At least one third of each facility type will be audited each year. KCSO shall bear the burden of demonstrating compliance with the standards. Additionally, DOJ may send a recommendation to KCSO to expedite an audit if it believes a particular facility is experiencing problems related to sexual assault/abuse.

The PREA Compliance Manager shall ensure the following audit requirements:

- The auditor shall have access to all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility type.
- The auditor may review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
- The auditor shall have access to, and shall observe, all areas of the audited facilities, and be permitted to request and receive copies of any relevant documents (including electronically stored information).
- The auditor shall interview a representative sample of incarcerated people, staff, supervisors, and administrators.
- The auditor shall review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
- The auditor shall be permitted to conduct private interviews with incarcerated people, and incarcerated people shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
- Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the DOJ upon request.

DIRECTIVE C-2: Auditor Qualifications

The PREA Compliance Manager shall ensure that the selected PREA auditor has been certified by DOJ, and;

- Is a member of a correctional monitoring body that is not part of, or under the authority of KCSO; or
- Is a member of an auditing entity such as an Inspector General or ombudsperson's office that is external to KCSO; or
- Is another outside individual with relevant experience; and
- The auditor has not received financial compensation from KCSO, (except for compensation received for conducting prior PREA audits), within the three (3) years prior to contracting with the auditor.
- KCSO shall not employ, contract with, or otherwise financially compensate the auditor for three (3) years after retention of the auditor, with the exception of contracting for subsequent PREA audits.

Procedure D: Audit Corrective Action Plan

If KCSO receives a finding of “does not meet standard” in any audit, the PREA Compliance Manager shall:

- Designate a compliance staff member to jointly develop a corrective action plan with the auditor; and
- Review the plan, to ensure compliance within the required 180-day corrective action period.

If KCSO does not achieve compliance with each standard within the 180-day corrective action period, it may (at its discretion and cost) request a subsequent audit once it believes that it has achieved compliance.

Procedure E: Audit Appeals

KCSO may lodge an appeal with the DOJ regarding any specific audit finding it believes to be incorrect. The PREA Compliance Manager will:

- Submit any appeal within 90 days of the auditor's final determination;
- Pay any re-audit costs if DOJ determines there is good cause for re-evaluation;
- Contract with an auditor mutually agreed upon with DOJ; and
- Accept re-audit findings as final.