DEPARTMENT OF CORRECTIONS

Policy Number: 102.050
Title: Prison Rape Elimination Act - Data Collection, Review, and Distribution
Effective Date: 5/15/18

PURPOSE: To outline the department's procedures for the review, assessment, and distribution of data relating to sexual abuse allegations in compliance with the Prison Rape Elimination Act (PREA) and creation of an annual report detailing the agency's findings and corrective actions for each facility.

APPLICABILITY: Department-wide

DEFINITIONS: None

PROCEDURES:

A. Data collection

1. The DOC collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument. The DOC also collects data provided by contracted community partners. The data is collected as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews, and is stored in the DOC central office communications unit.

2. The DOC aggregates the incident-based sexual abuse data annually. The incident-based data collected includes the data necessary to answer all of the questions from the Department of Justice – Survey of Sexual Violence.

B. Data review

1. The sexual abuse response team (SART) chairs at each facility review data and aggregate it in order to assess and improve the effectiveness of sexual abuse prevention, detection, and response in policies, practices, and training throughout the department. SART review includes such examples as:
   a) Identifying problem areas;
   b) Detailing corrective action on an ongoing basis; and
   c) Preparing an annual report of findings and corrective actions for each facility, as well as the agency as a whole.

2. The annual report includes a comparison of the current year's data and corrective actions that were reported by the SART with those from prior years and provides an assessment of the DOC's progress in addressing sexual abuse.

C. Data distribution

1. Report drafting
   a) The report must be submitted to the communications office for initial review within 90 days after the submission of the Survey of Sexual Violence. The report must indicate approval by the assistant and deputy commissioners upon submission to the communications office.

   b) The report must be submitted in the format provided by the communications office and include all mandated information.

c) After review by the communications office, the report may be returned to the author for revision. The updated report must be submitted to the communications office within three working days. Revisions must be submitted with a copy of the original submission for comparison purposes. Revisions must include written approval that the division head has seen and concurs with the revisions. The revised report is then submitted to the commissioner for review and approval.

d) If the commissioner indicates that revisions are necessary, the report is returned to the author with instructions to revise. The author must complete the revision, obtain written assistant and deputy commissioner approval, and resubmit the report (with the original for comparison) to the commissioner's office for approval.

2. Once approved by the commissioner, the annual report is electronically stored in the DOC central office communications unit, and is made available to the public through the DOC's public website. The DOC may redact specific material from the report when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

3. All aggregated sexual abuse data is made available to the public annually through the DOC's public website. The DOC must redact personal identifiers from the public report.

4. The DOC retains sexual abuse data in the DOC central office communications unit as established in the OSI-PREA retention schedule.

5. Upon request, the DOC provides data from the previous calendar year to the Department of Justice (DOJ) by the deadline imposed by the DOJ.

INTERNAL CONTROLS:

A. The approved annual report is retained by the DOC central office communications unit.

B. The DOC retains sexual abuse data in the DOC central office communications unit as established in the retention schedule.

ACA STANDARDS: None

REFERENCES: Prison Rape Elimination Act (PREA), 28 C.F.R. §115 (2012)
Minn. Stat. §§241.01 and 611A.20
Policy 202.057, "Sexual Abuse/Harassment Prevention, Reporting, and Response"
Policy 106.210, "Providing Access to and Protecting Government Data"
Policy 106.220, "Offender/Resident Case Records"
Policy 107.007, "Criminal Investigations"
Policy 302.120, "Reporting Maltreatment of Minors"
Policy 103.300, "Discrimination-Free Workplace"
Department of Justice – Survey of Sexual Victimization

REPLACES: Policy 102.050, "Prison Rape Elimination Act - Data Collection, Review, and Distribution," 11/21/17.

All facility policies, division directives, instructions, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: PREA Data Collection Instructions (102.050A)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support