

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 410.00.01	Page 1 of 4
	Original Effective Date: 04/01/18	New Effective Date: 04/01/18
	Supersedes: N/A	Dated: N/A
	Administrator's Approval: Jim Schwochert, Administrator	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 410 Prison Rape Elimination Act		
Subject: PREA Compliance Review of Contracted Facilities		

POLICY

The Division of Adult Institutions shall review its contracted facilities for the confinement of inmates to ensure compliance with the Prison Rape Elimination Act (PREA).

REFERENCES

34 U.S.C. §30301 Prison Rape Elimination Act of 2003.
28 C.F.R § Part 115, *et seq.* National Standards to Prevent, Detect and Respond to Prison Rape
Executive Directive 72 – Sexual Abuse and Sexual Harassment in Confinement (PREA)

DEFINITIONS, ACRONYMS, AND FORMS

Confinement Setting – includes jail, prison, community confinement or juvenile detention.

Contract – a written agreement, including a memorandum of understanding, with a private or public agency to confine inmates under the legal control of the Wisconsin Department of Corrections for a fixed or variable fee or on a per diem basis. Interstate transfer of inmate agreements are exempt from this definition provided compensation is achieved through reciprocal transfer of inmates or the transfer is primarily initiated by or with the consent of the inmate.

Compliance Reviewer – a PREA auditor or PREA compliance-trained DOC staff member tasked to monitor DAI contract facilities for the confinement of inmates to ensure the contractor has adopted and is complying with the PREA standards.

Compliance Review – the annual process of monitoring, by way of observation, documentation and interviews, a contractor's compliance with the PREA standards.

Division of Adult Institutions – DAI

DOC – Wisconsin Department of Corrections

DOC-2845 – Contract Compliance Review Report

PREA – Prison Rape Elimination Act

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PREA Auditor – A DOC staff person who has completed a U.S. DOJ PREA auditor certification session, in addition to post-training requirements, and maintains their certification as required by U.S. DOJ’s National PREA Resource Center.

Satisfactory – demonstration of substantive progress towards PREA compliance. To earn a satisfactory outcome, the contracted facility shall exhibit efforts to adopt and comply with the U.S. DOJ established PREA standards.

U.S. DOJ – United States Department of Justice

Unsatisfactory – lack of evidence to support substantive progress towards PREA compliance. To earn an unsatisfactory outcome, the contracted facility has not demonstrated sufficient means to adopt and comply with the U.S. DOJ established PREA standards.

PROCEDURE

I. Compliance Review Frequency

- A. Contracts for the confinement of inmates shall be monitored by DOC annually except during the year in which the facility has scheduled a U.S. DOJ PREA audit. To achieve this requirement, the DOC requires its contractors to submit a DOC-2845.
- B. During a U.S. DOJ PREA audit year, the final PREA audit report may replace a DOC PREA compliance review.
- C. During non-audit years, a compliance review shall include a combination of the facility’s self-report and DOC’s evaluation.

II. Compliance Reviewer and Review

- A. If a compliance reviewer is not a certified PREA auditor, the compliance reviewer shall participate in compliance review training provided by the DOC PREA Office in advance of performing a compliance review.
- B. Following the contracted facility’s response to a series of self-reported compliance-related questions, the compliance reviewer shall conduct an evaluation, all of which shall be documented on DOC-2845.
- C. Each self-report response shall be evaluated by a compliance reviewer using the following methods:
 - 1. Observation or facility tour;
 - 2. Document review;
 - 3. Policy review;
 - 4. Staff interview; and/or
 - 5. Inmate interview.

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- D. Following the evaluation, the compliance reviewer shall rate each response as either satisfactory or unsatisfactory.
- E. The compliance reviewer shall document applicable comments during the evaluation that reflect facility strengths, unsatisfactory findings, follow-up or remedial actions.
- F. During the review process, the compliance reviewer shall report unsatisfactory findings to the PREA Office to identify corrective actions and assess the contractor's good faith effort to comply with their DOC contractual agreement and to successfully implement the PREA standards.
- G. At the close of the review process, the compliance reviewer shall submit the completed DOC-2845 and supporting documents to the DOC PREA Office.
- H. Upon request, the PREA Office shall provide completed DOC-2845 to U.S. DOJ Auditors as part of the DOC auditing process.
- I. A copy of the completed DOC-2845 shall be sent to the DOC Office of Detention Facilities Director and DAI Contract Monitor as listed within the respective contract.

Administrator's Approval: _____ **Date Signed:** _____

Jim Schwochert, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date: 04/01/18	DAI Policy Number: 410.00.01	Page 4 of 4
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Chapter: 410 Prison Rape Elimination Act		
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Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES**DEFINITIONS, ACRONYMS, AND FORMS****FACILITY PROCEDURE**

I.

A.

B.

1.

2.

a.

b.

c.

3.

C.

II.

III.

RESPONSIBILITY

I. Staff

II. Inmate

III. Other