

Department: Adult Correction Center	Policy No. W-20.8.5	Pages: 5
Section Title: Prison Rape Elimination Act	PREA§ : 115.65	
Subject: PRISON RAPE ELIMINATION ACT Coordinated Response	Date Reviewed:	
Date Issued: March 31, 2016	Date Revised:	

DEFINITIONS:

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident: includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus;
- 3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- 4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer: includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus
- 3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- 4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to the official duties or where the

staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- 5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- 6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- 7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and;
- 8) Voyeurism by a staff member, contractor, or volunteer.

Sexual harassment:

- 1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
- 2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

POLICY:

The Wilson County Jail (WCJ) will have written policy and procedures mandating zero-tolerance towards all forms of sexual abuse and sexual harassment. WCJ will describe in detail approaches taken to prevent, detect, and respond to such conduct. Policy and procedure will be in accordance with the DOJ Title 28 Code of Federal Regulations, Part 115, and National Standards, to prevent, detect, and respond to prison rape.

PROCEDURE:

Coordinated Response-Investigations of Sexual Abuse or Sexual Harassment

WCJ will institute the following written plan to coordinate efforts taken in response to an incident of sexual assault. Response includes staff first responders, shift supervisors, medical health practitioners, investigators, and facility leadership.

When any staff receives a report of an alleged assault or sexual harassment, that staff person is responsible to forward that report to his/her supervisor. The PREA coordinator will ensure each and every allegation is investigated.

Sexual Abuse:

1) First Responder

- a. Separate the alleged victim from alleged abuse
- b. Notify shift supervisor/co-worker
- c. Preserve and protect the crime scene until steps can be taken to collect evidence
- d. If alleged incident occurred in the past 120 hours, instruct the alleged victim to not take any action that may destroy evidence. This includes, showering, brushing teeth, changing clothes, urinating defecating, eating, or drinking.
 - i. Item 1 subp. (d) also applies to the alleged abuser.

2) Shift supervisor/Co-worker

- a. Notify the jail administrator and Sheriff of the incident
 - i. Jail administrator will notify the Wilson County Sheriff if it hasn't already been done.
- b. Ensure that the crime scene is being preserved by a delegated officer.
- c. Ensure both the alleged victim and alleged abuser have an officer assigned to them.
- d. Notify medical staff of the alleged incident and utilize medical services provided for the alleged victim.

3) Medical Personnel

- a. Assess the alleged victims acute needs
- b. If a sexual assault exam is appropriate explain the necessity and process of the examination to the alleged victim.
 - i. Reaffirm efforts to avoid damaging evidence as described in item 1 subp. (d)
 - ii. If victim refuses to be examined document the refusal on, [medical document form?]
- c. If examination is accepted, the alleged victim will be transported in accordance with WCJ transportation policy.
- d. Offer victim services to the alleged victim (Victim Advocate)
- e. Contact the hospital to notify them of the alleged incident and share necessary information.
- f. Ensure STD testing and prophylactic treatment is completed
- g. Ensure pre- and post-HIV counseling has been conducted
 - i. Ensure follow-up infectious disease testing is completed on the abuser if the allegation is substantiated

4) Investigator

- a. Investigator will be assigned based on WCJ's PREA investigation policy

- b. Investigator will conduct necessary interviews
- c. Investigator will collect and control evidence obtained
- d. Determine outcome of the alleged incident
- e. Compile all documentation and send to PREA coordinator for file

5) PREA Coordinator

- a. Assist in any manner necessary throughout all facets of the process
- b. Review action taken and document
- c. Provide report to inmate regarding outcome of the investigation along with other necessary reporting based on PREA standards. (Investigator may provide report to inmate also.)

Sexual Harassment:

1) First Responder and/or Shift Supervisor/Co-worker

- a. Separate the alleged victim and alleged harasser
- b. Forward information to PREA coordinator so investigation can be initiated

2) PREA Coordinator

- a. Investigate alleged incident
- b. Notify Washington County Sheriff of investigation and results

Sexual Harassment by staff member, contractor, volunteer

1. All allegations of sexual harassment by staff, contractor, or volunteer will be handled internally.
2. Jail administrator will notify the Wilson County Sheriff's department of the alleged incident
3. Jail administrator will ensure that the alleged victim and accused harasser will be separated during the investigation, not as punishment but to maintain the integrity of the investigation.
4. Jail administrator will conduct all necessary interviews.
 - a. If jail administrator is the alleged harasser the investigation will be conducted by the Wilson County Sheriff
5. If a crime may have been committed the investigation will be turned over to the Wilson County Sheriff's Office
6. During an investigation employees shall cooperate fully by providing all pertinent information. Failure of an employee to answer any inquiry will be grounds for disciplinary action.
7. Employees implicated or interviewed may not make any attempt to contact the inmate victim from the time the allegation is first made until the completion of the investigation.
8. Retaliation of any form by an employee is prohibited.
9. If the investigation yields a false accusation the inmate is subject to disciplinary action.

10. Any staff member, contractor, volunteer that is found to have engaged in sexual harassment of an inmate is subject to disciplinary action up to and including termination of employment.
11. PREA coordinator will make necessary reports to the inmate at the conclusion of the investigation.
12. PREA coordinator will compile all documentation and maintain in file.

Original Signed

Administrator

Date

Original Signed

Sheriff

Date