

Department: Adult Correction Center	Policy No. W-20.3	Pages: 4
Section Title: Prison Rape Elimination Act	PREA§ : 115.15	
Subject: PRISON RAPE ELIMINATION ACT Cross-gender viewing and searches	Date Reviewed:	
Date Issued: March 31, 2016	Date Revised:	

## DEFINITIONS:

**Body Cavity Search:** an inspection of the anal or vaginal cavity of a person that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any other manner while the person is detained for contraband.

**Exigent circumstances:** any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of the facility

**Intersex:** a person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female

**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.

**Strip Search:** a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia

**Transgender:** a person whose gender identity is different from the person's assigned sex at birth

**Pat Search:** running of the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband

**Tiger Trac:** The electronic jail management system that is utilized at WCJ

## **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:**

WCJ employees will not conduct cross-gender strip searches or cross-gender visual body cavity searches (anal or genital opening) except in exigent circumstances or when performed by a medical practitioner. Efforts will be made in exigent circumstances to obtain the jail administrators prior approval.

Employees will document in the jail management system; Enterpol, all cross-gender strip searches and cross-gender visual body cavity searches in this manner:

- 1) Open the Incarceration File in Tiger Trac
- 2) Open the General Information within the incarceration file
- 3) Select All Information
- 4) Search for the inmate you did the search on (they are listed in numerical order)
- 5) Add Supplementary Record to their file

Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.

If the inmate's genital status is unknown, it may be determined through conversation with the inmate, 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.

During the initial booking process with a transgender or intersex inmate, staff will ask the inmate if they prefer to be searched by a male or female officer. This information will be recorded on the PREA screening form in the open text area following question #5.

Inmates will be allowed to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia; except in exigent circumstances or when such viewing is incidental to routine cell/dorm checks.

Officers of the opposite gender shall announce their presence when entering a living unit.

- Announcement will be made in a manner such as; “male/female officer on the unit,” “male/female officer on the floor.”
  - The announcement will be documented in the jail log book for each shift daily. They entry will be logged as “Cross-gender Supervision.”
  - The above announcement is necessary for each officer that is assigned to the post of an opposite gender living unit.
- Announcements such as the one indicated above also applies to non-uniformed staff when they enter a housing unit of the opposite sex. This announcement is necessary each time they enter a living unit of the opposite sex.
- Signage will be posted in a conspicuous place for inmates that may have been absent from the housing unit when the announcement was made

WCJ will train staff on how to conduct a cross-gender pat down search and searches of transgender and intersex inmates in a professional and respectful manner and in the least intrusive manner possible.

Original Signed

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Administrator

Date