

Department: Adult Correction Center	Policy No. W-20.5	Pages: 5
Section Title: Prison Rape Elimination Act	PREA§ : 115.31, 115.32, 115.34, 115.35, 115.76	
Subject: PRISON RAPE ELIMINATION ACT Employee & Volunteer Training & Discipline	Date Reviewed:	
Date Issued: March 31, 2016	Date Revised:	

## DEFINITIONS:

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

**LGBTI Inmate:** Lesbian, Gay, Bisexual, Transgender, and Intersex

**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.

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

***NIC Training:*** The agency's online management system for numerous training on various topics

**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:**

### **Employee Training**

WCJ will train all employees who may have contact with inmates on the following topics:

- 1) Its zero-tolerance policy for sexual abuse and sexual harassment;
- 2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment, prevention, detection, reporting, and response policies and procedures;
- 3) Inmates' right to be free from sexual abuse and sexual harassment;
- 4) The right of inmates and employees to be free from retaliations for reporting sexual abuse and sexual harassment ;
- 5) The dynamics of sexual abuse and sexual harassment in confinement;
- 6) The common reactions of sexual abuse and sexual harassment victims;
- 7) How to detect and respond to signs of threatened and actual sexual abuse;
- 8) How to avoid inappropriate relationships with inmates;
- 9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
- 10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities

WCJ will train all employees during orientation

WCJ shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures.

- In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies through
  - NIC online training
  - Coordinated response posters
  - PREA materials throughout the facility

WCJ shall document, through employee signature or electronic verification that employees understand the training they have received.

**Specialized Training: Investigations**

Investigators who investigate allegations of sexual abuse are trained in conducting sexual abuse investigations in confinement settings. This includes;

- A. Department of Justice approved PREA investigator training
  - a. Techniques for interviewing sexual abuse victims; and proper use of Miranda and Garrity warnings;
  - b. Sexual abuse evidence collection in confinement settings;
  - c. Criteria and evidence required to substantiate a case for administrative action or for prosecution referral.
- B. WCJ will maintain documentation on all personnel that has completed the required specialized training in conducting sexual abuse investigations.

**Specialized Training; Medical and Behavioral Health Care**

- A. Forensic exams will be conducted at the Wilson County Hospital (Fredonia) with the possibility of being referred to Neosho Regional Medical Center (Chanute). WCJ staff will not conduct forensic medical exams.

**Disciplinary Sanctions for WCJ Staff**

- a) A WCJ staff member that is found to have violated WCJ policy on sexual abuse or sexual harassment is subject to disciplinary sanctions up to and including terminations.
  - a. Any WCJ staff member that has engaged in sexual abuse of an inmate will be terminated.
- b) When a WCJ staff member is terminated as a result of violating sexual abuse or sexual harassment policies; this shall be reported to the Washington County Sheriff's office, unless the activity was clearly not criminal.
  - a. Relevant licensing bodies (i.e. board of Nursing, Board of Addiction Counselors Examiners) will be notified of any sexual abuse or sexual harassment policy violations by WCJ staff members that may possess a professional license.
- c) Disciplinary sanctions for violations of WCJ policies regarding sexual abuse or sexual harassment (other than actually engaging in sexual abuse) must be comparable with the nature and circumstances of the acts committed, the staff member's disciplinary history, sanctions imposed for comparable offenses b other staff with similar histories.

**Volunteer and contractor training**

All volunteers and contractors who have contact with inmates shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

The type and level of training is based on the services they provide and the level of contact they have with inmates.

- a) Unsupervised contractors/volunteers will receive classroom training on PREA
- b) Supervised contractors/volunteers will review and acknowledge understating of the facilities zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents by signing the PREA acknowledgement form (#115-2)

WCJ shall maintain documentation confirming that volunteers and contractors understand the training they have received.

Training will be repeated every 2 years.

WCJ will also maintain on file a signed “acknowledgment of compliance’ form from all contractors and volunteers that have contact with inmates

**Corrective Action for Contractors and Volunteers**

- a) Any contractor or volunteer who engages in sexual abuse will immediately removed from the approved volunteer/contractor list and will never be reconsidered at WCJ in the future. They will be prohibited immediately from contact with inmates.
- b) If the case is criminal in nature it will be reported to the Washington County Sheriff’s Department
  - a. Relevant licensing bodies will be notified of the policy violation also.

Original Signed

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Administrator	Date
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Original Signed

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Sheriff	Date
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