

Department: Adult Correction Center	Policy No. W-20.6	Pages: 5
Section Title: Prison Rape Elimination Act	PREA§ : 115.33, 115.41, 115.42	
Subject: PRISON RAPE ELIMINATION ACT Inmate Screening, Orientation, Education	Date Reviewed:	
Date Issued: March 31, 2016	Date Revised:	

## DEFINITIONS:

**Gender Identity:** A persons' internal sense of feeling 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.

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

**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:**

### **Offender Orientation**

Written policy, procedure and practice ensure that information is provided to offenders about sexual abuse/assault including:

- Prevention/intervention
- Self-protection
- Reporting sexual/assault
- Treatment and counseling

During the initial intake meeting with the booking staff, the inmates will receive a copy of the “Zero-tolerance” pamphlet. The booking staff will document on the acknowledgement of receipt that the offender has received the pamphlet.

- Inmates will be required to sign for the receipt of the PREA pamphlet.

Appropriate provisions will be made as necessary for the inmates not fluent in English, those with disabilities and those with low literacy levels.

### **Screening for risk of victimization and abusiveness:**

Within 72 hours of arrival at WCJ all inmates will be assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive towards other inmates.

Such assessments shall be conducted using an objective screening instrument (attached). The screening instrument considers the following criteria (Sexual Victimization):

- a. Whether the inmate has a behavioral, physical or developmental disability;
- b. Age of the inmate;
- c. Physical stature of the inmate;
- d. Whether the inmate has been previously incarcerated;
- e. Whether the inmate’s criminal history is exclusively nonviolent;
- f. Whether the inmate has prior convictions of sex offenses against an adult or child;
- g. How does the inmate perceive their sexual orientation;
- h. Whether the inmate has previously experienced sexual victimization;
- i. The inmates own perception of vulnerability

Inmates identified as high-risk to abuse others will be “tagged” on the master count board located in Master Control. This tag will serve as a reminder to the officers that when housing these inmates special consideration is required as they can only be housed with other high-risk abusers.

Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness if new information is received by the facility that was not forthcoming at the time of admission.

An inmate's risk level shall be reassessed when warranted due to a referral, request, and incident of sexual abuse or receipt of additional information that bears on the inmates' risk of sexual victimization or abusiveness.

Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked in the screening form.

### **Use of screening information**

WCJ shall use information from the risk screening required by §115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

WCJ shall make individualized determinations about how to ensure the safety of each inmate.

In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, WCJ will consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

- The WCJ PREA coordinator will complete this task and record this contact.

A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.

Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

- Inmates who identify themselves as transgender or intersex during the screening process will be advised they can request an opportunity to shower separately from other inmates

WCJ shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgement for the purpose of protecting such inmates.

### **Inmate Education**

Within 30 days of intake, WCJ will provide comprehensive education to inmates through video (“PREA: What you Need to Know”) regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate’s new facility differ from those of the previous facility.

WCJ will provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.

1. Deaf or hearing impaired: Training is available through print or close captioning
2. Visually impaired: Training is available through audio
3. Limited English proficiency:
4. Otherwise disabled or limited reading abilities: Training is available through staff

WCJ will maintain documentation of inmate participation in these education sessions.

1. WCJ will have inmates sign a roster when they attend the educational video.
2. This roster will be forwarded to the PREA coordinator where he/she will enter the date of attendance into the sign in schedule
3. Signed roster will be maintained on file by the PREA coordinator

WCJ also maintains key PREA (i.e. reporting options and our zero-tolerance policy) information that is always readily available to inmates through the use of posters placed in all inmate living areas.

Original Signed

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Administrator

Date

Original Signed

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Sheriff

Date