

Department: Adult Correction Center	Policy No. W-20.9	Pages: 5
Section Title: Prison Rape Elimination Act	PREA§ : 115.21, 115.81, 115.82, 115.83	
Subject: PRISON RAPE ELIMINATION ACT Medical and Mental Health Care	Date Reviewed:	
Date Issued: March 31, 2016	Date Revised:	

## DEFINITIONS:

**SANE:** Sexual Assault Nurse Examiner; a registered nurse (RN) who has been specially trained in the comprehensive care of a sexual assault patient 14 years and older

**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.

***Sexually Transmitted Disease:*** Various diseases usually contracted through sexual intercourse or other acts of intimacy. Consist of but not limited to; chlamydia, gonorrhea, syphilis, etc...

***Prophylaxis:*** action taken to prevent disease, especially by specified means or against a specified disease

**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:**

### **Forensic Medical Examinations**

- A. All victims of sexual abuse will be offered access to forensic medical examinations.
  - a. Victims will bear no financial burden for having the exam.
  - b. Exams will be conducted at Fredonia Regional Health Center (Fredonia)
- B. Forensic medical exams are conducted by a SAFE or SANE within 120 hours of the incident.
  - a. Other qualified medical health practitioners may conduct the exam when a SAFE or SANE is not available.
- C. The PREA Coordinator will attempt to make a victim advocate from Hope Unlimited in Iola available to the victim in person or by other means.
  - a. WCJ and Hope Unlimited have a verbal understanding to make victim advocates available when requested.
- D. If a victim advocate is not available, WCJ will provide a qualified agency staff member, or qualified community-based organization staff member.
- E. If requested by the victim, a victim advocate, qualified agency staff member, or qualified community-based staff member will accompany and support the victim through the forensic medical examination process and investigatory interviews. The advocate will provide emotional support, crisis intervention, information, and referrals.

### **Medical and Mental Health Screenings; History of Sexual Abuse**

- A. If the screening indicates an inmate has experienced prior sexual victimization or perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure the inmate is offered a follow-up meeting with a medical or behavioral health practitioner within 14 days of the intake screening.
- B. Disclosure of information related to sexual victimization or abuse that occurred in an institution setting must be strictly limited to staff, as necessary, to make security and management decisions, including treatment plans, housing, bed, work, education, and program assignments, or as required by federal, state, or local law.
- C. Medical and behavioral health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institution setting.

### **Access to Emergency Medical and Behavioral Health Services**

- A. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope determined by medical and behavioral health practitioners according to their professional judgement.
- B. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, first responders will take preliminary steps to protect the victim and will immediately notify the appropriate medical and mental health practitioners.
- C. Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care where medically appropriate.
- D. Medical and behavioral health services shall be provided to the victim and abuser without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

#### **Ongoing Medical and Behavioral Health Care for Sexual Abuse Victims and Abusers**

- A. WCJ will offer medical and behavioral health evaluation and, as appropriate, treatment to all inmates that have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
- B. The evaluation and treatment of such victims will include, as appropriate,
  - a. Follow-up services;
  - b. Treatment plans; and
  - c. When necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- C. WCJ will provide such victims with medical and behavioral health services consistent with the community level of care.
- D. Inmate victims of sexually abusive vaginal penetration while incarcerated will be offered pregnancy tests.
- E. If pregnancy results from the conduct in (D) above, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
- F. Inmate victims of sexual abuse while incarcerated will be offered tests for sexually transmitted infections as medically appropriate.
- G. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuse or cooperates with any investigation arising out of the incident.
- H. WCJ shall attempt to conduct behavioral health evaluations on all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by behavioral health practitioners.

**Original Signed**

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Administrator

Date

Original Signed

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Sheriff

Date