

Department: Adult Correction Center	Policy No. W-20.7	Pages: 6
Section Title: Prison Rape Elimination Act	PREA§ : 115.51, 115.52, 115.53, 115.54, 115.61, 115.63, 115.67	
Subject: PRISON RAPE ELIMINATION ACT Reporting sexual assault and sexual harassment incidences	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.

***Vulnerable Adult:*** is any person older than age 18, or emancipated by marriage that has a substantial mental or functional impairment

**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:**

### **Inmate Reporting (§115.51)**

WCJ has made available numerous channels for an inmate to make an internal report of sexual abuse, sexual harassment, and retaliation by other inmates or staff for reporting sexual abuse or sexual harassment. Inmates can report in the following ways:

- 1) Verbal report to any staff, volunteer, or contractor
- 2) Written report to any staff, volunteer, or contractor
- 3) Third party reporting
- 4) Inmate report/request forms

WCJ allows for inmates to report sexual abuse or sexual harassment to a public or private entity that is not part of the agency in the following ways:

- 1) Call the National Sexual Assault Hotline from any inmate phone

### **Exhaustion of Administrative Remedies (§115.52)**

There is no time limit on when an inmate may submit a report regarding an allegation of sexual abuse. Inmates are not required to use an informal report process or to otherwise attempt to resolve with staff an alleged incident of sexual abuse.

WCJ ensures that:

1. An inmate who alleges sexual abuse may submit a report without submitting it to a staff member who is the subject of the complaint.
2. Such report is not referred to a staff member who is the subject of the complaint.

The Jail Administrator will issue a final decision on the merits of any portion or a report alleging sexual abuse within 90 days of the initial filing of the report. An extension to the normal reporting time period may exist if 90 days is not sufficient to make an appropriate decision.

The Jail Administrator will notify the inmate of the extension and provide a date by which the decision will be made.

### **Inmates Access to Outside Confidential Support Services (§115.53)**

WCJ inmates are provided with access to outside victim advocates for emotional support services related to sexual abuse through mailing addresses and telephone numbers, including toll-free hotline numbers to the organizations identified above. Communication to these outside support services will be as confidential as possible in relation to security needs.

Staff will inform inmates, prior to giving them access to outside support services, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

[Insert info about MOU once they are complete]

### **Third-Party Reporting (§115.54)**

WCJ will accept third-party reports of sexual abuse or sexual harassment on behalf of inmates. The process to make a third party report is posted in our visitation area, outside the booking window, and will be given to all inmates so they can pass it along to family as well.

### **Staff and Agency Reporting Duties (§115.51)**

All WCJ staff are required to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it was at WCJ.

Staff shall accept reports of sexual abuse and sexual harassment made; verbally, in writing, anonymously, and from third parties.

Staff shall immediately notify the shift supervisor or Sheriff of any verbal report of sexual abuse or sexual harassment against inmates or staff. Documentation of the inmate's verbal report must be completed and turned into the shift supervisor or Sheriff by the conclusion of the shift.

All WCJ staff shall immediately report any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation.

Staff may not reveal any information related to a sexual abuse report to anyone other than the extent necessary (shift supervisor, Jail Administrator, Sheriff, or Undersheriff) to make treatment, investigation, and other security management decisions.

Unless otherwise precluded by federal, state, or local law, medical and behavioral health practitioners shall report sexual abuse and inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

If the alleged victim is considered a vulnerable adult under state or local vulnerable persons' statute, medical staff shall report the allegation to the Department of Human Services under applicable mandatory reporting laws.

**Reporting to other Confinement Facilities (§115.63)**

Upon receiving an allegation an inmate was sexually abused while confined at another facility, the PREA coordinator shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.

Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

The WCJ PREA Coordinator will document such notification and maintain with yearly PREA reports/investigations.

In the event that such a report is received by WCJ the Jail Administrator will ensure the allegation is investigated in accordance with the PREA investigation policy.

**Agency Protection against Retaliation (§115.67)**

Inmates and staff who report sexual abuse or sexual harassment or cooperate with an investigation into sexual abuse or sexual harassment will be free from retaliation from other inmates or staff. It is the task of the Jail Administrator and Sheriff to protect inmates and staff from retaliation efforts of others.

Multiple protection factors will be available:

- Inmate housing change
- Transfer of inmates (both abused and abuser)
- Removal of alleged staff or inmate abusers from contact with alleged victims
- Emotional support service for inmates and staff that fear retaliation as a result of making a report or cooperating with an investigation

The Jail Administrator or designee will monitor the conduct and treatment of inmates or staff who reported sexual abuse or sexual harassment of inmates. This monitoring period will be no less than 90 days. Any suggestion of possible retaliation will be acted upon promptly and the monitoring stage will be extended.

Conduct/treatment that may suggest retaliation against an inmate:

- Inmate disciplinary reports
- Change of inmate housing
- Unfair, inconsistent practices regarding inmate rights/privileges/needs

Conduct/treatment that may suggest retaliation against a staff member:

- Negative performance reviews
- Post assignment non consistent with practice

Monitoring for retaliation will include a monthly status check with inmates. This check will be documented by the Jail Administrator.

Allegations of sexual abuse or sexual harassment that are unfounded will ultimately terminate WCJ's responsibility to monitor for retaliation.

Original Signed

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Administrator

Date

Original Signed

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Sheriff

Date