

## **PRISON RAPE ELIMINATION ACT**

The O'Brien County Jail has a zero tolerance policy for sexual advances toward staff and inmates; this policy includes inmates of the same or opposite sex.

A Prison Rape Elimination Act waiver form will be signed by every person processed into the O'Brien County Jail during the booking process.

The Prison Rape Elimination Act (PREA) of 2003 is federal law established to address the elimination and prevention of sexual assault and rape in the correctional systems, including jails.

Rape and sexual abuse are reprehensible, destructive and illegal in any setting or environment. Such acts are damaging in the correctional environment. PREA strives to ensure that jails and other correctional settings protect inmates from sexual assault, sexual harassment, "consensual sex" with employees, and inmate-inmate sexual assault. These violations effect security and staff safety, and post long-term risks to inmates and staff inside jails, and to the public when victimized inmates are released into the community. Under PREA, the definition of sexual abuse excludes consensual activity between inmates but does not exclude consensual activity with staff.

**ZERO TOLERANCE; The O'Brien County Jail has a Zero Tolerance Policy for any behavior described as follows. It is also acknowledged, reviewed and signed by the inmate during the intake process.**

Sexual Abuse Includes.

1. Sexual abuse by another inmate.
2. Sexual abuse of an inmate by an employee, contractor or volunteer

Sexual Abuse by another inmate includes any of the following acts, if the victim does not consent, is coerced into such acts by over or implied threats of violence, or unable to consent or refuse:

1. Contact between the penis and the vulva or the penis and the anus.
2. Contact between the mouth and the penis, vulva or anus.
3. Penetration of an anal or genital opening of another person, however slight by a hand, finger, object or other instrument.
4. Any other intentional touching, either directly or through the clothing of the genital, anus, groin, breast, inner thigh or the buttocks of any inmate.

Sexual Abuse by a staff member, contractor or volunteer includes:

1. Sexual touching by a staff member, contractor or volunteer
2. Any attempted threatened or requested sexual touching by a staff member, contractor or volunteer.
3. Indecent exposure by a staff member, contractor or volunteer.
4. Voyeurism by staff member, contractor or volunteer.

Sexual touching by a staff member, contractor or volunteer includes any of the following acts with or without consent

1. Contact between the penis and vulva or penis and the anus.
2. Contact between the mouth and the penis, vulva, or anus.
3. Penetration of an anal or genital opening of another person however slight, by hand, finger, object, or other instrument.
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus,

groin, breast, inner thigh, or the buttocks with the intent to abuse, arouse, or gratify sexual desire. Indecent exposure by a staff member, contractor, or volunteer means the display by either of his or her uncovered genital, buttocks, or breast in the presence of an inmate.

#### Sexual harassment includes

1. Repeated or unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate toward another.
2. Repeated verbal comments or gestures of a sexual nature to an inmate 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.

Voyeurism by a staff member, contractor, or volunteer means an invasion of an inmate's privacy for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions, or taking images of all or part of an inmate's naked body or an inmate performing bodily functions, and distributing or publishing them.

#### Contracting with other Agencies for the Confinement of Inmates

When the O'Brien County Sheriff's Office contracts for the confinement of its inmates with other private agencies or other entities including other government agencies, the facility shall include in any new or existing contracts or upcoming renewals the agencies are obligated to adopt and comply with the PREA Standards.

Any new contracts or contract renewals shall be monitored by the PREA Coordinator to ensure that the contractor is complying with the PREA Standards.

#### PREA Coordinator

The Sheriff shall appoint the Jail Supervisor as the O'Brien County Jail PREA Coordinator to develop, implement and oversee O'Brien County's efforts to comply with the PREA standards.

#### Hiring and Promotion of Jail Staff

Every person hired or promoted shall be the subject of a criminal background check to ensure that said persons have not been convicted of, or have substantiated allegations of sexual activity or sexual abuse facilitated by force, the threat of force, or coercion, or who have been civilly or administratively adjudicated for such behavior. Additional background checks will be conducted every five years.

#### Employee Training

All Staff will be trained on PREA within 30 days of hire date, or effective date of this policy and will receive annual refresher training and ongoing updates on PREA.

#### Reporting Sexual Abuse

Inmates may report sexual abuse or sexual harassment by any of the following means:

1. Notify a Jail Officer
2. Notify the Jail Supervisor
3. Notify Medial Staff
4. Notify State Ombudsman

Jail Officers Shall accept reports made verbally, in writing, anonymously and from third parties and shall promptly document such information.

All Jail Officers shall immediately report any knowledge, information or suspicion of sexual abuse that is brought to their attention. Jail Officers shall not reveal any information relating to the sexual abuse complaint to any person without a need to know for treatment, ongoing investigations and facility security.

#### Response to Reports of Sexual Abuse

Upon learning that an inmate was sexually abused, Jail Officers will immediately notify the Jail Supervisor and on duty Deputy Sheriff. Following the on duty Deputies instruction Jail Officer will separate the victim from the abuser and protect the crime scene and any evidence including the condition of the victim.

#### Investigation

A Sworn Officer as a criminal matter will conduct any investigation of sexual abuse of an inmate. All protocols for handling evidence at the scene as well as the condition of the victim shall be followed as any other complaint of sexual abuse. Inmate victims of sexual abuse shall receive timely, unimpeded access to medical treatment and crisis intervention services as needed, including mental health counseling.

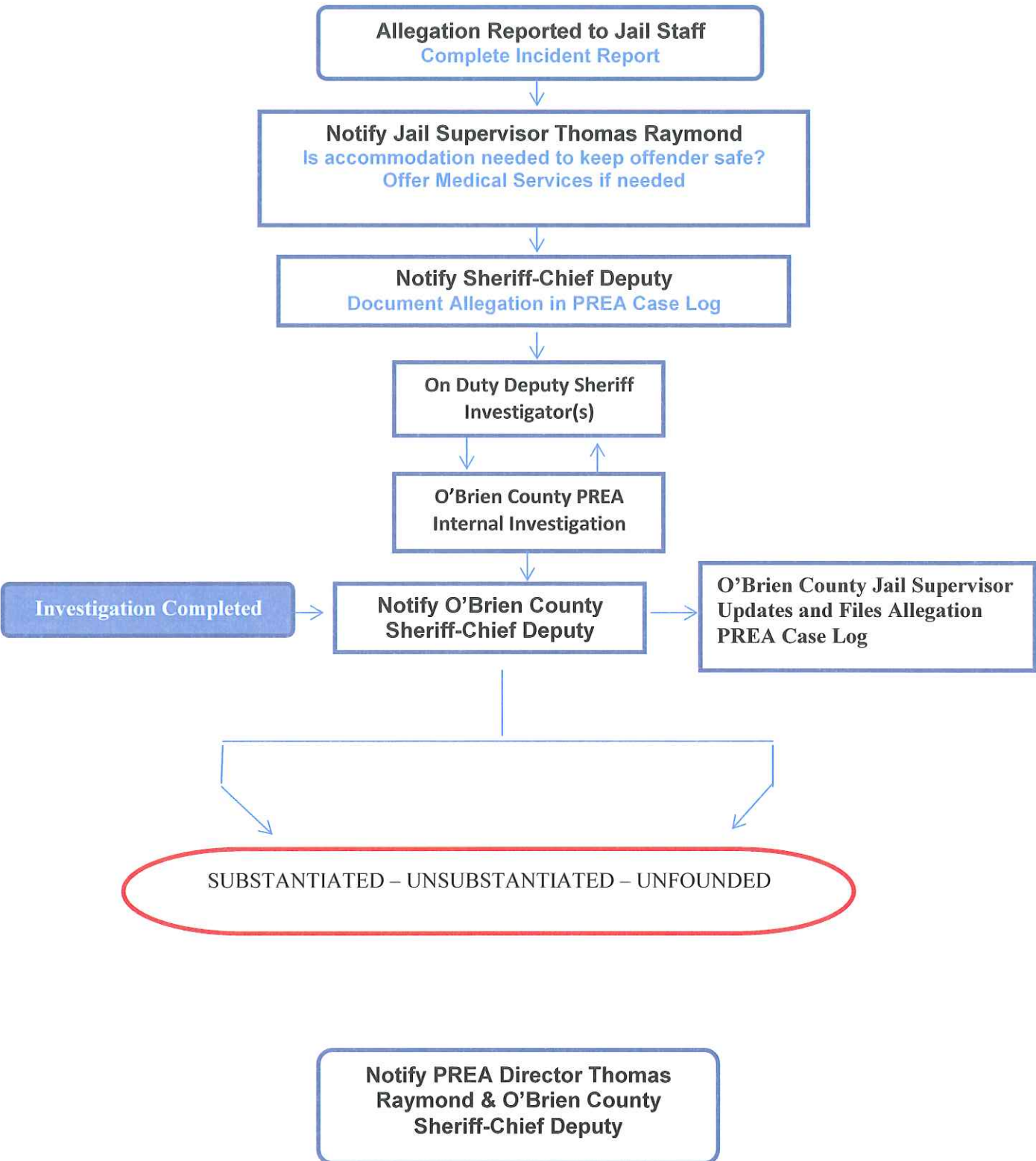
#### Follow-up of incident

At the conclusion of every sexual abuse report and investigation, the Jail Supervisor will conduct a thorough review with Jail Staff, Investigators and Medical Staff.

The review shall consist of.

1. Consider any necessary changes to the existing policy or practice that might prevent, detect or better response to sexual abuse.
2. Consider whether the victim or the perpetrator's race, ethnicity, sexual orientation, gang affiliation or other group dynamics or locations played a role in the sexual abuse.
3. Examine and check the facility for any physical barrier that might enable sexual and other forms of abuse.
4. Assess and analyze staffing patterns and training to make sure they are adequate.
5. Prepare a report of findings for the PREA Coordinator and the O'Brien County Sheriff.

**O'Brien County Sheriff's Office  
Prison Rape Elimination Act (PREA) Flow Chart  
Offender on Offender Sexual Assault Allegation**



**O'Brien County Sheriff's Office  
Prison Rape Elimination Act (PREA) Flow Chart  
Staff on Offender Sexual Assault Allegation**

