

Sixth District Department of Correctional Services POLICY	Issue Date 10/18/13	Effective Date 03/20/17	Policy Number 2402-17
Subject SEXUAL MISCONDUCT WITH OFFENDERS COMMUNITY CONFINEMENT STANDARDS (PREA Training and Education)		Review Month June	Author 0590 (MLA)
Rescinds 2402-14	Reference Prison Rape Elimination Act-Community Confinement Standards, United States Department of Justice Final Rule 28 C.F.R. Part 115, Docket No. OAG-131, RIN 1105-AB34, May 17, 2012 PREA Standards: §115.231, 115.232, 115.233, 115.234, 115.235		

PURPOSE:

To establish policy in regard to Prison Rape Elimination Act (PREA) training and education.

POLICY:

It is the policy of the Sixth Judicial District Department of Correctional Services to provide a safe, humane and secure environment, free from the threat of sexual violence and sexual harassment for all offenders, by maintaining a program of education, prevention, detection, response, investigation, prosecution and tracking. The Sixth Judicial District Department of Correctional Services has zero tolerance for sexual violence of any kind.

This policy applies to all employees, prospective employees, interns, volunteers and contractors of the Sixth Judicial District, Department of Correctional Services and is maintained current by the District Director or the Designee.

PROCEDURE:

1. Employee training 115.231:
 - A. All employees who may have contact with offenders are trained on:
 - 1) The 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) Offenders' right to be free from sexual abuse and sexual harassment;
 - 4) The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - 5) The dynamics of sexual abuse and sexual harassment in confinement;

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PROCEDURE: (continued)

- 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 offenders;
 - 9) How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders; and
 - 10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- B. Such training is tailored to the gender of the offenders at the employee's facility. The employee receives additional training if the employee is reassigned from a facility that houses only male offenders to a facility that houses only female offenders, or vice versa.
- C. All current employees who have not received such training are trained within one (1) year of the effective date of the PREA standards, and the agency provides each employee with refresher training EVERY TWO (2) 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 provides refresher information on current sexual abuse and sexual harassment policies.
- D. The Department documents, through employee signature or electronic verification, that employees understand the training they have received.
2. Volunteer and contractor training §115.232:
- A. The agency ensures that all volunteers and contractors who have contact with offenders have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
 - B. The level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with offenders, but all volunteers and contractors who have contact with offenders are notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
 - C. The agency maintains documentation confirming that volunteers and contractors understand the training they have received (2402A).

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PROCEDURE: (continued)

3. Offender Education §115.233:
 - A. During the intake process all offenders, including those offenders transferred from other community confinement facilities, receive information explaining the zero-tolerance policy regarding sexual abuse and sexual harassment. Also included is information on how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and information regarding agency policies and procedures for responding to such incidents.
 - B. Offender education is provided in formats accessible to all offenders, including those who are limited English proficient, deaf, visually impaired or otherwise disabled as well as offenders who have limited reading skills.
 - C. Documentation of offender participation in these education sessions is maintained.
 - D. Key information is continuously and readily available and visible to offenders through posters, ~~and~~ offender ~~the~~ handbooks or other written materials and formats.
4. Specialized training: Investigations §115.234:
 - A. In addition to the general training provided to all employees pursuant to §115.231, the agency ensures that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
 - B. Specialized training includes techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
 - C. The agency maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.
 - D. Any State, County or City entity or Department of Justice component that investigates sexual abuse in confinement settings provides such training to its agents and investigators who conduct such investigations.
5. Specialized training: Medical and Mental Health Care §115.235:
 - A. The Department ensures that all medical and mental health care practitioners who work regularly in its facilities have been trained in:

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PROCEDURE: (continued)

- 1) How to detect and assess signs of sexual abuse and sexual harassment;
 - 2) How to preserve physical evidence of sexual abuse;
 - 3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
 - 4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- B. The agency maintains documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.
- C. Medical and Mental health care practitioners also receive the training mandated for employees under §115.231 or for contractors and volunteers under §115.232, depending upon the practitioner's status at the agency.

BY ORDER OF:

Bruce Vander Sanden, Director