


Fifth Judicial District Department of Correctional Services Policy and Procedural Manual			Approval Date: 4-23-14 Approved By:  <small>Sally Kreemer, Director Fifth Judicial District Department of Correctional Services</small>
Division: Administration Unit(s): District Wide	Subject: PREA 1 - Prevention Planning		Effective Date: 4/23/2014 Review Dates: N/A Revision Dates: N/A Origination Date: 4-23-2014
PREA Standards:	115.211 115.214 115.216	115.212 115.215 115.217	115.213 115.215 115.218

PURPOSE

To establish policy in regard to Prison Rape Elimination Act (PREA) prevention planning.

POLICY

It is the policy of the Fifth 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 Fifth Judicial District Department of Correctional Services has zero tolerance for sexual violence of any kind.

APPLICABILITY

This policy applies to all employees, prospective employees, interns, volunteers and contractors of the Fifth Judicial District Department of Correctional Services and will be maintained current by the District Director or designee.

PROCEDURES

I. Zero tolerance of sexual abuse and sexual harassment; PREA coordinator § 115.211

- A. The Department has a zero tolerance policy toward all forms of sexual abuse and sexual harassment and outlines the agency’s approach to preventing, detecting and responding to such conduct in the Prison Rape Elimination Act policies.
- B. The District will designate a PREA coordinator who shall oversee Department efforts to comply with the PREA standards.

II. Contracting with other entities for the confinement of offenders § 115.212

- A. The Department does not contract with other entities for the confinement of offenders.

III. Supervision and monitoring § 115.213

- A. There is a documented staffing plan that provides for adequate levels of staffing, and, where allowable, video monitoring, to protect offenders against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, consideration is given to:
 - 1. The physical layout of each facility;
 - 2. The composition of the offender population;
 - 3. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - 4. Any other relevant factors.
- B. In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.
- C. At least once per year the facilities shall assess, determine and document whether adjustments need to be made to:
 - 1. The staffing plan established pursuant to paragraph (a) of this section;
 - 2. Prevailing staffing patterns;
 - 3. The facility's deployment of video monitoring systems and other monitoring technologies; and
 - 4. The resources the facility has available to commit to ensure adequate staffing levels.

IV. Limits to cross-gender viewing and searches § 115.215

- A. Staff shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in urgent circumstances or when performed by medical practitioners. These urgent circumstances will be documented and reported to management and on call ahead of time.
- B. As of August 20, 2015, or August 21, 2017 for a facility whose rated capacity does not exceed 50 offenders, the facility shall not permit cross-gender pat-down searches of female offenders, absent urgent circumstances. All urgent circumstances will be well documented and reported to a supervisor or on call ahead of time. Facilities shall not restrict female offenders' access to regularly available programming or other outside opportunities in order to comply with this provision.
- C. The facility shall document all cross-gender strip searches and cross gender visual body cavity searches, and shall document all cross-gender pat-down searches of female offenders in the log provided in the PREA binder at each control desk.
- D. Facility Residents may shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia. When urgent or business necessary circumstances exist or when such viewing is incidental to routine security checks then opposite gender staff shall be required to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing.
- E. Employees shall not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. If the offender's genital status is unknown, it may be determined during conversations with the offender, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- F. Staff shall be trained in how to conduct cross-gender pat-down searches and searches of transgender and intersex offenders, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

V. Offenders with disabilities and offenders who are limited English proficient § 115.216

- A. Offenders with disabilities (including, for example, those who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of efforts to prevent, detect and respond to sexual abuse and sexual harassment. Such steps shall include, providing self-funded access to and compliance with prescribed medications or when necessary to ensure effective communication with offenders who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, offering written materials provided in formats or through methods that ensure effective communication with offenders with disabilities, including offenders who have intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.
- B. The Department shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect and respond to sexual abuse and sexual harassment to offenders who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. An interpreter list is available in the PREA binder at each control desk.
- C. The Department shall not rely on offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first-response duties under § 115.264 or the investigation of the offender's allegations.

VI. Hiring and promotion decisions § 115.217

- A. The Department shall not hire or promote anyone who may have contact with offenders, and shall not enlist the services of any contractor who may have contact with offenders, who—
 - 1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (as defined in 42 U.S.C. 1997);
 - 2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - 3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.
- B. The Department shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with offenders.
- C. Before hiring new employees who may have contact with offenders, the Department shall:
 - 1. Perform a criminal background records check; and

2. Consistent with Federal, State and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- D. The Department shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with offenders.
- E. The Department shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with offenders or have in place a system for otherwise capturing such information for current employees.
- F. The Department shall also ask all applicants and employees who may have contact with offenders directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The Department shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- G. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- H. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

VII. Upgrades to facilities and technologies § 115.218

- A. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department shall consider the effect of the design, acquisition, expansion or modification upon the agency's ability to protect offenders from sexual abuse.
- B. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department shall consider how such technology may enhance the agency's ability to protect offenders from sexual abuse.