


<b>Fifth Judicial District</b> <b>Department of Correctional Services</b> <b>Policy and Procedural Manual</b>		Approval Date: 4-23-14 Approved By:  <small>Sally Kreame, Director Fifth Judicial District Department of Correctional Services</small>	
<b>Division:</b> Administration <b>Unit(s):</b> All Units	<b>Subject: PREA 3 – Training and Education</b>		
<b>PREA Standards:</b>		<b>Effective Date: 4-23-2014</b> Review Dates: N/A Revision Dates: N/A Origination Date: 4-23-2014	
	115.231 115.234	115.232 115.235	115.233

## PURPOSE

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

## 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. Employee training § 115.231

- A. All employees who may have contact with offenders shall be 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;
  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 those with physical and psychiatric disabilities; and

10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- B. Such training shall be tailored to the gender of the offenders at the employee's facility. The employee shall receive 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 shall be trained within one year of the effective date of the PREA standards, and the agency shall provide each employee with refresher training every two 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 shall provide refresher information on current sexual abuse and sexual harassment policies.
- D. The Department shall document, through employee signature or electronic verification that employees understand the training they have received.

## **II. Volunteer and contractor training § 115.232**

- A. The agency shall ensure 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 shall be based on the services they provide and level of contact they have with offenders, but all volunteers and contractors who have contact with offenders shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- C. The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.

## **III. Offender Education on PREA § 115.233**

- A. During the intake process, offenders shall receive information explaining the zero-tolerance policy regarding sexual abuse and sexual harassment, 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 regarding agency policies and procedures for responding to such incidents.
- B. Offender PREA education shall be 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 PREA education sessions shall be maintained.
- D. Key information is continuously and readily available and visible to offenders through posters and offender rule books.

## **IV. Specialized training: Investigations § 115.234**

- A. In addition to the employee training provided to all employees pursuant to §115.231(PREA training), the agency shall ensure 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 shall include 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 shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.
- D. Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.

#### **V. Specialized training: Mental health Care § 115.235**

- A. The Department shall ensure that all mental health care practitioners who work regularly in its facilities have been trained in:
  - 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;
  - 4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment; and
  - 5. The notification process of Guardians of said mentally ill person explaining what happened so they can assist the mentally ill person.
- B. The agency shall maintain documentation that mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.
- C. Mental health care practitioners shall also receive the PREA training mandated for employees under § 115.231 or for contractors and volunteers under § 115.232, depending upon the practitioner's status at the agency.