


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): All Units	Subject: PREA 8 - Discipline		Effective Date: 4-23-14 Review Dates: N/A Revision Dates: N/A Origination Date: 4-23-2014
PREA Standards: 115.276 115.277 115.278			

PURPOSE

To establish policy in regard to discipline for Prison Rape Elimination Act (PREA) related matters.

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. Disciplinary Sanctions for Staff § 115.276

- A. Staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
- B. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.
- C. Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed the staff member's disciplinary history and the sanctions imposed for comparable offenses by other staff with similar histories.
- D. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be

reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

II. Corrective Action for Contractors and Volunteers § 115.277

- A. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
- B. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

III. Disciplinary Sanctions for Offenders § 115.278

- A. Offenders shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse or following a criminal finding of guilt for offender-on-offender sexual abuse.
- B. Sanctions shall be commensurate with the nature and circumstances of the abuse committed the offender's disciplinary history and the sanctions imposed for comparable offenses by other offenders with similar histories.
- C. The disciplinary process shall consider whether an offender's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- D. If the facility offers therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending offender to participate in such interventions as a condition of access to programming or other benefits.
- E. The Department may discipline an offender for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- F. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- G. The Department may, in its discretion, prohibit all sexual activity between offenders and may discipline offenders for such activity. The Department may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.