

Department: Adult Correction Center	Policy No. W-20.12	Pages: 4
Section Title: Prison Rape Elimination Act	PREA§ : 115.87, 115.88, 115.89	
Subject: PRISON RAPE ELIMINATION ACT Data Collection, Review, & Retention	Date Reviewed:	
Date Issued: March 31, 2016	Date Revised:	

DEFINITIONS:

Sexual abuse of an *inmate, detainee, or resident by another inmate, detainee, or resident*: includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus;
- 3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- 4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse of an *inmate, detainee, or resident by a staff member, contractor, or volunteer*: includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus
- 3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- 4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to the official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- 5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- 6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- 7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and;
- 8) Voyeurism by a staff member, contractor, or volunteer.

Sexual harassment:

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

POLICY:

The Wilson County Jail (WCJ) will have written policy and procedures mandating zero-tolerance towards all forms of sexual abuse and sexual harassment. WCJ will describe in detail approaches taken to prevent, detect, and respond to such conduct. Policy and procedure will be in accordance with the DOJ Title 28 Code of Federal Regulations, Part 115, and National Standards, to prevent, detect, and respond to prison rape.

PROCEDURE:

§115.87 Data Collection

- A. WCJ shall collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions.
 - a. WCJ utilizes the KBI, and an evidence custody receipt for any data or evidence collected.
- B. The WCJ PREA coordinator shall aggregate the incident-based sexual abuse data at least annually.
- C. WCJ shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
 - a. All completed PREA investigations will be maintained by the PREA Coordinator. Electronic copies are secured by and encrypted network folder and all paper documents will be kept in a locked file cabinet in the Sheriff's office.

§115.88 Data Review for Correction Action

- A. The PREA Coordinator, Jail Administrator, Sheriff, and Undersheriff will review data collected and aggregated pursuant to PREA §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training to include:
 - a. Identifying problem areas
 - b. Taking corrective action on an on-going basis; and
 - c. Preparing an annual report of its findings and corrective actions for each facility and the agency as a whole.
 - i. The report must include a comparison of the current year's data and corrective actions with those from the prior years and provide an assessment of the agency's progress in addressing sexual abuse.
 - ii. Redaction of specific material may take place when publication presents a clear and specific threat to the safety and security of the facility, but will indicate the nature of the material redacted.

§115.89 Data Storage, publication, and destruction

- 1) WCJ ensures that data collected pursuant §115.87 are securely retained by the Jail Administrator.
- 2) All personal identifiers will be removed prior to making data available publicly.
- 3) Sexual abuse data collected pursuant §115.87 will be maintained for a period of not less than 10 years after the date of initial collection, unless federal, state or local law states otherwise.
- 4) All case records associated with claims of sexual abuse, including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings, and recommendations will be maintained in accordance with state laws.

Original Signed

Administrator

Date

Original Signed

Sheriff

Date