

Department: Adult Correction Center	Policy No. W-20.4	Pages: 3
Section Title: Prison Rape Elimination Act	PREA§ : 115.17	
Subject: PRISON RAPE ELIMINATION ACT Employee Hiring and Promotion Practices	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:**

WCJ does not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, 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

WCJ 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 inmates

WCJ performs a criminal background check on all individuals that have accepted a contingent job offer. A background records check is also completed on contractors and volunteers that may have contact with the inmates

- Criminal background checks will be also completed on employees/contractors/volunteers at least once every 5 years from date of hire

WCJ will also attempt to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegations of sexual abuse (Form 103)

WCJ will ask all applicants and employees who may have contact with the inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interview or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

- Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination

Unless prohibited by law, WCJ will 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.

Original Signed

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Administrator

Date