

Department: Adult Correction Center	Policy No. W-20.11	Pages: 4
Section Title: Prison Rape Elimination Act	PREA§ : 115.43	
Subject: PRISON RAPE ELIMINATION ACT Housing	Date Reviewed:	
Date Issued: March 31, 2016	Date Revised:	

DEFINITIONS:

Gender Identity: A person's internal sense of feeling male or female

Intersex: A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female

LGBTI: Lesbian, Gay, Bisexual, Transgender, and Intersex

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.

Transgender: A person whose gender identity is different from the person's assigned sex at birth

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:

Housing of High Risk Inmates:

Based on the information gathered at time of intake screening these results will drive the housing assignment of the inmate.

Inmates that are considered at risk to be victimized based on the responses recorded on the inmate PREA screening form will be placed in locations that are easily observable by staff members, have limited if any blind spots, and are not occupied by inmates that have a history of violence and/or sex-related crimes. The shift supervisor is responsible to make this housing assignment. Continual monitoring and assessing a housing assignment is completed and any indication that the risk of sexual misconduct is rising a new housing assignment will be ordered.

- Use of Protective Custody:
 - Involuntary placement into segregated housing is NOT permitted simply because an inmate is at high risk for victimization. The shift supervisor with the assistance of the Administrator and Sheriff will assess all available alternatives and segregated housing will only be issued if all alternatives are deemed inappropriate or pose a direct threat to the well-being of the inmate.
 - In completing this assessment an inmate can be housed in protective custody for no longer than 24 hours.
- If placed in protective custody on an involuntary basis WCJ staff will document the following.
 - Basis of the facilities concern for inmates safety
 - Reason why no alternative means of separation can be arranged
 - Every 30 days a review will be completed on the inmate to determine if there is a continuing need for separation from the general population
 - Such assignment shall not ordinarily exceed 30 days as alternative means of separation likely can be arranged
- Inmates placed in protective custody for the above purpose shall have access to programs, privileges, and work opportunities to the extent possible.
 - *If there is restricted access the facility will document:*
 - The opportunities that have been limited
 - Duration of the limitation
 - Reasons for such limitations
- Assigning a transgendered or intersex inmate
 - WCJ will consider each housing and programming assignment for a transgendered or intersex inmate on a case-by-case basis always focused on inmate health and safety and whether placement would present a security issue.
 - Serious consideration must be given to the inmate's own views with respect to his/her own safety.

- Transgendered and intersex inmates must be given the ability to shower separately from other inmates.

Original Signed

Administrator

Date

Original Signed

Sheriff

Date