

WOODBURY COUNTY JAIL – PROCEDURES AND GUIDELINES

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| WCJSOG NO: | 198 | | |
| SUBJECT: | Inmate on Inmate Sexual Misconduct (PREA) | EFFECTIVE DATE: | 12-18-13 |
| REFERENCE: | Booking | REVISED DATE: | |
| APPROVED: | Sheriff D. Drew | REEVALUATED DATE: | 01-02-17 |

5.31 INMATE ON INMATE SEXUAL MISCONDUCT (Prison Rape Elimination Act)

PURPOSE:

To provide guidelines on the issue of Inmate on Inmate Sexual Misconduct within the Woodbury County Jail consequently facilitating the prevention, detection, response, investigation, prosecution, tracking and punishment of this type of misconduct. It is the Woodbury County Jail's mission to provide a safe, humane and secure environment, free from the threat of sexual misconduct for all inmates.

PROCEDURE:

The Woodbury County Jail has a **zero tolerance** for sexual misconduct of any kind within its facility. **Sexual conduct between inmates regardless of consensual status is prohibited** and subject to in-house disciplinary measures and criminal prosecution.

DEFINITIONS:

Allegation-Any event that is said to have happened but which has not yet been verified, these events include rumor and "inmate talk".

Perpetrator -An inmate committing sexual misconduct against another inmate.

Sexual Abuse-Contact of any person by the use of force or of the threat of force.

OR

Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

OR

Any unwanted physical contact that is sexual in nature and is not sexual assault.

Sexual Assault-Contact of any person by the use of force or of the threat of force

OR

A sex act as defined by Iowa Code 702.17

OR

The use of any object for the purpose of the above described sexual contact

OR

The simulation of any of the above that includes physical touching of the body part.

Sexual Harassment-Unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communications of a sexual nature. Sexual harassment may be viewed as a precursor to sexual violence.

Sexual Misconduct-Any form of a sexual nature which includes: abuse, assault and harassment.

GUIDELINE:

Staff Training:

1. All employees shall receive mandatory training related to this guideline governing inmate on inmate sexual misconduct which includes:
 - a. Knowledge of predatory behavior
 - b. Identifying victim behavior
 - c. The effects of sexual misconduct on a victim
 - d. Detecting those inmates who pose a risk of sexual misconduct towards other inmates.
 - e. Encouraging victims to report the crime.
2. All employees will be professional and communicate effectively with all inmates.

Inmate Education:

1. During the booking procedure inmate's will be orientated on the issue of inmate on inmate sexual misconduct which will include:
 - a. Prevention
 - b. Self-Protection
 - c. Reporting
 - d. Treatment and Counseling
2. Additional education of this subject matter will take place by the Correctional Officer moving the inmate from Temporary Holding to a long-term housing unit.
3. Education on inmate on inmate sexual misconduct is communicated verbally and in writing in a language clearly understood by the inmate. Appropriate provisions will be made for those not fluent in English and those with disabilities and lower literary levels.
4. Reserved (PREA Video)

Screening:

1. Inmates are identified upon intake (booking procedure) as ever having been a victim of sexual misconduct of any kind while incarcerated in this facility or any other detention facility, which will determine their vulnerability of being a victim to this type of behavior by other inmates.
2. During the initial intake process, inmates are also screened to identify those who pose a risk of having tendencies in acting out with sexually aggressive behavior.
3. Inmates are given a secondary screening after 24 hours of incarceration that will be conducted by the C.O assigned to move the inmate, to identify those inmates who have been victims of any form of sexual misconduct during a previous incarceration in this facility or any other detention facility. During this assessment, it will also identify inmates that have a history of sexual aggressive behavior and the potential for acting out on inmates that are vulnerable.
4. Any knowledge of an inmate's vulnerability or predatory behavior will be passed onto the Shift Supervisor and also the Jail Administration.
5. If it discovered an inmate was a victim of sexual misconduct while confined at another facility the Jail Administration will contact the Administrator of that detention facility where the alleged abuse occurred.
6. An inmate's risk level shall be re-assessed when warranted by the nursing staff due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

Prevention:

1. Knowledge of predatory behavior and those posing a risk of being a victim.
2. Timely, physical jail checks by Correctional Staff is essential in the prevention and detection of inmate on inmate sexual misconduct.
3. Video monitoring is another key in the prevention and detection of inmate on inmate misconduct, but should not be allowed to replace a physical jail check. This type of technology is yet an additional tool in prevention of criminal activity in inmate occupied areas.
4. Control areas adjacent to cell blocks occupied by a Correctional Officer continually monitor inmate activity and behavior in these housing units.

Response:

1. In receiving information an inmate has been a victim of sexual misconduct, the employee must take the allegation seriously, acting upon it immediately, following protocol and procedure regardless of the employee's inner thoughts or feelings. It is not the employee's decision whether an allegation is true or false.
2. The employee receiving information of an alleged sexual misconduct will immediately report it to their Supervisor (O.I.C). The Jail Administration will be notified of an alleged sexual misconduct who in turn will notify the Sheriff's Administration.
3. The Supervisor (O.I.C) will take immediate action to protect the safety of the victim and remove them from the environment in which the alleged misconduct took place.
4. The victim will be informed not to take any action's that could destroy physical evidence before an investigator arrives.
5. Victims of sexual misconduct have the right to medical treatment and to be treated in a fair and humane manner during the entire criminal justice process. The victim will also be tested for sexually transmitted diseases.
6. The victim (inmate) will be examined on-site by medical staff and determine if a referral to another medical facility is indicated for collection of evidence.
7. The alleged perpetrator will be removed from the area of the incident and segregated to preserve evidence until arrival of the WCSO Identification Division to process the alleged perpetrator for tangible evidence.
8. The area of the alleged incident will be secured as a crime scene until arrival of the WCSO Identification Division to process the scene for evidence to substantiate the allegations.
9. Notification of the WCSO Identification Division will be made through the proper channels by contacting the O.I.C Deputy and through Communication Center.
10. An evaluation by a mental health professional is also done and ongoing counseling offered to the victim.

Reporting/Investigation:

1. An inmate may report an incident of sexual misconduct either verbal or written (kite) to:
 - a. Correctional Officer
 - b. Medical Staff
 - c. A Shift Supervisor or Jail Administrator
 - d. Counselor/Therapist
 - e. Inmate's attorney
 - f. CSADV (Council on Sexual Assault/Domestic Violence)

2. A report of the incident will be completed by all staff having any involvement and/or knowledge of an alleged inmate on inmate sexual misconduct.
3. The report will be forwarded to the Jail Administration for review and sign off. The Jail Administration will forward all paperwork to the Sheriff's Administration for assignment to an Investigator.
4. The Jail Administration will forward a copy of the report to the State Jail Inspector.
5. Investigation of the alleged incident will be conducted by the WCSO Investigative Division.
6. The jail staff must not reveal any information related to an alleged sexual misconduct to anyone other than those who are directly involved in the investigation of the incident.
7. Those involved in and having knowledge of an incident shall provide complete cooperation and will not interfere with the investigative process of an alleged incident. This includes failure to report or attempt to cover up an incident, allegation or statement that a person or a witness knew could not have been true. Failure to cooperate or failure to report shall result in disciplinary action.
8. Purposeful, malicious false reporting will result in disciplinary and/or criminal charges.
9. Following an investigation into an inmate's allegation that they suffered sexual misconduct in the facility, the agency shall inform the inmate as to whether the allegation has determined to be: Substantiated, Unsubstantiated or Unfounded.

CODE OF IOWA

709.2 Sexual Abuse 1st

When in the course of committing Sexual Abuse the person causes serious injury.

709.3 Sexual Abuse 2nd

During the commission of sexual abuse the person displays in a threatening manner a dangerous weapon or use or threatens to use force creating a substantial risk of death or serious injury to any person.

OR

The person is aided or abetted by one or more persons and the sex act is committed by force or against the will of the other person against whom the sex act is committed. Sexual abuse 2nd is a Class "B" Felony.

702.17 Sex Act

The term "sex act" or sexual activity mean any sexual contact between two or more persons by: penetration of the penis into the vagina or anus; contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person, contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to Chapter 148, 148C, 151, or 152; or by use of artificial sexual organs or substitutes therefore in contact with the genitalia or anus.