

	<p align="center">Ramsey County, Minnesota Department of Community Corrections</p> <p align="center"><i>Policies and Procedures</i></p>	<p>Number: RDR 10.1b DEPT Effective: 9/17/2013 Revision: 03/06/2024 Review: 03/06/2024 Pages: 8</p>
<p>Chapter: 10 Section: 1 Subject:</p>	<p align="center">Client / Resident Rights / Discipline / Rules Client / Resident Rights Prison Rape Elimination Act (PREA)</p>	

PURPOSE To provide guidelines for the prevention, reporting, response to, and recording of all sexual assaults, sexual abuse, and sexual harassment.

AUTHORITY Prison Rape Elimination Act - [28 CFR Part 115](#)

Minn. Stat. § [241.01](#)

Minn. Stat. § [609.342](#)

Minn. Stat. § [609.343](#)

Minn. Stat. § [609.344](#)

Minn. Stat. § [609.345](#)

Minn. Stat. § [609.3451](#)

Minn. Stat. § [609.3453](#)

Minn. Stat. § [611A.20](#)

Minn. Stat. § [629.37](#)

Minn. Stat. § [629.39](#)

Minnesota Rules [2960.0050](#)

[Ramsey County Sexual Harassment Policy](#)

APPLICABILITY All Ramsey County Community Corrections (RCCCD) Department Staff, Volunteers, Contractors, Interns, Visitors, Vendors, Medical and Mental Health Practitioners, and School Personnel.

REFERENCES [HR 3.5f DEPT](#) - Personal Associations with Clients/Residents

[AO 1.2b DEPT](#) - Reporting Abuse/Neglect

[RDR 10.1c DEPT](#) - PREA First Response

[RDR 10.1d DEPT](#) - PREA Investigations

[AO 1.6e DEPT](#) - PREA Documentation and Data Storage

DEFINITIONS [PREA General Definitions](#)

ZERO TOLERANCE RCCCD does not tolerate incidents of sexual abuse, sexual misconduct, and sexual harassment. Reports of victimization can be made confidentially. Every effort is made to prevent such incidents. All reports of alleged sexual assault, sexual abuse, and sexual harassment shall be responded to promptly with intervention, and thoroughly investigated by the appropriate authorities. Information regarding a sexual assault, sexual abuse or sexual harassment incident shall be disclosed only to those who need to know for

the purpose of investigation, decision making, and/or prosecution. All situations shall be assessed for potential harm to the alleged victim and to those who engage in or attempt to engage in sexual assault, sexual abuse, and sexual harassment.

POLICY

1. RCCCD staff, volunteers, interns, and contractors must comply with the provisions of the Prison Rape Elimination Act and Minnesota State Statutes. (See References.)
2. RCCCD and its employees, contractors, interns, and volunteers must make every effort to provide all clients with a safe, humane, and secure environment, free from the threat of sexual abuse, sexual misconduct, and sexual harassment, and to prevent such incidents from occurring.
3. RCCCD shall provide training regarding PREA standards, policies, and procedures to all staff, volunteers, interns, contractors, clients, and residents. Specialized training is provided to first responders and investigators. (Standards 115.31, 115.331, 115.32, 115.332, 115.34, 115.334, 115.35, 115.335.)
4. Staff must make every effort to ensure that community service providers to which RCCCD clients and residents are referred to, provide clients and residents with a safe, humane, and secure environment, free from the threat of sexual assault, sexual abuse, and sexual harassment.
5. Staff must never tolerate any level of incidents of sexual harassment, sexual abuse and sexual harassment directed toward clients or residents by staff, volunteers, interns, and/or contractors. Staff, contractors, interns and/or volunteers' failure to address these behaviors as mandated by PREA and this policy will result in disciplinary action up to and including dismissal.
6. Staff, volunteers, interns, and contractors alleged to have perpetrated sexual assault, sexual abuse and sexual harassment will be prohibited from contact with the victim and/or reporter pending an investigation.
7. Staff, volunteers, interns, and contractors are prohibited from any form of retaliation against clients, residents, or fellow staff members who makes an allegation of sexual assault, sexual abuse, or sexual harassment. This includes lesbian, bisexual, gay, transgender, intersex, and gender nonconforming residents. Retaliatory behavior will result in disciplinary action up to and including dismissal. (Standards 115.67, 115.367.)
8. Staff, volunteers, interns, and contractors must report any incidents of sexual assault, sexual abuse, or sexual harassment immediately.
9. Staff, contractors, volunteers, and interns are prohibited from correspondence or conversations of a romantic or sexual nature with clients and residents.

10. Information and reporting regarding a sexual assault, sexual abuse or sexual harassment incident must follow data practices, legislation, and RCCCD policies.
11. Divisions will develop policies, procedures, and internal programming to implement PREA standards for their staff, contractors, volunteers, interns, and resident populations, in accordance with this policy and in collaboration with the PREA Coordinator.
12. All RCCCD contracts established or renewed after July 1, 2013, must contain language requiring the contractor to adopt and comply with the PREA standards. These contracted sites (confinement institutions with clients or residents with 51 percent or more corrections clients or residents) will be monitored for PREA compliance. (PREA Standards 115.12, 115.312).
13. All medical and mental health practitioners who work regularly in RCCCD facilities are trained in PREA requirements. (PREA Standards 115.35, 115.335).
14. Accommodations for clients and residents with disabilities and limited English proficiency (LEP) shall be provided in all aspects of PREA communications, training, services, and follow-up. (PREA Standards 115.16, 115.316, 115.33, 115.333).
15. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a current or former employee upon receiving a request from an institutional employer for whom such employee has applied for work. (PREA Standard 115.17 (h), 115.317 (h)).
16. RCCCD shall strictly limit information related to sexual victimization or abusiveness that occurred in an institutional setting to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments or as otherwise required by Federal, State, or local law. (PREA Standards 115.81 (d), 115.381 (c)).
17. RCCCD shall not search or physically examine a transgender or intersex resident for the sole purpose of determining genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. (Standards 115.15, 115.315)

PROCEDURES **A. Staff Procedures**

PREA
Coordinator

1. Responsible for the implementation of PREA policies and regulations. Ensures the Department and Divisions are implementing PREA consistently and in compliance with federal statutes.

2. At least two times annually, reviews processes and procedures in each Division, identifying areas of compliance and concerns. If appropriate, communicates to Senior Management areas that are out of compliance.
3. Develops PREA resources and assists in implementation.
4. Provides regular communication to the Department and Department leadership regarding PREA implementation.
5. Ensures that interns and contractors are PREA compliant, providing resources and monitoring vendor implementation of PREA policies.
6. In collaboration with PREA Compliance Managers, gathers and maintains related statistics.
7. Supervises the PREA Investigators. Ensures that all individuals conducting PREA investigations are consistent in their approach, have received appropriate training, and are documenting their work. (PREA Standards 115.34, 115.334).
8. In collaboration with the Ramsey County Attorney and Department Administration, refers all investigations of criminal behavior to an outside law enforcement agency with the legal authority to conduct criminal investigations. (PREA Standards 115.71, 115.371).
9. Coordinates and conducts audits to ensure compliance with the Prison Rape Elimination Act and related Department policies.
10. Coordinates and reviews Sexual Abuse Incident Review, ensuring that participants are included, procedures are followed, and changes are made in accordance with PREA Standards. Documents findings and follow-up. (PREA Standards 115.86, 115.386).
11. If a client or resident was sexually assaulted, sexually abused, or sexually harassed at another facility, notify the head of that facility within 72 hours of receiving notice of the allegation. Document notification using the Outside Incident Reporting form (see Forms). The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with PREA standards.
12. Follow up with the client or resident to ensure that the Coordinated Response Plan is followed as needed. See RDR 10.1c DEPT - PREA First Response.

Contract
Managers

13. Coordinate contract monitoring to ensure that contractors who are in confinement institutions with clients or residents with 51 percent or more corrections clients or residents are complying with PREA standards. (PREA Standards 115.12, 115.312). See Forms.

NOTE: Contract monitoring standards apply to new contracts or renewals only; no auditing of existing contracts is required.

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| Deputy Director,
Asst. Director, or
Superintendent | <ul style="list-style-type: none">14. Prohibit any contractor, volunteer or intern who engages in sexual abuse from further contact with clients or residents and report the contractor, volunteer, or intern to law enforcement, unless the activity was clearly not criminal, and to relevant licensing bodies. (PREA Standards 115.77, 115.377).15. Take remedial measures and consider whether to prohibit further contact with clients or residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. |
| PREA
Compliance
Managers | <ul style="list-style-type: none">16. Coordinate facility/program PREA-related activities.17. Ensure compliance with training requirements, in collaboration with the PREA Coordinator and Department/facility leadership.18. Track and report facility PREA statistical data to the PREA Coordinator. |
| PREA
Investigators | <ul style="list-style-type: none">19. Conduct investigations of alleged incidents of sexual assault, sexual abuse, and sexual harassment in cooperation with the PREA Coordinator, PREA Compliance Managers, and Department/Institution leadership, following established guidelines.20. Prepare and deliver investigation reports to the PREA Coordinator within 72 hours following an investigation. |
| Department
Managers | <ul style="list-style-type: none">21. All Divisions of RCCCD will act to prevent sexual assault sexual abuse and sexual harassment through:<ul style="list-style-type: none">a. Prevention planningb. Response planningc. Client/Resident Orientation and Educationd. Screening for risk of sexual victimization and abusivenesse. Reportingf. Official Response following a client or resident reportg. Investigationsh. Disciplinei. Medical and Mental Health Carej. Data Collection and Reviewk. Auditsl. Unannounced rounds conducted by intermediate- or high-level supervisors to identify and deter staff sexual assault, sexual abuse, and sexual harassment, for day and night shifts.22. RCCCD facilities shall not conduct cross-gender pat-down, strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. The facilities shall document all exigent circumstances when cross-gender staff |

conducted such searches for review by the PREA Coordinator.
(Standards 115.15 (a), (b), (c), 115.315 (a), (b), (c)).

23. RCCCD staff shall receive training on how to conduct transgender and intersex resident searches, and cross-gender pat-down searches.
(Standards 115.15 (f), 115.315(f)).

B. Resident / Client Orientation, Screening and Education (Standards 115.41, 341, 115.42, 115.342, 115.62, 115.362)

Intake Staff,
Probation Officers

1. During each facility orientation and as clients and residents are transferred between facilities, all clients and residents will receive information about sexual assault, sexual abuse, and sexual harassment within 30 days for adult clients and within 10 days for juvenile residents. Designated staff will communicate the information verbally and in writing, in a manner that is clearly understood by clients and residents. Information provided will include, but is not limited to:
 - a. Review of the RCCCD PREA brochure
 - b. Department zero tolerance stance
 - c. Self-protection methods
 - d. Procedures for using the telephone hotline
 - e. Prevention and intervention
 - f. Treatment and counseling
 - g. Reporting incidents
 - h. Protection against retaliation
 - i. Consequences of false allegations.
2. Conduct screening for risk of victimization and abuse for all clients and residents, using the PREA Client Screening Information Form (using the facility's online system).
3. Conduct a review every 30 days or a reassessment of each client or resident's risk level when warranted due to a referral, request, incident of sexual assault or sexual abuse or receipt of information that bears on the client or resident's risk of sexual victimization or abusiveness.
(Standards 115.41(g)).

Juvenile Facility
Management and
Staff

4. Implement appropriate controls on the dissemination of information to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents. (Standard 115.341(e). Prepare and deliver investigation reports to the PREA Coordinator within 72 hours following an investigation.

Staff

5. Upon learning that a client or resident is subject to imminent risk of sexual assault, sexual abuse, or sexual harassment, take immediate action to protect the client or resident. (Standards 115.62, 115.362.)
6. Identify, assess, and manage clients and residents with special needs, including those who are potentially vulnerable and potentially dangerous, to provide safe housing, adequate protection, and

programmatic resources to meet their needs.

Clients and residents shall not be disciplined for refusing to answer or for not disclosing information during screening in response to questions asked pursuant to physical, mental, or developmental disabilities; whether they are perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; and/or their own perception of vulnerability. (Standards 115.41, 115.341.)

Field Probation Officers 7. Provide PREA information as defined in Item 1 above to clients in the field during the intake process.

All Staff Conducting Client / Resident Intakes 8. Document verification of client/resident orientation and education regarding PREA by having the client or resident complete the Client/Resident PREA Acknowledgment Form.

9. Maintain the original signed acknowledgment form in the client or resident's file or in the facilities online management system.

C. Prevention (Standards 115.13, 115.313, 115.16, 115.316, 115.31, 115.331)

All Staff Contractors, Volunteers and Interns 1. Remain alert to signs of potential situations in which sexual harassment or sexual misconduct may occur. Signs may include:

- a. Staff, volunteers, interns, contractors and/or clients and residents being overly friendly,
- b. Offers of money, canteen items, favors, etc.,
- c. Security threat group activity (see Definitions)
- d. Boundary issues: Staff establishing friendships outside of job duties is prohibited.

2. Identify, assess, and manage clients and residents with special needs; including those who are potentially vulnerable and potentially dangerous, to provide safe housing, adequate protection, and programmatic resources to meet their needs.

Supervisor or Shift Lieutenant 3. Conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment for day and night shifts.

4. Prohibit staff from alerting other staff members that supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility.

D. Staff Training (Standards 115.31, 115.331, 115.32, 115.332, 115.34, 115.334, 115.35, 115.335)

All Staff
Contractors,
Volunteers and
Interns with Direct
Contact

1. All Department staff, contract employees, interns, and volunteers with direct and/or incidental contact with clients and residents will receive documented PREA training during orientation and annually thereafter.
2. Training will include the following:
 - a. A review of this policy and any other applicable state or federal laws.
 - b. The rights of clients and residents under PREA, including their ability to report PREA incidents during the initial screening or intake, education, and orientation process.
 - c. RCCCD's reporting, response, intervention, and investigation policies and procedures.
 - d. Recognition of sexual misconduct, predatory clients and residents, potential victims, and/or staff involvement.
 - e. First responder and reporting procedures.
 - f. Communicating appropriately with clients and residents, including lesbian, gay, bisexual, transgender, intersex, and gender-nonconforming clients and residents (LGBTI).
 - g. Confidential information.

Facility and
Department Staff

3. Training shall occur when employees, contractors, volunteers, and interns are new, and annually. Document training in the Department's training data system.

Dept Planning
Unit and PREA
Coordinator

4. Provide specialized training for staff that respond to and/or investigate allegations of sexual misconduct, to include crime scene management and investigation, victim sensitivity, and crisis intervention.
5. Document that investigators have completed the required specialized training in conducting sexual abuse investigations.
6. Document that first responders have received the required specialized training regarding their duties, in compliance with the PREA Standards.
7. Document that medical and mental health practitioners receive training regarding detection, assessment, evidence preservation, response, reporting, and conducting examinations, as well as training covered in item two (2) above.
8. Document through employee signature or electronic verification that employees, contractors, volunteers, and interns understand the training they have received.

FORMS

[Refusal of Medical Treatment or Procedure Form - JDC](#)
[Refusal of Medical Treatment or Procedure Form - RCCF](#)
[Client/Resident PREA Acknowledgment Form](#)
[Sexual Assault Incident Review](#)

KEYWORDS

Investigate; assault; abuse; misconduct; harass