

 RAMSEY COUNTY	<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: 09/17/2013 Revision: 07/27/2016 Review: 08/19/2016 Page(s): 10</p>
<p>Chapter: 10 Section: 1 Subject:</p>	<p align="center">Client/Inmate Rights/Discipline/Rules Client/Inmate Rights Prison Rape Elimination Act (PREA)</p>	

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

AUTHORITY [Prison Rape Elimination Act, 28 CFR Part 115](#)
 Minn. Stat. §§[241.01](#), [611A.20](#), [629.37](#) and [629.39](#)
 Minnesota Rules [2960.0050](#)
 Minnesota Statutes [609.342](#); [609.343](#); [609.344](#); [609.345](#); and [609.3453](#)
 Ramsey County Sexual Harassment Policy ([Workplace Conduct Guide](#))

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 Inmates/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, inmates, 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 whom RCCCD inmates, clients and residents are referred provide inmates, 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, inmates, or residents by staff, volunteers, interns, and/or contractors. Staff, contractor, intern and/or volunteer 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 an inmate, client, resident, or fellow staff member who makes an allegation of sexual assault, sexual abuse or sexual harassment. This includes lesbian, bisexual, gay, transgender, intersex, and gender nonconforming inmates and 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 inmates/residents/clients.
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 offender populations, in accordance with this policy and in collaboration with the PREA Coordinator.
12. All RCCCD contracts established or renewed after July 1, 2013 with must contain language requiring the contractor to adopt and comply with the PREA standards. These contracted sites (confinement institutions with inmates or residents with 51 percent or more corrections inmates 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, residents, and inmates 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. RCCCCD shall not search or physically examine a transgender or intersex inmate or resident for the sole purpose of determining genital status. If the inmate or resident's genital status is unknown, it may be determined during conversations with the inmate or 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

PREA Coordinator

A. Staff Procedures

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 an inmate, 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.

- Follow up with the inmate or resident to ensure that the Coordinated Response Plan is followed as needed. See RDR 10.1c DEPT - PREA First Response.

Contract Managers

12. Coordinate contract monitoring to ensure that contractors who are confinement institutions with inmates or residents with 51 percent or more corrections inmates 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.

Deputy Director, Asst. Director or Superintendent

13. Prohibit any contractor, volunteer or intern who engages in sexual abuse from further contact with inmates, clients and/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).

- Take remedial measures and consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

PREA Compliance Managers

14. Coordinate facility/program PREA-related activities.

15. Ensure compliance with training requirements, in collaboration with the PREA Coordinator and Department/facility leadership.

16. Track and report facility PREA statistical data to the PREA Coordinator.

PREA Investigators

17. 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.

18. Prepare and deliver investigation reports to the PREA Coordinator within 72 hours following an investigation.

Department Managers

19. All Divisions of RCCCD will act to prevent sexual assault sexual abuse and sexual harassment through:

- Prevention planning
- Response planning
- Inmate/Resident Orientation and Education
- Screening for risk of sexual victimization and abusiveness
- Reporting
- Official Response following an inmate, client or resident report
- Investigations
- Discipline
- Medical and Mental Health Care
- Data Collection and Review
- Audits
- 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.

20. 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)).

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

**B. Inmate/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 inmates, clients and residents are transferred between facilities, all inmates, residents and clients will receive information about sexual assault, sexual abuse and sexual harassment within 30 days for adult inmates 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 inmates, clients and residents. Information provided will include, but is not limited to:

- Review of the RCCCD PREA brochure
- Department zero tolerance stance
- Self-protection methods
- Procedures for using the telephone hotline
- Prevention and intervention
- Treatment and counseling
- Reporting incidents
- Protection against retaliation
- Consequences of false allegations

2. Conduct screening for risk of victimization and abuse for all inmates, clients and residents, using the PREA Client Screening Information Form (using the facility's online system).
 - a. Conduct a review every 30 days or a reassessment of each inmate 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 inmate or resident's risk of sexual victimization or abusiveness. (Standards 115.41(g)).
 - b. Implement appropriate controls on the dissemination of information in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents. (Standard 115.341(e)).

Juvenile Facility
Management and Staff

Staff

3. Upon learning that an inmate or resident is subject to imminent risk of sexual assault, sexual abuse or sexual harassment, take immediate action to protect the inmate or resident. (Standards 115.62, 115.362.)
4. Identify, assess, and manage inmates, residents and clients 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.
 - a. Inmates 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

5. Provide PREA information as defined in Item 1 above to clients in the field during the intake process.

All Staff Conducting
Inmate/Client/ Resident
Intakes

- 6. Document verification of inmate, client and resident orientation and education regarding PREA by having the inmate, client or resident complete the Inmate/Client/Resident PREA Acknowledgment Form.
 - b. Maintain the original signed acknowledgment form in the inmate, client or resident's main file.

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

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 inmates, 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 inmates, 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)

Staff, Contractors,
Volunteers and Interns with
Direct Contact

- 1. All Department staff, contract employees, interns, and volunteers with direct and/or incidental contact with inmates, 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 inmates, 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 inmates, clients, and residents, potential victims, and/or staff involvement.
- e. First responder and reporting procedures.
- f. Communicating appropriately with inmates, clients and residents, including lesbian, gay, bisexual, transgender, intersex, and gender-nonconforming inmates, 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.
 - a. Document that investigators have completed the required specialized training in conducting sexual abuse investigations.
 - b. Document that first responders have received the required specialized training regarding their duties, in compliance with the PREA Standards.
 - c. 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 2 above.
- 5. 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](#)

[Inmate/Client/Resident PREA Acknowledgment Form](#)

[RCCCD PREA Inmate/Resident/Client Brochure](#)

[Sexual Assault Incident Review](#)

[PREA Client Screening Form - Juvenile](#)

[PREA Client Screening Form - RCCF](#)

[PREA Contractor Letter from Director of RCCCD](#)

Recommended by:



8/19/2016

Deputy Director
Administrative Services

Date

Approved by:



8/19/2016

Director
Ramsey County Community Corrections

Date