	<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: 03/31/2014 Review: 02/23/2015 Page(s): 10</p>
<p><i>Chapter: 10</i> <i>Section: 1</i> <i>Subject:</i></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 harassment, sexual abuse and sexual assaults.

AUTHORITY [Prison Rape Elimination Act of 2003, 42 USC §§15601-09](#)
 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 (RCCC) 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 [Administrative investigation](#)
[Agency](#)
[Agency head](#)
[Bisexual](#)
[Community confinement facility](#)
[Contractor](#)

[Detainee](#)

[Direct Staff Supervision](#)

[Employee or staff](#)

[Exigent circumstances](#)

[Facility](#)

[Facility head](#)

[Forensic evidence collection](#)

[Full compliance](#)

[Gay](#)

[Gender nonconforming](#)

[Inmate/client/resident](#)

[Intersex](#)

[Jail](#)

[Juvenile](#)

[Juvenile facility](#)

[Law enforcement staff](#)

[Lesbian](#)

[Lockup](#)

[Manager](#)

[Medical practitioner](#)

[Mental health practitioner](#)

[Pat-down search](#)

[PREA Compliance Manager](#)

[PREA Coordinator](#)

[PREA Investigator](#)

[Prison](#)

[Resident](#)

[Secure juvenile facility](#)

[Security threat group](#)

[Sexual abuse/assault](#)

[Sexual assault advocate](#)

[Sexual harassment includes](#)

[Staff](#)

[Strip search](#)

[Substantiated allegation](#)

[Transgender](#)

[Unfounded allegation](#)

[Unsubstantiated allegation](#)

[Unit investigation](#)

[Volunteer](#)

[Voyeurism by a staff member, contractor, or volunteer](#)

[Youthful inmate](#)

[Youthful detainee](#)

ZERO
TOLERANCE

RCCC 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 abuse, sexual misconduct, and sexual harassment shall be responded to promptly with intervention, and thoroughly investigated by the appropriate authorities. Information regarding a sexual abuse, misconduct, or 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 harassment, sexual assault, and sexual misconduct.

POLICY

1. RCCC staff, volunteers, interns, and contractors must comply with the provisions of the Prison Rape Elimination Act and Minnesota State Statutes. (See References.)
2. RCCC and its contractors 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. RCCC 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.

4. Staff must make every effort to ensure that community service providers to whom RCCC clients are referred provide clients with a safe, humane and secure environment, free from the threat of sexual assault, sexual misconduct, and sexual harassment.
5. Staff must never tolerate any level of incidents of sexual abuse, sexual harassment, and sexual misconduct directed toward clients, inmates, or residents by staff, volunteers, interns, and/or contractors. Staff 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 abuse, harassment, and misconduct 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 offender or fellow staff member who makes an allegation of sexual abuse. Retaliatory behavior will result in disciplinary action up to and including dismissal.
8. Staff, volunteers, interns, and contractors must report any incidents of sexual abuse, sexual misconduct or sexual harassment immediately.
9. Staff is prohibited from correspondence or conversations of a romantic or sexual nature with inmates/residents/clients.
10. Information and reporting regarding a sexual assault, sexual misconduct, or sexual harassment incident must follow data practices, legislation, and RCCC policies.
11. Divisions will develop policies, procedures, and internal programming to implement PREA standards for their staff and offender populations, in accordance with this policy and in collaboration with the PREA Coordinator.
12. All RCCC 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 will be monitored for PREA compliance.
13. All full and part-time medical and mental health practitioners who work regularly in RCCC facilities are trained in PREA requirements.
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.

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.
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.
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 procedures are followed and changes are made in accordance with PREA Standards. Documents findings and follow-up.

Contract
Managers

11. Coordinate contract monitoring to ensure that contractors are complying with PREA standards.

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

PREA
Compliance
Managers

12. Coordinate facility/program PREA-related activities.
13. Ensure compliance with training requirements, in collaboration with the PREA Coordinator and Department/facility leadership.
14. Track and report facility PREA statistical data to the PREA Coordinator.

PREA
Investigators

15. Conduct investigations of alleged incidents of sexual misconduct in cooperation with the PREA Coordinator, Compliance Managers, and Department/Institution leadership, following established guidelines.
16. Prepare and deliver investigation reports to the PREA Coordinator within 72 hours following an investigation.

Department
Managers

17. All Divisions of RCCC will act to prevent sexual abuse through:
 - Prevention planning
 - Response planning
 - Inmate/Resident Orientation and Education
 - Screening for risk of sexual victimization and abusiveness
 - Reporting
 - Official Response following an inmate/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 abuse and sexual harassment, for day and night shifts.
18. RCCC 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)).
19. RCCC facilities shall not search or physically examine a transgender or intersex resident or inmate for the sole purpose of determining the resident or inmate's genital status. If unknown, it may be determined during conversations with the inmate or resident, by reviewing medical records, or if necessary, as part of a broader medical examination conducted in private by a medical practitioner. (Standards 115.15(e), 115.315(e)).
20. RCCC 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

Intake Staff,
Probation Officers

1. During each facility orientation and as inmates/clients/residents are transferred between facilities, all inmates/residents/clients will receive information about sexual harassment and misconduct. Designated staff will communicate the information verbally and in writing, in a manner that is clearly understood by inmates/clients/residents. Information provided will include, but is not limited to:
 - Review of the RCCC 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.
3. 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.

Field Probation
Officers

4. 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

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

C. Prevention

All Staff

1. Remain alert to signs of potential situations in which sexual harassment or sexual misconduct may occur. Signs may include:
 - a. Staff and/or inmates/clients/residents being overly friendly
 - b. Offers of money, canteen items, favors, etc.
 - c. Security threat group activity (see Definitions and form)
 - d. Boundary issues: Staff establishing friendships outside of job duties is prohibited
2. Identify, assess, and manage inmates/clients/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
Supervisor on
Duty

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 TrainingStaff, Contract
employees, and
Volunteers with
Direct Contact

1. All Department staff, contract employees, interns, and volunteers with direct and/or incidental contact with inmates/clients/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/residents under PREA, including their ability to report PREA incidents during the initial screening/intake process.
 - c. RCCC'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 residents, including lesbian, gay, bisexual, transgender, intersex, and gender-nonconforming residents (LGBTI).
 - g. Confidential information.

Facility and Department Staff

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

Dept Planning Unit

- 4. Provide specialized training for staff that respond to and/or investigate allegations of sexual misconduct, to include crime scene management/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, volunteers, interns, and contract staff understand the training they have received.

FORMS

- [Refusal of Medical Treatment or Procedure Form](#)
- [Inmate/Client/Resident PREA Acknowledgment Form](#)
- [RCCC PREA Inmate/Resident/Client Brochure](#)
- [Sexual Assault Response and Containment Checklist](#)
- [Sexual Assault Incident Review](#)
- Security Threat Group Assessment and Interviews
- PREA Client Screening Form - Juvenile
- PREA Client Screening Form - RCCF

Recommended by:

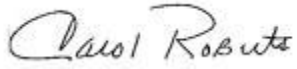


Deputy Director
Administrative Services

04/29/2014

Date

Approved by:



04/29/2014

Director
Ramsey County Community Corrections

Date