

_____ COUNTY DETENTION CENTER
POLICIES AND PROCEDURES

Chapter	15	IPREA	Policy # 15.2
Subject	2	Prevention Planning	
Effective Date:		Revision Date:	
Sheriff's Approval:			

Policy:

Sexual abuse and sexual harassment seriously hampers the mission of the Sheriff's Office to provide a safe and secure environment for offenders and staff. Idaho Department of Correction and the Idaho Sheriffs' Association have revised the Prison Rape Elimination Act Standards pursuant to Governor's executive order NO. 2014-01 and renamed the standards the Idaho Prison Rape Elimination Act (IPREA). In accordance with IPREA, the (.....) County Detention Center has established a zero tolerance standard regarding sexual abuse and sexual harassment.

Purpose:

This policy establishes practices that will abate the incidents of rape, sexual abuse and sexual harassment in jails. Prevention planning is a vital approach in accomplishing this task.

References:

Idaho Jail Standards, Chapter 12
IPREA Standards

Procedures:

Rape and Sexual Abuse seriously reduces the _____ County Detention Center's ability to fulfill its mission to protect the inmates we house and the public we serve. The consequences of rape and sexual abuse include the following:

1. Victimized vulnerable individuals such as mentally ill and youthful offenders.
2. Continues the spread of serious communicable diseases.
3. Increases the risk that the victims of rape will commit crimes when they are released.
4. Exacerbates racial tension due to interracial sexual assaults.
5. Causes victims severe psychological and physical effects.
6. Increases the risk of homicide, suicide, and violence against offenders and staff.
7. Reduces both victim and offender's ability to successfully transition to the community and law abiding lifestyle.

Procedures:

§115.11 – Zero Tolerance of Sexual Abuse and Sexual Harassment; IPREA Coordinator

§115.11(a) Written Policy:

The _____ Detention Center’s written policy mandates zero tolerance toward all forms of sexual abuse, sexual misconduct and sexual harassment towards all persons working or in the custody of this facility and outlines the agency’s approach to preventing, detecting, and responding to such conduct.

Any sexual act, sexual contact or sexual offense between an inmate and a staff member, visitor, volunteer, contractor or other inmate is prohibited. No inmate either incarcerated or under the supervision of the facility can give consent to any sexual relationship with a staff member. Sexual contact and displays of affection of any kind between two inmates is prohibited by facility rules regardless of consent between the two participants

The _____ Detention Center will achieve “zero tolerance” through the implementation of:

- (1) Standardized definitions for prohibited behaviors and activities
- (2) Administrative accountability
- (3) Preventive personnel practices
- (4) Inmate screening, classification, and housing practices
- (5) Inmate education and information
- (6) Limits on cross-gender viewing
- (7) Mandatory incident reporting
- (8) Providing medical/mental health professional services
- (9) Investigations of all alleged incidents
- (10) Imposing disciplinary action on perpetrators
- (11) Collection and review of incident data
- (12) Routine facility IPREA audits

The IPREA coordinator will review this policy and procedure, at a minimum, once a year to ensure that it remains current with best practices, legal decisions, and any change in the requirements of the Federal Law.

The Jail Administrator, or designee, will ensure that all authorized personnel are informed of the jail’s zero-tolerance policy with regard to sexual crimes, inclusive of sexual misconduct and sexual harassment.

The _____ (Put here who will do this, ex: IPREA Coordinator, Field Training Officer, etc) will ensure that all new employee orientation will include training on the agency’s zero tolerance policy regarding sexual abuse, sexual harassment, and sexual misconduct.

In addition, yearly training will be conducted to stress the importance of prevention and the reporting of any allegation or act of illegal sexual crimes, sexual harassment or sexual misconduct as outlined in the Education chapter.

In accordance with the Sheriff's Office Policy on Employee Standards of Conduct, all staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual misconduct policies. Terminations for substantiated violations of agency sexual misconduct policy, or resignations by staff that would have been terminated if not for their resignation, shall be reported to law enforcement agencies that request the information and also reported to P.O.S.T.

§115.11(b) IPREA Coordinator

The _____ County Detention Center shall appoint an agency-wide IPREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the IPREA standards in all our facilities. The Detention Center will fully support the IPREA Coordinator in the performance of his/her job tasks related to IPREA.

The IPREA Coordinator will be responsible for the following job tasks: (Examples only....Make your own list of what duties you will assign them.)

- (1) Orientation of New Staff to IPREA and Proper Conduct Around Inmates
- (2) Education of Staff, Volunteers, Contractors and Inmates and revision of training material as needed.
- (3) Developing, maintaining and updating procedures to identify, monitor, and track sexual contacts, assaults, harassment, and misconduct to comply with the IPREA standards.
- (4) Conduct periodic and annual review audits of jail processes and procedures to ensure compliance of policies as they relate to IPREA standards.
- (5) Collaboration and coordination of social services for IPREA victims.
- (6) Organizing internal investigations and referring them to external investigations, when necessary.
- (7) Ensure the proper collection, retention, analysis and destruction of records associated with claims of sexual abuse including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings and recommendations for post-release treatment and/or counseling.
- (8) Compile records, maintain, complete and report statistical data to the Department of Justice when requested.
- (9) Notify the Jail Administrator of all allegations of sexual contact, assault, harassment, or misconduct. (115.13)

The agency will maintain an organizational chart that shows the position of the IPREA Coordinator in the organizational chart.

§115.11(c) IPREA Compliance Officer (This section is not necessary if you only have one facility)

The _____ County Detention Center will designate an IPREA Compliance Manager for each of the facilities it operates. This IPREA Compliance Manager must have sufficient time and authority to coordinate the facility's efforts to comply with the IPREA standards.

The agency will maintain an organizational chart that shows the position of the IPREA Compliance Manager and to who he/she reports.

If you have an IPREA compliance manager, list his/her responsibilities here.

§115.13 - Supervision and Monitoring

§115.13(a) Staffing Plan

The _____ County Detention Center will ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating staffing levels and determining the need for video monitoring, the facilities shall consider: (Examples only....Make your own list of what you will consider.)

- (1) Idaho Jail Standards;
- (2) Applicable state or local laws, regulations, national standards or any other relevant factors;
- (3) Generally accepted detention practices;
- (4) Any judicial, federal or state investigation or inspection and internal/external agency findings of inadequacy;
- (5) The facility's physical plant including blind-spots or areas where staff or inmates may be isolated;
- (6) The composition of the inmate population;
- (7) The number and placement of supervisory staff;
- (8) Institution programs occurring on a particular shift;
- (9) The prevalence of substantiated and unsubstantiated incidents of sexual abuse.

In circumstances where the staffing plan is not complied with, the Jail Administrator, or designee will document and justify all deviations from the plan and keep on file.

§115.13(b) Staffing Plan Review/Revision

Whenever necessary, but no less frequently than once each year, the _____ (Put here who will do this; ex: Jail Administrator, Sheriff, etc.) in consultation with the IPREA coordinator, shall assess, determine and document whether adjustments are needed to the staffing plan, the facility's deployment of video monitoring systems and other monitoring technologies, and the resources the facility has available to commit to ensure adherence to the staffing plan.

§115.13(c) Unannounced Supervisor Rounds

Intermediate level or higher level supervisors will conduct and document unannounced rounds on all shifts to identify and deter staff sexual abuse and sexual harassment on all shifts. (Add who this will be in your agency and how often this will be done. Ex: Sergeant on shift, Lieutenant, Captain, and once each shift, three times a week, etc.) The documentation of these rounds will be logged on _____ (Add where this will be documented. Ex: Supervisor's log, IPREA Supervisor checks, etc.) and will be made available to the IPREA Auditor as requested at the time of the audit.

Staff is prohibited from alerting other staff members that these supervisor rounds are occurring, unless such announcement is related to the legitimate operational functions of the Detention Center. Any staff member that alerts other staff members of the supervisor's round(s) will be subject to discipline.

§115.14 - Youthful Inmates

§115.14(a) Housing of Youthful Inmates

The _____ County Detention Center will only accept youthful offenders (those offenders under the age of 18) that are being tried as an adult in adult court or have been convicted as an adult in adult court on a felony charge and no alternative of housing in a juvenile facility is available.

When a youthful offender is accepted into the facility, the youthful offender shall be housed separately from adult inmates with sound separation also. Classification will identify the most appropriate housing unit for the youthful inmate and the housing assignment will be reviewed and approved by the _____ (Put here who will approve the assignment, i.e. Jail Administrator, Sheriff, etc.). Any changes to the housing assignment will be the responsibility of Classification in agreement with _____ (same person as above)

§115.14(b) Youthful Inmates Outside of Housing Units

In areas outside of housing units, the detention staff will maintain sight and sound separation between youthful inmates and adult inmates or provide direct staff supervision when youthful inmates and adult inmates have sight, sound or physical contact.

If you have any special procedures to accomplish this, describe them here. For example: procedures to take to recreation, out for showers away from the cell, etc.

§115.14(c) Restrictive Housing, Exercise, and Access to Programs

The _____ County Detention Center will make its best effort to avoid placing youthful inmates alone in restrictive housing to comply with the IPREA provision.

Absent exigent circumstances, youthful inmates will be given the opportunity daily to engage in large-muscle exercise. Staff will schedule youthful inmates to use the outdoor or indoor recreation daily when adult inmates are not scheduled. If the area is within sight or sound of adult inmates, a detention employee must remain with the inmate.

Absent exigent circumstances, legally required special education services will be provided to youthful inmates who are incarcerated in the facility. (Put here how this will be done in your agency, example only: The jail administrator will arrange for a special tutor to come to the facility daily to assist the youthful inmate in his/her education, etc.)

Absent exigent circumstances, supervisory staff will also ensure that youthful inmates will have access to other programs and work opportunities to the extent possible.

Classification will maintain documentation of youthful inmates who have been placed alone in restrictive housing in order to separate them from adult inmates and the reason(s) for housing them alone.

The shift supervisor will document the exigent circumstances of each instance in which youthful inmates' access to large muscle exercise, legally required education services, and other programs and work opportunities is denied.

§115.15 - Limits to Cross-gender Viewing and Searches

§115.15(a) Cross Gender Strip and Visual Body Cavity Searches

The _____ County Detention Center will not conduct cross-gender strip searches or cross-gender visual body cavity (search of the anal or genital opening) except in exigent circumstances or when performed by a medical practitioner.

§115.15(b) Cross-Gender Pat-down Searches

Male staff may pat search male inmates only; female staff may pat search either gender. In cases of exigent circumstances where a male staff is required to pat search a female inmate, the staff person shall obtain supervisory permission prior to conducting the pat search and shall document his actions in an incident report.

Detention staff will not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

§115.15(c) Documentation

The detention staff will document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of female inmates following the guidelines required by Idaho Jail Standards. Documentation of these cross-gender searches will be made available to the IPREA Auditor upon request.

§115.15(d) Limits of Cross-Gender Viewing of Inmates

In accordance with IPREA and the Idaho Jail Standards, the _____ County Detention Center staff will ensure that inmates may shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. This includes viewing via the video camera.

The following incidents include, but are not limited to, situations that may be considered exigent circumstances: (Examples only; create you own list)

- (1) Crime in progress;
- (2) Inmate is injured or incapacitated;
- (3) An inmate trying to do self harm;
- (4) An inmate experiencing a psychotic episode;
- (5) Inmate refuses to put clothes on;
- (6) Life is in jeopardy
- (7) Any incident that requires immediate response backup is needed;

Staff members of the opposite gender of those inmates housed in the housing unit are required to announce their presence when entering the housing unit.

§115.15(e) Determining the Genital Status of a Transgender or Intersex Inmate

Staff members, except medical staff, will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, 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.

§115.15(f) Staff Training

The _____ (Put here who will do this; ex: FTO, Training Coordinator, Sergeant, Jail Administrator, etc.) will ensure that security staff receives training on how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates.

All searches will be conducted in a professional and respectful manner and in the least intrusive manner possible.

The training curriculum and rosters of the security staff that completed the training will be kept on file.

All body cavity searches will only be done by medical personnel.

§115.16 - Inmates with Disabilities and Inmates who are Limited English Proficient

§115.16(a) Meaningful Access to Comply with IPREA

The _____ (Put here who will be responsible for this; ex: Jail Administrator, Sheriff, etc.) will ensure that all inmates, including inmates with disabilities or inmates who are limited in English proficiency have meaningful access to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment..

The agency will provide the following: (The following are examples only. List what your agency will provide)

- (1) Informational video in both English and Spanish;
- (2) Inmate Handbook in both English and Spanish;
- (3) IPREA Posters in both English and Spanish;
- (4) Interpreters;
- (5) Access to a language line;
- (6) Staff explaining the information one-on-one to inmates who are illiterate or who are unable to read the information themselves;

- (7) Access to TTY;
- (8) Access to help through sign language;

The agency will regularly check sources such as the language line, TTY, interpreters, etc. to make sure they are continuously available when needed. Access to these sources will be given to the IPREA auditor upon request.

§115.16(b) Inmate Interpreters

The _____ County Detention Center will not use inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations.

In any circumstance where an inmate interpreter, inmate reader, or other inmate assistant is used, a detention deputy will remain with both inmates at all times.

If an inmate interpreter, inmate reader, or other inmate assistant is used, the _____ (Put here who will do this in your agency; ex: Supervisor, Detention Deputy, etc.) will document the use and the reason an inmate was used to assist.

§115.17 - Hiring and Promotion Decisions

§115.17(a) Who May Not Be Hired or Promoted

The _____ County Detention Center will not hire or promote anyone who may have contact with inmates, and will not enlist the services of any contractor who may have contact with inmates, who:

- (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
- (2) Has been convicted of engaging or attempting to engage in sexual abuse in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- (3) Has been civilly or administratively adjudicated to have engaged in the abuse described in paragraph (a) (2) of this section.

§115.1(b) Sexual Harassment

The _____ County Detention Center shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.

§115.17(c) Criminal Background Records Check - Hiring Employees

Before hiring new employees who may have contact with inmates, the _____ County Sheriff's Office will complete a criminal background check and, consistent with Federal, State, and local law, will make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

§115.17(d) Criminal Background Records Check - Contractors

The Sheriff's Office shall also perform a criminal background records check before enlisting the services of any contractor who may have unsupervised contact with inmates.

§115.17(e) Criminal Background Records Checks – Current Employees

The Sheriff's Office shall conduct criminal background records checks at least every five years of current employees and long-term contractors who may have contact with inmates. (You may, instead, have in place a system for otherwise capturing this information for current employees. If you do, please describe in detail the system.)

Documentation of the background records checks of current employees and long-term contractors at five year intervals will be kept on file and made available to the IPREA auditor when requested.

§115.17(f) Direct Interview or Written Applications

The Sheriff's Office will ask all applicants and employees who may have contact with inmates directly about previous misconduct, as described above, in either written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees.

Employees have a continuing affirmative duty to disclose any such misconduct.

§115.17(g) Omissions or False Information

Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds of termination.

§115.17(h) Providing Information on Substantiated Allegations

All requests for information on former employees will be referred to the Sheriff or his/her authorized designee.

The Sheriff, or authorized designee, shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

§115.18 - Upgrades to Facilities and Technology

§115.18(a) Effect on Ability to Protect

When designing or acquiring any new facility and in planning any substantial expansion or modification of the existing facility, the _____ County Detention Center will consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.

§115.18(b) Monitoring Technology

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the _____ County Detention Center will consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

Documentation of any such considerations will be kept on file and made available to the IPREA auditor upon request.