

**JACKSON COUNTY SHERIFF'S OFFICE
PREA POLICIES**

SUBJECT: PRISON RAPE ELIMINATION ACT

NUMBER: PREA 20

EFFECTIVE DATE: December 31, 2021

POLICY:

POLICY STATEMENT

It is the policy of the Jackson County Sheriff's Office Jail Division to provide a safe and secure environment for all inmates. Inmates have the right to be free from all sexual abuse and sexual harassment and the JASO has a "zero tolerance" for such actions. All incidence will be investigated, regardless of whom the alleged victim or alleged perpetrator may be. JASO has implemented a Coordinated Response that includes prevention, detection, response, and prosecution/discipline of assailants. This policy targets sexual abuse and sexual harassment of inmates whether by staff or by other inmates.

DEFINITIONS

Exigent Circumstances: Any set of temporary or unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Intersex: A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

JASO PREA Coordinator: The Jail Sergeant appointed by the Sheriff and Jail Administrator who is tasked to develop, implement, and oversee Departmental efforts to comply with the national PREA standards and coordinated response.

LGBTI: Acronym that refers to those that are gender non-conforming and stands for Lesbian, Gay, Bisexual, Transgender, or Intersex.

PREA: Prison Rape Elimination Act of 2003, codified at 42 U.S.C. 15601, *et seq.*, an act signed into law with the goal of preventing, detecting, and responding to sexual abuse occurring in confinement facilities.

PREA-Related: Relating to a report of investigation of sexual abuse or sexual harassment of an inmate.

SAFE: Acronym for Sexual Assault Forensic Examination, which is conducted by a SANE (Sexual Assault Nurse Examiner) for the purpose of collecting physical evidence following a sexual assault.

SAIR: Acronym for Sexual Abuse Incident Review, a review by the Sexual Abuse Incident Review Board (SAIRB) at the conclusion of every sexual abuse investigation that has been disposed as substantiated or unsubstantiated.

SANE: Acronym for Sexual Assault Nurse Examiner; medical staff specially trained in the examination and collection of forensic evidence pursuant to a sexual assault.

PIU: Acronym for the Jackson County Sheriff's Office PREA Investigative Unit.

Sexual Abuse of an Inmate by Another Inmate: Any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual Abuse of an Inmate by a Staff Member: Any of the following acts, with or without consent of the inmate, that are reported annually to the Bureau of Justice Statistics for the Survey of Sexual Violence:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- Voyeurism by a staff member, contractor, or volunteer.

Sexual Harassment: (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another; (2) repeated verbal comments or gestures of a sexual

nature to an inmate by a staff member including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Staff Member: When used within the context of this policy, staff refers to all employees, contract personnel and volunteers.

Substantiated Allegation: An allegation that was investigated and determined to have occurred.

Transgender: A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Unfounded Allegation: An allegation that was investigated and determined not to have occurred.

Unsubstantiated Allegation: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Voyeurism by a Staff Member: An invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

PROCEDURES

Compliance

- The Jackson County Sheriff's Office (JASO) has designated a PREA Coordinator to oversee agency efforts to comply with PREA standards. The PREA Coordinator shall have overall responsibility for coordinating all elements of the Coordinated Response (see Attachment A) and compliance. The PREA Coordinator reports directly to the Jail Administrator and Sheriff.
- JASO does not contract for placement of the inmates in its custody.
- JASO does not detain inmates solely for civil immigration purposes.

Staffing and Security

- JASO shall develop, document and comply with a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates from sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, JASO shall take into consideration Jackson County and JASO policies and procedures. This will include:

- Generally accepted detention and correctional policies;
 - Any judicial findings of inadequacy;
 - Any findings of inadequacy from federal investigative agencies;
 - Any findings of inadequacy from internal and external oversight agencies;
 - All components JASO's physical plant, including "blind spots" or areas where staff or inmates may be isolated;
 - The composite of inmate population;
 - The number and placement of supervisory staff;
 - Programming occurring on a particular shift;
 - Any applicable state or local laws, regulations, or standards;
 - The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - Any other relevant factors.
- In circumstances where the staffing plan is not complied with, JASO shall document and justify all deviations from the plan.
 - JASO staffing plan shall be reviewed annually by the Sheriff, Jail Administrator, PREA Coordinator and any other pertinent staff.
 - The annual review will include:
 - Discussion of the resources available to commit to adherence to the staff plan;
 - Review of video monitoring equipment to ascertain any potential adjustments to either cameras or DVR system to ensure the safety of all individuals incarcerated in the facility.
 - Any deviations from the staffing plan;
 - The annual Staffing and Video Review form shall be filled out during this meeting, signed and placed in the PREA file for retention.

Inmate Privacy

- Staff shall be aware of inmates' state of undress. The presence of staff of the opposite gender shall be announced prior to entering a housing unit where an inmate would normally be undressed. This announcement shall be called on the radio to control by the individual that made the announcement and shall be logged on the cell check sheet by the individual running the [control](#) board.
- An inmate shall be able to shower and perform bodily functions without nonmedical staff of the opposite gender viewing them, except in exigent circumstances (as defined above, per national PREA standards) or when such viewing is incidental to routine security checks. All video monitoring of individual cells shall maintain a privacy screen to ensure this.

Unannounced Rounds

- All staff and inmates shall be responsible for being alert to signs of potential situations in which sexual abuse or harassment might occur.
- JASO will have intermediate level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. This round shall be documented on the unannounced round sign in sheet located in Control.
- Staff shall be prohibited from alerting other staff members that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility.

Youthful Offenders

- JASO does not house youthful offenders.

Cross Gender Pat Searches and Strip Searches

- JASO prohibits any cross gender pat searches unless exigent circumstances exist.
 - All exigent circumstances will be documented on the [Cross Gender Search Log](#).
- JASO prohibits cross gender strip searches unless exigent circumstances exist.

- All exigent circumstances will be documented on the Cross Gender Search Log.
- JASO prohibits body cavity physical searches. All body cavity physical searches will be done by medical professionals at the Holton Community Hospital.
- JASO prohibits staff from searching transgender or intersex inmates solely for the purpose of determining genitalia.

Hiring and Promoting

- JASO will not hire or promote anyone who:
 - Has engaged in sexual abuse in a prison, jail lock up, community confinement facility, juvenile facility or in the community; or
 - Who has been administratively or civilly adjudicated as having engaged in sexual abuse.
 - 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);
 - Has been convicted of engaging or attempting to engage in sexual activity 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
 - Has been civilly or administratively adjudicated to have engaged in the activity described above.
 - The agency 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.
 - Before hiring new employees who may have contact with inmates, the agency shall:
 - i. Perform a criminal background records check; and
 - ii. Consistent with Federal, State, and local law, 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.
 - iii. The agency shall also perform a criminal background record check before enlisting the services of any contractor who may

have contact with inmates.

- The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.
- The agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- Unless prohibited by law, the agency 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.

Staff PREA Training

- All staff shall complete the training on the NIC (National Institute of Corrections) website, under the category "PREA Your Role in Response to Sexual Abuse" within the first 30 working days of employment.
 - This training shall cover the following topics:
 - i. How to fulfill their responsibilities under sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - ii. Inmates' right to be free from sexual abuse and sexual harassment;
 - iii. The right of inmates and staff to be free from retaliation for reporting sexual abuse and sexual harassment;
 - iv. The dynamics of sexual abuse and sexual harassment in confinement;
 - v. The common reactions of sexual abuse and sexual harassment victims;
 - vi. How to detect and respond to signs of threatened and actual sexual abuse;

- vii. How to avoid inappropriate relationships with inmates;
 - viii. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
 - ix. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- All staff will also receive training on JASO's PREA Policy and Coordinated Response. Staff will sign a training acknowledgment when this training is complete.
 - All staff members shall be trained in cross gender and transgender pat searches as well as sexual abuse and harassment intervention and will sign a training acknowledgement stating they received and understand the training.
 - The PREA Coordinator will maintain copies of all certificates of completion for any PREA training received from NIC, as well as, all signed training acknowledgments on the JASO policy and Coordinated Response.
 - Refresher training shall be provided annually. Training shall include a review of this policy and staff responsibilities to prevent and report sexual assaults, and other relevant PREA-related material. Refresher training will be documented and forwarded to the PREA Coordinator.

Volunteer and Contractor Training

- The facility shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the sexual abuse and sexual harassment prevention, detection, and response policies and procedures. The level and type of training provided to volunteers and contractors shall be based on the services they provide and the level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- The PREA Coordinator shall maintain documentation confirming that volunteers and contractors understand the training they have received.

Required Specialized PREA training

- PREA Investigative Unit (PIU)
 - Investigators investigating incidence inside the jail, shall be required to be certified investigators of PREA incidents per national PREA Standards. This training shall include:

- Training in conducting such investigations in confinement settings.
 - Techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
 - The facility shall maintain documentation that investigators have completed the required specialized training in conducting sexual abuse investigations.
 - Any investigative component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.
- All training certificates shall be forwarded to the PREA Coordinator.
- Medical and Behavioral Staff
 - Medical and behavioral health staff shall be required to take the same PREA training as jail staff and additional training to include the following:
 - How to detect and assess signs of sexual abuse and sexual harassment and preserve physical evidence of sexual abuse.
 - How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
 - How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
 - The facility shall maintain documentation that medical and behavioral health practitioners have received the training.
 - Medical and behavioral health care practitioners shall also receive the training mandated for staff members.
 - All training certificates shall be forwarded to the PREA Coordinator.

Limited English Proficient Inmates

- JASO provides equal opportunity to inmates who not proficient in English to participate in and benefit from all aspects of JASO's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
- JASO provides information in English and Spanish on the following topics:

- JASO's zero tolerance policy; and
- How to report sexual abuse and sexual harassment.
- If an arrestee enters JASO and speaks a language other than English or Spanish, jail staff will:
 - Use the language line for a qualified interpreter; and
 - If that is not available, use google translate to aid in communication.
- Inmates shall not be used as 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 or the investigation of the inmate's allegations.

Visually and Hearing Impaired Inmates

- JASO provides equal opportunity to inmates who visually or hearing impaired to participate in and benefit from all aspects of JASO's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
- For individuals who are visually impaired, JASO staff will read this information;
- For individuals who are hearing impaired, JASO will provide all information in writing. In the event, the individual has questions, JASO does have on staff a staff member who is certified in ASL.

Upgrades to facilities and technology

- If JASO acquires a new facility or expands and modifies the jail, the planning committee will consider the effect of the design, acquisition, expansion, or modification upon JASO's ability to protect inmates from sexual abuse.
- The planning committee will also consider how installing or updating video equipment, electronic surveillance system or other monitoring technology impacts JASO's ability to protect inmates from sexual abuse.

Inmate Education

- Information about department/facility policy and procedure regarding sexual abuse/harassment shall be provided in a manner that is clearly understood by the inmate.
- During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- During the booking process a pamphlet containing the following information is made

available to the individual being processed for housing. Outlining the what is sexual harassment, what is inmate sexually abuse, what is staff sexual misconduct, what to do if you are sexually abused, what happens after you report sexual abuse, how to avoid sexual abuse, and what you should know if you are a perpetrator of sexual abuse.

- Within 30 days of intake, the facility shall provide comprehensive education to inmates in person regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, the facility shall also provide information regarding procedures for responding to such incidents.
- If unforeseen circumstances prevent an inmate from receiving this comprehensive education, JASO will ensure this information is provided as soon as possible.
- All education provided to inmates will be documented including any reasons for the delay in providing this information to inmates.
- In addition to providing such education, the facility shall ensure that key information is continuously and readily available or visible to inmates through posters, handbooks, or other written formats.

Screening for risk of sexual victimization and abusiveness

- All inmates shall be assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
- Intake screening shall ordinarily take place within 72 hours of arrival at the facility.
- Such assessments shall be conducted using PREA Classification Form.
- The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:
 - Whether the inmate has a mental, physical, or developmental disability;
 - The age of the inmate;
 - The physical build of the inmate;
 - Whether the inmate has previously been incarcerated;
 - Whether the inmate's criminal history is exclusively nonviolent;
 - Whether the inmate has prior convictions for sex offenses against an adult or child;
 - Whether the inmate is or is perceived by the screener to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;

- Whether the inmate has previously experienced sexual victimization;
 - The inmate's own perception of vulnerability; and
 - Whether the inmate is detained solely for civil immigration purposes.
- The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.
 - Within 30 days from the inmate's arrival at the facility, the PREA Classification Officer will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.
 - An inmate's risk level shall be reassessed when warranted 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.
 - Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to the PREA Classification form.
 - The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.
 - The PREA screening form shall be placed into the PREA questionnaire box upon completion of the booking process and evaluated by the PREA [Classification Officer](#).
 - [The PREA Classification Officer will:](#)
 - [collect the PREA classification sheets and reeducate Inmates in the following manner:](#)
 - [will visit with the inmate on a one-on-one basis within 30 days of intake.](#)
 - [Using the reeducation form, the PCO shall conduct the reeducation. Including explanation and materials about Our Zero tolerance policy.](#)

Use of screening information

- The PREA Classification form, shall be utilized when selecting housing, work and program assignments. The goal is keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- Individualized determinations about how to ensure the safety of each inmate.
- In deciding whether to assign a transgender or intersex inmate to a either a male or female housing unit, or any programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.
- Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
- A transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration when determining housing assignments.
- Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates regardless of housing assignments.
- The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated cell placement solely on the basis of such identification or status, unless such placement is in a dedicated cell placement in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.
- If the information obtained during the screening indicates sexual abuse of any kind; from either in an institutional setting or in the community. The Screening Officer shall forward the information immediately to the PREA Classification Officer as well as the contracted medical provider for further assessment.

Protective Custody

- Inmates at high risk for sexual victimization or have reported sexual abuse shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If JASO cannot conduct such an assessment immediately, JASO may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.
- Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:
 - The opportunities that have been limited;

- The duration of the limitation; and
- The reasons for such limitations.
- JASO shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.
- If an involuntary segregated housing assignment is made, clear documentation shall be presented with the following:
 - The basis for the facility's concern for the inmate's safety; and
 - The reason why no alternative means of separation can be arranged.
- Every 30 days, JASO shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

Staff Reporting Requirements

- **ALL** Staff shall ***Immediately*** report any knowledge, suspicion, or information regarding any Incident of sexual abuse or harassment, whether it is concerning an inmate or another staff member. Staff may report privately, verbally, by writing or by calling dispatch. Staff may report to their supervisor, Appointing Authority, or PIU privately. Documentation shall be completed by the end of shift.
- Failure to report is a violation of policy and may result in administrative or disciplinary sanctions. Failure to report suspected abuse of an inmate is a Class B Misdemeanor.
- Apart from reporting to designated supervisors, staff shall not reveal any information related to sexual abuse reports to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

Medical and Behavioral Health Reporting

- Medical and behavioral health practitioners are required to report sexual abuse and must inform inmates of their duty to report at the instigation of services.

Inmates Reporting

- There are multiple methods for an inmate to report allegations of sexual abuse or harassment. Allegations may be reported verbally to any staff member or in writing using an Inmate Communication Form on the Kiosk or along with the following confidential methods:

- All inmates are encouraged to report immediately any and all allegations of inmate sexual abuse or sexual harassment.
- Inmates can report through the JASO Sexual Assault Helpline, accessible by dialing 785-486-2694 through any inmate phone free of charge.
 - Calls may be placed anonymously or the caller may provide identifying information at the caller's discretion.
 - Access to and the ability to retrieve messages received through the Helpline shall be restricted to administrative staff.
 - The JASO Sexual Assault Helpline shall be publicized in all JASO Pods through the use of posters, notices, etc.
 - Inmate phones shall have helpline instructions posted in a conspicuous location on or near the phones.
 - Staff, inmate family members or others may report incidents or suspected incidents of sexual abuse by calling 785-468-2694. Allegations of sexual abuse or harassment reported through the third-party hotline shall be confidential and may remain anonymous at the request of the reporting party. These calls shall be referred to the JASO PREA Coordinator, Captain, Undersheriff or Sheriff
- If a victim is considered a vulnerable adult under Kansas law, any incidence shall be reported to the designated state or local agency as required by law.

Grievance Procedures

- Instances of PREA are not grievable occurrences.
- All PREA reports will be taken seriously and addressed immediately.

Response to Sexual Abuse

- Any report of sexual abuse or sexual harassment received by JASO will automatically trigger JASO's Coordinated Response **(See Attachment A)**
- The response shall ensure that alleged victims receive immediate protection from substantial risk of imminent danger of sexual abuse and on-going medical and behavioral health care and support services as well as ensure that investigators are allowed to obtain useable evidence.
- Any inmate who alleges that he or she has been the victim of sexual abuse shall be offered immediate protection from the assailant.
- JASO staff shall not make judgments or assumptions about the credibility of an alleged victim, suspect, or witness of sexual abuse.

- Upon being notified of an allegation of sexual abuse, at a minimum, the alleged victim(s) and perpetrator(s) shall be separated and instructed not to shower, wash hands, use the toilet, brush teeth, use tobacco like products, drink water, or eat a snack. They will also be instructed not to remove any clothing unless instructed to by either PUI or medical staff.
- The PREA Coordinator, Captain, Undersheriff and Sheriff shall be notified,
- If the onsite Nurse is not on duty, a medical protocol shall be initiated and a phone call shall be made to the on-call practitioner.
- The PREA Checklist (see Attachment B) shall be completed for each report, which ordinarily shall be initiated by the Shift Supervisor or person in charge of the shift. For administrative reports, or reports otherwise not reported through the Shift Supervisor, the PREA Checklist shall be completed by the PREA Coordinator.
 - Upon completing all possible fields, the PREA Checklist shall be forwarded to the PREA Coordinator for review, and completion if necessary.

Retaliation monitoring

- Retaliation against inmate or staff who report sexual abuse or sexual harassment or who cooperate with investigations shall be strictly prohibited. JASO shall act promptly upon receiving any report of retaliation.
- Staff shall report any allegations of retaliation to the facility PREA Coordinator either verbally or in writing. Inmates are encouraged to report retaliation as well.
- JASO employs multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged staff or inmate abusers from contact with victims.
- JASO will also provide emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- For at least 90 days following a report of sexual abuse, the JASO shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or.
- Items to monitor include any inmates' disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff.
- Periodic status checks shall be part of the retaliation monitoring process. These status checks shall involve speaking directly to the inmate and shall be initiated by the PREA Coordinator.
- Monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need. All security staff are charged with this monitoring.

- If any other individual who cooperates with an investigation expresses a fear of retaliation, the JASO shall take appropriate measures to protect that individual against retaliation such as housing changes or transfers for victims or abusers, removal of alleged staff or inmate abusers from contact with victims.

The obligation to monitor shall terminate only if the allegation is determined to be unfounded.

Reporting to Other Confinement Facilities

- Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the PREA Coordinator shall notify the Sheriff. The Sheriff will then notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
- Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- **The PREA Coordinator shall document that it has provided such notification.**

Receiving a Report from Other Confinement Facilities

- Upon receiving a report that a former inmate of JASO has reported to another facility that they were a victim of sexual abuse while in JASO custody, JASO such notification shall ensure that the allegation is investigated in accordance with these standards.

Medical and Behavioral Health Response

- Access to medical and behavioral health care shall be provided immediately, upon report or discovery, to victims of sexual abuse. Evaluation and treatment of victims shall include follow up services, a treatment plan, and if necessary. Referrals for continued care shall be offered after an inmate leaves the facility.
- When medically and procedurally appropriate, victims and perpetrators of sexual abuse will be offered an off-site forensic medical exam performed by a certified Sexual Assault Nurse Examiner (SANE), at no cost to the inmate.
- Medical and behavioral health care staff shall contribute to a coordinated response to all allegations of sexual abuse by relaying, to the PCM and/or administrative staff, information pertinent to the well-being of the inmate(s) or for investigative purposes.
- Victims of sexual abuse while incarcerated shall be offered:
 - Emergency contraception and pregnancy tests (when vaginal penetration has occurred) when deemed medically necessary, for female inmates

- Prophylaxis for sexually transmitted infections
- If pregnancy results from sexual abuse while incarcerated at Jackson County Jail, victims shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy related medical services.
- If the PREA Classification Form indicates that an inmate has experienced prior sexual victimization or has previously perpetrated sexual abuse, whether in an institution or in the community, the facility shall offer the inmate follow-up with a medical or behavioral health practitioner within 14 days of the screening.
- JASO shall attempt to conduct a behavioral health evaluation of all known inmate-on-inmate abusers within 60 days of discovery of such abuse history.
- Medical and behavioral health shall maintain secondary materials (e.g., forms, logs) documenting compliance with the PREA Standards and this policy.
- Information related to sexual victimization or abusiveness that occurred in an institutional setting is shared with JASO and is strictly limited to informing security and management decisions, including housing, bed, and work.
- Informed consent shall be obtained from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.
- Medical and behavioral health offers medical and mental health evaluations, as appropriate, treatment to all inmates who have been victimized by sexual abuse in a confinement setting. This shall include follow-up services, treatment plans, and when necessary, referrals for continued care after their transfer or release.
- All medical and behavioral health services related to sexual abuse or sexual harassment are provided to inmates at no cost regardless of whether the victim names the abuser or cooperates with any investigation arising out the incident.

Victim Services: Outside Confidential Support Services

- Victims of sexual abuse shall be provided the brochure on community sexual assault programs, which shall be available through health services staff, Mental Health Services and the PCM. This brochure contains mailing addresses and telephone numbers.
- The JASO shall attempt to provide victims of sexual abuse victim advocacy services from a local YWCA. If this is not possible, efforts shall be made to provide victim advocacy services through a community-based organization or by a qualified staff member. The facility shall document its efforts in doing so.
- JASO shall attempt to provide a victim advocate to support the victim through the forensic medical exam and investigatory processes.
- Inmates will be told the extent to which communication with outside support services are monitored and information on mandatory reporting rules.

Investigations

- All criminal and administrative investigations into sexual abuse and sexual harassment of inmates will be conducted by the JASO PIU. The members of the PIU are certified law enforcement officers in the state of Kansas and have received specialized training on investigating sexual abuse inside a confinement facility.
- The PIU shall be responsible for entering every PREA-related investigation into the PIU Case Log and to follow investigative procedures outlined in JASO Policy #69, Sexual Assaults. This includes gathering and preserving direct and circumstantial evidence.
- When the quality of evidence appears to support criminal prosecution, PIU shall conduct compelled interviews only after consulting the Jackson County Attorney.
- PIU shall assess the credibility of an alleged victim or witness on an individual basis and shall not be determined by the person's status as inmate or staff.
- No inmate who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- PIU administrative investigations shall:
 - Include an effort to determine whether staff actions or failures to act contributed to the abuse;
 - Be documented in a written report that includes a description of the physical and testimonial evidence;
 - The reasoning behind credibility assessments; and
 - Investigative facts and findings.
- PIU criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence.
- The PIU investigator shall upload all pertinent documents and case information into the electronic PIU Case File. Documentation shall include, but not be limited to:
 - Investigative Summary and Report.
 - Interviews, audio recordings, video recordings, photographs, list of evidence, and all other documents and items respective to the case.
 - PREA Checklist.
 - S.A.I.R., if appropriate.
 - Documentation from Medical/Behavioral Health, investigators, SAFE/SANE (if applicable).
 - Documentation of least restrictive housing. if the victim was involuntarily

isolated, shall ensure completion and retention of requirements.

- Documentation of monitoring retaliation.
- Documents and processes, gathered or facilitated by the PREA Coordinator, shall be forwarded electronically to PIU for inclusion in the electronic case file.
- PIU will not terminate an investigation if an alleged abuser or victim departs from JASO. This includes staff and inmates.
- PIU will impose a standard of a preponderance of the evidence or a lower standard of proof when determining whether allegations of sexual abuse or sexual harassment.
- The Jackson County Jail shall retain ALL investigative files; for at minimum the continued term of the perpetrator's incarceration or employment plus five years.

Disciplinary sanctions for staff

- Perpetrators of sexual abuse shall be disciplined and/or referred for prosecution.
- Disciplinary actions on staff shall be commiserate with the nature of the acts committed. Staffs' disciplinary history and the disciplinary actions imposed on other staff members with similar offenses and that terminations or resignations of staff who have violated the PREA policy are reported to law enforcement (unless the offense is not criminal) and any relevant licensing agency. (~~28 C.F.R. §§ 115.76 and 115.376~~)
- 4. All instances where sexual abuse is not unfounded (whether substantiated or unsubstantiated) through an appropriate investigation, shall be reviewed by a Sexual Abuse Incident Review Team pursuant to IMPP 12-118. (~~28 C.F.R. §§ 115.86 and 115.386~~)

Corrective Action for Contractors and Volunteers

- Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
- The facility shall take appropriate remedial measures and shall 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.

Disciplinary sanctions for inmates

- Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
- Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- The inmate shall be referred to Medical and Mental Health Services for potential interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.
- JASO may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- Non coerced sexual encounters between inmates do not constitute PREA violations. These acts are not permissible in the Jackson County Jail but are not PREA violations.

Reporting to Inmates

- Following an investigation of sexual abuse, the PIU shall inform the inmate of the disposition of the investigation (substantiated, unsubstantiated, or unfounded) in writing using the Inmate notification form.
- Following the report of staff sexual abuse of an inmate, JASO shall inform the inmate (unless it is determined to be unfounded) when:
 - The staff member is no longer employed at the facility; and/or
 - The staff member has been indicted on a charge related to sexual abuse within the facility.
- Following the report of inmate sexual abuse of another inmate, JASO shall inform the inmate when:

- The alleged abuser is indicted on a charge related to sexual abuse within the facility;
- The alleged abuser is convicted on a charge related to sexual abuse within the facility.
- At the conclusion of the investigation, these status updates shall be completed by the PIU investigator and formalized in writing.
- JASO shall no longer have this obligation to report once the inmate is released from the agency's custody.
- The JASO Jail Division shall make an effort to establish Memorandums of Understanding with local rape crisis/victim advocate centers in an effort to coordinate forensic medical exams, victim advocacy services, etc.

Inmate Sexual Activity

- Upon receiving a report or observing sexual activity between inmates, staff shall intervene and immediately notify the Shift Supervisor.
- If there is any indication of any form of threat, coercion, and/or payment of debts, the incident will be reported to the PREA Coordinator. A coordinated response shall be initiated and the investigation, shall ensue.
- If the investigation determines sexual activity was consensual between the inmates, appropriate disciplinary action shall be taken.

Sexual Abuse Incident Reviews

- JASO conducts sexual abuse incident review at the conclusion of ever criminal or administrative sexual abuse investigation unless the allegation has been determined to be unfounded.
- The reviews are conducted within 30 days of the conclusion of the criminal or administrative sexual abuse investigation.
- The review team consists of the Sheriff, Undersheriff, Jail Captain, Investigator and PREA Coordinator.
- The PREA Coordinator will prepare a report of the review teams findings, including but not necessarily limited to determinations made to:
 - Consider whether the allegation or investigation indicates a need to change

policy or practice to better prevent, detect, or respond to sexual abuse;

- Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - Assess the adequacy of staffing levels in that area during different shifts;
 - Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - Prepare a report of its findings.
- JASO will implement, when feasible, the recommendations for improvement. JASO will document the reasons as to why the improvements were not implemented.

Data and Documentation

- The JASO PREA Coordinator shall, on an annual basis, review and analyze the aggregated data to assess compliance with the national PREA standards and to improve the effectiveness of the sexual abuse prevention and intervention program
- Jackson County Jail administration shall review data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies and training, Including:
 - Identifying problem areas;
 - Taking corrective actions on an ongoing basis; and
 - Preparing an annual report of its findings from data review and any corrective actions for the facility.
- Aggregated data will be presented in an annual report that includes a comparison of the current year's data and corrective actions with those from prior years.
- JASO will redact material from the annual report before publishing the report. Redactions will be limited to specific materials where publication would present a clear and specific threat to the safety and security of the jail and personal identifiers.

- JASO shall maintain sexual abuse data collected for at least 10 years after the date of initial collection.

REPORTS REQUIRED

None.

REFERENCES

42 U.S.C. 15601, *et seq.*,

28 C.F.R. §§ 115.5, 115.11, 115.13, 115.14,	115.15 115.21, 115.31, 115.32, 115.33 115.35, 115.41,	115.42,		
115.43, 115.53, 115.54, 115.61, 115.63, 115.67, 115.68, 115.76, 115.81, 115.86,		115.311,	115.313,	115.315
115.321, 115.331, 115.332, 115.333, 115.335,	115.341, 115.342, 115.353, 115.354,	115.361,	115.363,	116.367,
115,363, 115.376, 115.381, 115.386				
K.S.A. 2008 Supp. 22-4614; 59-29a01 <i>et seq.</i>				

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Coordinated Response	5 pages
B	PREA Checklist	1 page