

# JOHNSON COUNTY DETENTION CENTER

PREA POLICY

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# Mission Statement's

## Johnson County Sheriff's Office

The Mission of the Johnson County Sheriff's Office is to enhance the quality of life in our community by building a partnership based upon fair, courteous, efficient public service and respect. We are committed to the prevention of crime and public safety of our people and property. We strive to continue to develop strategies to increase our effectiveness in assisting our community with problem solving. We nurture public trust and pledge to hold ourselves to the highest standards of performance, integrity, and ethics.

## Johnson County Detention Center

The Mission of the Johnson County Detention Center is Community Safety. The Detention Center houses both pretrial and sentenced inmates in a safe, secure, and legally based environment. Inmates are provided with opportunities to address the underlying cause(s) of their criminal behavior with the goal of preventing recidivism. In addition to community safety, the Center provides a revenue source for the County by partnering with outside governmental agencies to house inmates.

# Johnson County Detention Center PREA Policy

## 1. PURPOSE

**A.** The Johnson County Sheriff's Office is committed to Zero Tolerance of any form of sexual abuse and sexual harassment in the Johnson County Detention Center. The Johnson County Sheriff's Office does not contract with other facilities for the confinement of inmates. The Wyoming Department of Corrections and the US Marshal's Service does contract with the Johnson County Sheriff's Office to hold their inmates.

The purpose of this policy is to describe the Detention Center's Policy of zero tolerance toward all forms of sexual abuse and sexual harassment; and to outline the Detention Center's approach to preventing, detecting, and responding to sexual abuse and harassment.

**B.** The scope of this policy applies to offender-on-offender and staff-on-offender sexual abuse and misconduct.

## 2. ZERO TOLLERANCE POLICY [DOJ 115.11(a)]

The Johnson County Detention Center mandates zero tolerance toward all forms of sexual abuse and sexual harassment. The Detention Center also mandates zero tolerance for retaliation for reporting such incidents. Sexual abuse of an inmate, sexual harassment of an inmate, and retaliation for reporting such incidents is prohibited.

### **A. Definitions:**

"Inmate" means any person incarcerated or detained in the Johnson County Detention Center;

"Staff" means a Johnson County Sheriff's Office employee.

"Contractor" means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

"Volunteer" means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the Johnson County Detention Center.

"Consent" refers to cooperation in act or attitude pursuant to an exercise of free will and with full understanding of the nature of the act. Inmates cannot consent to sexual contact with staff members, volunteers or contractors.

"Exigent circumstances" are circumstances that would cause a reasonable person to believe that action (ex. search of an inmate) is necessary to prevent physical harm to the deputy or other persons, the destruction of relevant evidence, the escape of the inmate, or another significantly adverse consequence.

When the term Detention Center is used in this Policy manual, it is synonymous with the Johnson County Detention Center.

## **B. Sexual Abuse:**

- I. "Sexual Abuse" includes: sexual abuse of an inmate by another inmate; and sexual abuse of an inmate by a staff member, contractor, or volunteer.
- II. Sexual abuse of an inmate by another inmate includes any of the following acts if the victim does not consent, is coerced into such an 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 buttock of another person, excluding contact incidental to a physical altercation.
- III. Sexual abuse of an inmate by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate:
  - 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 (a) through (e) of this sections;
  - Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
  - Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means 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.

### **C. Sexual Harassment:**

- I. "Sexual harassment" includes sexual harassment of an inmate by another inmate; and sexual harassment of an inmate by a staff member, contractor, or volunteer.
- II. Sexual harassment of an inmate by another inmate includes, but is not limited to:
  - Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward another.
- III. Sexual harassment of an inmate by a staff member, contractor, or volunteer includes, but is not limited to:
  - Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

### **D. Consent:**

- I. A clear and unambiguous agreement, expressed outwardly through mutually understandable words or actions, to engage in a particular activity.
- II. Consent can be withdrawn by either party at any point.
- III. Must be voluntarily given and may not be valid if a person is being subjected to actions or behaviors that elicit emotional, psychological, physical, reputational, financial pressure, threat, intimidation, or fear (coercion or force).
- IV. Consent to engage in one sexual activity, or past agreement to engage in a particular sexual activity, cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity.
- V. Consent cannot be validly given by a person who is incapacitated.
- VI. **Consent is not a defense** – It is the policy of the Johnson County Detention Center that an inmate is not able to give "consent" to sexual misconduct with staff, including but not limited to employees, contract personnel and volunteers.  
Wyoming law makes it a criminal act for an employee of Johnson County Detention Center to engage in sexual activity with an inmate. (See W.S. §6-2-301, *et seq.*, specifically 6-2-303 (a) (vii).) The Detention Center shall report all suspected criminal activity to the proper authorities. In cases involving staff sexual misconduct against inmates, the Detention Center reserves the right to also take appropriate administrative personnel action regardless of any criminal disposition.

### **3. PREA COORDINATOR [DOJ 115.11(B)]**

The Johnson County Detention Center has designated a PREA Coordinator with sufficient time and authority to develop, implement, and oversee its efforts to comply with the PREA standards. The PREA Coordinator shall be the Jail Administrator or someone designated by that person, in writing. Please see **Appendix A** at the end of this Policy manual for our PREA Coordinator Assignment Form.

Should the assigned PREA Coordinator be unable to fulfill the duties of the position, resign from the position of PREA Coordination, resign from the agency, or be terminated from the agency, the duties of the PREA Coordinator shall revert to the Jail Administrator until a new PREA Coordinator is assigned.

### **4. PREVENTING AND DETECTING SEXUAL ABUSE AND HARASSMENT [DOJ 115.13]**

#### **A. Staffing Plan/Video Monitoring [DOJ 115.13]:**

- I. In the process of creating and revising a staffing plan to provide for adequate levels of staffing and video monitoring to protect inmates against sexual abuse, the Detention Center shall ensure that the following factors are taken into consideration:
  - Generally accepted detention and correctional practices;
  - Any judicial finding of inadequacy;
  - Any findings of inadequacy from Federal investigative agencies;
  - Any findings of inadequacy from internal or external oversight bodies;
  - All components of the facility's physical plan;
  - The compositions of the inmate population
  - The number and placement of supervisory staff;
  - Programs 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.
- II. The Detention Center shall make its best efforts to comply with the staffing and video monitoring plan and, in circumstances where it is not complied with, shall document and justify all deviations.
- III. At least once every year, and in collaboration with the PREA Coordinator, the Detention Center shall conduct an assessment to determine whether adjustments are needed to the staffing plan and the deployment of video monitoring systems and other technologies.
- IV. The Detention Center staffing plan is attached to this policy manual for review. Please see **APPENDIX B** at the end of this Policy manual.

## **B. Unannounced Rounds [DOJ 115.13 (d)]:**

- I. Intermediate and higher level supervisors (Sheriff, Undersheriff, Jail Administrator, and Sergeant) shall conduct and document unannounced rounds every month. These rounds will cover all shifts, and all areas of the facility, to identify and deter staff sexual abuse or harassment.

Staff members who are aware of these rounds are prohibited from alerting other detention staff as to when or where these rounds are occurring, unless necessary for the legitimate operational needs of the facility.

- II. The PREA Coordinator shall determine how and when the unannounced rounds will be conducted and shall review all documentation from the rounds.

## **C. Youthful Inmates [DOJ 115.14]:**

- I. A youthful inmate (defined as any person under the age of 18 who is under adult court supervision and incarcerated or detained in jail) will not be placed in a housing unit in which they may have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.
- II. In areas outside of housing units, the Detention staff will ensure that youthful inmates are sight and sound separated from adult inmates at all times.
- III. The Detention Center is not a Juvenile Holding facility. Policies and Procedures are in place to temporarily hold a juvenile while awaiting release to a parent or guardian, or transport them to a Juvenile Holding Facility. Please see **Appendix C** at the end of this Policy manual for our Youthful Offenders Policy.

## **D. Cross Gender Viewing and Searches/Searches of Transgender Inmates [DOJ 115.15]:**

- I. **Strip Searches:** The Detention Center shall not conduct cross-gender strip searches (meaning a search that requires a person to remove or arrange clothing so as to permit a visual inspection of their breasts, buttocks, or genitalia) or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in **exigent circumstances** or when performed by a medical practitioner.

If, due to **exigent circumstances**, a Detention deputy conducts a cross-gender strip search or cross-gender visual body cavity search, the deputy conducting the search will document the date, time, name of inmate, name of the deputy conducting search, and the exigent circumstance requiring the search in a formal RIMS Report.

- II. **Body Cavity Search:** When a detention deputy has \* reasonable cause to believe that an inmate is hiding an object in a body cavity, the deputy will arrange for a medical practitioner to conduct the body cavity search of the inmate. A Detention deputy or medical staff member of the same sex as the inmate will be present while the medical practitioner conducts the body cavity search. \* The greater the scope of intrusion of a search, the greater must be the justification for conducting the search.

“Medical practitioner” means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice.

- III. **Pat-down Searches:** The Detention Center shall not permit cross-gender pat-down searches (A running of the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband) of female inmates, **absent exigent circumstances**. The facility shall not restrict female inmates’ access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

All Detention Center deputies will be trained on how to properly conduct Cross Gender Pat-down searches of inmates. Documentation of this training will be maintained by our PREA Coordinator.

The Detention Center is a small jail in a small community. We have a limited number of female deputies employed at the Detention Center, and there are times when a female deputy is not on duty to conduct a necessary pat-down search of a female inmate. This fact alone creates an **exigent circumstance** requiring a male deputy to conduct the pat-down search of a female inmate to prevent contraband, especially weapons or drugs, from entering the Detention Center.

If, due to exigent circumstances, a male deputy conducts a pat-down search of a female inmate, the deputy conducting the search will document the following on the *Cross Gender Pat-Down Search Log*:

- Date;
- Time;
- Name of inmate being searched;
- Name of the deputy completing the search;
- Location of the search;
- Exigent circumstance requiring the search.

A detention supervisor (Corporal) will review the *Cross Gender Pat-Down Search Log* and capture the video of the search, when available, and place it in the appropriate file maintained by the PREA Coordinator.

- IV. Transgender Searches:** Detention deputies shall not conduct a search of a transgender or intersex inmate solely for the purpose of determining 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.

Note: “Transgender” means a person whose gender identity (internal sense of feeling male or female) is different from the person’s assigned sex at birth. “Intersex” means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit the typical definitions of male or female.

- V. Viewing [DOJ 115.15 (d)]:** The Detention Center enables inmates to shower, perform bodily functions, and change clothing without Detention 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 or video supervision. Detention staff will document any exigent circumstances requiring them to view the breasts, buttocks, or genitalia of an inmate of the opposite sex.

Staff members shall announce their presence when entering a cell block housing inmates of the opposite gender.

**E. Inmates with Disabilities or Who Have Limited English Proficiency [DOJ 115.16]:**

**I. Disabled Inmates [115.16 (a)]:**

- The Detention Center shall take appropriate steps to ensure that inmates with disabilities have an equal opportunity to benefit from all aspects of the Detention Center’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include – when necessary to ensure effective communication with inmates who are deaf or hard of hearing – providing access to interpreters who can interpret effectively, accurately, and impartially.
- In addition, the Detention Center shall ensure that written materials are provided in formats and through methods that ensure effective communication with inmates with disabilities.

**II. Inmates Who Have Limited English Proficiency [DOJ §115.16(b)]:**

To assist inmates with limited English proficiency, the Detention Center maintains a list of volunteer interpreters who can interpret effectively, accurately, and impartially. With the assistance of the interpreter, the Detention Center shall ensure inmates with limited English proficiency have meaningful access to all aspects of our efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

Detention staff may need to use a translation application to ensure inmates with limited English proficiency have meaningful access to all aspects of our efforts to prevent, detect, and respond to sexual abuse and sexual harassment if our volunteer interpreter is not fluent in the language of the inmate.

- III. Use of Inmate Interpreters [DOJ §115.16(c)]:** The Detention Center does not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where extended delay in obtaining a volunteer interpreter could compromise an inmate's safety, the performance of first-responder duties, or the investigation of an inmate's allegations.

## **F. Screening of Inmates:**

### **Screening for Risk of Victimization and Abusiveness [DOJ §115.41]:**

#### **I. Initial Assessment:**

During the initial Booking into the Detention Center, all inmates are assessed for their risk of being sexually abused by other inmates and sexually abusive toward other inmates. This assessment is initiated upon the arrestee's arrival at the Detention Center, and completed within 2 to 24 hours depending on the arrestee's sobriety and cooperation.

The Detention Center uses an objective screening instrument to complete this assessment and considers the following criteria to assess the inmate's risk of sexual victimization:

- The age of the inmate;
- The physical build of the inmate;
- Previous incarceration;
- Participated in consensual sex while incarcerated?
- If the inmate is, or perceived to be, gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- A previous victim of sexual abuse/assault in a correctional facility;
- A previous victim of sexual abuse/assault outside a correctional facility;
- The inmate's perception of their vulnerability to sexual abuse or sexual harassment;

The objective screening instrument considers the following criteria, as known to the Detention Center, to assess the inmate's risk of being sexually abusive:

- Whether the inmate's criminal history is exclusively nonviolent;
- Whether the inmates has a history of institutional predatory sexual behavior;
- Prior convictions for sexual abuse/assault, physical abuse, or domestic violence toward others.
- Gang affiliation;
- An institutional history of strong-arming or assaults;
- An institutional history of sexual taunting toward staff or inmate;
- Whether the inmate is detained solely for civil immigration purposes.  
\* The Detention Center does not hold inmates solely for civil immigration purposes.

## **II. Secondary Assessment:**

Within 10 days, the Detention Nurse shall reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the Detention Center since the Initial Assessment.

An inmate's risk level shall be reassessed when warranted due to 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 related to:

- Whether the inmate has a mental, physical, or developmental disability;
- Whether the inmate is or perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- Whether the inmate has previously experienced sexual victimization;
- The inmate's perception of his or her own vulnerability to sexual abuse or sexual harassment.

The Detention Center has appropriate controls on the dissemination of responses to questions asked pursuant to this policy in order to ensure that sensitive information is not exploited to the inmate's detriment by detention staff or other inmates.

## **III. Use of Information Obtained from Screening [DOJ §115.42]**

- Detention deputies, in consultation with a supervisor, shall use information from the Initial Assessment, criminal history, behavioral observations, PREA Sexual Predator/Vulnerability Screening form, and all additional relevant information including their training and experience to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- Inmate's reporting a history of sexual victimization or sexual abusiveness towards others during their initial assessment will be referred to Medical for follow-up with mental health.
- In deciding whether to assign a transgender or intersex inmate to a cell block for male or female inmates, and in making other housing and 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.

- Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
- The Detention Center shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated cell blocks solely on the basis of such identification or status unless pursuant to a legal settlement or judgment.

#### **IV. Medical and Mental Health Screenings [DOJ §115.81]**

- If the Initial or Secondary Assessment indicates that an inmate has experienced prior sexual victimization, whether in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the screening.
- If the Initial or Secondary Assessment indicates that an inmate has a history of predatory sexual behavior, whether in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the screening.
- Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and detention staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments.
- Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

### **G. Protection of Inmates Facing Substantial Risk**

- I. Upon Learning of Substantial Risk [DOJ §115.62]** When the Detention Center learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

Detention Staff First Responder will:

- Take immediate action to protect the inmate from imminent harm, if necessary.
- Gather basic information about the risk of imminent sexual abuse.
- Notify a detention supervisor or the Jail Administrator.

The Supervisor or Jail Administrator will:

- Review information related to the potential risk of imminent abuse to the inmate.
- If the Risk of imminent sexual abuse is credible, determine what additional actions should be taken to protect the inmate from harm.

**II. Emergency Grievances [DOJ §115.52 (f)]** The Detention Center has an establish procedure for inmates to file an emergency grievance alleging that they are subject to a substantial risk of imminent sexual abuse.

After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the Detention deputy shall:

- Take immediate action to protect the inmate from imminent harm, if necessary. Immediately forward the grievances (or any portion of it that alleges the substantial risk of imminent sexual abuse) to a Detention supervisor.
- Provide an initial response within 48 hours; and
- Issue a final decision within five (5) calendar days.

The initial response and final decision shall document the Detention Center's determination of whether the inmate is at substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

**III. Protective Custody [DOJ §115.43]**

Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless the Detention Center has assessed all available alternative means of separation from likely abusers.

If the Detention Center cannot conduct such an assessment immediately, the facility 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 fullest extent possible.

If the Detention Center restricts an inmate's access to programs, privileges, education, or work opportunities due to Protective Custody housing, the following will be documented:

- The opportunities that have been limited;
- The duration of the limitations; and
- The reasons for such limitations.

The Detention Center shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged. Such an assignment shall not ordinarily exceed a period of 30 days.

If an involuntary segregated housing assignment is made pursuant to this section, the facility shall clearly document:

- 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, the facility shall conduct a review to determine whether there is a continuing need for separation from the general population (Protective Custody).

## H. Hiring and Promotion Practices [DOJ §115.17]

- I. The Detention Center shall not hire or promote anyone who may have contact with inmates, or retain the services of any volunteer or contractor who may have contact with inmates, who:
  - Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; or
  - Has been convicted of, or civilly or administratively adjudicated for, engaging or attempting to engage in sexual activity in the community facilitated by force, threats of force, or coercion or if the victim did not consent or was unable to consent.
- II. The Detention Center shall consider any incident of sexual harassment in determining whether to hire or promote anyone, or to retain the services of any contractor or volunteer, who may have contact with inmates.
- III. Prior to hiring a new employee who may have contact with inmates, the Detention Center shall:
  - Perform a criminal background records check; and
  - Make its best efforts to contact all prior employers for information on substantiated allegations of sexual abuse, or any resignation during a pending investigation of an allegation of sexual abuse.
- IV. The Detention Center shall also perform a criminal background records check before retaining the services of any contractor or volunteer who may have contact with inmates.
- V. The Detention Center shall conduct criminal background records checks at least every five years for all current employees, contractors, and volunteers who may have contact with inmates.
- VI. The Detention Center shall ask all applicants and employees who may have direct contact with inmates about previous sexual misconduct in:
  - Written applications and/or interviews for hiring or promotion; and
  - Interviews or written self-evaluations conducted as part of reviews of current employees.
- VII. All Detention Center employees, contractors, and volunteers have a continuing affirmative duty to disclose any misconduct related to sexual abuse and sexual harassment.
- VIII. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- IX. Unless prohibited by law, the Detention Center 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 for work.

## **I. Upgrades to Facilities and Technologies [DOJ §115.18]**

- I. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Detention Center shall consider the effect of the design, acquisition, expansion, or modification on its ability to protect inmates from sexual abuse.
- II. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Detention Center shall consider how such technology may enhance its ability to protect inmates from sexual abuse.

## **5. RESPONDING TO REPORTS OF SEXUAL ABUSE AND SEXUAL HARASSMENT**

To respond to reported incidents of sexual abuse, the Detention Center has adopted and implemented the following procedures:

### **A. Procedures for Reporting Sexual Abuse and Sexual Harassment**

- I. Inmate Reporting [DOJ 115.51 (a), (b), and (c)]:

The Detention Center provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse or sexual harassment, and staff neglect that may have contributed to such incidents. You may also submit a report on someone's behalf, or someone at the facility can report for you using the ways listed below. Inmates may report concerns:

- Directly to a detention staff member, volunteer, jail nurse, or mental health professional.
- By calling the Johnson County Family Crisis Center at 307-684-2233
- Contacting the JCDC PREA Coordinator through the inmate Kiosk.
- By submitting an Emergency Grievance.
- By telling a family member, friend, legal counsel, or anyone else outside the Detention Center. They can report on your behalf by calling 307-684-2233.

The Detention Center also provides at least one way for inmates to report abuse, harassment, retaliation, and staff neglect to a public or private entity that is not part of the facility, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates may report concerns:

- The Buffalo Police Department @ 307-684-5581
- The Johnson County Family Crisis Center @ 307-684-2233
- Volunteers of America, Northern Rockies @ 307-684-5531

Detention staff shall accept reports made verbally, in writing, and anonymously. Staff shall promptly document any verbal reports.

## **Inmate Grievances [DOJ §115.52 (a), (b), (c), (e) and (g)]:**

- The Detention Center shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
- The Detention Center shall not require an inmate to use any informal grievance process, or otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
- The Detention Center shall ensure that an inmate who alleges sexual abuse may submit a Grievance without submitting it to a staff member who is the subject of the complaint, and that the grievance is not referred to a staff member who is the subject of the complaint.
- The Detention Center shall issue a **final decision** on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.
- The Detention Center may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The Detention Center shall notify the inmate in writing of any such extension and provide a date by which a decision shall be made.
- At any level of the administrative process, including the final level, if the inmate does not receive a response within allotted time for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
- The Detention Center may discipline an inmate for filing a grievance related to alleged sexual abuse only when the Detention Center demonstrates that the inmate filed the grievance in bad faith.

## **II. Staff Reporting Rules [DOJ 115.51(d) and 115.61]**

- Any staff member who has knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against inmates or staff who reported such an incident; and any staff neglect that may have contributed to such incident or retaliation, shall immediately report such incident or retaliation to a detention supervisor or the PREA Coordinator.
- Apart from reporting to designated supervisors or the PREA Coordinator, detention staff shall not reveal any information related to a sexual abuse report to anyone except as specified by Johnson County Sheriff's Office Policy.

Note: Medical and mental health practitioners shall report knowledge, suspicion, or information regarding sexual abuse, sexual harassment, retaliation, or staff neglect pursuant to this section. This information is provided to inmates, in writing, at intake.

- The Detention Center shall provide a method for staff to privately report sexual abuse or sexual harassment of inmates [DOJ §115.51(d)]. Detention staff may report concerns directly to an Internal Affairs Officer (Jail Administrator and Undersheriff) or the Johnson County Sheriff Rod Odenbach. To ensure privacy, information will only be shared with other officials on a need-to-know basis.

III. Rules for Third Parties to Report Abuse and to Assist Inmates with Grievances [DOJ 115.51(c), and 115.51(e), and 115.54]

- The Detention Center has an established method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.
- All Sheriff's Office staff shall accept reports made verbally, in writing, and anonymously from third parties and shall promptly document any verbal reports in a RIMS Report/Case. This will begin the formal investigation of the report.
- Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies (Formal Grievance) relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.
- If a third party files such a request on behalf of an inmate, the Detention Center requires as a condition of processing the request that the alleged victim agrees to have the request filed on his or her behalf. The Detention Center also requires the alleged victim to personally pursue any subsequent steps in the administrative remedy process. If the inmate declines to have the request processed on his or her behalf, the Detention Center shall document the inmate's decision.

**B. Coordinated Response [DOJ §115.65]**

The Detention Center has a written plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. Please see **Appendix D** at the end of this Policy manual for our PREA Coordinated Team Response Plan.

**C. Immediate Steps After Receiving Report of Incident [DOJ §115.64 and §115.82(b)]**

- I. When a detention deputy first-responder learns that an inmate has been sexually abused/assaulted, they shall take immediate action to protect the inmate. This includes:
- Separate the alleged victim(s) and perpetrator(s).
  - Escort the alleged inmate perpetrator to a secure location with restricted access to a toilet or water (Professional Visit Room), if possible. If it is necessary to place the suspect in a Booking cell, turn off water and advise the suspect not to do drink, urinate, defecate or do anything that will destroy evidence. No food, drink, access to personal hygiene activities, or clean jail clothing will be provided until authorized by the Investigator. If more than one suspect, isolate each suspect.
  - If the victim(s) requires emergency medical care, contact Dispatch and request an ambulance. Provide necessary first aid and accompany the victim(s) to the hospital.
  - If emergency medical care is not necessary, escort the alleged victim(s) to the Medical Room and stay with them. Advise the victim(s) that they will be unable to shower, brush teeth, urinate, defecate, eat, drink, change clothes or anything that will destroy evidence until they can be medically assessed.
  - Place the Detention Center on lockdown, and secure the crime scene.

- Notify a detention supervisor and the Jail Administrator.
- Start a RIMS report.
- Share information related to the incident only with those people who need to know in order to ensure the victim's safety, conduct the investigation, or provide treatment to the victim or alleged perpetrator.

II. If the unlikely event that the first responder is not a detention deputy, they shall immediately request that a detention deputy respond to the scene without delay.

Note: The Department of Justice (DOJ) defines "first responder" as the staff person (or persons) who first arrive at the scene of an incident.

#### **D. Medical and Mental Health Services**

The Detention Center shall maintain, or attempt to enter into, a memoranda of understandings (MOU) or other agreements with community service providers that are able to provide inmates with confidential Mental Health services related to sexual abuse. The agency shall maintain copies of agreements or documents showing attempts to enter into agreements.

I. Emergency [DOJ 115.82]

- Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care, where medically appropriate.
- Treatment services shall be provided to the victim – without financial cost to the victim – and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

II. Ongoing Medical and Mental Health Care [DOJ §115.83]

Victims:

- The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been sexually abused in a prison, jail, lockup, community corrections facility, or juvenile justice facility.
- The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- The facility shall provide such victims with medical and mental health services consistent with the community level of care.
- Inmate victims of sexual abusive vaginal penetration while incarcerated shall be offered pregnancy tests, as medically necessary.

- If pregnancy results from the conduct described in this section, victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services, such as prenatal care.
- Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate.
- Ongoing treatment services shall be provided to the victim without financial cost to the victim and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Abusers:

- The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been sexual abusers in a prison, jail, lockup, community corrections facility, or juvenile justice facility.
- The evaluation and treatment of such abusers shall include, as appropriate, follow-up services, treatment plans, and referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- The facility shall offer such abusers with medical and mental health services consistent with the community level of care.
- Inmate abusers while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate.

## **E. Support Services for Victims of Sexual Abuse**

The Detention Center shall maintain, or attempt to enter into, a memoranda of understanding (MOU) or other agreements with community service providers that are able to provide inmates with advocacy and confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documents showing attempts to enter into agreements.

### **I. Victim Advocate [DOJ §115.21 (d) (e) and (h)]**

- The Detention Center shall attempt to make available to the victim an advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocacy services, the Detention Center shall make available a qualified staff member from a community-based organization, or a qualified agency staff member to provide these services.

Note: A “qualified agency staff member” or “qualified community-based staff member” means an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examinations issues in general.

- When requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff-member shall accompany the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

II. Emotional Support Services [DOJ §115.53]

- The Detention Center shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers, where available, of local, State, or national victim advocacy or rape crisis organizations, and for persons detained solely for civil immigration purposes, immigration services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.
- The Detention Center shall inform inmates, prior to giving them access to outside advocates, or the extent to which such communications shall be monitored and the extent to which reports of abuse shall be forwarded to authorities in accordance with mandatory reporting laws.

**F. Investigation of Incidents [DOJ §§115.21(a)(b)(c)(f) and (h), 115.22, 115.71, 115.72, 115.73 and 115.86]**

- I. The Detention Center shall ensure that an Administrative or Criminal Investigation is completed for all allegations of sexual harassment and sexual abuse.
- II. It is the Detention Center's policy to ensure that allegations of sexual harassment or sexual abuse are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The Detention Center shall publish this policy on its website at [[www.johnsoncountywyoming.org](http://www.johnsoncountywyoming.org)] and make the policy available through other means upon request. The Detention Center shall document all such referrals.
- III. The Johnson County Sheriff's Office/Detention Center does not conduct its own investigations into allegations of sexual abuse/assault that occur in the Detention Center. All allegations of sexual assault, abuse, and voyeurism will be investigated by the **Buffalo Police Department's** Investigator. Allegations of sexual harassment will be investigated by the **Johnson County Sheriff's Office** Investigator. All investigations will be done promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- IV. The Detention Center shall maintain, or attempt to enter into, a memoranda of understanding (MOU) or other agreements with the Buffalo Police Department to conduct all investigations regarding sexual assault/abuse that occur within the Detention Center. The agency shall maintain copies of agreements or documents showing attempts to enter into agreements.
- V. Where sexual abuse is alleged, the Buffalo Police Department shall use investigators who have received special training in Sexual Abuse Investigations pursuant to Section 6.A. (Employee Training) of this policy.

- VI. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual assault/abuse involving the suspected perpetrator.
- VII. When the quality of evidence appears to support criminal prosecution, the Investigator shall conduct compelled interviews only after consulting with the County Attorney as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- VIII. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate or detention staff member. The Detention Center or the Investigator shall not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation.
- IX. Administrative Investigations:
- Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
  - Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
  - Shall be referred for prosecution if there are substantiated allegations of conduct that appear to be criminal.
  - The Detention Center shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated in administrative investigations.
- X. Criminal Investigations: Shall be documented in a written RIMS report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible; and
- XI. The Detention Center shall retain all written reports by this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
- XII. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
- XIII. The Detention Center shall cooperate with the Investigator from the Buffalo Police Department during investigations of sexual abuse, and will endeavor to remain informed about the progress of the investigation.

XIV. Evidence Protocol and Forensic Medical Exams [DOJ §115.21]:

- The Buffalo Police Department investigates allegations of sexual abuse, and shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- The Detention Center shall offer all victims of sexual abuse access to forensic medical examinations, without financial cost to the victim, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs), when possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The Detention Center shall document its efforts to provide SAFEs or SANEs for this purpose.
- The Detention Center shall maintain, or attempt to enter into, a memoranda of understanding (MOU) or other agreements with the Johnson County Health Care Center to conduct forensic medical examinations, without financial cost to the victim, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs), when possible.
- The Johnson County Sheriff's Office shall monitor to ensure that the Buffalo Police Department follows the requirements of this section.

XIV. Victim Notification: Following an investigation into an inmate's allegation that he or she suffered sexual abuse, the Detention Center shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. All such notifications or attempted notifications shall be documented. The Detention Center shall request the relevant information from the Buffalo Police Department Investigator in order to inform the inmate.

XV. Following an inmate's allegation that a staff member committed sexual abuse against him or her, the Detention Center shall subsequently inform the inmate whenever:

- The staff member is no longer posted within the inmate's unit;
- The staff member is no longer employed at the facility;
- They are informed that the staff member has been charged with or indicted on a charge related to sexual abuse within the facility; or
- They are informed that the staff member has been convicted on a charge related to sexual abuse within the facility.
- All such notifications or attempted notifications shall be documented.

XVI. Following an inmate's allegation that he or she has been sexually abused by another inmate, the Detention Center shall subsequently inform the alleged victim whenever:

- They are informed that the alleged abuser has been charged with or indicted on a charge related to sexual abuse within the facility; or
- They are informed that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- All such notifications or attempted notifications shall be documented.

XVII. Sexual abuse incident reviews [DOJ §115.86]

- The Detention Center shall conduct a Sexual Abuse Incident Review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- The review shall ordinarily occur within 30 days of the conclusion of the investigation.
- The review team shall include upper-level Detention supervisors, with input from line supervisors, investigators, and medical or mental health practitioners.

**The Incident Review Team shall:**

- 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, including determinations made pursuant to this section, and any recommendations for improvements and submit the report to the Sheriff, Jail Administrator, and PREA Coordinator.
- The Detention Center shall implement the review team's recommendations for improvement, or document its reasons for not doing so.

**G. Protection from Retaliation [DOJ 115.67]**

Note: For rules regarding reporting by inmates and staff of retaliation after it has occurred, see Section 5.A. (Procedures for Reporting Sexual Abuse/Sexual Harassment) above.

- I. The Detention Center policy is to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff.
- II. The Detention Center shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

- III. For at least 90 days following a report of sexual abuse, all detention staff shall monitor the conduct and treatment of inmates or staff who reported 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 staff, and shall act promptly to remedy any such retaliation. The PREA Retaliation Tracking Form will be utilized to document this monitoring.
- IV. Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the same requirements that are discussed above in Section 4.G (Protective Custody).

## **H. Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment.**

### **I. Disciplinary Sanctions for Staff [DOJ Standards §115.76]**

- Staff shall be subject to disciplinary sanctions, up to and including termination, for violating agency sexual abuse or sexual harassment policies.
- Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- Disciplinary sanctions for violations of the Johnson County Sheriff's Office/Detention Center policies relating to sexual abuse or sexual harassment shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

### **II. Corrective Action for Contractors and Volunteers [§115.77]**

- Any contractor or volunteer who engages in sexual abuse or sexual harassment 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 the Detention Center's sexual abuse or sexual harassment policies by a contractor or volunteer.

### **III. Disciplinary Sanctions for Inmates [DOJ Standards §115.78]**

- 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 disability or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate participate in such interventions as a condition of access to programming or other benefits.
- The Detention Center 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, even if an investigation does not establish evidence sufficient to substantiate the allegation.

**I. Notifying Other Confinement Agencies [DOJ §115.63]**

- I. Upon the Detention Center receiving an allegation that an inmate was sexually abused while confined at another facility, the jail administrator shall notify the head of the facility or agency where the alleged abuse occurred.
- II. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation, and
- III. The Jail Administrator shall document such notification.

**J. Receiving Reports of Sexual Assaults from Other Agencies [DOJ §115.63]**

- I. Upon the Detention Center receiving an allegation that an inmate was sexually abused while confined at our facility, the jail administrator shall notify the Buffalo Police Department Investigator to open an investigation immediately.
- II. The Investigator shall conduct an investigation in accordance with the PREA standards in this policy.
- III. The victim will be notified per policy of the progress of the investigation and the Jail Administrator shall document such notification.

## **6. TRAINING AND EDUCATION**

The Detention Center will provide training, education and orientation to all inmates, employees, contractors and volunteers to include the following:

- The Detention Center's zero tolerance policy;
- the Detention Center's policies to prevent, detect, and respond to sexual abuse and sexual harassment; and
- Other rights and obligations under this policy.

### **A. Employee Training [DOJ 115.31]**

- I. All Detention Center employees who may have contact with inmates will receive the following training:
  - Our zero-tolerance policy for sexual abuse, sexual harassment and retaliation;
  - How to fulfill their responsibilities regarding prevention, detection, reporting, and response to sexual abuse and sexual harassment;
  - Inmates' right to be free from sexual abuse and sexual harassment;
  - The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  - The dynamics of sexual abuse and sexual harassment in confinement;
  - The common reactions of sexual abuse and sexual harassment victims;
  - How to detect and respond to signs of threatened and actual sexual abuse;
  - How to avoid inappropriate relationships with inmates;
  - How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates;
  - How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- II. Security staff shall be trained in how to conduct cross-gender pat-down searches, and how to conduct searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with the security needs of the Detention Center.
- III. The Detention Center houses both male and female inmates, and all employees receive training tailored to both genders.
- IV. All current employees shall receive this training, including refresher training every two years to ensure that they understand the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, they will receive information on our current sexual abuse and sexual harassment policies.

V. Specialized Training: Investigators [DOJ 115.34]

- In addition to the general training provided to all employees, the Detention Center shall ensure that investigators have received training in conducting such investigations in confinement settings.
- Specialized training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collections in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

VI. Specialized Training: Medical and Mental Health Professionals [DOJ 115.35]. All Full and Part-Time medical and mental health care practitioners who work regularly in the Detention Center will be trained in the following:

- How to detect and assess signs of sexual abuse and sexual harassment;
- How to preserve physical evidence of sexual abuse;
- How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

At this time, Detention Center medical staff does not conduct forensic medical examinations. If, in the future, they do conduct forensic examinations, they will receive the appropriate training prior to conducting such examinations.

VII. The Detention Center will document, through employee signature or electronic verification, that employees have received and understand the training. In the case of investigators who investigate sexual abuse in the facility, the Detention Center maintains documentation verifying that they have completed the required specialized training in sexual abuse investigations. In the case of medical and mental health practitioners, the Detention Center maintains documentation verifying that they have received the specialized training described in this section.

**B. Inmate Orientation and Education [DOJ 115.33]**

- I. During the intake process, inmates shall receive information explaining the Detention Center's zero-tolerance policy regarding sexual abuse, sexual harassment and retaliation for reporting such incidents. Information shall include how to report incidents or suspicions of sexual abuse, sexual harassment, and retaliation.
- II. Within 30 days of intake, the Detention Center will provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and the Detention Center's policies and procedures for responding to such incidents.

- III. The Johnson County Sheriff's Office only operates one facility, the Johnson County Detention Center. If the Sheriff's Office were to operate more than one facility, inmates would be educated and receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.
- IV. The Detention Center provides inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.
- V. The Detention Center shall maintain documentation of inmate participation in these education sessions.
- VI. In addition to providing such education, the Detention Center shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

**C. Volunteer and Contractor Training [DOJ 115.32]**

- I. The Detention Center shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the Detention Center's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
- II. 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 Detentions Center's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents.
- III. The Detention Center maintains documentation confirming that volunteers and contractors understand the training they have received.

**7. DATA COLLECTION AND REVIEW [DOC 115.87 – 89]**

**A. Data Collection [DOJ 115.87]**

- I. The Detention Center collects accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions.
- II. The Detention Center will aggregate the incident-based sexual abuse data at least annually.
- III. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- IV. The Detention Center shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

- V. The Detention Center shall also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates. The Johnson County Sheriff's Office does not contract with other facilities for the confinement of its inmates.
- VI. Upon request, the Detention Center will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

**B. Data Review for Corrective Action [DOJ 115.88]**

- I. The Detention Center shall review data collected and aggregated pursuant to Section 7.A. (Data Collection) above in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
  - Identifying problem areas.
  - Taking corrective action on an ongoing basis; and
  - Preparing an annual report of its findings and corrective action.
- II. The report will include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Detention Center's progress in addressing sexual abuse.
- III. The Detention Center's report shall be approved by the Johnson County Sheriff and Jail Administrator, and made readily available to the public through its website.
- IV. The Detention Center will redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but shall indicate the nature of the material redacted.

**C. Data Storage, Publication, and Destruction [DOJ 115.89]**

- I. The Detention Center will ensure that data collected pursuant to Section 7.A. are securely retained.
- II. The Detention Center will make all aggregated sexual abuse data readily available to the public at least annually through its website.
- III. Before making aggregated sexual abuse data publicly available, Detention Center shall remove all personal identifiers.
- IV. The Detention Center shall maintain sexual abuse data collected pursuant to Section 7.A. for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

## **8. COLLECTIVE BARGAINING AGREEMENTS [DOJ 115.66]**

- A.** The Detention Center or any governmental entity responsible for collective bargaining on the Detention Center's behalf shall not enter into or renew any collective bargaining agreement or other agreement that limits the Detention Center's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or a determination of whether and to what extent discipline is warranted.
- B.** Nothing in this section shall restrict the Detention Center entering into or renewing agreements that govern:
  - I.** The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions in this policy relating to the standard of evidence for substantiating allegations of sexual abuse/harassment in Section 5.F. (Investigation of Incidents) and disciplinary sanctions for staff in Section 5.H. (Sanctions Against Abusers When Allegations are Substantiated); or
  - II.** Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

## **9. AUDITING AND CORRECTIVE ACTION [DOJ 115.41 – 405]**

### **A. Frequency and Scope of Audits [DOJ 115.401]**

- I.** During the three-year period starting on December 2, 2022, and during each three-year period thereafter, the Detention Center shall be audited at least once.
- II.** The Detention Center shall bear the burden of demonstrating compliance with the standards.
- III.** The Detention Center shall permit the auditor to:
  - Review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations.
  - Request and receive copies of any relevant documents (including electronically stored information).
  - Conduct private interviews with inmates.
- IV.** The Detention Center shall make available to the auditor, at a minimum:
  - A Sampling of relevant documents and other records and information for the most recent one-year period;
  - A sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
- V.** The Detention Center will ensure that the auditor has access to all areas of the Detention facility.

- VI. The Detention Center will cooperate with the auditor to ensure a representative sample of inmates and of staff, supervisors, and administrators can be interviewed by the auditor.
- VII. The Detention Center will ensure at least one way for inmates to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel. Inmate mail correspondence with the PREA auditor will be considered Legal Mail.

**B. Auditor Qualifications [DOJ 115.402]**

- I. The Detention Center will ensure that audits are conducted by a qualified auditor, which includes:
  - A member of a correctional monitoring body that is not part of, or under the authority of, the Detention Center;
  - A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or
  - Other outside individuals with relevant experience.
- II. All auditors shall be certified by the Department of Justice.
- III. No audit shall be conducted by an auditor who has received financial compensation from the Detention Center, except for compensation received for conducting prior PREA audits, within the three prior years to the agency's retention of the auditor.
- IV. The Detention Center shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the Detention Center's retention of the auditor, with the exception of contracting for subsequent PREA audits.

**C. Auditor Content and Findings [DOJ 115.403]**

- I. Each audit will include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.
- II. Audit report shall state whether agency-wide policies and procedures comply with relevant PREA standards.
- III. For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings:
  - Other Exceeds Standards (substantially exceeds requirement of standard);
  - Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period);
  - Does Not Meet Standard (requires corrective action)
- IV. The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.

- V. The audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for the Detention Center, and shall include recommendations for any required corrective action.
- VI. The Detention Center will ensure that the auditor's final report is published on the Johnson County Detention Center's website if it has one, or is otherwise made readily available to the public.

**D. Auditor Corrective Action Plan [DOJ 115.404]**

- I. A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.
- II. The auditor and Detention Center shall jointly develop a corrective action plan to achieve compliance.
- III. The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of a facility.
- IV. After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.
- V. If the Detention Center does not achieve compliance with each standard, it may request a subsequent audit once it believes that it has achieved compliance.

**E. Auditor Appeals [DOJ 115.405]**

- I. The Detention Center may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect.
- II. If the Department determines that Johnson County Detention Center has stated good cause for a re-evaluation, the Detention Center may commission a re-audit by an auditor mutually agreed upon by the Department and the agency.
  - The Detention Center shall bear the cost of this re-audit.
- III. The findings of the re-audit shall be considered final.

