POLICY & PROCEDURE	Policy A-1000
SAUNDERS COUNTY CORRECTIONS	**Title**: Prison Rape Elimination Act General Definitions **Subject:** PREA **Reference:** Department of Justice 28 CFR Part 115 **Date:** 07-2015 **Revised:** 07/2016

I. POLICY:

Saunders County Corrections will provide general definitions to employees that will be included in the Prison Rape Elimination Act (PREA) Policies. These definitions will be used throughout the PREA Policies and policies directly or indirectly related to the PREA.

II. General Definitions

A. Agency: The direct responsibility for the operation of Saunders County Corrections that confines inmates and the implementation of the policy as set by the current Administration.

B. Director: The principle official of the facility.

C. Contractor: Any person who provides services on a recurring basis pursuant to a contractual agreement with the facility.

D. Inmate: Any individual confined or residing in any jail facility.

E. Employee: A staff member who works directly for the facility.

F. Exigent Circumstances: Any set of temporary and unforeseen circumstances that requires immediate action in order to combat a threat to the safety, security or institutional order.

G. Facility: A place that is used by the agency for the confinement/holding of individuals pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentence of one year or less, or persons adjudicated who are awaiting transfer to a correctional facility.

H. Full Compliance: Compliance with PREA standards except for de minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance.

I. Gender Nonconforming: A person whose appearance or manner does not conform to traditional societal gender expectations.

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

K. Law Enforcement Officer/Sheriff's Deputy- A person employed by an agency which would apprehend an arrestee and deliver the person to the facility. A Sheriff's Deputy would be the

reporting officer in the event of circumstances that would involve an investigation.

L. Medical Practitioner: A health professional who, by virtue of education, credential and experience, is permitted by law to evaluate and care for patients within the scope of his/her professional practice. A "qualified medical practitioner" refers to a professional who has also successfully completed specialized training for treating sexual abuse victims.

M. Mental Health Practitioner: A mental 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/her professional practice. A "qualified mental health practitioner" refers to a professional who has also successfully completed specialized training for treating sexual abuse victims.

N. Pat-Down Search: The act of running the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband.

O. PREA Coordinator: A person appointed by the Administrator to produce PREA policy, oversee the facility's efforts to comply with standards and to guide the implementation of the standards. He/she will lead the review and hiring practices and upgrades to ensure the facility maintains the safest environment for inmates and staff. He/she will maintain the documentation required for the audit of the PREA Standards.

P. Staff: All employees hired by Saunders County to work at a facility under the control of Saunders County Corrections.

Q. Strip Search: A search that requires an inmate to remove all clothing so as to permit a visual inspection of the persons unclothed body for the purpose of locating contraband.

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

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

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

U. 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.

V. Volunteer: An individual who donates time and effort on a reoccurring basis to enhance the activities and programs of the agency.

W. Youthful Inmate: Any person under the age of 18 who is under adult court supervision and is detained in the facility.

X. Sexual abuse: includes

1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and

2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes 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:

1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

2) Contact between the mouth and the penis, vulva or anus;

3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

4) 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, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

1) Contact between the penis and the vulva, or the penis and the anus, including penetration, however slight;

2) Contact between the mouth and the penis, vulva, or anus;

3) Contact between the mouth and any body part where the staff member, contractor or volunteer have the intent to abuse, arouse or gratify sexual desire;

4) 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;

5) Any other intentional contact, either directly or indirectly 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;

6) 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;

7) 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

8) Voyeurism by a staff member, contractor or volunteer.
Voyeurism by a staff member, contractor or volunteer means an invasion of privacy of an inmate, detainee or resident by staff for reasons unrelated to official duties, such as peering at an inmate while he/she is using a toilet in his or her cell to perform body 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.

Y. <u>Sexual harassment:</u> includes-

1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures or actions of a derogatory or offensive nature by one inmate, detainee or resident directed toward another; and

2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee or resident 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.

Kevin S. Stukenholtz
Kevin Stukenholtz
Saunders County Sheriff

August 22-2016
Date

SCC: A-1000

POLICY & PROCEDURE	Policy: A-1001
SAUNDERS COUNTY CORRECTIONS	**Title**: Prison Rape Elimination Act- Prevention Planning **Subject**: PREA **References:** Department of Justice 28 CFR Part 115 Nebraska Statutes 28-322- 28-322. **Date:** 07-2015

I. Policy:

Saunders County Corrections Administration mandates to all staff, inmates, contractors, volunteers, and visitors; Saunders County Corrections will not tolerate sexual abuse, misconduct or inappropriate staff/inmate relationships. The expectation is that everyone does his/her part to reduce the harm that result from this kind of behavior.

II. Procedure:

A. Saunders County Corrections declares a Zero-Tolerance policy towards all forms of sexual abuse and sexual harassment in the facility for all contractors, inmates, staff, volunteers, and visitors.

1. Sexual abuse and sexual harassment of an inmate by another inmate will not be tolerated.

   a. All allegations will be investigated. The Disciplinary Hearing Officer will ensure that appropriate consequences will be handed out as outlined in the inmate handbook.

   b. In the event a criminal act has occurred law enforcement will be contacted for investigation purposes.

   c. All reports will be forwarded to the PREA Coordinator who will maintain them in a PREA file.

2. There is no such thing as an approved consensual sex between an inmate and a staff, contractor, or volunteer.

3. Nebraska Statutes 28-322- 28-322.03; states a person who subjects an inmate or parolee to sexual penetration or sexual contact will be charged with a felony.

B. The PREA Coordinator will be responsible for the following:

1. Produce PREA policy

2. Coordinate with the Training Officer for the proper implementation of the standards with staff, inmates, contractors, volunteers and visitors.

3. Oversee the facility's efforts to comply with the standards on a continued basis.

4. Approve the screening instrument used by staff to conduct a risk assessment for housing needs. The screening instrument will identify the following inmate needs:

   a. Youthful inmate
   b. Transgender or intersex inmate
   c. Disabilities such as deafness or inability to speak
   d. Translator

5. Lead the review of hiring practices and will complete the background checks as required by PREA Standards, as well as maintain information for a PREA audit.

6. Ensure an annual background checks for current staff, contractors, and volunteers are completed to verify they meet requirements for employment with Saunders County Corrections, and maintain such information for a PREA audit. These will be conducted at least every five (5) years. Any issue that is found that was not reported by the staff contractor or volunteer or any false information that is discovered shall be grounds for termination with this Department of the ability to enter the facility revoked.

7. Receive any PREA related allegation reports, investigation reports and final decisions of and misconduct, sexual harassment, or sexual abuse cases and provide assistance as needed to any outside agency. Maintain all documentation as needed for PREA audit.

8. Ensure any victim receives appropriate medical and/or mental health care as needed.

9. Lead the administrative review of Saunders County Corrections staffing plan to ensure all inmates have appropriate supervision and will receive documentation and justification when deviation occurs.

10. Inspect the facility to ensure the safest environment for inmates, contractors, volunteers and staff. During the inspection consideration will be given to "blind spots" which allows isolation of staff/inmates.

11. Complete an annual review of Saunders County Corrections physical plant for areas where technology upgrades would benefit a safer and more secure facility.

12. Maintain all documentation as required for the audit of the PREA Standards such as:

    a. Housing rosters of inmates on the 1st, 10th, and 20th day of the month.

b. Reports of allegations of incidents of sexual abuse.

c. Records of any investigations.

d. Discipline of any incidents of sexual abuse.

13. Lead the annual reviews of Saunders County Corrections policies to ensure all information contained in the policies is current an accurate.

C. The Lieutenant will ensure that before sending any inmate to a contracted facility that the entity has PREA Standards and their staff complies with the standards.

D. The Classification Officer will ensure that any youthful inmates, disabled or those who are limited in English are provided with appropriate zero tolerance information and review the possibility of them being victimized or being abusive towards other inmates.

E. Supervisors and Administrative Staff will conduct regular unannounced facility inspections. Each Shift Supervisor will conduct an inspection of all areas under their supervision and document these checks on the appropriate inspection form. Staff are prohibited from alerting other staff of the rounds/inspections occurring.

F. All hiring/promotion of staff administration account for requirements of the PREA standards to include background checks and that they are questioned regarding past conduct of sexual inappropriateness. (PREA Applicant Screen Attachment 1)

1. Criminal background checks shall be completed before enlisting the services of any contractor who may have contact with inmates.

G. Staff will follow Post Orders as well Policy A-201 *Employee Code of Conduct* especially in reference to inmate/employee relationships and fraternization. The following activities are strictly prohibited:

1. Employees will keep their conversation with inmates on a professional level at all times, and will refrain from discussing their personal lives and activities or the personal lives and activities of other staff with them.

2. Employees shall not introduce contraband into any facility. Contraband is defined as any article not officially issued, purchased or brought into the facility via proper channels. This shall include but not be limited to making alterations to County property.

3. Employees shall not accept or issue bribes, gifts or gratuity, nor grant favors or solicit or accept favors, loans or gifts of any kind from inmates or their family or friends.

4. Employees shall not engage in trading or trafficking with inmates. This includes selling, buying from, or delivery; to any inmate any article or commodity of any description, except through authorized channels.

5. Employees shall not deal or fraternize with inmates, their family or friends. Employees shall not correspond with inmates, or with outside parties on their behalf except in the course of official duties. Off duty associations with anyone under the supervision of the department, their friends, or their families is prohibited unless approval has been requested in writing and granted by the Director.

6. Employees are responsible for reporting, in writing, to the Director, if they are related to an inmate, or have had a close personal relationship with an inmate. They must report the inmate's name and the nature of the relationship.

7. It is prohibited for any employee of Saunders County Corrections, as well as any contracted /authorized contractor or volunteer to engage in any form of sexual activity with an inmate. Implied threats, coercion, intimidation and/or preferential treatment that could influence an inmate to consent to participate in sexual activity shall not be tolerated.

    a. Persons choosing to sexually abuse an inmate are subject to discipline, including termination, and shall be referred to the county attorney for criminal prosecution.

    b. Sexual abuse of any inmate in the first degree is a class III felony; sexual abuse in the second degree is a class IV felony.

    c. It is not a defense to the charge that the inmate consented to sexual activity or sexual penetration.

8. Employee shall not work for the dismissal, parole, pardon, commutation of sentence or other appeal of any inmate, write letters on their behalf in an unofficial capacity, or interest themselves in same without prior written approval of the Director.

9. Employees shall not give or loan an inmate money for any reason, with the exception of approved purchases while on official trip outside the facility.

10. Employees shall not use profane or abusive language toward an inmate nor shall employees reply in like terms to any impudent act or insulting or profane language on the part of an inmate.

11. Employees shall not convey messages to or from inmates, nor to or from their families or friends, except in the line of official duty, and only with direct approval from the Shift Supervisor or higher authority.

12. Employees shall not bring articles of any kind into the facility for delivery to an inmate or take out an article of any kind for an inmate unless authorized to do so by the Director

13. Employees shall not use cruel, inhumane or corporal punishment, excessive force, or in any way mistreat individuals under the Department's care, custody and control. Employees shall use only that force which is needed to defend themselves, to defend others, to prevent escapes, to prevent the destruction of property or to enforce a lawful order (Nebraska State Statute 83-185 (2).

14. Employees shall not aid and abet an inmate in acts which disrupt institutional or Departmental policy or procedure. When inmate misconduct is observed or discovered, employees must take corrective action. All infractions of the Code of Offenses must be properly reported.

15. Employees will maintain satisfactory working relationships with the public, inmates and other employees and shall not make threats toward inmates or other employees.

H. Any staff, contractor or volunteer who suspects another staff, contractor or volunteer is behaving in a sexual harassing or sexual abusing manner will inform the Director or Deputy Director as soon as possible so an investigation can be conducted.

I. The PREA coordinator will lead a committee and ensure records of the meetings are held to review of facility design, renovation or modification annually. The meetings will include a review of the facilities technology and the need to update any monitoring technology. The documentation will be maintained for the PREA audit.

J. The PREA Coordinator will lead and ensure record of the meetings is held to review the facility's staffing and the need to change the staffing pattern annually. This documentation will be maintained for the PREA audit.

K. Staffing

1. Only Female staff will be assigned to any housing unit (D Unit and E Unit) that holds female inmates. If a male needs to enter a female unit he will be accompanied by a female officer.

   a. In the event that there is a staffing emergency and there is not a female officer present at the facility that can do checks the Shift Supervisor will attempt to get a female officer to come in. In the mean time two (2) male officers may be used as a last resort in order to conduct the necessary checks on the housing units.

   b. If this issue occurs Incident Reports will be submitted outlining the situation that caused this to occur and explain the time frame it occurred for and what steps were made to rectify the situation.

2. Anytime there are persons of the opposite gender who will be entering a housing unit a loud verbal announcement will be made in order to alert the inmates of this. For example if a male needs to enter a female housing unit an announcement of "male on the unit" shall be made.

    a. Since a female officer may be assigned to a male housing unit the following procedure will be followed if this is your duty assignment.

        i. Prior to entering the unit for the first time an announcement of "female on the unit" will be made. It will not be necessary for the announcement to be made every time you go on the unit unless you are relieved for a period of time and then come back to resume your regular duty. In this case you will make the announcement again.

    b. Any female that is not assigned to the unit will be required to announce their presence prior to entering the unit.

L. Searches

1. There are to be no cross gender pat searches or strip searches.

2. In the event of a verified emergency cross gender pat searches may be authorized with administrative approval. Documentation of this shall occur in the form of an incident report.

3. Cross-gender strip searches are prohibited. Anytime an officer is exposed to an unclothed person of the opposite gender a report must be generated outline the circumstances.

III. Training Points

A. Who maintains all PREA related reports?

B. What is the process for a staff person to enter a housing unit of the opposite gender?

C. Are consensual relationships between inmates allowed?

D. If SCC inmates need to be sent to another facility to be housed does that facility also need to be PREA compliant?

E. Are cross gender searches allowed?

F. Can employees make phone calls on behalf of inmates without first gaining permission of the shift supervisor or higher authority?

Kevin S. Stukenholtz
Kevin Stukenholtz
Saunders County Sheriff

August 22. 2016
Date

POLICY & PROCEDURE	Policy A-1002
SAUNDERS COUNTY CORRECTIONS	**Title:** Prison Rape Elimination Act- Supervision and Monitoring **Subject:** PREA **Reference:** Department of Justice 28 CFR Part 115 **Date:** 07-2015

I. POLICY:

Saunders County Corrections administration will develop, document, and make the best effort to comply on a regular basis with our staffing plan. The staffing plan will provide adequate levels of staffing for inmate supervision, and where applicable, video monitoring, to protect inmates against sexual abuse.

II. PURPOSE:

A. In calculating the staffing plan the administration and PREA Coordinator will take into consideration the following:

1. General accepted detention practices;
2. Any judicial findings of inadequacy;
3. Any federal investigative findings;
4. Any findings from internal or external oversight bodies;
5. All components of the facilities physical plant (blind spots or areas where staff or inmates may be isolated);
6. Components of inmate population;
7. The number and placement of supervisory staff;
8. Facility programs and work programs on a particular shift;
9. All applicable Nebraska local laws, regulations or standards;
10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse;
11. Any other relevant factors.

B. At a minimum the PREA Coordinator will lead a review of the staffing plan to ensure an appropriate level of staffing and video monitoring annually and shall take into consideration the following:

1. Staffing Plan

2. Physical layout of the facility

3. The composition of the inmate population

4. The prevalence of substantiated and unsubstantiated incidents of sexual abuse

5. The minimum requirements of Nebraska Jail Standards

6. The deployment of video monitoring systems and other monitoring technologies

7. Other documentation which may have relevant factors to the review

C. In circumstances where the Saunders County Corrections staffing plan is not followed the Lieutenant will supply documentation to the PREA Coordinator with a justification of why the plan was not followed.

D. Shift Supervisors will do unannounced area checks on each shift and document these checks along with any issues that are found. Staff is prohibited from alerting other staff of the checks occurring.

E. The Lieutenant will be responsible for monthly spot checks of all shifts for appropriate supervision of inmates.

   1. These spot checks will be in person, unannounced and documented. Staff is prohibited from alerting other staff of the checks occurring.

   2. The documentation will be provided to the PREA Coordinator for review and filing.

F. Administrative staff will conduct a weekly unannounced facility check. Staff is prohibited from alerting other staff of the checks occurring. These checks shall be documented.

G. If vulnerable inmates are identified during the screening process staff will heighten protection and place such inmates in direct sight and sound (under 18), single cell housing, or in a safety cell with staff able to intervene, unless no such option is determined to be feasible. The Supervisor will provide documentation to the Classification/Program Officer and PREA Coordinator in case the inmate is not housed with sufficient supervision to protect them from other inmates.

H. All staff will remain diligent to appropriate supervision of the inmate.

I. All staff will be expected to provide the administration and the PREA Coordinator with any issues or concerns they may have with supervision and monitoring.

III. Training Points

A. At a minimum how often does the PREA coordinator have to review the facility staffing plan?

B. Should staff spot checks be announced in advance of them occurring?

Kevin S. Stukenholtz

Kevin Stukenholtz
Saunders County Sheriff

August 22. 2016
Date

POLICY & PROCEDURE	Policy A-1003
SAUNDERS COUNTY CORRECTIONS	**Title**: Prison Rape Elimination Act: Responding to Alleged Sexual Assault **Subject:** **Reference:** Department of Justice 28 CFR Part 115 **Date:** 07-2015

I. POLICY

Saunders County Corrections (SCC) administration will respond to allegations of sexual abuse as quickly as possible to ensure evidence is able to be collected and the inmate has an appropriate forensic examination, as needed. The administration will ensure the allegations are investigated as needed by the Saunders County Sheriff's Department or another Law Enforcement agency if deemed appropriate. SCC will provide necessary medical and mental health services to the inmate as needed.

II. PROCEDURE

A. Sexual Assault

1. An inmate that alleges he/she was a victim of a sexual assault will be immediately removed from their current cell location and taken to the medical area or intake, if medical is not on duty.

2. The Shift Supervisor will notify the Master Control staff to notify the Saunders County Sheriff's Department of the alleged sexual assault so an investigator can be contacted. The Shift Supervisor shall make arrangement to have the inmate transported to Methodist Women's Hospital in Omaha as the primary location or Bryan LGH (West) Hospital in Lincoln as a secondary option. The two entity's both have Sexual Assault Nurse Examiner's (SANE) on staff.

   a. A staff member of the same sex as the victim will accompany the inmate to the hospital.

   b. A qualified victim services person will be contacted to meet the staff and the inmate at the hospital.

3. If the medical staff is on duty they shall only treat any injuries requiring immediate attention but will not perform any routine examination procedures.

4. The sexual assault examiner will complete an examination to obtain forensic evidence for an investigation into the alleged sexual assault.

5. Staff will secure the immediate area of the alleged sexual assault for Law Enforcement.

    a. Inmates will be locked down if the alleged assault took place in a housing unit. If the assault took place in a cell, the staff will secure the cell and remove the cellmate, if there is another inmate assigned to the cell.

    b. All Staff will cooperate with the investigating law enforcement entity during the investigation process.

6. Upon the inmate's return from the hospital, all requested mental health counseling will be arranged, if indicated.

7. The inmate will not be placed in the same housing unit as the individual that assaulted him/her.

8. Medical staff will review the need for the morning after pill, and all recommended medical care.

9. If requested by the victim, the medical staff will provide the inmate with follow-up mental health care.

10. The Saunders County Sheriff's Department will be responsible for all investigations in regards to any sexual assaults in the facility unless it involves a Department staff. In those cases an outside agency may be asked to lead the investigation.

11. Staff involved will write an incident report and forward it to the Lieutenant, PREA Coordinator and Director.

12. The PREA Coordinator will follow-up with the Saunders County Sheriff's Department and/or the Saunders County Attorney to ensure the incident of sexual assault allegation in the facility is appropriately investigated and if criminal prosecution of the perpetrator will take place.

13. The PREA Coordinator will coordinate with the victim advocates for emotional support services for the victim.

14. The PREA Coordinator will inform inmates prior to providing access to outside support services as to what communication will be monitored and to the extent which reports of abuse will be forwarded to law enforcement in accordance with mandatory reporting laws.

15. The PREA Coordinator will follow-up with the victim to ensure he/she is receiving adequate care for his/her medical and mental health needs.

16. The Director will be responsible to determine any consequences or change in policy if needed.

17. The PREA Coordinator will securely maintain all documentation of the alleged sexual assault.

B. Allegations of Assault at another Corrections Facility

1. If information is received that a sexual assault occurred at another correctional facility that facility shall be notified.

2. Staff receiving such information will document the information and forward it to the PREA Coordinator and the Director.

3. The Director shall contact the facility where the alleged assault occurred as soon as possible but shall occur no later than 72 hours.

4. The notification shall be documented on the *PREA Report to Other Agencies Form.* **(Attachment 1)**

III. Training Points

A. At the hospital what type of examiner shall examine an inmate that has been sexually assaulted?

B. What law enforcement agency will normally investigate allegations of sexual assault at Saunders County Corrections?

C. What should occur if an inmate reports they were sexually assaulted at another correctional facility?

Kevin P. Stukenholtz
Kevin Stukenholtz
Saunders County Sheriff

August 22. 2016
Date

POLICY & PROCEDURE	Policy A-1004
SAUNDERS COUNTY CORRECTIONS	**Title:** Prison Rape Elimination Act/ Training and Education **Subject:** PREA **Reference:** Department of Justice 28 CFR Part 115 **Date:** 07-2015

I. POLICY

Saunders County Corrections (SCC) Administration will provide quality mandatory training for all staff, inmates, volunteers, and contract staff to ensure everyone has a clear understanding of the Prison Rape Elimination Act (PREA) and the facilities "Zero Tolerance" stance of any sexual abuse or sexual harassment inside the facility.

II. PROCEDURE

A. Staff Training will include the following:

1. Zero tolerance for sexual abuse and sexual harassment.
2. How to fulfill their responsibilities under the facility's sexual abuse and sexual harassment prevention, detection, reporting and response policy and post orders.
3. The inmate's rights to be free from sexual abuse and sexual harassment.
4. The right of inmate's and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
5. The dynamics of sexual abuse and sexual harassment in the facility.
6. The common reactions of sexual abuse and sexual harassment victims
7. How to detect and respond to signs of threatened and actual sexual abuse.
8. How to avoid inappropriate relationships with inmates. (See Policy A-201 *Employee Code of Conduct)*
9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming inmates.
10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

11. All employees will be trained with one year of their employment with SCC and will receive refresher training at least every two (2) years to provide all employees with the knowledge of the facility's current sexual abuse and sexual harassment policies.

    a. Each year the staff will review and sign that they will follow all SCC sexual harassment and sexual abuse (PREA) policies.

12. The PREA Coordinator will maintain the staff's PREA training records and staff's consent to follow PREA related policies.

B. Volunteers and Contractors

1. All volunteers and contractors will be trained on their responsibilities under the agencies sexual abuse and sexual harassment prevention, detection and response policies.

2. All volunteers and contractors will be notified of the facility's Zero-tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents.

3. The PREA Coordinator will maintain documentation of the volunteers and contractors training.

C. Inmates

1. During the intake process, the inmate will receive information explaining the facility's Zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

2. Within 30 days of intake the facility will provide comprehensive education to inmates regarding their rights to be free from sexual abuse and sexual harassment, retaliation for reporting such incidents and the facilities policies for responding to such incidents.

3. The facility will provide the inmate education in formats accessible to all inmates including those who are limited in the English language, deaf, visually impaired or otherwise disabled, as well as inmates who have limited reading skills.

4. The PREA Coordinator will maintain documentation of the inmate's participation in these education sessions.

5. SCC will ensure key information is continuously and readily available or visible to inmates through signage, inmate handbooks and brochures.

D. Medical and mental health employees of Advance Correctional Healthcare.

1. How to detect and assess signs of sexual abuse and sexual harassment.

2. How to preserve physical evidence of sexual abuse.

3. How to respond effectively and professionally to victims of sexual abuse and sexual harassment.

4. The PREA Coordinator will maintain documentation that the medical and mental health employees have received this training.

III. Training Points

A. When must new staff receive their initial PREA training by?

B. How often does staff need to receive refresher training for PREA?

C. Do Volunteers need to be trained on their responsibilities related to PREA?

D. Inmates must receive comprehensive PREA education within how many days of their intake?

Kevin S Stukenholtz
Kevin Stukenholtz
Saunders County Sheriff

August - 22 - 2016
Date

POLICY & PROCEDURE	Policy A-1005
SAUNDERS COUNTY CORRECTIONS	Title: Prison Rape Elimination Act: Institutional Risk Screen **Subject:** PREA **Date:** 12/15 **Reference:** Department of Justice 28 CFR Part 115

I. POLICY

Saunders County Corrections (SCC) will utilize the Prison Rape Elimination Act (PREA) Intake Risk Screen to determine an inmate's potential vulnerability to a sexual assault or risk of sexually abusive behavior.

II. PROCEDURES

A. PREA Risk Screen

1. Inmates will receive the following PREA Risk Screens:

   a. Initial Risk Screen

   b. PREA Risk Screen

   c. Risk Screen Review

2. The *PREA Risk Screen* is the same assessment for all three screens **(Attachment 1).** The PREA screens will be administered by staff and the results shall be based upon the information available at the time the screen is administered.

B. Initial PREA Risk Screen

1. All inmates admitted to SCC will have an initial PREA RISK Screen completed by staff trained to administer the screen prior to being assigned to a housing unit and must be within 72 hours of arrival at the facility.

   a. Any previous PREA code assigned to the inmate may be updated following the Initial Risk Screen based on new or additional information.

2. The Initial PREA Risk Screen will include the inmate's demographics, the results of a criminal history check and any documented/know institutional behaviors.

3. An inmate's answers/responses to the Initial PREA Risk Screen are confidential and may not be used to the inmate's detriment by staff or other inmate's.

a. Inmates may not be disciplined for failure to respond to, or provide complete answers to the screening questions.

4. The screen will determine a PREA Risk Screen score. Inmates will be assigned a cell (housing assignment) based in part on their assigned initial PREA Risk Screen score.

5. During the admission process, corrections staff will present the inmate with information explaining the SCC zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

   a. Corrections staff completing the Initial PREA Risk Screen will document the presentation of Prevention of Sexual Abuse/Harassment information on the *Acknowledgement of Prevention of Sexual Abuse/Harassment Information Form* **(Attachment 2).**

6. Medical/Mental Health referral

   a. If the intake screening indicates an inmate has previously perpetrated sexual abuse, whether this occurred in an institutional setting or in the community, staff shall ensure the inmate is offered a follow-up meeting with medical/mental health staff within 14 days of the intake screening.

   b. If the intake screening indicates an inmate has experienced prior sexual victimization, whether this occurred in an institutional setting or in the community, staff shall ensure the inmate is offered a follow-up meeting with medical or mental health staff with 14 days of the intake screening.

   c. When these referrals are offered it needs to be indicated in the appropriate place on page 2 of the risk screen.

   d. Medical/Mental Health must document when these referral meeting have occurred.

   e. Informed consent must be obtained from the victim before any information about prior sexual victimization that did not occur in an institutional setting is reported, unless the victim in under 18 years of age.

C. <u>PREA Risk Screen</u>

1. All inmates admitted to SCC will have a *PREA Risk Screen* (Attachment 1) administered by the Classification Officer or other designated staff person within 30 days of their arrival at the facility.

a. The PREA Risk Screen will include the inmates demographics, results of a criminal background check, classification and assessment information, any documented/known institutional behavior or other relevant information.

2. An inmate's answers/responses to the PREA Risk Screen are confidential and may not be used to the inmate's detriment by staff or other inmate's.

   a. An inmate may not be disciplined for failure to respond, or to complete answers to the screening questions.

   b. The use of non-certified interpreters shall be prohibited unless an extended delay to wait for a certified interpreter may compromise the inmate's safety, the performance of first-responders duties, or the investigation of the inmate's allegations.

3. Within 30 days of intake, staff shall provide comprehensive education to inmates, either in person or through video, regarding their right to be free from sexual abuse/sexual harassment and from any retaliation for reporting such incidents.

   a. Corrections staff completing the Initial PREA Risk Screen will document the presentation of Prevention of Sexual Abuse/Harassment information on the *Acknowledgement of Prevention of Sexual Abuse/Harassment Information Form* (Attachment 2).

D. <u>PREA Risk Screen Assessment Review</u>

1. A *PREA Risk Screen Assessment Review* (Attachment 1) shall be completed on an inmate based on any additional information received since intake or:

   a. Due to a referral;

   b. A request;

   c. An incident of sexual abuse;

   d. Or receipt of information that bears on the inmate's risk of sexual victimization or abusiveness.

2. A PREA Risk Screen Review can be initiated by staff to ensure the inmate's safety from sexual abuse.

   a. An inmate's PREA Risk Screen score will be reviewed by staff at the inmates regularly scheduled classification reviews and/or hearings.

b. A PREA Risk Screen Review will be initiated by Classification if incidents/events have occurred since the last screen that is likely to change the inmate's score. Some example include:

i. A new sentence. The Classification Officer will review the PREA Screen when new sentence information becomes available.

ii. A special security investigation determines an inmate was either a victim or perpetrator of sexual abuse or sexual harassment. This information should be provided to the classification officer within 72 hours.

iii. A staff person believes an inmate appears to have been incorrectly assessed/incorrect PREA code

c. The reason for a PREA Risk Screen Review will be documented with the screen/assessment.

3. A PREA Risk Screen Review shall be completed within three (3) working days of the Classification Officer being made aware of any of the above criteria being met.

E. PREA Screen Categories

1. The PREA screens distributes inmates into four (4) institutional categories with designations of:

a. VP (Victim Potential): Inmates designated by the PREA screen as having characteristics of an inmate with a higher than normal likelihood to be sexually assaulted inside an institution.

b. AP (Aggressor Potential): Inmates designated by the PREA screen as having characteristics of an inmate with a higher than normal likelihood to be sexually aggressive towards other inmates inside an institution.

c. VAM (Victim Aggressor Mix) Inmates designated by the PREA screen as having both and aggressor potential (AP) and a victim potential (VP).

d. NS (Not Scored): Inmates that did not fit into the criteria in the PREA Screen Score to be designated as VP, AP or VAM.

F. Utilization of the PREA Risk Screen Score

1. The *PREA Risk Screen* will be utilized for assigning cells, rooms, and beds for inmates.

a. If the *PREA Risk Screen* can be accommodated consistent with the custody classification then it should be used in these assignments.

2. An Inmates *PREA Risk Screen* category cannot be used to override his/her custody classification.

3. An inmate's rights, privileges or custody levels may not be forfeited, changed, determined or affected on the basis of an inmate's assigned PREA category alone.

4. The *PREA Risk Screen* will be taken into consideration when determining housing, cell, work, education, and program assignments for inmates with a high risk of being sexually victimized by those inmates determined to be a high risk of being sexually abusive.

   a. Those inmates who are at a high risk for sexual victimization shall not be placed in segregated housing unless an assessment of all available alternatives has been made and it has been determined that there is no available alternative means of separation from likely abusers.

5. An inmate with a history of sexually assaultive behavior may be referred for an Administrative Segregation hearing.

G. <u>Cell/Room Assignments Based on PREA Risk Screen Score</u>

1. PREA category impact on a cell/room assignment:

   a. Inmates in the AP category can be housed with an AP or NS category inmate.

   b. Inmates in the VP category can be housed with a VP or NS category inmate.

   c. Inmates with the NS category can be housed with any category.

   d. Inmates in the VAM category can be housed with a VAM or NS category inmate.

2. **Inmates with an AP code may not be housed with inmates with a VP or VAM code.**

   i. This means they cannot be in the same cell but they made need to be on the same unit as dictated by their classification.

H. <u>Programming / Education / Work Assignments Base on PREA Risk Screen score:</u>

1. Screening information shall be used in informing an inmate's programming, education or work assignments with the goal of keeping those inmate's at high risk of being sexually victimized from those at high risk of being sexually abusive or providing appropriate supervision to prevent instances of abuse. Work supervisors and those providing education and programming to groups of inmates are responsible for knowing the identity of assigned inmates assessed with victim potential and

aggressor potential and providing necessary supervision to protect inmates from sexual abuse.

a. Inmates with a VP category may be placed in a program, education or work assignment with an AP or VAM provided there is direct supervision.

b. Inmates with a VAM category may be placed in a program, education or work assignment with AP or another VAM provided there is direct supervision.

c. Inmates with a NS category may be placed in a program, education or work assignment with AP, VP, VAM, or another NS without direct supervison.

III. Training Points

A. Inmates must receive their Initial PREA Risk Screen within how many hours of their intake?

B. Do inmates have to participate in the PREA Risk Screens?

C. Name the four (4) categories that the PREA Risk Screen will classify inmates into.

D. Can an inmate that is designated as a Potential Victim be housed in a cell with an inmate that is designated as a Potential Aggressor?

Kevin S. Stukenholtz

Kevin Stukenholtz
Saunders County Sheriff

August 22-2016
Date

POLICY & PROCEDURE	Policy A-1006
SAUNDERS COUNTY CORRECTIONS	**Title**: Prison Rape Elimination Act: Reporting Sexual Assault **Subject:** PREA **Reference:** Department of Justice 28 CFR Part 115 **Date:** 07-2015

I. POLICY

Saunders County Corrections (SCC) will provide inmates multiple ways to privately report the following: sexual abuse, sexual harassment, staff neglect or violation of staff responsibilities, retaliation by other inmates or staff for reporting sexual abuse or sexual harassment that may have contributed to inappropriate incidents. All staff has the responsibility to report any allegations of sexual misconduct, sexual abuse or sexual harassment by staff or inmate to the PREA Coordinator and Administration.

II. PROCEDURE

A. Saunders County Corrections Administration Expectations:

1. All staff follows all SCC Policies and Post Orders.
2. Will investigate and treat the allegation of employee, contract worker, volunteer or inmate sexual misconduct with confidentiality and professionalism.
3. Staff's conduct and attitude towards such allegations will be professional and unbiased.
4. All staff will be required to cooperate with the investigation into all allegations.
5. When appropriate, allegations may be referred to the Saunders County Attorney for prosecution.

B. Inmate:

1. Inmates may confidentially disclose incidents of sexual misconduct, contact, abuse and harassment to any SCC staff, either verbally or in writing.
   a. Staff will complete an incident report detailing the information provided to them by the inmate and forward it to the PREA Coordinator and to the Lieutenant by the end of the current shift at the latest.

b. The use of non-certified interpreters shall be prohibited unless an extended delay to wait for a certified interpreter may compromise the inmate's safety, the performance of first-responders duties, or the investigation of the inmate's allegations.

2. Inmates may use a request form to write the PREA Coordinator to disclose any sexual misconduct by staff, contract worker, volunteer or other inmate.

3. Inmates may utilize the Kiosk on the housing units and select the PREA box to report an issue. The PREA Coordinator and SCCV Administration are the only employees that have access to this information.

4. Inmates may file a sexual misconduct complaint through the inmate grievance system.

5. In emergency situations the Shift Supervisor will handle the complaint immediately during non-business hours.

6. The inmate may request to make a report to an investigator from the Saunders County Sheriff's Department.

7. Any inmate who reports an incident of sexual misconduct, sexual contact, sexual abuse or sexual harassment may request to be treated as an anonymous informant.

8. The inmate may request to speak with the medical department to express their concerns.

9. Inmates may make a report using a confidential in house report using any inmate phone by calling (402) 555-1234

10. An inmate may contact an outside source by calling the Rape, Abuse and Incest National Network (RAINN) by calling 1-800-656-4673 (HOPE). The inmate must select the collect call function however there will be no fees associated with the call to the called party.

C. Third Party Reports

1. Any person may confidentially disclose incidents of sexual misconduct, contact, abuse and harassment to a SCC staff either verbally or in writing.

2. This information will be forwarded to the PREA Coordinator and Director, for further investigation.

3. A person can write to the PREA Coordinator in regards to allegations of sexual misconduct, sexual abuse or sexual harassment of an inmate.

4. The Director will inform the PREA Coordinator who will conduct a professional investigation to determine the appropriate course of action in regards to the allegations.

5. Third Parties may assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse.

D. Staff, Contract Employee or Volunteer:

1. All employees of SCC, Contracted Employees or Volunteers are obligated to report any concerns of an inmate, a contract employee, a volunteer or a staff member sexual misconduct, sexual contact, sexual abuse or sexual harassment.

   a. Sexual misconduct includes acts or attempts to commit acts of misconduct including:

      i. Sexual conversations or correspondence which suggests a romantic or intimate relationship.

      ii. All sexual contact between persons regardless of consent: intentional touching either directly or through clothing of another person with the intent to abuse, humiliate, degrade, arouse or gratify the sexual desire of another person.

      iii. Sexual abuse: raping, molesting, prostitution or otherwise sexually exploiting another person.

      iv. Sexual harassment includes but is not limited to: unwelcome sexual advances, request for sexual favors, disrobing or requesting another to disrobe without a legitimate penological objective, making sexual offensive comments or gestures or verbal or physical conduct of a sexual nature.

   b. Staff or Contracted Employees will provide the Director or the PREA Coordinator with a verbal report and will follow-up with a written report immediately.

   c. If the PREA Coordinator receives the information in the absence of the Director, he/she will contact the Director about the report.

   d. No staff, contracted staff or any individual in a position of authority over an inmate shall retaliate against the alleged victim or complainant and/or inmate witness for making allegations of sexual misconduct, sexual contact, sexual abuse or sexual harassment.

      i. Such retaliation may include but not be limited to:

         1) Threats regarding bail or good time.

2) Denial of privileges.

3) Subjection to disciplinary or adverse administrative action.

4) Negative comments of recommendation to any parties.

5) Shall lead the complainant, victim or witness to believe such retaliatory action can or will be taken to induce statement or other cooperation.

e. Staff must immediately report any staff neglect or violation of responsibility that may have contributed to an incident or to retaliation.

f. Apart from reporting to supervisors or designated personnel staff shall not reveal any information related to a sexual abuse incident to anyone other than to the extent necessary to make a treatment, investigation, or other security management decision.

2. This in no way shall limit the Disciplinary Hearing Officer (DHO) or SCC Administrations ability to take appropriate disciplinary or prosecutorial action where inmates make untruthful allegations.

E. PREA Coordinator will ensure the following:

1. That all necessary medical and mental health treatment is obtained for the victim.

2. All documentation of sexual misconduct, sexual contact, sexual abuse or sexual harassment is maintained securely.

3. All allegations of sexual misconduct, sexual contact, sexual abuse or sexual harassment will be investigated by an investigator of the Saunders County Sheriff's Department or other designated law enforcement agency.

4. The victim of sexual misconduct, sexual contact, sexual abuse or sexual harassment will be informed in writing of the outcome of the investigation and the resolution the investigator proposes.

5. That the inmate who is dissatisfied with the investigation or resolution of the allegation of sexual misconduct, sexual contact, sexual abuse or sexual harassment may appeal to the SCC Director within sever (7) days of receiving the written outcome of the investigation.

III. Training Points

A. Is staff required to cooperate with investigation into allegations of sexual abuse or harassment?

B. Name the different methods and inmate can use to report sexual abuse.

C. Are staff, contract employees and volunteers obligated to report concerns of possible sexual abuse and/or harassment?

D. If an inmate is not satisfied with an investigation or resolution, how long do they have to appeal and who do they appeal to?

Kevin S. Stukenholtz
Kevin Stukenholtz
Saunders County Sheriff

August 22. 2016
Date:

POLICY & PROCEDURE	Policy A-1007
SAUNDERS COUNTY CORRECTIONS	**Title**: Prison Rape Elimination Act: Official Response Following an Inmate Report **Subject:** PREA **Reference:** Department of Justice 28 CFR Part 115 **Date: 07-2015**

I. POLICY

Saunders County Corrections (SCC) requires all staff to immediately report any knowledge, suspicion, or information regarding any incident of sexual abuse or sexual harassment that occurs in the facility or in other secure confinements.

II. PROCEDURE

A. Staff and Facility reporting duties:

1. It is the staff's responsibility to report to the PREA Coordinator or Director any knowledge, suspicion, or other information regarding an incident of sexual abuse or sexual harassment that occurs in any facility.

    a. This includes any incident which has occurred in any other facility as well.

2. At no time will retaliation be tolerated against an inmate or any staff who reports such an incident.

3. In addition, no staff neglect or violation of their responsibilities which may contribute to retaliation against an inmate or other staff member will be allowed.

4. Confidentiality will be maintained by staff.

    a. Staff will report to the Director or PREA Coordinator any information in regards to sexual misbehavior as reported to them or that they may have witnessed.

    b. In incidents of immediate danger to an inmate or other staff, necessary steps to ensure the safety of another will be dealt with by the shift supervisor.

        i. This will include treatment as needed for an injured person.

        ii. The Shift Supervisor will ensure appropriate documentation will be forwarded to the PREA Coordinator and Director. All reports shall be submitted before any involved staff ends shift.

5. The medical and mental health staff will report to the PREA Coordinator and Director any reported information or suspicion of an incident of sexual abuse or sexual harassment that occurs in this facility or another facility.

6. The PREA Coordinator will report to the Director all allegations of sexual abuse or sexual harassment including third party and anonymous reports.

7. The Director will determine the appropriate course of action for the allegations and notify the PREA Coordinator what he/she will do to deal with the situation.

B. Saunders County Corrections protection duties:

1. When staff learns that an inmate is subject to substantial risk of imminent sexual abuse, the staff will immediately take steps to protect the inmate.

C. Reporting to Other Facilities:

1. Upon learning of an allegation that an inmate was sexually abused or witnessed sexual abuse while confined at another facility the Director will notify the head of the other facility where the alleged abuse occurred. See Policy 1003 section B.

2. The notification will be provided as soon as possible, but no later than seventy-two (72) hours after receiving the information.

3. The allegation and notification will be documented and the PREA Coordinator will maintain all reports.

D. Staff First Responder Duties to a Sexual Abuse Incident:

1. Upon learning of an allegation that an inmate was sexually abused, the staff will separate the victim and the abuser.

2. Preserve and protect any crime scene until the Saunders County Sheriff's Department can collect any evidence.

3. If the abuse occurred within a time period that still allows for the collection of physical evidence the staff will ensure the inmate does not do any of the following:

   a. Showering or washing up

   b. Brushing their teeth

   c. Change clothing

   d. Urinate

e. Defecate

f. Smoke

g. Drink

h. Eat

E. Contract or volunteer first responders will take no action that could destroy evidence. If they receive a report of sexual abuse from an inmate they should ask the inmate not take any action that could potentially destroy evidence and notify corrections staff right away.

F. Saunders County Corrections Administration will:

1. Ensure the victim is provided medical and mental health as needed.

2. Ensure first responding staff completes appropriate documentation of the incident, cooperate with the investigation and receive debriefing.

3. Review the incident for safety and security concerns

G. Preservation of Ability to Protect Inmates From Contact With Abusers:

1. SCC or any other governmental entity responsible for collective bargaining on SCC behalf shall not enter into or renew any collective bargaining agreement or other agreement that limits SCC ability to remove alleged staff sexual abusers from contact with any inmate pending the outcome of an investigation or a determination of whether and to what extent discipline is warranted.

H. SCC Will Protect Inmates and Staff Against Retaliation:

1. Any inmate or staff who reports sexual abuse or sexual harassment or cooperates with the investigation of such alleged concerns will be provided confidentiality regarding their incident reports to in order to provide protection from retaliation by other inmates or staff.

a. Necessary steps to help protect the reporting inmate may include:

i. Change of classification to Protective Custody

ii. Housing change

iii. Transferring the inmate to another location

iv. Provided emotional support

b. Steps that may be taken to segregate the alleged inmate abuser:

i. May be placed in pre-disciplinary segregation pending the investigation.

ii. Housing change

iii. Review of classification

c. Steps which may be taken to protect the reporting staff:

i. All reports will be confidential between the PREA Coordinator, Director and appointed investigator.

ii. Change of duty such as shift change or assignment.

iii. Provided emotional support

d. Steps that may be taken for the alleged staff abuser include:

i. Ordered no contact with alleged victim pending investigation.

ii. Suspension pending investigation.

iii. Change of duty such as shift change or assignment.

I. Administrative staff will:

1. The PREA Coordinator and Lieutenant will monitor the reporting staff, victim, alleged abuser inmate or staff for at least ninety (90) days to watch for retaliation of other inmates or staff. This timeframe can be extended as long as deemed necessary.

   a. If the PREA Coordinator finds signs of retaliation he/she will inform the Director and appropriate measures will be taken to end such inappropriate behavior.

   b. Monitor inmate disciplinary records, housing assignments, program changes, negative performance review or reassignments of staff.

   c. The PREA Coordinator or Director may extend the monitoring if circumstances indicate it to be necessary.

2. The PREA Coordinator will follow-up with the victim to ensure he/she is receiving adequate care for medical and mental health needs. If requested by the victim, the PREA Coordinator will attempt to arrange a victim advocate, qualified agency staff person or qualified community based organization staff member shall accompany and support the victim through the forensic medical examination process and

investigatory interviews and provide emotional support, crisis intervention, information and referrals.

3. Follow-up with the Saunders County Sheriff's Office and Saunders County Attorney to ensure the incident of sexual assault allegation in the facility is appropriately investigated and criminal prosecution of the perpetrator will take place.

4. The PREA Coordinator will securely maintain all documentation of the alleged sexual assault.

III. Training Points

A. Should an inmate be allowed to shower or wash up right after an alleged sexual assault?

B. What should be the first step taken when staff learn of a inmate on inmate sexual assault allegation.

Kevin L. Stukenholtz
Kevin Stukenholtz
Saunders County Sheriff

August 22- 2016
Date

POLICY & PROCEDURE	Policy A-1008
SAUNDERS COUNTY CORRECTIONS	**Title**: Prison Rape Elimination Act: PREA Investigation **Subject:** PREA **Reference:** Department of Justice 28 CFR Part 115 **Date:** 07-2015

I. POLICY

Saunders County Corrections (SCC) Administration mandates all allegations of sexual abuse and sexual harassment will be investigated promptly and objectively for all allegations including third-party and anonymous reports.

II. PROCEDURE

A. When a report is received from an inmate, staff, contract worker, volunteer or third party, the PREA Coordinator will inform the Saunders County Corrections Director. All allegations of sexual abuse will be investigated by Saunders County Corrections as well as by law enforcement investigators trained to conduct sexual abuse investigations in a correctional setting.

B. The Director will determine which staff he/she wishes to have investigate the initial report.

1. Sexual Assaults will always be investigated by the Saunders County Sheriff's Department.

   a. Investigators will gather and preserve direct and circumstantial evidence as directed by their policy and procedures.

   b. Review electronic monitoring data.

   c. The investigators will interview alleged victim(s), suspected perpetrator, witnesses and any prior complaints and reports of sexual abuse involving the suspected perpetrator.

   d. When the quality of evidence appears to support criminal prosecution the investigators will review the evidence and information with the Saunders County Attorney's Office.

   e. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device.

2. Sexual Harassment may be investigated by someone appointed by the Director.

    a. Evidence found of sexual harassment by an inmate: the Director will provide the Disciplinary Hearing Officer (DHO) with the evidence to proceed with inmate discipline.

    b. Evidence found of sexual harassment by staff: the Department Head will proceed with discipline as outlined in policy and procedure for such acts.

3. The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and not be determined by the person's status as an inmate or staff.

C. Administrative Investigation will be completed if evidence is found that sexual abuse or sexual harassment has taken place in the facility:

1. To determine if staff actions or failures to act contributed to the abuse.

2. Reports will be written that will include:

    a. Description of the physical and testimonial evidence.

    b. Reasoning behind credibility assessments.

    c. Investigative facts and findings.

3. The facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

D. Criminal Investigations

1. Shall be documented in a written report that contains a thorough description of physical, testimonial, documentary evidence and copies will be attached to all documentary evidence where feasible.

E. All substantiated allegations of conduct that appears to be criminal will be referred to the Saunders County Attorney's Office for prosecution.

F. The departure of the alleged abuser or victim from employment or control of the facility shall not provide a basis for terminating the investigation.

G. The facility and all staff will cooperate with investigators.

H. Reporting to Inmates:

1. Following an investigation into an inmate's allegation that he/she suffered sexual abuse in the facility, the agency shall inform the inmate as to whether the allegation has been substantiated, unsubstantiated or unfounded.

2. If the Saunders County Sheriff's Department completed the investigation, they will provide a report in order to inform the inmate of the determination of the investigation. The same will be in effect should an outside entity conduct the investigation.

3. Following the inmate's allegation that a staff member has committed sexual abuse against the inmate, the administration shall subsequently inform the inmate (unless the allegation is unfounded):

   a. The staff member will no longer be posted in the inmate's housing unit.

   b. The staff member is no longer employed at the facility.

   c. The staff member has been indicted on a charge related to the sexual abuse within the facility.

   d. The staff member has been convicted on a charge related to sexual abuse within the facility.

4. Following an inmate's allegation that he or she has been sexually abused by another inmate, the facility shall subsequently provide documentation to the inmate to inform the alleged victim whenever:

   a. The alleged abuser has been indicted on a charge related to sexual abuse within the facility.

   b. The alleged abuser has been convicted on a charge related to sexual abuse within the facility.

   c. The facility's obligation to report to the victim is terminated if the inmate is released from the facility.

I. PREA Coordinator will:

1. Retain all reports as long as the alleged abuser is incarcerated or employed by the facility, plus five (5) years.

2. Will ensure all notifications to the victim or attempted notifications are documented and maintained.

III. Training Points

A. If an accused inmate leaves the facility can the investigation be terminated?

B. Can inmates alleging sexual abuse be required to submit to a polygraph exam to prove their allegations?

C. Following an inmate's allegation of sexual abuse, how long will the PREA Coordinator retain reports for?

Kevin S. Stukenholtz
Kevin Stukenholtz
Saunders County Sheriff

August 22. 2016
Date

POLICY & PROCEDURE	Policy A-1009
SAUNDERS COUNTY CORRECTIONS	**Title:** Prison Rape Elimination Act: PREA Disciplinary Sanctions **Subject:** PREA **Reference:** Department of Justice 28 CFR Part 115 **Date:** 07-2015

I. POLICY

Saunders County Corrections (SCC) Administration mandates disciplinary sanctions will be given to staff, contractors, volunteers and inmate's who violate Saunders County Corrections sexual abuse and sexual harassment policies.

II. PROCEDURE

A. Staff

1. If after an investigation of an alleged violation of the Saunders County Corrections sexual abuse and sexual harassment policies a staff member is found to be guilty of the allegation(s), the matter will be reviewed for appropriate disciplinary sanctions up to an including possible termination.

2. Termination shall be the presumptive disciplinary actions for staff who have engaged in sexual abuse.

3. Disciplinary sanctions for violations of the facility's policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) will be commiserate 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 will be considered as well.

4. All terminations for violations of sexual abuse or sexual harassment policies or resignations by staff that would have been terminated if not for their resignations shall be reported to the Saunders County Sheriff's Department, unless the activity was clearly not criminal to any relevant licensing bodies.

5. The discipline decisions will be made by the Sheriff, Chief Deputy and Director.

B. Contractors

1. Any contractor who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to the Saunders County Sheriff's Department, unless the activity was clearly not criminal to any relevant licensing bodies.

2. 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 facility's sexual abuse or sexual harassment policies by a contractor.

3. The Director and PREA Coordinator will discuss the contractor's actions and decide what actions should be taken with the contractor.

4. The Director will contact the contractor's employer to notify their company of the situation and the facility's decision on whether the contractor will be allowed contact with inmates.

C. Volunteers

1. Any volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to the Saunders County Sheriff's Department unless the activity was clearly not criminal to any relevant licensing bodies.

2. The facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates. In the case of any other violations of the facility's sexual abuse or sexual harassment policies by a volunteer.

3. The Director and PREA coordinator will discuss the volunteer's actions and decide what actions will be taken for the volunteer.

4. The Director or PREA Coordinator will contact the volunteer to inform him/her of the corrective actions for violations of the Saunders County Corrections policies on sexual abuse or sexual harassment.

D. Inmate

1. Inmates shall be subject to the disciplinary sanction 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.

2. 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 history will also be a consideration.

3. The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed.

4. The facility may offer counseling or other interventions designed to address and correct underlying reasons or motivation for the abuse as part of a sanction to

participate in such interventions as a condition of access to future programming or other benefits.

5. The facility may discipline an inmate for sexual contact with staff only upon finding that the staff member did not consent to such contact.

6. 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 and incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

7. The facility prohibits all sexual activity between inmates and will discipline inmates for such activity.

8. All investigation reports of sexual abuse or sexual harassment will be provided to the PREA Coordinator.

9. The PREA Coordinator will review the investigations with the Director.

10. After an investigation is complete, and the Director chooses a disciplinary hearing to be conducted, the PREA Coordinator will forward the reports to the Disciplinary Hearing Officer (DHO).

11. The DHO will complete the inmate's hearing and will decide the consequence for the inmate's sexual abuse or sexual harassment.

12. The DHO will provide the PREA Coordinator with the completed inmate discipline file for safekeeping.

III. Training Points

A. What is the presumptive disciplinary action for an employee who is found to have engaged in sexual abuse or sexual harassment?

B. Who will make the disciplinary decisions for staff violations?

C. In addition to possible criminal charges is an inmate able to have disciplinary sanctions stemming from an incident of sexual abuse or harassment as well?

Kevin S. Stukenholtz
Kevin Stukenholtz
Saunders County Sheriff

August 22-2016
Date

POLICY & PROCEDURE	Policy A-1010
SAUNDERS COUNTY CORRECTIONS	**Title**: Prison Rape Elimination Act: Inmate Medical and Mental Health Care **Subject:** PREA **Reference:** Department of Justice 28 CFR Part 115 **Date:** 07-2015

I. POLICY

It is the policy of Saunders County Corrections (SCC) that medical and mental health services are available for all inmates who require them. Those inmates who require acute care for medical or mental health services beyond those available at the facility are transferred to an appropriate facility as soon as the need for such treatment is determined by a medical or mental health professional.

II. PROCEDURE

A. Medical and Mental Health Screenings

1. During the initial Medical and Mental Health Screening if the inmate indicates he/she has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure the inmate is offered a follow-up meeting with a medical or mental health practitioner within fourteen (14) days of the intake screening. This screening shall be documented when it occurs.

2. If during the initial Medical and Mental Health Screen the inmate indicates he/she has perpetrated sexual abuse, whether it occurred in and institution setting or in the community, classification or medical staff shall ensure the inmate is offered a follow-up meeting with a medical or mental health practitioner within fourteen (14) days of the intake screening. This screening shall be documented when it occurs.

3. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners, PREA Coordinators and other staff as necessary, to inform treatment plans, security and management decisions including: housing work, education and program assignments, or as otherwise required by Federal and State law.

4. Medical and mental health practitioners shall obtain informed consent from the inmate before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of eighteen (18).

B. Access to Emergency Medical and Mental Health Services

1. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of which will be determined by medical and mental health practitioners according to their professional judgment.

2. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders will provide protective custody for the victim and will immediately notify the on-call medical person for Advanced Correctional Health Services (ACH).

a. If the victim is seriously injured the supervisor will call Dispatch to have an ambulance sent.

3. Inmate victims of sexual abuse while housed at SCC will be offered timely information about access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

4. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident.

C. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers

1. SCC will offer medical and mental health evaluation and appropriate treatment to all inmates who have been victimized by sexual abuse in any facility.

2. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, a treatment plan and when necessary, referrals for continued care following their transfer to other facilities or their release from custody

3. SCC shall provide such victims with medical and mental health services consistent with the community level of care.

4. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.

5. If pregnancy results from their victimization, the inmate shall receive timely and comprehensive information about access to all lawful pregnancy related medical services.

6. Treatment services and tests shall be offered for sexually transmitted infections as medically appropriate.

7. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident.

8. SCC mental health practitioner shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by the mental health practitioner.

III. Training Points

A. If during the initial medical and mental health screen if there is an indication the inmate has experienced prior sexual victimization what must be done?

B. Is the inmate financially responsible for treatment received as a result of sexual abuse while incarcerated?

C. What level of care shall be provided to inmates who are a victim of sexually abuse?

Kevin S. Stukenholtz
Kevin Stukenholtz
Saunders County Sheriff

August 22-2016
Date

POLICY & PROCEDURE	Policy A-1011
SAUNDERS COUNTY CORRECTIONS	**Title:** Prison Rape Elimination Act: Data Collection and Review **Subject:** PREA **Reference:** Department of Justice 28 CFR Part 115 **Date:** 07-2015

I. POLICY

Saunders County Corrections (SCC) PREA Coordinator will collect data as required by the mandated PREA laws and lead the SCC administration in the review of data collected.

II. PROCEDURE

A. Sexual Abuse Incident Review

1. The PREA Coordinator and the Administrative Review Team will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including when the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

    a. The review team will be at least three members which may include the Director, Deputy Director, Lieutenant, or Administrative Assistant.

    b. All staff involved in the incident and/or investigation will be required to submit a completed report within thirty (30) days of the reported incident.

    c. If the investigation is not completed within thirty (30) days the staff will submit documentation of the need to extend the time line.

2. The incident review will be completed within thirty (30) days of the conclusion of the investigation.

3. The review team will seek input from staff, supervisors, investigators and medical or mental health practitioners.

4. The review team will:

    a. Consider whether the allegation or investigation indicates a need to change policy to prevent, detect or respond to sexual abuse.

    b. Consider whether the incident or allegation was motivated by race, ethnicity, and gender identity: lesbian, gay, bisexual, transgender or intersex identification,

status or perceived status or gang affiliation. Or was the incident motivated or otherwise caused by other group dynamics in the facility.

c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

d. Assess the adequacy of staffing levels in that area during different shifts.

e. Prepare reports of the findings, including but not necessarily limited to determination made pursuant to the items above and any recommendations for improvement and will submit the reports to the Administration and PREA Coordinator.

    i. The PREA Coordinator will maintain the review teams report securely.

f. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

    i. The PREA Coordinator will maintain the documentation of the report securely.

B. Data Collection

1. The PREA Coordinator will:

    a. Maintain, review and collect data as needed from all available incident based documents: including staff reports, investigation files, and sexual abuse incident reviews.

    b. Collect accurate, uniform data for every allegation of sexual abuse at the facility using the *Allegation of Sexual Abuse Form.* **(Attachment 1)** See the *data dictionary* **(Attachment 2)** for specific instructions on how to fill out the Allegation of Sexual Abuse Form.

    c. Lead a review of the incident-based data at least annually with the Administration.

2. The Review Team will review the following:

    a. Number of inmates confined in the facility on December 31st of the year in review.

    b. This information will be documented on the Survey of Victimization Form.

    c. How many inmates booked into the facility for the year in review:

        i. Total males

ii. Total females

iii. Average daily population

d. Record of alleged inmate-on-inmate sexual acts.

i. Number of these allegations which were:

a) Substantiated

b) Unsubstantiated

c) Unfounded

d) Investigation ongoing

e. Record of alleged inmate-on-inmate abusive sexual contact.

i. Number of these allegations which were:

a) Substantiated

b) Unsubstantiated

c) Unfounded

d) Investigation ongoing.

f. Record of alleged staff sexual misconduct.

i. Number of these allegations which were:

a) Substantiated

b) Unsubstantiated

c) Unfounded

d) Investigation ongoing

g. Record of alleged staff sexual harassment.

i. Number of these allegations which were:

a) Substantiated

b) Unsubstantiated

c) Unfounded

d) Investigation ongoing

h. Will obtain incident-based data from those agencies SCC contracts with for the confinement of our inmates if applicable.

i. Upon request SCC will provide all such data from the previous calendar year to the Department of Justice no later than June 30th.

C. Data and Review for Corrective Action:

1. The Administrative review team shall review data collected in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies and training including:

   a. Identifying problem areas.

   b. Taking corrective action on an ongoing basis.

   c. Preparing an annual report of its findings and corrective action for the facility as a whole.

2. Such report shall include a comparison of the current year's data and corrective action with those from prior years and will provide an assessment of the agency progress in addressing sexual abuse.

3. The report will be approved by the Director and will be readily made available to the public, on the SCC bulletin board.

4. The facility may redact specific material from the report when publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the material redacted.

D. Data Storage, Publication and Destruction:

1. All data collected will be securely retained in the PREA Coordinator's locked file cabinet.

2. All sexual abuse data under SCC control will be made readily available at least annually on the SCC lobby bulletin board.

   a. Before the sexual abuse data is made available to the public, SCC will remove all personal identifiers.

3. All sexual abuse data collected will be maintained for at least ten (10) years after the initial collection

III. Training Points

A. Who will be on the PREA Administrative Review Team?

B. When must a PREA incident review be completed by?

C. What does the review team do?

D. Does the PREA Data Report need to be made available to the public?

E. How long does sexual abuse data need to be maintained for?

Kevin Stukenholtz
Saunders County Sheriff

Date

POLICY & PROCEDURE	Policy A-1012
SAUNDERS COUNTY CORRECTIONS	**Title:** Prison Rape Elimination Act: PREA Audits **Subject:** PREA **Reference:** Department of Justice 28 CFR Part 115 **Date:** 07-2015

I. POLICY

Saunders County Corrections (SCC) Administrative staff will cooperate with the Department of Justice certified auditor

II. PROCEDURE

A. The PREA Coordinator will be the contact person for the Department of Justice Auditor.

1. He/She will prepare the appropriate staff with the pre-audit forms and deadlines to the staff to return the forms.

2. He/She will review the auditor's certification to ensure they have been certified by the Department of Justice in the last three (3) years, prior to the PREA inspection.

B. Auditor will be able to enter and tour the facility, review all applicable documentation and conduct interviews with staff and inmates.

C. All SCC staff will cooperate with the Department of Justice auditor.

D. All results from the Department of Justice auditor will be made available for public review.

III. Training Points

A. Who is the contact person for the Department of Justice auditor?

B. Who will the Department of Justice auditor interview during the audit?

Kevin S. Stukenholtz
Kevin Stukenholtz
Saunders County Sheriff

August 22-2016
Date