

 King County	Department of Adult and Juvenile Detention Adult Divisions General Policy Manual		
	Chapter 6 Inmate Classification and Discipline		
6.04.001 Prison Rape Elimination Act (PREA)	Approved By:	Interim Director W. Hayes	
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Purpose

To establish procedures to prevent, detect, and respond to all forms of sexual abuse and sexual harassment.

Policy

DAJD policy mandates zero tolerance toward all forms of sexual abuse and sexual harassment. The occurrence of sexual abuse and sexual harassment undermines the public support of law enforcement, creates a hostile environment and is not consistent with the department’s mission of operating safe, secure and humane detention facilities.

References

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| Federal: | Prison Rape Elimination Act (PREA) |
| RCW’s: | 9A.44.160, 1st Degree Custodial Sexual Misconduct
9A.44.170, 2nd Degree Custodial Sexual Misconduct
42.56, Public Disclosure |
| JHS Policies: | J-G-09, Procedure in the Event of a Sexual Assault |
| Department Policies: | 1.01.005, Executive Duty Officer (EDO)
1.01.017, Public Information Officer
1.03.008, Code of Conduct
1.03.015, Employee Assistance Program
1.03.020, Anti-Harassment
1.04.002, Internal Investigations
1.04.003, Emergency Relief from Duty
4.01.021, Collection and Storage of Evidence
6.02.002, Inmate Disciplinary System
6.04.002, Inmate Grievance Procedures
Inmate Information Handbook |
| Memorandum of Understanding (MOU): | Kent Police Department (KPD)
Seattle Police Department (SPD) |

Definitions**Sexual Abuse:**

1. 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:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d. 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.
 - e. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.
2. 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:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. 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;
 - d. 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;
 - e. 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;
 - f. 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 definition;
 - g. 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
 - h. Voyeurism by a staff member, contractor, or volunteer.

Sexual Harassment:

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, 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.

A. General Guidelines

1. DAJD shall cooperate fully with Federal, State, and other local officials in fulfilling the requirements of PREA.

2. DAJD shall designate an agency-wide PREA Coordinator and each facility shall have a PREA Compliance Manager to coordinate the Department's efforts to comply with PREA standards.
3. Should DAJD contract for the confinement of inmates with other entities, including other government agencies, any new contract or contract renewal shall include the entity's obligation to adopt and comply with PREA standards. Any new contract or contract renewal shall provide for agency contract monitoring to ensure the contractor is complying with PREA standards.
4. DAJD shall ensure any facility it operates has a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse.
5. DAJD shall ensure all employees, contractors, vendors and volunteers who have contact with inmates have been trained on how to best comply with PREA standards. This training will occur during New Employee Orientation, with refresher training occurring every two years. Training for contractors, vendors and volunteers will occur during initial orientation.
6. DAJD shall establish procedures to provide disabled inmates equal opportunity to participate in or benefit from all aspects to prevent, detect, and respond to sexual abuse and sexual harassment.
7. When DAJD learns an inmate is subject to a substantial risk or imminent sexual abuse, it shall take immediate action to protect the inmate.
8. Staff shall accept reports regarding an incident of sexual abuse or sexual harassment made verbally, in writing, anonymously and from third parties and shall promptly document any verbal reports.
9. All staff is required to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of DAJD. This is to include, but not limited to information regarding retaliation against inmates or staff who reported an incident; and any staff neglect or violation of staff duty that may have contributed to an incident or retaliation.
10. Staff shall not reveal any information related to a sexual abuse report, to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.
11. Multiple protection measures shall be taken, such as consideration of housing changes or transfers for inmate victims or abusers, removal of alleged staff, volunteers contractors or inmate abusers from contact with victims, emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
12. An administrative or criminal investigation shall be completed for all allegations of sexual abuse and sexual harassment. If there is evidence to corroborate criminal behavior, allegations will be referred for investigation to the Seattle Police Department or the Kent Police Department to conduct criminal investigations, .
13. Staff members who have engaged in sexual abuse or sexual harassment shall be subject to disciplinary sanctions, up to and including termination, and the filing of formal criminal charges as applicable.
14. DAJD shall 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. For at least 90 days following a report of sexual abuse, a designated staff member shall monitor the conduct and treatment of inmates or staff

who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse, to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation.

15. DAJD shall terminate monitoring if after investigated the allegation is unfounded.
16. If the allegation of sexual abuse or sexual harassment involves a staff member DAJD shall ensure that the alleged perpetrator(s) and victim are separated through appropriate placement, segregation, transfer, or administrative leave.
17. DAJD 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.
18. DAJD PREA coordinator shall aggregate the incident-based sexual abuse data and prepare an annual report in order to assess and improve the effectiveness of the Department's sexual abuse prevention, detection, and response policies, practices, and training. Data collected to develop the annual report shall include information reported on the most recent version of the Survey of Sexual Violence, conducted by the Department of Justice, and be securely stored by the Internal Investigations Unit (IIU) and designated DAJD Staff. The annual report shall be available on the DAJD website.

B. Procedures

1. Inmate Booking
 - a. At booking each inmate will be offered an inmate handbook with information explaining DAJD's zero-tolerance policy, their rights to be free from sexual abuse and sexual harassment and multiple ways to report sexual abuse and sexual harassment.
 - b. Each inmate will watch a video explaining DAJD's zero-tolerance policy and their rights to be free from sexual abuse and sexual harassment. This may not occur if there are safety and security concerns preventing the inmate from watching the video.
 - c. All inmates will be assessed during a classification intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
2. Inmate Housing
 - a. Corrections Programs Specialist (CPS) shall use information from the classification intake screening 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.
 - b. In deciding whether to assign a transgender or intersex inmate to housing for male or female inmates, and in making other housing and programming assignments, the CPS shall consider on a case-by-case basis whether placement would ensure the inmate's health and safety, and whether the placement would present management or security problems. A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.
 - c. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a classification officer cannot conduct such an assessment immediately, the DAJD may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.

3. Staff Response to Incident or Allegation of Sexual Assault or Sexual Harassment
 - a. Any Staff Member becoming aware of sexual assault, sexual harassment, the accusation of sexual assault or sexual harassment shall:
 - 1) Separate the alleged victim and abuser.
 - 2) Inform the alleged victim:
 - a) DAJD staff can and will help.
 - b) The importance of receiving help in dealing with the situation.
 - c) To get help, he or she does not need to make an official report or identify the assailant(s).
 - d) If the sexual assault happened within the past 72 hours, request the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating until he or she has been examined by JHS staff and/or an outside medical provider.
 - 3) Immediately notify the Duty Sergeant.
 - 4) Preserve and protect any crime scene until steps can be taken to collect evidence.
 - 5) Collect and Document information without jeopardizing the inmate's safety, identity, and confidence. Key data and information includes:
 - a) Alleged victim information (name, BA#, Title, etc.);
 - b) Alleged perpetrator information (name, BA#, Title, etc.);
 - c) Date, Time and Location of alleged incident; and
 - d) Details of the alleged incident.
 - 6) Notify JHS medical and psychiatric staff. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, officers shall take preliminary steps to protect the victim and shall transport the victim to a qualified medical facility.
 - 7) Notify Classification staff so the alleged victim inmate can be assigned to a new location and "Keep Separate From" entered in both alleged inmates histories.
 - 8) Prepare and forward written reports to your supervisor regarding the incident, including all statements made by the inmate.
 - 9) Provide a method for staff to privately report sexual abuse and sexual harassment of inmates.
 - 10) Inform the alleged victim of staff duty to make a report and the limitations of confidentiality due to the fact that all information directly relevant to sexual misconduct must be reported by law.
 - b. The Duty Sergeant shall:
 - 1) Assist with and ensure that appropriate investigative steps are taken.
 - 2) Notify the Shift Commander.
 - 3) Ensure that the crime scene is secured and the chain of evidence is not compromised following protocols set forth in Department policy 4.01.021.
 - 4) Collect and prepare written reports regarding the incident.
 - 5) Assist JHS staff with their response, as necessary.
 - c. The Shift Commander shall:
 - 1) Follow Department policy 1.04.003, Emergency Relief from Duty, if the incident involves a staff member.
 - 2) Arrange for the inmate's transport to a qualified medical facility, as necessary.
 - 3) Contact outside law enforcement agencies, as necessary.

- 4) Immediately notify a DAJD Criminal Investigator and/or the IIU Commander and request their assistance.
 - 5) Notify the Division Major and EDO. Refer to Department policy 1.01.005, Executive Duty Officer.
 - 6) Collect, prepare, and forward to the Division Major all written reports regarding the incident.
 - 7) If notified of an allegation made by an inmate, that he or she was sexually abused when confined at another facility:
 - a) Document such allegations.
 - b) Notify the agency where the alleged abuse occurred and document the notification. Notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. If allegations are received from other confinement facilities regarding an incident that allegedly occurred in a DAJD facility, the incident will be investigated in accordance with PREA standards.
- d. The Division Majors shall:
- 1) Review all written reports regarding incidents of sexual assault within the facility.
 - 2) Identify any patterns that occur, such as common locations, circumstances, etc.
 - 3) Identify and arrange for any additional training deemed necessary.
 - 4) Ensure annual reports are prepared as mentioned in the General Guidelines above.
- e. The Director shall:
- 1) Participate, select a designee to partake in public hearings or other processes at the request of Federal, State, or Local officials.
 - 2) Designate a liaison(s) with Federal, State, and other local officials as necessary.
 - 3) Take additional steps as necessary for the elimination of sexual assaults within the Department.
 - 4) Approve the annual PREA report and make available to the public via the DAJD web site.