

MONTGOMERY COUNTY SHERIFF'S OFFICE

JAIL MANUAL

NUMBER
6.14.1

SUBJECT PRISON RAPE ELIMINATION ACT (PREA)	
SUPERSEDES JAIL MANUAL: 6.14.1 Effective October 1, 2012	EFFECTIVE DATE: October 24, 2014
ISSUED BY: <i>Sheriff Phil Plummer</i>	

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6.14.1 PRISON RAPE ELIMINATION ACT (PREA)

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6.14.1 PREA (Prison Rape Elimination Act)

It is the policy of the Montgomery County Sheriff's Office to provide a safe, humane and appropriately secure environment, free from the threat of sexual misconduct for all inmates. In accordance with the Prison Rape Elimination Act of 2003 (PREA), the Montgomery County Sheriff's Office will maintain a program of prevention, detection, response, investigation and tracking. The Sheriff's Office maintains a zero tolerance for sexual abuse and sexual harassment in the Jail. Sexual abuse and sexual harassment among inmates and by staff towards inmates is strictly prohibited.

A. Employee Training

**ACA 2A-29
PREA 115.71**

1. All new employees will receive instruction related to the prevention, detection, response, and investigation of sexual assault and sexual harassment during orientation training.
2. Each employee will receive training on sexual assault and sexual harassment issues annually during in service training and will include at a minimum:
 - a. Recognizing predatory behavior of inmates
 - b. Inmate behavior or characteristics at risk for victimization
 - c. Inappropriate relationships between staff and inmates
 - d. Securing crime scene
 - e. Providing victim care
 - f. Evidence preservation
3. Employees from the Special Investigations Unit and the Inspectional Services Unit who conduct investigations of sexual abuse and sexual harassment in the jail are trained for conducting Investigations in a correctional setting.

B. Inmate Education

ACA 2A-29

1. Information will be provided to all inmates housed in the Montgomery County Jail which explains prevention, self-protection, reporting, treatment and counseling. This information will be in the form of:
 - a. Posters
 - b. Jail Handbook
 - c. Video information on Jail Information Channel

C. Reporting and Investigation of Sexual Misconduct

**ACA 2A-29
PREA 115.61, 115.63,
115.64, 115.67,
115.71, 115.73,
115.77, 115.86**

1. An inmate may report sexual misconduct or sexual harassment to any employee. Any employee who receives a report or has knowledge, suspicion, or information regarding sexual abuse or sexual harassment, which occurred in a facility, will immediately notify the on duty supervisor. The employee will complete a jail incident report, regardless of what facility the incident occurred in. Employees will also immediately report any information regarding retaliation against inmates or staff who reported such an incident, as well as staff

neglect or violation of responsibilities that may have contributed to an incident or retaliation.

2. All allegations of sexual abuse or sexual harassment are referred for investigation to special investigations unit.
3. Any employee receiving an allegation that an inmate was sexually abused or harassed while at another facility will immediately notify the on duty supervisor. The supervisor, through the chain of command, will notify the jail administrator of the allegation. The jail administrator will notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. This notification will be documented and made as soon as possible, but no later than 72 hours after receiving the allegation.
4. An inmate may also report sexual misconduct or sexual harassment using the inmate telephone system by leaving a message on the PREA line. The dedicated PREA phone is located in the Booking Sergeant's office and it will be the responsibility of the on-duty Booking Sergeant to retrieve any messages left during their shift. The on-duty Booking Sergeant will then take the appropriate action to begin to investigate the complaint and make the necessary notifications.
5. A sexual assault or sexual harassment requires staff to take the following measures:
 - a. Secure the crime scene and separate the alleged victim and abuser.
 - b. Provide care for any injuries that may be present.
 - c. Request the alleged victim and abuser to not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, eating, drinking, or smoking.
 - d. Contact a supervisor and medical staff. The supervisor will arrange transport to a local hospital for examination and/or collection of evidence if it is deemed necessary.
 - e. Make arrangements for crisis intervention counseling and long-term follow-up as needed.
 - f. Sergeant notifies Special Investigations in accordance with General Orders Manual 5.2.1, ADMINISTRATION OF CRIMINAL INVESTIGATIONS.
 - g. If an employee is involved in the alleged abuse, the Special Investigations supervisor notifies the Inspectional Services Unit supervisor
6. Efforts will be made to protect alleged victims, alleged abusers, and anyone who has reported any information about sexual abuse or sexual harassment. Housing changes will be considered and made. Keep separate orders will be placed to protect all alleged victims, alleged abusers, and informers against any form of retaliation. Alleged victims and informers will be placed in direct supervision housing locations, if they are considered appropriate for such a setting, and the housing officers will be responsible for monitoring for possible retaliation. In any case where a staff member is the suspect of sexual assault or sexual harassment against an inmate, the inmate should be relocated to a jail facility not operated by the Montgomery County Sheriff's Office to ensure there is no tampering with victim testimony or retaliation. Supervisors will monitor the conduct and treatment of inmates or staff who reported sexual abuse or sexual harassment and of alleged victims for at least 90 days after a report. Monitoring will continue beyond 90 days if necessary.
7. Written reports documenting administrative and criminal investigations of sexual abuse and sexual harassment will be retained as long as the alleged abuser is incarcerated or employed, plus five years, and will be stored in the Accreditation Office.

8. Following an investigation of an allegation of sexual abuse or sexual harassment, the investigator will notify the alleged victim and alleged abuser of the finding of the investigation. The investigator will also notify the alleged victims of any indictment or conviction relating to the allegations. All notifications and attempted notifications shall be documented by investigator.
9. A sexual abuse or sexual harassment incident review will be conducted within 30 days of the conclusion of the investigation. The review will be conducted by the PREA Coordinator and the PREA Compliance Manager utilizing input from line supervisors, investigators, and medical and mental health staff. The review will consist of:
 - a. Considering any need for policy revisions
 - b. Determining if there was a motivation for the incident
 - c. Examining the location of the incident
 - d. Assessing the adequacy of staffing levels, and
 - e. Assessing monitoring technology to determine any deficiencies or needed changes.
 - f. Considering whether the incident was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender or intersex identification, status or perceived status, gang affiliation; or was motivated or otherwise caused by other group dynamics within the facility

The findings and any recommendations for improvement will be documented in a report.

D. Sanctions

PREA 115.76, 115.78

1. All reported sexual assaults are investigated and referred to the Prosecutor's Office for review of the case file and to seek approval for charges.
2. In addition to any criminal charges, disciplinary action will be taken for violation of any rule(s) published in the inmate handbook.
3. Any employee who violates General Orders Manual Section 3.5.1. Professional Conduct Rules and the Law Enforcement Code of Ethics is also be subject to discipline.
4. Termination shall be presumptive disciplinary sanction for any employee who violates sexual abuse and sexual harassment policies.
5. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with the inmates by refusing them admittance to the jail. Relevant licensing bodies will be notified and criminal charges can be pursued. Any contractor or volunteer who is found to have violated any sexual abuse or sexual harassment policies will be prohibited further contact with inmates.
6. Disciplinary sanctions for violations of sexual abuse and sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the employee's disciplinary history, and the sanctions imposed for comparable offenses by other employees with similar histories.
7. Reports of suspected sexual abuse or sexual harassment made in good faith, but not substantiated, will not be considered as a false report or lie.

8. Inmates may only be disciplined for having sexual contact with an employee if the employee did not consent.
9. Inmates who have been found to be offenders of sexual abuse or sexual harassment in the facility can be considered for required participation in therapy and counseling interventions as a condition of access to programs offered in the facility.
10. An inmate's mental disabilities or mental illness shall be considered when they are under disciplinary review for violation of sexual abuse or sexual harassment policies, if the condition contributed to the incident.
11. Discipline sanctions upon inmates will 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.

E. Data Collection

PREA 115.89

1. The Jail will collect data relating to incident reports on sexual assault, offender information, case disposition, medical records and counseling records.
2. The data collected will be reported as required to Federal and State entities. Excluding personal identifiers, the data will be included in the Montgomery County Sheriff's Office Annual Report, and retained as a permanent record.