



## **POLICY AND ADMINISTRATIVE PROCEDURES**

### **Manual of Policies and Procedures**

Title

## **PRISON RAPE ELIMINATION ACT (PREA)**

### **I. PURPOSE:**

The purpose of this policy is to maintain the expectation of a zero tolerance for sexual abuse and/or sexual harassment in regard to residents and staff, in order to promote safety and security for everyone involved.

### **II. POLICY STATEMENT:**

The Hendricks County Work Release is to remain in compliance with all PREA standards as mandated. It is the policy of the Hendricks County Work Release to provide a safe, humane, secure environment, free from the threat of sexual violence/misconduct for all residents and staff. The agency shall maintain a zero tolerance for sexual abuse and harassment for anyone associated with the facility including volunteers, contractors, clergy and the public. All allegations of sexual misconduct or harassment shall be administratively and or criminally investigated.

Sexual misconduct among residents and/or staff is strictly prohibited.

### **III. DEFINITIONS:**

For the purposes of these administrative procedures, the following definitions are presented:

- **LBGTI Community:** Lesbian, Bi-sexual, Gay, Transgender, or Intersex
- **Miranda and Garrity Warnings:** An advisement of rights usually administered by state or local investigators to the subject of their investigation. It clarifies the liability for any statements made but also advises of the right to remain silent on issues that tend to implicate them in a crime.
- **PREA Review Committee:** Consists of the Director, PREA Coordinator, Case Managers and other facility staff as warranted to discuss current and ongoing PREA cases and the monitoring of retaliation. When applicable, law enforcement, victim advocates, and medical staff who were a part of an investigation may be present.
- **PREA Coordinator:** A County employee who is responsible for maintaining files and compliance for the facility in accordance with PREA standards as issued by the Department of Justice.
- **SAFE:** Sexual Assault Forensic Examiner
- **SANE:** Sexual Assault Nurse Examiner
- **Sexual Abuse/Assault:** Touching another person to sexually arouse yourself or the victim by force, threat of force or if the victim is mentally disabled as to not be able to give consent.

# POLICY AND ADMINISTRATIVE PROCEDURES

Hendricks County Work Release

## Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
01-03-102	8/20/19	2	17
Title			
PRISON RAPE ELIMINATION ACT (PREA)			

- **Sexual Harassment:** Unwelcomed sexual advances, requests for sexual favors and any other verbal or physical harassment of a sexual nature.
- **Staffing Plan:** An annual report that is used to determine whether safety and security of the institution and those being housed is adequate based on data of emergent incidents, population growth, funding availability and the changing needs of the residents.
- **Substantiated:** A preponderance of the evidence suggests that an event did occur.
- **Unfounded:** The evidence did not provide a preponderance that the event did or did not occur
- **Unsubstantiated:** A preponderance of the evidence suggests that an event did not occur.
- **Zero Tolerance:** A law, policy or practice that provides for the imposition of severe penalties for a proscribed offense or behavior without making exceptions for extenuating circumstances.

#### IV. EMPLOYMENT HIRING & PROMOTION & TERMINATION:

The work release will not hire or promote anyone who has either a criminal or civil history of sexual abuse. The agency shall make reasonable attempts to contact any previous employers wherein the prospect worked with adults or juveniles in an institutional setting. The agency shall conduct criminal background checks at hire and every 5 years thereafter unless there is a change to employment status (promotion, resignation etc). The Indiana Sex and Violent Offenders Registry shall be used as a resource for verification.

During the interview process, all prospects will be given a questionnaire that specifically asks about sexual related abuse/harassment/misconduct in previous employment or civilly. They will be asked if they have been adjudicated administratively or civilly to have engaged in sexual abuse and or misconduct in a previous correctional institution including prison, jail, lockup, community confinement, or juvenile facilities. During the interview all applicants will be asked about previous sexual misconduct verbally.

Any current employee who is applying for a promotion will be questioned the same as a new employee in regards to PREA related incidents.

If at any time during employment, a conviction or loss of civil suit determines that the employee is guilty of a PREA related incident, they will be terminated per the zero tolerance expectation.

Material omissions regarding such misconduct or the provision of materially false information shall be grounds for termination.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

## **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 3	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

All staff shall be subject to disciplinary sanctions up to and including termination and criminal prosecution for violating the facilities PREA policy. Termination shall be the presumptive sanction for engaging in sexual misconduct.

Terminations for sexual misconduct or resignations by staff that would have been terminated for violations of PREA relevance if it weren't for their resignation will be reported to law enforcement (if criminal). Any relevant licensing bodies will be notified.

The facility shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

### **V. CONTRACTORS, VOLUNTEERS, CLERGY:**

The work release will not hire or utilize the services of any person if they have been convicted of or adjudicated for a PREA incident. The facility shall perform criminal background records checks before enlisting the services of any contractor, volunteer or clergy who may have contact with residents.

Background checks will be conducted at least every 5 years for current contractors, volunteers or clergy who have contact with residents.

Contractors will be supervised by a county employee at all times unless in an area not accessible to the residents. Supervision may include the use of technology for viewing.

Contractors, volunteers or clergy who engage in sexual abuse with a resident shall be prohibited from contact with those being supervised and shall be reported to law enforcement (unless not criminal) and to relevant licensing bodies.

### **VI. PREA COORDINATOR:**

Hendricks County Work Release shall employ or designate an upper-level, agency-wide PREA coordinator. This person has sufficient time and authority to develop, implement and oversee agency efforts to comply with the PREA standards in all of its community confinement facilities.

The PREA Coordinator must be an employee who can be impartial, pays attention to detail, has at least 5 years' experience and has the ability to think objectively. It is very important that the perception of this employee's character is trustworthy with residents and staff.

This staff cannot be in disciplinary status or ever been accused of PREA related allegations. If the status of the employee changes, the Director or designee will

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

## **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 4	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

review the appointment and make changes as deemed necessary.

The PREA Coordinator, along with the Director or designee and other middle management supervisors will meet annually or as needed to discuss the current staffing plan and whether changes or updates are necessary. The physical layout of the building, composition of the resident population, availability of funding, prevalence of substantiated or unsubstantiated incidents of sexual abuse; and any other relevant factors shall be taken into consideration.

If the staffing plan is not complied with, it is the expectation that justification and reasoning for deviations will be documented.

The PREA Coordinator is responsible for monitoring the County specific PREA Hotline. They are to check the voicemail daily and divert this duty to the Director or designee when using PTO or out of the office for an extended period of time. They are responsible for completing a report with any calls received and presenting to the Director immediately.

This person is also a part of the PREA Review Committee. They along with facility management, treatment and custodial staff as well as community partners will meet quarterly or as needed when allegations of sexual abuse or sexual harassment are reported. The purpose of this meeting is to discuss the staff plan, need for additional technological resources, changes in policy and an overall review of the facility and its practices. A report of findings and recommendations for improvement shall be typed and submitted to the Community Corrections Advisory Board (if approval of funding is needed). If no fiscal responsibility is needed, the report shall be maintained with a copy to Human Resources. If there is a need that cannot be fulfilled, it shall be documented as to why this is the case.

### **VII. PREA TRAINING:**

All employees, volunteers and contractors will participate in PREA education training upon hire and every 2 years thereafter. Refresher courses will be provided in the interim on current sexual abuse and sexual harassment policies as needed. Because the work release is a co-ed facility, training will discuss protection of both populations.

The training provided to contractors and volunteers will be based on the services they provide and level of contact they have with residents.

Anyone having contact with the residents of the work release, will be required to sign a document that they have been trained on procedures for mandatory reporting and that they understand the expectation.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

## **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 5	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

The training for employees who have contact with residents shall encompass:

1. The agency's zero-tolerance policy for sexual abuse and sexual harassment;
2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
3. Residents right to be free from sexual abuse and sexual harassment;
4. The right of the residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
5. The dynamics of sexual abuse and sexual harassment in confinement;
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 residents;
9. How to communicate effectively and professionally with residents, including LGBTI residents and gender non-conforming residents; and
10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

All employees will be expected to provide written acknowledgement that they understood the training provided.

### **VIII. RESIDENT ASSESSMENT & EDUCATION:**

At intake, residents will receive education both in writing and with online vignettes about the agencies zero tolerance policy, methods of reporting, aftercare services and the right to remain free from sexual abuse, sexual harassment and retaliation. They shall also be notified of the agency policy for responding to such incidents. Posters shall be available in common areas, entrances/exits to the facility, online and in intake packets on what, when, where, how and why to report allegations of sexual abuse and sexual harassment.

Within 48 hours of admission, all residents will be given an assessment for determining their risk for victimization or predatory behaviors. Residents will not be disciplined for refusal to answer questions or disclose information when being assessed. The results of this assessment shall only be disseminated on a "need to know" basis. The documentation of this assessment shall be maintained in the medical/confidential section of the residents file, locked in the office of the specified case manager.

A result of risk will be used in determining dormitory and bed assignments. Individualized determination about how to ensure the residents safety shall be made.

Hendricks County Work Release shall take appropriate steps to ensure that

## **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

### **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 6	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

residents with disabilities (including deaf or hard of hearing, blind or low vision or those who have intellectual, psychiatric or speech disabilities) have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect and respond to sexual abuse and sexual harassment.

The agency shall utilize professional interpreters in the community to assist with communication with residents wherein use of the English language verbally or written is not an option. Hendricks County Work Release shall not rely on resident interpreters, resident readers or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties or the investigation of the resident's allegations.

If the services to accommodate the residents disability cannot be found, the courts will be notified in writing and a hearing request to review if placement is appropriate shall be filed.

A Memorandum of Understanding shall be in place and reviewed annually for any agency that is to be used to aid in the prevention, detection and response to sexual abuse and sexual harassment for those found to have disabilities.

Within 30 days of arrival, residents risk shall be re-evaluated based on any new information since intake, resident or staff reports or changes in behavior. Re-assessments will be conducted as needed thereafter.

If a resident is found to be a member of the LBGTI community, this shall not be the basis for dormitory assignment. A transgendered or intersex resident's views with respect to maintaining their safety shall be given consideration when applicable. Housing decisions shall be made on a case-by-case basis to ensure the resident's health and safety and whether placement would present management or security problems. They shall be given the opportunity to shower separately.

#### **IX. MANDATORY REPORTING:**

It is the policy that if ever a resident makes a report or is seen in a compromised position with a staff or equal, that it will be immediately reported to the supervisor. The supervisor will then notify the PREA Coordinator so the initial administrative investigation can begin. Once it has been determined that there is significant belief that a PREA incident with criminal intent did occur, it is to be reported to the Hendricks County Sheriff Department for a full investigation.

In the event that information reported does not warrant criminal investigation but does require administrative investigating, it shall be forwarded to the Director.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

## **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 7	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

The Director along with Human Resources shall conduct the investigation.

If a resident reports that they were the victim of a sexual assault while housed in another institution, that information shall be immediately reported to the Director or PREA Coordinator. Within 72 hours of awareness, the head of the other agency shall be notified in writing of the allegations. Conversely, if allegations are reported from another agency about abuse within the work release, it shall initiate an investigation immediately.

If a resident reports abuse of any type that involves their families, staff are expected to contact the relevant investigatory agency, whether that be child/adult protective services or law enforcement.

### **X. PREVENTION, INTERVENTION AND AWARENESS:**

The work release shall be staffed to provide adequate levels of supervision and monitoring. The use of radio technology, cameras, visual rounds and maintaining integrity of secured areas shall aid in the prevention of sexual abuse/harassment.

Staff will be formally trained upon hire and every two years thereafter on PREA prevention, intervention and awareness. A refresher training will be provided in the alternating years of the formal training.

PREA posters shall be hung throughout the facility providing contact information for anonymous reporting to outside third-party entities. The posters shall also be visible in the common areas, community areas and places where the public may also access the information. PREA information shall be made available on the facility specific page of the Hendricks County Government website.

Staff of the opposite gender shall announce themselves when entering dormitory/shower/restroom areas. Residents shall be allowed to shower, perform bodily functions, and change clothing without staff of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine dorm/shower/restroom checks.

The agency shall utilize professional interpreters in the community to assist with communication with residents wherein use of the English language verbally or written is not an option. Resident interpreters will not be utilized unless the situation lends that an extended delay in obtaining pertinent information would compromise the safety and security of the victim, facility and staff.

Provisions shall be made to accommodate a resident who is found to be illiterate, have cognitive deficiencies as well as hearing or visual limitations. Materials will be presented in video form, read out loud, presented in writing or through the

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

## **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 8	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

use of an interpreter including American Sign Language.

### **XI. FIRST RESPONDERS DUTIES:**

Upon learning of an allegation that a resident was sexually abused, the first security staff member to respond to the report shall:

1. Separate the alleged victim and abuser (ideally kept on camera);
2. Preserve and protect the crime scene until evidence is collected;
3. If the time period of abuse allows for collection of physical evidence, request that the alleged victim or abuser not take any actions that could destroy physical evidence, including,
  - a. Washing,
  - b. Brushing teeth,
  - c. Changing clothes,
  - d. Urinating,
  - e. Defecating,
  - f. Smoking,
  - g. Drinking, and or
  - h. Eating.

If the facility staff member is not security staff, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

The facility has a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, investigators and facility leadership.

Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy to make treatment, investigation, and other security and management decisions.

### **XII. REPORTING METHODS:**

Staff shall accept reports of sexual abuse or sexual harassment from residents, their families, fellow residents, attorneys, outside advocates and any other third party whether it is anonymous or not. The methods for reporting are:

- Verbally reporting to any staff, contractor, volunteer, clergy etc;
- Written correspondence to staff, contractor, volunteer, clergy etc;
- Telephonic communication with staff, contractor, volunteer, clergy etc;
- Anonymous written correspondence to staff, contractor, volunteer, clergy etc;
- Filing a grievance with no time limit of sexual abuse or substantial risk of



# **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

## **Manual of Policies and Procedures**

Number	Effective Date	Page	Total Pages
01-03-102	8/20/19	9	17
Title			
<b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

imminent danger;

- Dialing the access codes from the dayroom to the Director, PREA Coordinator or Hendricks County Sheriff Department anonymously, free of charge and free from recording;
- Calling the Hendricks County PREA Hotline;
- Written correspondence to a rape crisis intervention facility;
- Calling crisis hotlines listed on poster;

Any notifications completed verbally will be immediately documented on an incident report.

A resident's current incarceration status shall not be a basis for determining whether allegations are true or not. All allegations will be treated equally and investigated every time.

Third parties shall be permitted to assist residents in filing requests for administrative remedies relation to allegations of sexual abuse. If a third party files such a report on behalf of a resident, the facility may request that the alleged victim agree to have the report filed on his or her behalf. If the resident declines to have the report processed on his or her behalf, the facility shall document the resident's decision.

If a resident files a grievance of sexual abuse, there shall be no time limit to which it can be submitted regarding the allegations of sexual abuse. If the grievance included multiple issues or additional concerns that are not PREA related, they will be asked to file a separate grievance for those issues and the ones specific to PREA shall be addressed immediately. Non PREA issues, do have applicable time limits per the Grievance Policy. Residents are not required to attempt to resolve with staff or use any informal grievance process when reporting an alleged sexual abuse incident. The grievance may be submitted without being given to a staff that may be the subject of the complaint. There is a secured grievance box in a common area on camera, that is only accessible by the Grievance Specialist or Director for confidential reporting.

The facility shall issue a final agency decision on the merit of any portion of the grievance alleging sexual abuse within 90 days of the initial filing of the grievance. This 90 day time period doesn't include time consumed by the residents in preparing any administrative appeal. The agency may require an extension of time to respond of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The resident shall be notified in writing of any such extension and provided a date by which a decision will be made. If at any level of the administrative process, the resident doesn't receive a response within the time allotted for reply, including the properly

## **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

### **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 10	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

noticed extension, the resident may consider the absence of a response to be a denial at that level.

If a grievance is filed alleging substantial risk of imminent sexual abuse, immediate corrective action will take place and shall provide an initial response within 48 hours and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision documents the agency's determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

A resident shall only be disciplined for filing a grievance related to alleged sexual abuse wherein it was demonstrated that the resident filed in bad faith.

The filing of a grievance for allegations of sexual abuse shall not restrict the facilities ability to defend against a lawsuit filed by a resident on the grounds that the applicable statute of limitations has expired.

### **XIII. AFTERCARE SERVICES:**

Once a staff has been made aware of a sexual assault that may require an examination of private body parts, the victim is to be referred to Hendricks Regional Health, Danville at the Emergency Room. Resident victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of treatment is not a function of the facility but are determined by a medical and mental health practitioner according to their professional judgement.

A physical examination will be completed by a SANE/SAFE nurse at that time. Testing and treatment for sexually transmitted diseases and pregnancy shall be provided free of charge to the resident. If pregnancy results, victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. 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 out of the incident.

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

If no qualified medical or mental health practitioners are on duty at the time of a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim and shall notify a secondary appropriate

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

## **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 11	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

medical or mental health practitioner.

The facility shall document its efforts to provide SANEs/SAFEs.

Hendricks Regional Health has social workers whose primary purpose is to provide referrals to local advocacy agencies and other related counseling services. The facility shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offering treatment when deemed appropriate by mental health practitioners.

Hendricks County Work Release shall offer medical and mental health evaluation and treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup or juvenile facility. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and referrals for continued care following their transfer to or placement in other facilities or their release from custody. Services will be consistent with the community level of care.

Residents will be given access to outside victim advocates for emotional support services related to sexual abuse through mailing addresses, telephone numbers, local or state, national victim advocacy or rape crisis organizations through reasonable communication in as confidential a manner as possible. Prior to being given access, it is the responsibility of the facility to inform the resident of the extent to which communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

If the alleged abuser is another resident in the facility, the courts shall be notified requesting a termination of program as no services are available for sex offenders.

#### **XIV. INVESTIGATION:**

Administrative investigations shall be initiated immediately on all allegations. If there is no physical evidence or threat of being a criminal offense the investigation can be completed within the facility. The investigation will be completed by the Director and Human Resources unless they are the alleged perpetrator. In that instance, the Commissioner's shall decide who is to conduct the investigation.

To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

## **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

### **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 12	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

A Memorandum of Understanding shall be updated and reviewed annually between the facility and the Hendricks County Sheriff's Department regarding the protocols for expectations for proper investigation of criminal sexual abuse allegations within the work release.

A determination as to whether it is a true PREA incident should be completed immediately and forwarded to law enforcement if thought to be so. The investigation shall be forwarded to the Hendricks County Sheriff's Department. Miranda and Garrity Warnings and evidence collection will be conducted by the Sex Crimes Unit. Facility staff shall cooperate with law enforcement as needed during the investigation.

The departure of either the alleged perpetrator or victim shall not be a basis for terminating an investigation.

All investigations should be completed within 90 days. If additional time is needed, it is the responsibility of the PREA Coordinator to remain in contact with law enforcement on the progression of the case.

The victim is to be kept notified in writing on the progress of the case at each interval.

All documentation shall be retained for as long as the perpetrator is incarcerated or employed by Hendricks County plus five years.

The facility is expected to cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation. Relevant information shall be requested from law enforcement in order to inform the resident.

#### **XV. DISCIPLINE:**

There is no standard higher than the preponderance of the evidence when determining whether allegations of sexual abuse and harassment are substantiated.

Residents shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse.

Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history and the sanctions imposed for comparable offenses by other residents with similar histories.

## **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

### **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 13	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

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

Residents will be subject to termination from the program following an administrative or criminal finding that they engaged in sexual abuse. Coercion must be present for sexual abuse to be validated between residents. Sexual abuse does not include consensual sexual behavior between two residents. All sexual activity between residents is prohibited.

A resident may be disciplined if they engaged in non-consensual contact with a staff. The work release does not provide counseling, therapy or other interventions to address the underlying motive for abuse, therefore it is the expectation that they would be terminated from the program.

Following a resident's allegation that he or she has been sexually abused by another resident, the facility shall subsequently inform the alleged victim whenever the alleged abuser has been indicted or convicted on a facility specific sexual abuse charge.

All such notifications or attempted notifications shall be documented. Hendricks County Work Release's obligation to report under this standard shall terminate if the resident is released from the facilities custody.

Any sexual contact initiated by staff on residents shall be considered coercion as they are in a state of authority. This is considered an abuse of power. Staff shall be subject to disciplinary sanctions up to an including termination for violating agency sexual abuse or sexual harassment policies. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

Sanctions shall be commensurate with the nature and circumstances of the abuse committed. The staff's disciplinary history, mental disability or illness as well as the sanctions of other staff who committed similar offenses shall be considered.

All terminations for violations of Hendricks County Work Release's sexual abuse or sexual harassment policy or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement, unless the activity was clearly not criminal, and to any relevant licensing bodies.

Once the investigation has been completed, the results shall be provided to the alleged victim in writing. The sanction(s) of a staff member shall be provided to the victim as to whether they have been terminated, indicted and or convicted on a charge related to sexual abuse. The obligation to notify the victim terminates when they are released from custody.

## **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

### **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 14	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

Any contractor or volunteer who engages in sexual abuse is prohibited from contact with residents and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

It is the responsibility of the facility to take appropriate remedial measures and shall consider whether to prohibit further contact with residents in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

#### **XVI. INCIDENT REVIEW:**

A sexual abuse incident review shall occur at the conclusion of every substantiated or unsubstantiated sexual abuse investigation by the PREA Review Committee. If the conclusion was unfounded, no review is necessary. The review will occur within 30 days and will include middle management, case managers, director and PREA coordinator. The purpose of the review is to:

- Consider an update or creation of policy and procedure;
- Determine motivation of incident as to whether it was due to race, ethnicity, religious beliefs, gang affiliated, gender or any other grouping;
- Assess the outlay of the facility where it took place;
- Determine whether staff actions or failure to act contributed to abuse;
- Review staffing levels, and
- Assess the need for more cameras.

A report of findings and recommendations for improvement shall be typed and submitted to the Community Corrections Advisory Board (if approval of funding is needed). If no fiscal responsibility is needed, the report shall be maintained with a copy to Human Resources. If there is a need that cannot be fulfilled, it shall be documented as to why this is the case.

#### **XVII. RETALIATION:**

For at least 90 days following a report of substantiated sexual abuse, the work release shall monitor the conduct and treatment of staff and residents involved in a PREA incident. This can include a bystander, witness or simply someone who cooperated with the investigation. This shall be documented and maintained in the fact file of the staff or the resident file as well as copies provided to Human Resources.

## **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

### **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 15	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

Staff shall report retaliation against residents or staff who report sexual abuse/harassment. They shall also report any staff neglect or dereliction of duties that may be a contributing factor to an incident of retaliation.

Signs of retaliation that are being monitored for residents can include but not limited to:

- Excessive disciplinary actions;
- Dormitory changes;
- Restriction in privileges without cause;
- Decrease in employment hours;
- Level band demotions;
- Expressing concern for safety;
- Home pass suspensions, and
- Behavioral changes (regression, unusually quiet, timid etc).

Signs of retaliation that are being monitored for staff can include but not limited to:

- Undo shift changes;
- Rejection of vacation days;
- Excessive disciplinary actions;
- Unfair post assignment rotations;
- Absence of overtime offering;
- Excessive call-ins;
- Requests to work different shift due to being uncomfortable;
- Expressing concern for safety, and
- Behavioral changes (demeanor shifts, timid, etc)

If retaliation is confirmed, it will be promptly addressed using the progressive discipline model already in place.

The agency shall provide protective measures for those who are believed to be the recipient of retaliation. This can include termination of employment, court ordered transfer to different monitoring options, removal of abuser to a different monitoring option and contact information for emotional support services.

Case Managers assigned to residents are the Retaliation Monitors on their behalf. Based on the frequency of their scheduled meetings but no less than monthly, they will be reviewed for retaliation through the use of a questionnaire. This document will ask key questions as to their perception of safety at the current time and is signed by the resident, case manager, PREA coordinator and director. If further allegations are reported, a thorough investigation shall be completed in compliance with PREA standards.

# **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

## **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 16	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

The facilities obligation to monitor shall terminate if the allegations are unfounded.

### **XVIII. DATA COLLECTION:**

The facility shall collect accurate uniform data annually for every allegation of sexual abuse at the facility using a standardized instrument and set of definitions. At a minimum, the data will answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

The data collected shall be reviewed and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices and training, including:

- a. Identifying problem areas;
- b. Taking corrective action on an ongoing basis; and
- c. Preparing an annual report of its findings and corrections actions.

The report shall include a comparison of the current years data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse. Once approved by the Director, it shall be made readily available to the public through its website. The facility may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted. Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.

Data collected shall be securely retained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

### **XIX. APPLICABILITY:**

These administrative procedures shall be applicable to the Hendricks County Work Release.



# **POLICY AND ADMINISTRATIVE PROCEDURES**

Hendricks County Work Release

## **Manual of Policies and Procedures**

Number 01-03-102	Effective Date 8/20/19	Page 17	Total Pages 17
Title <b>PRISON RAPE ELIMINATION ACT (PREA)</b>			

Signature on File  
Director

8/20/19  
Date