

Beaver County Jail Policy and Procedures

Document #: 1.12C

revised 12/2015

Section: Administration, Organization & Management

Chapter: Organization

Subject: Prison Rape Elimination Act for Staff

- I. **Policy:** The Beaver County Jail specifically and strictly prohibits sexual misconduct and sexual harassment by prison staff and shall have zero-tolerance policy. This includes the establishing personal relations, engaging in intimate contacts and liaisons with inmates. As well as sexual behavior which can include, but is not limited to, indecent, profane or abusive language or gestures and inappropriate visual surveillance of inmates. If found that a Staff member engaged in any type of sexual misconduct they may be subject to disciplinary action, criminal charges or both. Sexual misconduct between a Staff member and an Offender is never consensual and as stated earlier will not be tolerated.
All Staff because of their contact with inmates will receive training on the Prison Rape Elimination Act (PREA). This Training shall be tailored to the gender of the inmates at this facility. All staff will learn how to privately report sexual abuse and sexual harassment of inmates. Refresher training will be conducted every two years to ensure that all Staff know; this agency's current sexual abuse and sexual harassment policies and procedures. In years in which Staff does not receive refresher training, this agency shall provide refresher information on current sexual abuse and sexual harassment policies. Staff will be required to have a "Criminal History" Background Check completed every five years beginning in 2013.

- II. **Procedure:** Upon completion of this training, all Staff will be required to do the following:
 - 1) Fulfill their responsibilities under this Facilities sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
 - 2) Understand the Inmates' right to be free from sexual abuse and sexual harassment.
 - 3) Understand the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
 - 4) The dynamics of sexual abuse and sexual harassment in confinement.
 - 5) The common reactions of sexual abuse and sexual harassment victims.
 - 6) How to detect and respond to signs of threatened and actual sexual abuse.
 - 7) How to avoid inappropriate relationships with inmates.
 - 8) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
 - 9) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

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- III. **General Information:** This Facility shall document, through Staff's signature that they understand the training they have received. There shall be no hiring or promoting persons who have committed sexual abuse in an institutional setting or who have been adjudicated to have done so in the Community. **Any material omissions regarding such conduct, or the provision of materially false information, shall be grounds for termination of employment.** This facility shall develop a staffing and video surveillance plan in accordance with PA Title 37 Chapter 95 and PREA standard 115.13. This plan shall be reviewed annually and modified if necessary. A policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds; to identify and deter staff sexual abuse and sexual harassment on all Shifts shall be implemented. Policy and procedure prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. The Warden and the PREA Compliance Manager will be notified immediately of any sexual harassment or assault complaints lodged by an Inmate against any Staff member. After the preliminary investigation depending on the severity of the complaint the Warden and PREA Compliance Manager may be required to turn the Case over to the County Detectives PREA Investigator.
- In a Case of sexual assault of an Inmate by a Staff member; any visible marking will be photograph. If there is any visible evidence available, it will be collected from the scene where the assault occurred. All collected evidence will be inventoried and documented and held for the County Detectives PREA Investigator.
- In a case of sexual harassment during the investigative process the accused Staff member may not permitted to work the Housing Unit where the accused is housed. After the investigation depending on the severity of the sexual harassment the Staff member can face disciplinary action agreed upon by the Warden and Prison Board. In a sexual assault and/or sexual misconduct the Staff member faces loss of their job, criminal charges or both, if found to have engaged in both.
- IV. **Source:** PA Title 37 Chapter 95.221(6) & (9) Federal PREA Standard 28 CFR § 115.31, The County of Beaver
- V. **Definitions:** *Refer to Glossary attached to Policy 1.12*

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Refer to Annual Review Page for Revisions & Reviews

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