

St. Clair County Corrections



POLICY & PROCEDURE		Number
		2.19
Subject		
Implementation of the Prison Rape Elimination Act (PREA)		
This policy supersedes all previously issued correspondence relative to this topic		
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5	Mat King	
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Policy:

It is the policy of the St. Clair County Intervention Center to establish a **Zero Tolerance** standard towards any and all forms of sexual abuse/assault attempted or committed against any inmate or detainee lodged at the Intervention center. This policy will outline the agency's approach to prevent, detect, and respond to such conduct, as well as outline the departments attempt to educate staff, inmates/detainees, volunteers, or contractors on these items as well as the reporting methods to be used.

Purpose:

To help reduce or eliminate any form of sexual abuse, whether it's by assault or harassment, against any inmate or detainee lodged at the St. Clair County Intervention Center

Source/Standards:

PREA standards for Adult Prisons and Jails

2.11 Sexual Abuse and Assault Prevention and Intervention: National Detention Standards 2019

General Information

The Prison Rape Elimination Act was signed in 2003 and officially signed into federal law in August of 2012. During the time frame between 2003 and 2012, many sources were used to help create the standards which institutions are to follow. To be PREA compliant, agencies are responsible for developing and implementing policies that help detect, prevent, or reduce sexual abuse within facilities. This policy serves to establish guidelines for the proper handling of inmate sexual abuse in a sensitive, timely, and confidential manner and to also educate staff members in ways to help eliminate, reduce, or prevent incidents of sexual abuse from occurring within the facility. It is the responsibility of all staff members to be familiar with all the information within this policy to help achieve this.

Definitions:

General Definitions: (115.11a)

1. **Agency** - the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.
2. **Agency head** - the principal official of an agency.

- 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.
2. ***Sexual abuse/assault 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)-(E) of this section;
 - 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.
3. ***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 who is using a toilet in his or her cell to perform bodily 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.
4. ***Sexual harassment*** includes -
- A. 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
 - B. 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.

Procedure:

Prevention Planning

- A. PREA coordinator / PREA manager / Contracted agencies for housing purposes
 - 1. The St. Clair County Intervention Center will either employ or designate an upper-level agency-wide PREA coordinator. The PREA coordinator's position will be in the agency's organizational structure and will have the sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities. The PREA Coordinator and his/her assistant, will ensure the following is completed:
 - a. Ensure training is completed by new hires during orientation

- b. Ensure annual training is completed by all officers, auxiliary staff, and contractors.
 - c. Review all incident reports
 - d. Complete an Incident Review report within 30 days of the completed investigation
 - e. When deemed necessary, ensure a non-uniformed staff member monitors and completes a Retaliation spreadsheet.
 - f. Complete an annual self-audit which may offer suggestions or recommendations to further prevent sexual abuse
 - g. Maintain reports and statistical information in a private location, which maintains the highest level of confidentiality possible
2. Any additional facilities that the Intervention Center operates will have a PREA compliance manager. The PREA compliance manager will be within the department's organizational structure and will report to the PREA Coordinator. A PREA manager will also have sufficient time and authority to coordinate the facilities efforts to comply with the PREA standards.
 3. In the event it becomes necessary to house inmates with other agencies or with private entities, St. Clair County will include, in any new contract; or contract renewal, the agency or entities obligation to adopt and comply with the PREA standards.
 4. At the conclusion of each sexual abuse investigation found to be either substantiated or unsubstantiated, the PREA coordinator will complete an incident review report.
 - a. The report will include any policy change recommendations which may better prevent, detect, or respond to sexual abuse allegations.
 - b. The report should take into consideration whether the incident may have been motivated by race, ethnicity, gender identity discrimination, or gang affiliations.
 - c. The facility administrator, or his/her designee, shall then either implement the recommendations for improvement or shall document reasons for not doing so in a written response.
 - d. The report will be forwarded to ICE/ERO whenever the incident involves and ICE detainee.
- B. Supervision and monitoring - general
1. For the purposes of preventing sexual assault, the Intervention Center will develop, document, and make its best efforts to comply, on a regular basis, with a staffing plan that provides for the adequate levels of staffing of officers.
 2. Video monitoring, where applicable, will also be in place throughout the facility. Video Monitoring is not meant to replace the presence of corrections officers or the purpose of their position and the position's importance when it comes to sexual assault prevention. It is, however, used as another monitoring tool to help enhance the safety of inmates/detainees against any types of assault.
 3. Officers will be diligent in conducting rounds in areas occupied by inmates/detainees. Officers shall also make, whenever possible, additional visits to these areas. The key here is officer presence and the way that it can help prevent sexual assaults from occurring.
 4. Supervisors will also make their presence known by conducting rounds as well.
 5. Both Supervisors and officers will conduct their rounds in accordance with other established policies.
- C. Supervision and monitoring – Youthful inmates/detainees
1. In dayrooms housing *Youthful inmates/detainees*, those incarcerated subjects that are 17 and under, 30-minute documented rounds will be conducted in lieu of the typical 60-minute documented rounds.

2. For the above section, documented is meant by, at minimum, conducting rounds using the pod readers associated with the housing unit holding the *Youthful inmate/detainee*.
3. Written documentation and 15-minute enhanced checks will also be used when ordered by the duty supervisor.
4. Officers will handle Auxiliary rounds in area's that inmates are located aside from housing. These are area's that may additionally have Youthful inmates present.
5. These Auxiliary rounds will be conducted daily in the kitchen, classrooms, laundry, and commissary by the On-duty Segregation Female Deputy.
6. The facility will not place Youthful inmates/detainees, those 17 and under, in isolation solely based on their age.
7. The facility will not restrict Youthful detainees from programming, exercise, or work opportunities based solely on their age.

D. Supervision and monitoring - Cross gender viewing

1. Cross-gender strip searches and cross-gender visual body cavity searches will never be conducted unless the individual conducting, or, assisting with the search is a member of the medical staff.
2. Cross-gender pat downs will not be conducted unless the staff member conducting the pat down can show that no alternate officers were available to conduct the search and that not conducting the search could jeopardize their safety or the safety and security of the facility.
3. If the cross-gender pat down is conducted, the officers conducting the pat down will utilize the "back of the hand" technique.
4. Whenever Cross-gender pat downs are conducted, documentation will be entered into the comment section of the inmate/detainees JMS file.
5. Inmates/detainees will be able to shower, perform bodily functions, and change clothing without non-medical staff members of the opposite gender being able to view their breasts, buttocks, or genitalia except in exigent circumstances or when such viewing is incidental to routine cell checks.

E. Supervision and monitoring – Transgender/Intersex inmates/detainees

1. Staff members are prohibited from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.
2. Officers will be professional, courteous, and respectful during questioning or searches of any inmates/detainees.

F. Supervision and monitoring – Inmates with disabilities or who are limited in English proficiency.

1. The agency shall ensure that those subjects with disabilities, or who are limited in English proficiency, are given equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to any type of sexual assault.
2. The agency shall educate all subjects, of these rights, during the classification process.
3. The classification officer will be responsible for reading and reviewing the Comprehensive PREA training form with them during the classification process.
4. The classification officer will also complete a Predator/Victimization report for all subjects classified to help detect and protect potential victims from being sexually assaulted.
5. Examples of disabilities, with possible remedies, would include:
 - a. Deaf or hard of hearing (form can be read by the inmate/detainee, their questions can be reviewed and answered by classification officer) (County interpreter can also be called in to assist)
 - b. Blind or low vision (form will be read to them) (Rulebooks offered in Braille)
 - c. Intellectual/Psychiatric disabilities (CMH-Community Mental Health personnel can be used to help review the forms with these inmates/detainees)

6. Inmates/Detainees who are limited in their English proficiency will have afforded to them, forms and documents provided to them in other languages. Classifications, and correctional staff, also have the ability to use the following tools to help assist:
 - a. The Language Line
 - b. ICE consulates
 - c. ICE supplied material
 - d. DHS legacy interpreters
 - e. County interpreters
7. Classifications, or other staff members, will not rely on inmate interpreters during the educating, reporting, or investigative process unless it can be shown that the delay in obtaining an effective interpreter could compromise the inmates/detainee's safety or the proper handling of any incident.
8. Inmates/detainees who are limited in their English proficiency will also watch the ICE supplied "Know your rights video" and will be supplied a copy of an ICE detainee handbook.

G. Supervision and monitoring – Hiring, contracting, and promotion decisions.

1. To the extent permitted by law, the facility shall not hire or promote, or enlist the services of any contractor or volunteer, who may have contact with inmates who:
 - a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution.
 - b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - c. Has been civilly or administratively adjudicated to have engaged in the activity described above.
 - d. Prior to hire, applicants will have a criminal background check completed.
 - e. Prior to being allowed admittance, volunteers and contractors will have a criminal background check completed.
 - f. As part of the background investigation, all applicants shall be asked about previous misconduct as it pertains to subsections a, b, and c.
 - g. To the extent permitted by law, the facility may decline to hire applicants, promote employees, and may terminate employment based on material omissions regarding such misconduct or the provision of materially false information.
 - h. The facility will ensure that criminal background records checks are completed at least every five (5) years for current staff members.

H. Supervision and monitoring – Upgrades to facilities and technology

1. The department will consider the agency's ability to protect inmates from sexual assault whenever upgrades, expansions, modifications, or changes are made to the facility with regards to technological or structural additions or deletions.

The goal of **Prevention Planning** is to ensure that all inmates/detainees housed at the St. Clair County Intervention Center are protected from sexual abuse. Although no guarantees can be absolute, the administration does take a proactive approach to help ensure the safety of all of the inmates/detainees housed here at the intervention center. This is achieved, by having in place, adequate staffing that is trained and understands the facilities Zero Tolerance approach to sexual assault. It is also achieved by having video monitoring systems and sufficient background checks conducted on employees, contractors, and volunteers who have or may have contact with the inmate/detainee population. Finally, staff members will have different tools to help assist all inmates/detainees in their understanding of the facilities approach to prevent sexual abuse from occurring.

Responsive Planning

A. Investigations: Authorization

1. All allegations of any type of sexual assault that is made, regardless if it's made by the victim, other inmates/detainees, a third party, or by a staff member, will be investigated completely.
2. When an allegation is or is believed to be involving Sexual harassment only, an on-duty jail supervisor will be responsible for conducting the investigation. The on-duty supervisor will conduct their investigation within the scope of other established policies and then report their findings to the sheriff and/or his designee.
3. If the allegation involves inmate on inmate, the sheriff and/or his designee will decide the necessary action plan, up to and including, criminal prosecution, of the offender.
4. If the allegation involves staff on inmate, the sheriff and/or their designee will ensure that an administrative investigation be conducted. The sheriff and/or their designee will authorize who will handle the investigation.
5. If the allegation is or is believed to be involving a sexual assault, the initial investigation will be conducted by the on-duty jail supervisor.
6. If the incident is believed to be an actual sexual assault, the on-duty jail supervisor will speak with a road supervisor so that a detective, from the St. Clair County Sheriff's Office, can be contacted.
7. The detective assigned will then be responsible for conducting and completing the investigation.
8. When a detainee, inmate or prisoner housed at SCCJ the facility is alleged to be the perpetrator of sexual abuse, the facility shall ensure the incident is promptly referred to the Joint Intake Center (JIC), ICE OPR or the DHS OIG, as well as the ICE FOD, and if potentially criminal referred to the law enforcement having jurisdiction for investigation.

B. Evidence protocol

1. The assigned detective will follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
2. The assigned detective will work in conjunction with the correction staff and both the on-site and off-site medical staff to help best ensure this.

C. Forensic medical examinations

1. The St. Clair County Intervention Center will offer all victims of sexual abuse access to a forensic medical examination whenever evidentiary or medically appropriate.
2. The forensic examination, and any treatment services, will be of no financial cost to the victim; regardless of whether they name their abuser or cooperate with any investigation arising out of the incident.
3. The St. Clair County Intervention Center will make every effort to have the forensic examination conducted by either a SAFE (Sexual Assault Forensic Examiner) or SANE (Sexual Assault Nurse Examiner) and will document, on the PREA incident spreadsheet whether or not a SAFE or SANE was used.

D. Victim Advocate

1. During the administering of the rape kit the on-duty jail supervisor will make every attempt to have a victim advocate from Turning Point of Macomb present if the victim so chooses.
2. If a victim advocate is used during this examination, the cost will not be borne onto the victim.
3. The on-duty supervisor will document whether or not a victim advocate was requested and available on the PREA incident spreadsheet.
4. An inmate/detainee, who is a victim of sexual assault, will be allowed to have aftercare visits, by a counselor from Turning Point of Macomb, during the duration of their incarceration at the St. Clair County Intervention Center. The costs of these visits, during their incarceration, will not be borne onto the victim.

The goal of **Responsive planning** is to provide authority notification for those who may be responsible for a sexual abuse investigation in the St. Clair County Intervention Center. As noted above, the individual ultimately responsible for conducting the investigation will depend on the nature of the abuse; whether its sexual harassment or sexual assault. Another purpose of this section is to establish some uniform protocol for the investigative staff to follow so any physical evidence can be used for administrative proceedings and/or criminal prosecutions may be preserved. This also is achieved when working in concert with the individuals conducting subsequent tests; for instance, rape kits. It is also important that the victim of sexual assault be afforded with a victim advocate during the administering of the rape kit and for any aftercare counseling that they may need. It is important for all members of law enforcement, medical, and mental health professions to understand the sensitive nature of these types of crimes, while at the same time, understand the importance of prompt investigations and examinations.

Training and Education

A. Employee training

1. Employees, at a minimum, will be given training and/or education with regards to PREA and sexual harassment during their orientation period and then annually thereafter.
2. At a minimum, this policy will be reviewed yearly by all correctional staff members. This policy review may or may not be considered the training/education as documented above.
3. Every inmate/detainee and staff member has the right to be free from sexual abuse/assault, and from retaliation for reporting sexual abuse/assault.
4. Documentation will be received by all staff members when this policy is reviewed. The documentation will be the employee's verification that they understand the purpose and content of the policy and that they were afforded the opportunity to ask, and have answered, any questions that they may have.
5. Additional training will be given to staff in the event gender specific facilities are created and utilized and in the event cross-gender staffing is permitted.
6. All training will be documented by the PREA coordinator or his/her designee of a Correctional officers training spreadsheet.

B. Volunteer/Contractor training

1. All contractors and volunteers, who are allowed access into the secured sections of the facility, will read, sign, and familiarize themselves with their responsibilities with relationship to the facilities zero-tolerance approach to sexual assault and their responsibility to prevent, detect, and report any forms of sexual assault.
2. The level and type of training will be based on the services provided and the level of contact the volunteer or contractor has with the inmate population.
3. At a minimum, all volunteers will be provided a Volunteer Handbook that they will read and subsequently sign for acknowledging their understanding of the material therein; including those portions that deal with PREA.
4. Volunteers and Contractors training will be documented by the PREA coordinator, or his/her designee, on the clearance log.

C. Inmate/Detainee education

1. During the intake process, inmates/detainees shall receive information explaining the agency's zero-tolerance policy by providing them with an **Intake PREA forms**.
2. Within the Intake (Z1) vestibule, inmate/detainees will also be able to review the PREA signs that are clearly posted.

3. Within (72) hours, and during the classification process, all inmates/detainees will receive a more **Comprehensive PREA training form** that will define Sexual Assault and Sexual Harassment as well as their right to be free from either type.
4. The above form will be provided in Spanish for Inmates/Detainees who are English deficient. The above form will be read to inmates/detainees who are blind or have other visual deficiencies; or if they are unable to read or write the English language.
5. Inmates/detainees will receive Inmate rule books during the classification process. The rule books do have a section referenced to PREA.
6. Within housing units or other areas that are frequented by inmates/detainees, there will be postings continually reminding them of the departments Zero Tolerance policy.
7. ICE detainees will receive a sexual assault awareness information pamphlet during classification. These pamphlets will be available in multiple dialects, including English, Spanish, Arabic, Chinese, French, Haitian Creole, Hindi, Portuguese, and Punjabi.

D. Specialized training: Investigations

1. Detectives from the road division, who have been selected to conduct sexual assault investigations within the Intervention Center, will receive specialized training that is designed around conducting sexual abuse investigations within confinement settings.
2. This training, along with training received in a certified police academy and detective school, will include techniques for interviewing sexual abuse victims and perpetrators.
3. This training, along with training received in other formats, will cover evidence collection and other criteria that are required to substantiate a case for either administrative action or prosecution referral. This includes the proper use of both Miranda and Garrity warnings.
4. The department will maintain copies of certifications with regards to training indicated above.

E. Specialized training: Medical and Mental health care

1. Members of the medical and mental health care staff that are regularly assigned to the intervention center will receive additional training with regards to PREA.
2. The additional training will be tailored towards their specific assignment.
3. The members of the medical and mental health care staff that are regularly assigned to the intervention center will read and sign this policy as well as the volunteer/contractor handbook.
4. Members of the medical and mental health care staff that are not regularly assigned to the intervention center will read and sign the volunteer/contractor handbook.
5. Training will include at minimum how to detect and assess signs of sexual abuse, how to respond effectively and professionally to victims of sexual abuse, how and to whom to report allegations of suspicion of sexual abuse, and how to preserve physical evidence.

The goal of **Training** and **Education** is to have staff, inmates/detainees, volunteers, and contractors all familiar with the department's Zero Tolerance approach to sexual abuse and that the information is, for the most part, uniformed for all parties. Inmates/Detainees have the right to know what they need to do in the event an unfortunate act of sexual abuse takes place. Likewise, all staff members need to know their responsibilities as well. Well informed staff, along with educated inmates/detainees; coupled with good correctional practices, will work together to help achieve a safe environment for all.

Screening for sexual victimization and abusiveness

A. Initial screening/Use of screening information

1. All inmates/detainees will be screened, during the classification process, for their risk of either being sexually abused or sexually abusive.

2. This initial screening will take place within (72) hours of their arrival into the facility unless exigent circumstances restrict the department's ability to do such. In that case, staff will document the reasons for the delay.
3. The classification officer handling the initial screening will use the departments **Victimization/Predator Screening form**. The goal of this form is to keep inmates/detainees at high risk of being sexually victimized from those at high risk of being sexually abusive.
4. Individualized determinations will be made to best ensure the safety of each inmate that is classified. All classification information will be documented as noted in related policies.
5. Inmates/Detainees that are screened, and deemed to be possible victims, will be placed in the least restrictive housing unit that is available and appropriate.
6. Inmates/Detainees that are screened, and deemed to be possible predators, will be placed in more restrictive housing units that are available and appropriate.
7. Any deviations will be documented and closely monitored to protect inmates/detainees from becoming possible victims.
8. Inmates/Detainees that indicate that they have experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, will have a follow-up meeting with a medical or mental health practitioner within 14 days of this initial screening.
9. Inmates/Detainees that indicate that they have previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, will have a follow-up meeting with a medical or mental health practitioner within 14 days of this initial screening.
10. Any information that is related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to the medical, mental health, support, and correctional staff as necessary for security and management decisions with regards to treatment plans and housing assignments.
11. The medical or mental health practitioner shall obtain informed consent from inmates/detainees before reporting information regarding sexual victimization that did not occur in an institutional setting unless the inmate/detainee is under the age of 18.
12. Appropriate controls shall be implemented within the facility regarding the dissemination of responses to questions on the **Victimization/Predator Screening form** in order to ensure that sensitive information is not exploited by other inmates/detainees to the inmate/detainee's detriment.

The goal of **screening** is to keep inmate/detainees who have the potential of becoming victims of sexual assault separate from those subjects who have the potential of being sexually abusive. This can best be achieved through proper and continual classification, along with officer observation and documentation, and an overall culture that supports the departments **Zero Tolerance** policy.

Reporting

A. Inmate/detainees' ability to report

1. Inmates/detainees will have the following internal resources to report any forms of sexual abuse.
 - a. Inmate tablet system
 - b. Notification to supervisory personnel during their daily rounds
 - c. Notification to any officer or staff member of their choosing
 - d. Notification to any volunteer or contracted personnel.
 - e. Notification to Turning Point of Macomb
2. Any volunteer, contractor, or staff member receiving a kite or notification from an inmate/detainee, even if by 3rd party, must inform a member of the correctional staff.
3. Any correctional officer receiving a kite or notification from an inmate/detainee, even if the notification is made by a 3rd party, must inform their on-duty supervisor.

4. Any officer, staff member, volunteer, or contractor that attempts to ignore, dismiss, or in any way hide a notification of sexual assault in an effort to protect any member of the above classifications will be considered in direct violation of this policy and could face, up to and including, potential criminal charges for their involvement.
5. Inmates/detainees will also have the ability to contact an external resource to report any form of sexual abuse.
6. The facility utilizes Turning Point of Macomb as their external resource and all inmates/detainees are given the 24/7 contact number (586) 463-6990.
 - a. This number is toll free and without recording through the inmate phone system
7. Counselors at Turning Point of Macomb that receive a complaint involving sexual abuse will call and speak to the on-duty supervisor here at the Intervention Center. Furthermore, absent security concerns or the orderly running of the facility, staff will allow meetings, or, other forms of communication, occur between the inmates/detainees and Turning Point of Macomb in as confidential manner as possible.
 - a. Turning Point of Macomb will advise the inmates/detainees of any mandatory reporting rules that apply for disclosures of sexual abuse made to them, including those that govern confidentiality.
 - b. Memorandums between Turning Point of Macomb and St. Clair County will be kept on file with the County of St. Clair and the PREA coordinator.
8. Those subjects that are solely detained for civil immigration purposes only will be provided with a National Detainee Handbook at classifications. This handbook outlines ways for these detainees to make either consular notifications or notifications to officials at the Department of Homeland Security. All housing units will also have a complete and up to date listing of consular numbers.
9. In addition to informing their on-duty supervisor, staff must document; *prior to the end of their shift*, any report made to them regardless if it's done by 3rd party, verbally, in writing, anonymously, or in person.
10. Staff members wishing to privately report incidents of sexual abuse may make their notifications to either the on-duty corrections lieutenant or jail administrator.
11. When an employee, contractor, or volunteer is alleged to be the perpetrator of sexual abuse, the facility shall ensure the incident is promptly referred to the Joint Intake Center (JIC), ICE OPR or the DHS OIG, as well as the ICE FOD, and if potentially criminal referred to the law enforcement having jurisdiction for investigation.

B. Use of Grievance Procedure

1. Inmates/detainees can, as an option, use the informal grievance process as a way to report incidents of sexual abuse. However, the facility, or its staff members, will not mandate or require that it has to be used.
2. The timeliness rule, as it pertains to submitting a grievance, does not apply to grievances pertaining to incidents or complaints of sexual abuse.
3. Inmates/Detainees will never be required to submit a grievance to a staff member who is the subject of the complaint.
4. A grievance will not be handled or referred to a supervisor who is the subject of the complaint. In cases involving supervisors, all grievance requests will be forwarded to the on-duty corrections lieutenant.
5. The agency will issue a final decision on the merits of grievances alleging sexual abuse within 90 days of the initial filing of the grievance. This time frame includes all stages of the grievance process with the exception of time frames used by inmate/detainees to prepare for any administrative appeal.
6. The agency may claim an extension of time to respond of up to 70 days if the above time frame period is not sufficient enough to make an appropriate decision. In these cases, the agency will notify

the inmate/detainee of the needed extension and also provide them with the date by which the decision will be reached.

7. At any level of the administrative process, including the final level, if the inmate/detainee does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

C. Use of Grievance Procedure – 3rd party requests

1. For grievances regarding sexual abuse only, third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing kite requests for grievances relating to allegations of sexual abuse, and shall also be permitted to file such kites on behalf of the inmate/detainee.
2. When third party requests are made, the facility will require, as a condition of processing the request, that the alleged victim agree to have the request filed on their behalf.
3. Third party requests will not be allowed for purposes of administrative appeal.
4. If the inmate/detainee declines to have the request processed on their behalf, the supervisor will document the inmate/detainee's refusal in the JMS and grievance log.

D. Use of Grievance Procedure – Emergency grievances

1. Staff members will immediately notify the on-duty supervisor of any kites or grievance requests that allege that an inmate/detainee is subject to a substantial risk of imminent sexual abuse.
2. The on-duty supervisor will respond to the inmate/detainees housing unit and take immediate corrective action to best protect the inmate/detainee.
3. Emergency grievances will be handled with an initial response within 48 hours of receipt of the grievance. The emergency grievance, and the initial response, will be identified as such in the grievance log by using a font in red color.
4. A final agency decision will be made within 5 calendar days and the on-duty supervisor will document the agencies determination whether or not the inmate is in substantial risk of imminent sexual abuse. The on-duty supervisor will also document what action was taken in response to the emergency grievance.
5. The department may discipline an inmate/detainee for filing a grievance related to alleged sexual abuse only where the department demonstrates that the inmate/detainee filed the grievance in bad faith.
6. Disciplinary actions resulting from the above will be documented in the jail rule violation log using a font in a red color.

The goal of **Reporting** is for there to be in place different ways in which inmates/detainees, volunteers/contractors, officers, or any staff members, can make notifications of any sexual assault. No one method will be looked at as more credible than the other and all allegations will be investigated regardless of the method used or severity of the claim.

Response to an Inmate/Detainee report

A. Staff and agency reporting duties

1. All Officers, Volunteers/Contractors, or other Staff members; including members of the medical and mental health staff, are required to **immediately** report, to the on-duty Corrections sergeant, any:
 - a. Knowledge, suspicion, or information that they have regarding an incident involving sexual abuse or harassment that occurred in the Intervention Center.
 - b. Knowledge, suspicion, or information that they have regarding an incident involving sexual abuse or harassment that occurred outside of the Intervention Center but still under the direct

- control of the Correctional or appointed staff (incidents during transports, incidents occurring at the court house, incidents involving inmate worker positions)
- c. Knowledge, suspicion, or information of any retaliation against an inmate/detainee or staff member who reported an incident of sexual abuse.
 - d. Knowledge, suspicion, or information regarding any staff member's intentional neglect or violation of responsibilities that may have contributed to an incident involving sexual abuse or an incident involving retaliation against the party that reported the incident.
2. Due to the sensitive nature of incidents involving sexual abuse, all officers, volunteers/contractors, or any staff member **will not reveal** any information regarding an incident of sexual abuse to anyone other than to the extent necessary to make treatment, investigation, and/or other security and management decisions.
 3. Upon receiving information that an inmate/detainee is subject to a substantial risk of imminent sexual abuse, the staff member receiving this information; without delay, will notify a member of the corrections staff.
 4. The notified member of the corrections staff will immediately contact their Corrections supervisor so that immediate action can take place to protect the inmate/detainee.

Reporting to other confinement facilities

A. Reporting duties

1. Upon receiving an allegation that an inmate/detainee was sexually abused while confined at another facility, the jail administrator; or his designee, shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
2. The above notification needs to be made as soon as possible and must be made within 72 hours upon receiving the information.
3. Notification will also be made to the PREA coordinator so that proper documentation can be entered showing the departments due diligence in making contact to the other agency.
4. The above documentation shall be entered into both the inmate/detainee's comments and also on the appropriate spreadsheet.
5. Upon receiving notification from another facility that a former inmate/detainee was involved in an alleged sexual assault, the incident will be investigated in accordance with this policy.

Staff first responder duties

A. 1st Responder duties-officers

1. Upon learning of an allegation that an inmate/detainee was sexually abused, the first correctional officer to respond to the report shall:
 - a. Immediately separate the alleged victim from the alleged abuser
 - b. Do their best to ensure that the crime scene is preserved and protected until appropriate steps can be taken to collect any evidence. This would include, but not limited too; making sure that no inmate/detainee enters the crime scene area
 - c. ***Under no circumstance is the crime scene area to be cleaned, or any items removed, until given the clearance by the assigned detective and/or Sergeant.***
 - d. If the abuse occurred within a time period that still allows for the collection of physical evidence, the 1st responding officer shall request that the alleged victim, and **ensure** that the alleged **abuser** not take actions that could destroy physical evidence. This includes:
 - I. washing
 - II. brushing teeth
 - III. changing clothes

- IV. urinating
- V. defecating
- VI. smoking
- VII. drinking
- VIII. eating

- e. To help **ensure** that the alleged **abuser** not do anything that may destroy evidence, the 1st responding officer should handcuff the subject and either place them in a dry cell or in an area without a bathroom or running water.
- f. Contact their on-duty sergeant or supervisor

B. First responder duties – staff, volunteers, or contractors (non-officers)

- 1. In the event that the staff member that receives the initial notification that an assault occurred is not an officer, the same member will be required to:
 - a. Request the alleged victim not take any actions that could possibly destroy physical evidence.
 - b. Immediately notify a correctional officer or sergeant
 - c. **Regardless how notification to the sergeant is made, if the inmate/detainee is being held for civil immigration purposes (ICE Detainee), notification must be made to the ICE Field Office Director.**

C. First responder duties- All

- 1. Any uniformed or not uniformed staff member is authorized to contact Turning Point of Macomb or Lighthouse Services directly and anonymously if they believe notification made to a member of the correctional chain of command, of an incident of Sexual Abuse, could either compromise the integrity of the investigation, or potentially lead to retaliatory measures brought against them.
 - a. Turning Point of Macomb or Lighthouse Services is then authorized to make notification to Law Enforcement, or, the detective bureau at the St. Clair County Sheriff's Office.

D. Coordinated Response

- 1. It will be the responsibility of the on-duty sergeant, in concert with the PREA coordinator, to ensure that the Coordinated Response Outline is followed whenever an alleged incident of sexual abuse is reported. The purpose is to provide:
 - a. Support for the alleged victim – during both administering of the rape kit and aftercare; including their best efforts to avoid a retaliatory conduct from any inmate/detainee or staff member
 - b. Prosecution of the alleged abuser
 - c. Crime scene preservation and protection
 - d. Collection of evidence
 - e. Use of on-duty/in-house medical staff
 - f. Use of in-house mental health provider
 - g. Notice and use of investigators from detective bureau
 - h. Notice to Jail administrator and/or other facility leaders within the correctional chain of command.
 - i. Notification to ICE Field Office Director if the victim or abuser is an ICE detainee
 - j. If a victim of sexual abuse is transferred from this facility to another facility covered by DHS SA-API Standards, the sending facility shall, as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services
 - k. If a victim of sexual abuse is transferred from this facility to a facility not covered by DHS SA-API Standards, the sending facility will, as permitted by law, inform the receiving facility of

the incident and the victim's potential need for medical or social services, unless the victim requests otherwise.

2. It will be the responsibility of the on-duty sergeant to complete the Coordinated Response Plan / PREA Incident form.
3. The term “on-duty” refers to the sergeant that is working when “notification” of an alleged incident of sexual assault is made. This is regardless of when the alleged incident occurred.
4. To preserve the integrity of both investigations, the department member that is assigned to handle the administrative investigation will coordinate with the assigned Detective member handling the criminal investigation, ensuring non-interference between the two.
 - a. The PREA coordinator will ensure that the above two staff members are aware of each other’s investigation.
 - b. The PREA coordinator will contact the ICE Office of Professional Responsibility (OPR) to help facilitate the coordination between OPR and the investigative team.
 - c. Currently the OPR office in Chicago (312) 341-4440 will be used to contact by phone, and also can be emailed at ICEOPRIntake@ice.dhs.gov

Agency Protection

A. Retaliation

1. The agency will, as an aftercare measure, monitor all incidents of sexual abuse to ensure that no inmate or detainee, that was the victim of the sexual abuse, be retaliated against by any other inmate, detainee, officer, or staff member.
2. The agency will, as an aftercare measure, monitor all incidents of sexual abuse to ensure that no inmate, detainee, officer or staff member who have either reported an incident of sexual abuse, or, who are cooperating with sexual abuse investigations, be retaliated against by any other inmate, detainee, officer, or staff member.
3. In either case, and as noted in other sections of this policy, the term sexual abuse refers to either a sexual assault or sexual harassment.
4. Examples of types of retaliation may or could include:
 - a. Being subjected to harsh or hostile conditions
 - b. Assaults
 - c. Unwarranted and intentional disciplinary actions
 - d. Deliberate indifference to medical or mental health needs
 - e. Housing or Program changes

B. Protective measures

1. Whenever an incident of sexual abuse occurs, the victim and the abuser will be separated and **should not** remain in the same pod.
2. Whenever an incident of sexual abuse occurs, the victim and abuser will be separated and **shall not** remain in the same housing dorm.
3. The pod officer will document, in the “Alert” page of both the victim and abusers JMS comment section, the fact that they will need to be kept separate for housing purposes.
4. As an option, and if necessary, the victim or the abuser may be transferred to another facility for housing purposes if no other housing options are available to protect either.
5. Correction officers who are alleged to have sexually abused any inmate or detainee will be removed from all duties requiring inmate/detainee contact pending the outcome of an investigation.
6. Contractors or Volunteers who are alleged to have sexually abused any inmate or detainee will not work in the same housing location as the alleged victim.

7. In either of the above two cases (#6 & #7), if this no-contact assignment is imposed, it will remain in effect until the investigation is completed and it is determined that the allegation of sexual abuse is not substantiated.
8. Inmates or Detainees, who fear retaliation for reporting sexual abuse or cooperating with investigations, will have access to emotional support services from either Turning Point of Macomb or a member of the on-site Community Mental Health
9. Correctional officers who fear retaliation for reporting sexual abuse or for cooperating with investigations will have access to emotional support services through the local EAP (Employee Assistance Program).

C. Monitoring

1. The Corrections Program Coordinator along with either the Jail Administrator or Jail Lieutenant will be responsible for monitoring against retaliation against inmates, detainees, or any staff member.
2. The Time frame for monitoring the conduct and treatment of inmates, detainees, or any staff member against possible acts of retaliation will be for at least 90 days.
3. The Jail Administrator may determine that the monitoring period be extended past the initial 90-day period if he/she believes that there is a continuing need.
4. In cases of inmates or detainees, such monitoring shall also include periodic status checks.
5. The Corrections Program Coordinator and/or Jail Lieutenant will be responsible for documenting their monitoring efforts or documenting any acts of retaliation along with the agency's response to such acts.
6. The above report will be forwarded to the Jail Administrator and a copy will also be forwarded to the PREA Coordinator for tracking, auditing, and annual review purposes.
7. The agencies obligation to monitor shall terminate if the Jail Administrator determines that the allegation is unfounded.

D. Protective Custody

1. In the event protective custody in a segregated housing cell is used to protect the inmate or detainee; post-allegation, the agency will follow the same requirements that are done for subjects placed on segregation for non-incident purposes.
2. The above will also be monitored to ensure that the protective custody housing assignment is not being done for retaliatory purposes.

The goal of **Response** planning is for there to be a system in place where all parties have an understanding and knowledge of expectations when it comes to their position when responding to an allegation of sexual abuse. This section also serves to inform staff that the duties to report allegations of sexual abuse are not restricted to this facility alone. Staff members must also report allegations of sexual abuse that may have occurred while an inmate or detainee was housed at another correctional facility. Finally, all staff members need to be aware that sexual abuse towards inmates, detainees, or other staff members will not be tolerated. This goes for any retaliatory actions as well.

Investigations

A. Sexual Assaults

1. Any allegation regarding an incident of sexual assault will be investigated promptly and regardless if the report is made by the victim, a third party, or from an anonymous report.
2. Any allegation regarding an incident of sexual assault will be investigated promptly and regardless if the alleged abuser is an inmate/detainee, officer, volunteer, contractor, or any staff member.
3. First responders will follow the duties as described previously in this policy.

4. Once the on-duty supervisor has determined that a sexual assault has or may have occurred, one of the on-duty detectives that are certified to investigate sexual assaults will be contacted.
5. The assigned detective will be one that has received specialized training with relation to sexual assaults and sexual assaults occurring in a correctional facility.
6. The assigned detective will follow their investigative protocols and training as established by the policies and practices of the road division. The assigned detective will, however; at a minimum, ensure that the following is covered:
 - a. Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence.
 - b. Gather electronic monitoring data including video and card reader reports
 - c. Interview alleged victims
 - d. Interview suspected perpetrators
 - e. Interview witnesses
 - f. Review prior, if any, complaints and reports of sexual abuse involving the suspected perpetrators
7. When the assigned detective believes that the quality of evidence appears to support a Criminal prosecution, the detective will conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
8. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate or staff member.
9. **The department will not require any inmate/detainee, who alleges any type of sexual abuse, to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of any allegation.**
10. The assigned detective will generate the complaint and request to charge for any incident that is substantiated. First responding officers and supervisors will generate supplementals when requested.
11. All complaints will be retained for the duration of the alleged abusers stay plus (5) years afterwards.
12. The removal or discharge of an alleged victim or abuser is not grounds for terminating any sexual abuse investigation. Complaints and requests to charge will be completed regardless.
13. In the event an outside agency or investigative unit is used to handle the complaint, all staff members will cooperate with them fully.
14. The jail administrator and/or PREA Coordinator will remain informed about the progress of the investigation whenever an outside agency is used.

B. Sexual Harassment

1. Any allegation regarding an incident of sexual harassment will be investigated promptly by the on-duty sergeant and regardless if the report is made by the victim, a third party, or from an anonymous report.
2. Any allegation regarding an incident of sexual harassment will be investigated promptly by the on-duty sergeant and regardless if the alleged abuser is an inmate/detainee, officer, volunteer, contractor, or any staff member.
3. In the event the on-duty sergeant is the alleged abuser, staff receiving the complaint will promptly report the allegation to the on-duty lieutenant.
4. The on-duty sergeant will document his findings in the AS-400 system for matters relating to inmate on inmate allegations.
5. The on-duty sergeant will decide whether sanctions or training for abusers are necessary with matters relating to inmate on inmate allegations.
6. The on-duty sergeant will advise the PREA coordinator of his findings so that information can be retained for audit purposes.
7. The on-duty sergeant will report their findings to their on-duty lieutenant, Jail administrator, and PREA Coordinator for incidents involving officers or staff members.

C. Administrative investigations

1. **The Jail administrator will decide whether an administrative investigation is necessary for incidents involving any type of sexual abuse when the alleged abuser is an officer, or, if their failure to act contributed to sexual abuse committed by others.**
2. The Jail administrator will decide who will handle an administrative investigation.
3. Administrative investigations shall be documented and include the following:
 - a. Descriptions of any physical or testimonial evidence.
 - β. The reasoning behind credibility assessments
 - c. investigative facts and findings
4. The investigator shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse are substantiated.
5. A copy of the completed report will be retained, at a minimum, for as long as the alleged abuser is detained, or employed by the agency plus 5 years.

D. Reporting to Inmates/Detainees

1. Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be:
 - a. Substantiated - means an allegation that was investigated and determined to have occurred.
 - b. Unsubstantiated - means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
 - c. Unfounded - means an allegation that was investigated and determined not to have occurred.
2. If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate/detainee.
3. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate whenever:
 - a. The staff member is no longer posted within the inmate's unit
 - b. The staff member is no longer employed at the facility
 - c. The agency learns that the staff member has been indicted and/or convicted on a charge related to sexual abuse within the facility
4. The above notifications do not need to be done when it has been determined that the allegation(s) were unfounded.
5. Following an inmate/detainee's allegation that he or she has been sexually abused by another inmate/detainee, the agency shall subsequently inform the alleged victim whenever:
 - a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility
 - b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility
6. All notifications or attempt notifications will be documented while the subject is incarcerated and will cease once the subject is released from our custody.

The purpose of having **Investigation** protocols is so that there is a system in place that best ensures that the following goals are met. The first goal is to protect those that have been victims of sexual abuse. This includes both subsequent to the assault and then against retaliation from either inmates/detainees or any staff member. The second goal is to punish the wrong doer for engaging in any form of sexual abuse while incarcerated or employed at the facility. Finally, protocols are in place so that investigations can be handled in the most uniformed way possible.

Discipline

- A. Disciplinary sanctions for Staff – Corrections (115.76)
 1. Staff members shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
 2. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment, not including that which is outlined in above, shall commensurate 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.
 3. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

- B. Corrective action for contractors and volunteers
 1. Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies
 2. Appropriate remedial measures will be taken and the department will consider whether to prohibit further contact with inmates/detainees, whenever there is a violation to this policy by a contractor or volunteer other than that which is documented above.
 3. In either of the above cases, the department will make notification to the contractor or volunteers direct administrator.

- C. Disciplinary sanctions for inmates/detainees
 1. Disciplinary sanctions will be followed in accordance with the inmate/detainee rule book and associated policies
 2. Disciplinary sanctions will be recorded in the Jail Rule Violation screen and in the inmate/detainees JMS comment section
 3. Formal Hearings will be handled, or Informal Hearings if the inmate/detainee chooses to waive, following an administrative finding that the inmate/detainee engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
 4. The following considerations will be taken when determining the length of an inmate/detainee's sanction:
 - a. The nature and circumstance of the abuse committed
 - b. The inmate's/detainee's disciplinary history
 - c. Sanctions imposed for comparable offenses by other inmates/detainees with similar histories
 - d. Whether the inmate/detainee has a mental disability or mental illness that may have contributed to their behavior
 - e. Recommendations from Mental Health staff for counseling or therapeutic treatment programs
 5. The department may discipline an inmate/detainee for sexual contact with staff only upon a finding that the staff member(any) did not consent to such contact.
 6. **A report of sexual abuse made in good faith 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.**
 7. *The department prohibits all sexual activity between inmates/detainees, consensual or not, and may discipline inmates/detainees for such activity.*

Data Collection

- A. The PREA Coordinator will be responsible for data collection for audit purposes.

- B. The PREA Coordinator will supply material, as requested, to federal agencies.
- C. Sexual abuse data, reports, and referrals of allegations will be maintained for 5 years after the date of initial collection
- D. Reports from Administrative investigations will be retained for as long as the alleged abuser is detained or employed by the department, plus 5 years.

Forms:

Victimization/Predator Screening form
Intake PREA forms
Comprehensive PREA training form
Sexual Abuse Incident Report Form
Sexual Abuse Incident Review Form
Retaliation spreadsheet

All Policies and Procedures developed for the operation of the St. Clair County Intervention Center are confidential and unauthorized disclosure is prohibited.

This policy and procedure will remain in effect until amended or repealed by the Sheriff, Undersheriff or Jail Administrator.