

**OUTAGAMIE COUNTY SHERIFF'S OFFICE  
POLICY**

**AM 5 - PREA**

<b>Policy Section:</b> Administration and Management	<b>Effective Date:</b>  7/1/19	<b>Revision Date:</b>		<b>Page:</b>  1 of 15
		9/1/10		
<b>Reference:</b>	<b>PREA (Prison Rape Elimination Act)</b>			
<b>WI State Statute</b>	940.225			
<b>WI Administrative Code</b>	DOC 350.24			
<b>Related Policies</b>	AM1, AM4, AM7, IM6, IM4, IM2, SC5, SC8			
<b>Related SOP'S</b>		<b>Approved by: Outagamie County Sheriff</b>		

The Prison Rape Elimination Act (PREA) is a Federal law established to address the prevention, investigation, and documentation of sexual assaults and harassment in correctional systems. PREA requires the Outagamie County Jail to ensure that sexual abuse and harassment are reported immediately and accurately. Outagamie County will have a **ZERO TOLERANCE** for sexual abuse and harassment. We will respond appropriately to every allegation of sexual misconduct. All allegations will be investigated and substantiated incidents will be subject to the disciplinary process and the Wisconsin Legal System if appropriate.

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### **AM 5.1 Purpose**

To protect inmates of the Outagamie County Jail from sexual abuse and harassment through proactive education, diligent monitoring and appropriate investigation and follow through.

### **AM 5.2 Definitions**

**STAFF** – For the purpose of this policy staff includes all Outagamie County Sheriff's Department employees, vendors, contracted employees, volunteers and those with facility access.

**SEXUAL MISCONDUCT** – Any behavior or act of a sexual nature directed toward an inmate by staff. This includes sexual contact of any kind as well as sexual harassment or abuse. Sexual misconduct can also include obscenity and unreasonable or unnecessary invasions of privacy. It can also include conversations or correspondence that suggests a romantic or sexual relationship. Sexual misconduct is not limited to unwanted sexual contact. Sexual misconduct is also a range of behaviors or situations that include inappropriate remarks, sexualized name calling, inappropriate displays, fondling, inappropriate viewing and or sexual contact with individuals vulnerable to the authority of the justice system or any other person in a work setting.

**SEXUAL HARASSMENT** – 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 directed toward another or by staff directed toward an inmate.

**SEXUAL ABUSE** of an inmate includes the following behaviors:

- Any type of sexual assault as defined by Wisconsin State Statute 940.225.
- Any type of sexual activity or contact between staff and inmates, including consensual acts.
- Any intentional display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.
- The invasion of privacy of an inmate by staff for voyeuristic purposes unrelated to official duties when an inmate is in the process of discreetly dressing or undressing or is using the toilet.
- Consensual acts between adult inmates does not meet the PREA definition of sexual abuse.

**VICTIM ADVOCATE** – A trained and qualified staff member or community-based advocate who may accompany and provide support for victim.

**YOUTHFUL OFFENDERS** – Inmates under the age of 18.

### **AM 5.3 Prevention and Screening**

- A. Any staff who learns that an inmate is subject to a substantial risk of imminent sexual abuse must immediately take action by removing the inmate from the situation or reporting it to someone who can.
- B. During the intake process, each inmate, before being placed in general population shall receive an inmate handbook that includes pertinent PREA information including ways to report sexual abuse.
- C. Outagamie County has a zero-tolerance policy regarding sexual abuse and sexual harassment.
- D. Ordinarily, within 72 hours of arrival, during the classification process, inmates will be screened for risk of sexual victimization or risk of sexually abusing other inmates using an effective objective screening instrument that, at a minimum shall consider the following criteria:
  - 1. Whether the inmate has a mental, physical or developmental disability.
  - 2. The age of the inmate.
  - 3. The physical build of the inmate.
  - 4. Previous incarceration history.
  - 5. Criminal history of violence.
  - 6. Prior sex offense convictions.
  - 7. Whether the inmate is gay, lesbian, bisexual, transgender or intersex.
  - 8. Previous sexual victimization.
  - 9. The inmate's own perception of vulnerability.
  - 10. Whether the inmate is detained solely for civil immigration purposes.
- E. If the risk screening instrument indicates that an inmate has experienced prior sexual victimization or perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow up meeting with a medical or mental health practitioner within 14 days of the intake screening. This will normally be done by a mental health professional.

- F. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary to inform treatment plans and security and management decisions, including housing, bed, education, and program assignments, or otherwise as required by Federal, State, or local law.
- G. Medical and mental health practitioners shall obtain informed consent from inmates before reporting about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.
- H. Within 30 days of the first screening, inmate's risk of victimization or abusiveness will be reassessed. Additional, relevant information received since the first intake screening will be considered. This will normally be done by medical staff.
- I. Inmates' risk assessment levels will also be reassessed when warranted due to a request, referral or incident.
- J. While truthfulness is necessary for screening to be accurate, inmates will not be disciplined for refusing to or incorrectly answering questions regarding their disabilities, perceived sexual preferences or past victimizations or not disclosing their own perception of vulnerability.
- K. Information learned during these screenings will be used to inform housing, work, education and program decisions with the goal of keeping inmates with a high risk of being victimized away from inmates with a high risk of being sexually abusive. Each inmate's safety decisions will be made on a case-by-case basis, including transgender and intersex inmates.
- L. Employees shall not disclose or disseminate, without authorization, the responses to screening questions to ensure that sensitive information is not exploited to the inmate's detriment by staff or inmates.
- M. Within 30 days of intake, inmates and shall receive comprehensive education either in person or via video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. Inmate education will be provided in formats accessible to all inmates and including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to inmates and who have limited reading skills. The Outagamie County Jail classification staff shall maintain documentation of inmate participation in these education sessions on a spreadsheet or other properly titled, savable and retrievable format.
- N. Lesbian, gay, bisexual, transgender or intersex inmates shall not be placed in a housing unit or wing solely on the basis of such identification or status.
- O. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice per year to review any threats to safety experienced by the inmate. The inmate's own views will be given serious consideration.
- P. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. If an assessment cannot be immediately conducted, the inmate may be held in involuntary segregated housing for less than 24 hours while completing the assessment. Inmates/detainees placed in

segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education or work opportunities, the Outagamie County Jail classification staff shall maintain documentation on a spreadsheet or other properly titled, savable and retrievable format:

1. The opportunities that have been limited;
2. The duration of the limitation; and
3. The reasons for such limitations.

Q. The Outagamie County Jail shall assign such inmates to involuntary segregated housing only until alternative means of separation from likely abusers can be arranged, and such an assignment shall not exceed a period of 30 days. If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the Outagamie County Jail classification staff shall maintain documentation on a spreadsheet or other properly titled, savable and retrievable format:

1. The basis for the jail's concern for the inmate's or detainee's safety; and
2. The reason why no alternative means of separation can be arranged.

R. Every 30 days, each inmate in involuntary segregated housing shall have his/her placement reviewed to determine whether there is a continuing need for separation from the general population

S. Staff sergeants and lieutenants will conduct unannounced rounds to identify and deter staff sexual abuse or harassment. These rounds shall be documented in the Spillman jail log.

T. Doors to closets, restrooms, classrooms, meeting rooms, etc. should be closed and locked when rooms are not in use.

U. During any or all required prevention and screening processes listed in this section, if the inmate is sight or hearing impaired, unable to speak or understand English, or developmentally challenged to a point where staff suspects they may have trouble understanding the information being given to them, staff responsible will take steps necessary to ensure they understand. These steps may include enlarging the print on regular PREA information given to inmates, the use of an interpreter (never another inmate), reading rules aloud to the inmate, stopping and explaining the educational video, etc. The Outagamie County Jail classification staff shall maintain documentation of these extra steps on a spreadsheet or other properly titled, savable and retrievable format:.

#### **AM 5.4 Reporting Requirements for Staff**

A. Any staff member who knows or reasonably suspects that any inmates or employees may be or has been involved in sexual misconduct is required to immediately inform their supervisor or jail administration. Staff may also report directly to Human Resources if privacy is a concern. Apart from reporting to designated supervisors or officials, staff shall not reveal 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.

B. Staff members are required to immediately report any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

- C. False reports or allegations may result in discipline and potential prosecution.
- D. Retaliation in any form against those who report misconduct is strictly prohibited. Staff members are required to report any retaliation against inmates or staff who reported an incident to their supervisor. Administration will use housing changes to separate abusers from victims, removal of alleged staff or inmate abusers from contact with the victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations as protection measures.
- E. Supervisors will monitor the conduct and treatment of inmates or staff who reported sexual misconduct as well as those who cooperated with the investigation and have expressed fear of retaliation. This monitoring will include periodic status checks and a prompt response to remedy any retaliation and shall last at least 90 days and will be documented by the supervisor in a supplemental narrative to the report or in a separate staff incident report.
- F. Upon receiving a report of alleged sexual misconduct, jail administration will initiate the necessary investigation and notify the appropriate parties as required.
- G. Allegations of sexual misconduct received from other agencies must be immediately referred or reported to jail administration. When the jail administrator receives such notification, he shall ensure that the allegation is investigated in accordance with PREA standards and that the administrator of the other facility is notified as soon as possible, not to exceed 72 hours. This notification and investigation will be documented with a staff incident report being completed.
- H. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates/detainees of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services. If the victim is under the age of 18 or considered a vulnerable adult under a state or local vulnerable persons statute, the Outagamie County Jail Administrator shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

#### **AM 5.5 Reporting requirements for inmates**

- A. Any inmate in the Outagamie County Jail that believes they have been sexually assaulted or harassed, or have knowledge of such acts, may report the violation in the following manner:
  - 1. Directly to a staff member.
  - 2. Through the inmate complaint system.
  - 3. Through the Jail Tip phone line.
  - 4. Through an outside party.
  - 5. Confidentially, through the Sexual Assault Crisis Center of Appleton.
  - 6. Through jail intercom emergency button in each cell block.
- B. Inmates may also use these same avenues to report retaliation or staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment.
- C. Retaliation in any form against those who report misconduct is strictly prohibited. Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of AM5.3 P-R.
- D. False reports or allegations may result in discipline and potential prosecution.

- E. Staff must accept, report and document allegations of sexual abuse or harassment made verbally, in writing, anonymously and/or from a third party in a jail incident report.
- F. Third parties, including fellow inmates, staff, family members, attorneys and outside advocates may assist inmates in filing requests for administrative remedies relating to allegations of sexual misconduct and to file such requests on behalf of inmates. The inmate (alleged victim) must agree to have the allegation filed on their behalf by the third party and personally pursue subsequent steps. If the inmate declines to pursue the allegation, the inmate's decision shall be documented in the jail incident report.
- G. Upon receiving a report of alleged sexual abuse or harassment, jail administration will initiate a thorough and objective investigation and notify appropriate parties as required. The investigation will consider third-party and anonymous reports.
- H. In cases where the alleged victim does not speak English, staff will not use an inmate interpreter except in limited circumstances where an extended delay could compromise the inmate's safety, first responder duties or the investigation. If staff uses an inmate interpreter it will be documented along with circumstances that required the use of an inmate interpreter in the jail incident report.
- I. The Outagamie County Jail shall receive third-party reports of sexual abuse sexual harassment made to the Jail Sergeant at (920) 832-5022 and shall publicly distribute information on how to report sexual abuse and sexual harassment on behalf of an Inmate on the Outagamie County Jail webpage.
- J. Reporting options will be covered for new inmates and inmates who have factors making them vulnerable during the inmate's classification interview.
- K. Instructional PREA posters will be posted in conspicuous areas throughout the jail.
- L. The instructional PREA posters will include the number for the Sexual Assault Crisis Center of Appleton (SACC). Inmates will have access to call this number from their cellblock. The calls will be free and unrecorded. The SACC notify the PREA Coordinator when they receive a report of sexual abuse alleged to have occurred in the jail. SACC will not be required to identify the reporting inmate.

#### **AM 5.6 Response**

- A. When a correctional officer receives a report of an alleged inmate/inmate sexual abuse incident in our jail (this includes reports from other facilities) he/she will initiate the following steps immediately:
  - 1. Separate the accused and the alleged victim. Instruct victim not to change clothes, wash, shower, brush their teeth or use the bathroom.
  - 2. Evaluate condition of victim. Notify medical staff immediately if emergency medical care is required.
  - 3. Notify supervisor.
  - 4. Secure physical evidence and/or the crime scene.
- B. Upon being notified, a jail supervisor shall evaluate the allegations and initiate the following steps if appropriate:

1. Ensure the safety of all inmates involved in the alleged incident.
  2. Notify medical staff.
  3. Initiate an investigation to determine if the complaint has merit and whether or not a criminal act has occurred.
  4. Notify OUSO law enforcement, if appropriate, for criminal investigation. Document all referrals to law enforcement in the jail incident report.
  5. Ensure the victim is offered immediate (allowing for evidence collection and protection) access to the jail mental health professional if available.
- C. If a forensic exam is necessary, medical staff will facilitate an exam by a qualified SANE or SAFE at no cost to the inmate. Efforts to provide a SANE or SAFE will be documented in the jail incident report. If a SANE or SAFE is not possible, a qualified medical practitioner.
- D. If a forensic exam is necessary, the victim will be offered an advocate from the Rape Crisis Center – Fox Cities. If RCC advocate is unavailable, Outagamie Crisis should be notified.
- E. In certain situations OUSO administration may make the decision refer the internal or criminal investigation to an outside law enforcement agency.
- F. The agency is that is assigned to, or agrees to conduct the investigation will be responsible for conducting the investigation consistent with Wisconsin statute and administrative code.
- G. A victim advocate may be present during investigation interview and throughout the investigative process if requested by victim.
- H. OUSO staff and investigators will follow protocol that maximizes the potential for obtaining usable evidence for administrative proceedings and criminal prosecution including the identification of evidence, a written chain-of-custody and securing the evidence properly.
- I. The PREA Coordinator will collect information about the victim, alleged perpetrator, time and location of the assault, the action taken by first responders and other information to include in the incident review, the annual report, and make any recommendations for changes in the risk screening tool and response procedures.
- J. Jail Administration will arrange security for transporting the victim and perpetrator to the SANE exam site, ensure that a classification hearing is convened to reclassify the victim and perpetrator for assignment to appropriate housing, (considering the information from the risk screening tool), and ensure that a new risk screening is completed on the victim and perpetrator.
- K. Inmates who are victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners.
- L. Inmate victims of sexual abuse while incarcerated shall be offered timely information about and access to all pregnancy-related medical services that are lawful in the community and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser.

- M. The Outagamie County Jail shall offer ongoing medical and mental health evaluation and, as appropriate, treatment to all inmates/detainees who, during the present term of incarceration, have been victimized by sexual abuse in any prison, jail, lock up, or juvenile facility. The evaluation and treatment of sexual abuse victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, or release from custody. The Outagamie County Jail shall provide such victims of sexual abuse with medical and mental health services consistent with the community level of care.
- N. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests and if pregnancy, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy related medical services. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate. 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.
- O. If first responder is not a security staff member, they will instruct the inmate not to wash, shower or use the bathroom (to not destroy potential evidence) and immediately notify security staff.
- P. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, jail administration shall notify the appropriate office of the agency or facility where sexual abuse is alleged to have occurred. This notification will take place as soon as possible (no later than 72 hours) and be documented.
- Q. No disciplinary action will be taken against any inmate or staff member who makes a report of sexual abuse or harassment in good faith based upon reasonable belief that the alleged conduct occurred, even if the investigation does not establish evidence sufficient to substantiate the allegation.

#### **AM 5.7 Investigation**

- A. The PREA Administrator will review all reports of sexual misconduct, abuse and/or harassment. Each will be investigated and, as warranted, resolved through the jail disciplinary process and/or criminal charges. When sexual abuse is alleged, staff who've received special training in sexual abuse investigations pursuant to 115.34 shall be assigned.
- B. Staff assigned to investigate shall protect, gather and preserve direct and circumstantial evidence including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. When the quality of evidence appears to support criminal prosecution, investigators shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- C. The rights of both the accused and the complainant shall be protected, and the confidentiality of the proceedings will be maintained to the fullest extent possible. Primary consideration will be to safeguard the well being and security of the complainant and the subject.
- D. The credibility of the victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. Inmates who allege sexual abuse will not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.



- E. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and copies of all documentary evidence where feasible. Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution.
- F. In addition to this policy on sexual misconduct, Wisconsin Statutes make it a criminal offense for correctional staff members to have sexual contact with an individual confined in a correctional institution.
  - 1. Staff members who are found to have engaged in staff sexual misconduct will be disciplined up to and including termination.
  - 2. Under Wisconsin Statutes, consent is not an element in a criminal case of staff sexual misconduct.
- G. Administrative investigation shall include an effort to determine whether staff actions or failures to act contributed the abuse and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind the credibility assessments, and investigative facts and findings.
- H. In administrative investigations, the standard of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated is the preponderance of evidence.
- I. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating the investigation, and when outside agencies investigate sexual abuse, the facility shall cooperate with the outside investigators and shall endeavor to remain informed about the progress of the investigations.
- J. All written reports referenced in this section will be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years”.

#### **AM 5.8 Sexual Abuse Incident Follow Up**

- A. The findings of the appropriate investigative authority shall be released to jail administration for follow up.
- B. A review of the placement status of the victim and accuser will be completed.
- C. Any inmate who alleges he or she suffered sexual abuse shall be informed as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded following an investigation. If the investigation was not conducted by the Outagamie County Jail, the jail administrator shall request the relevant information from the investigative agency in order to inform the inmate.
- D. Following an inmate’s allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate, (unless the agency has determined that the allegation is unfounded) whenever:
  - 1. The staff member is no longer employed at the Outagamie County Jail.
  - 2. The Outagamie County Jail learns that the staff member has been indicted on a charge related to sexual abuse within the facility, or
  - 3. The Outagamie County Jail learns that the staff member has been convicted on a charge related to sexual abuse within the jail.

- E. Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever:
  - 1. The Outagamie County Jail learns that the alleged abuser has been convicted on a charge related to sexual abuse within the jail.
- F. Notifications required in paragraphs E1 shall be documented in the jail incident report. The jail's obligation to report under this standard shall terminate if the inmate is released from custody.
- G. A sexual abuse incident review will be conducted by administration within 30 days of the completion of every sexual abuse investigation unless the incident is determined to be unfounded.
  - 1. The incident review team will include administration officials and will allow for input from line supervisors, investigators and medical or mental health professionals.
  - 2. A report of the review team's findings will be prepared and will contain, at a minimum, the following:
    - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
    - b. Consider whether the incident or allegation was motivated by race; ethnicity; sexual preference; gender identity status or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics within the jail.
    - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
    - d. Assess the adequacy of staffing levels in that area during different shifts.
    - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
    - f. Recommendations for improvement resulting from the review team's findings. Findings must be implemented or a reason for not implementing must be documented in the report.

#### **AM 5.9 Disciplinary Process for Inmates**

- A. Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in sexual abuse, or following a criminal finding of guilt, for sexual abusing another inmate. Sanctions shall be commensurate with the nature and circumstance of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- B. The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, shall be imposed. If therapy, counseling, or other interventions to address and correct underlying reasons or motivations for the abuse become available, the offending inmate may be required to participate in such interventions as a condition of access to programming or other benefits.
- C. The agency may discipline an inmate for sexual contact with a staff only upon a finding that the staff member did not consent to such contact.
- D. For the purposes 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 sufficient evidence to substantiate the allegation.
- E. All sexual activity between inmates is prohibited and inmates/detainees may be disciplined for such

activity. However, such activity will not be deemed to constitute sexual abuse under the ambit of PREA if that activity is not coerced.

## **AM 5.10 Training**

- A. The Outagamie County Jail shall train all employees who may have contact with Inmates/ on:
1. Its 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. Inmates' right to be free from sexual abuse and sexual harassment
  4. The right of inmates 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 inmates
  9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates
  10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities
  11. How to conduct cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible consistent with security needs.
- B. New correctional officers and operations assistance will be notified to begin 4 hours of initial online PREA training within 30 days of the completion of their training period. The training should be completed by the employee within 30 days of notification.
- C. Jail security staff will receive regular training regarding PREA; at a minimum every two years. In years employees do not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.
- D. The Outagamie County Jail shall have written verification that all volunteers and contractors who have contact with inmates/ have received training on their responsibility under the Outagamie County Jail's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates/, but all volunteers and contractors who have contact with inmates/ shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report sexual abuse.
- E. Non-sheriff county employees, FVJM employees, kitchen and medical/mental health staff who have sustained contact with inmates will receive PREA training including but not limited to the following topics:
1. How to detect and assess signs of sexual abuse and sexual harassment.
  2. How to preserve physical evidence of sexual abuse.
  3. How to respond effectively and professionally to victims of sexual abuse and sexual harassment
  4. How and to whom to report allegations or suspicions of sexual abuse.
  5. Providing the training, and proof of training, will be the responsibility of the vendor.

- F. Outagamie County will ensure staff employed by vendors receive PREA training and provide vendors the opportunity to have their staff attend Outagamie County security staff PREA training.
- G. In addition to the general training provided to all employees, and to the extent the Outagamie County Jail itself conducts sexual abuse investigations, the Outagamie County Jail shall ensure that its investigators have received training in conducting such investigations in confinement settings, to include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- H. Documentation that the agency investigators have completed the required specialized training in conducting sexual abuse investigations will be maintained by the Outagamie County Jail.
- I. Outagamie County will ensure that all PREA related training is documented and maintained.

#### **AM 5.11 Youthful Offenders**

- A. Best efforts will be made to ensure youthful offenders are not housed in the same cell block with inmates who are 18 or older. This may include considerations for electronic monitoring or housing youthful offenders in another PREA certified jail.
- B. If youthful offenders are within sight, sound or physical contact with other inmates outside of their cell block they will be under the direct supervision of a staff member.
- C. If youthful offenders are housed in the same block as other inmates, extra care and attention will be taken by the classification specialist and other staff to ensure the inmates is not placed in unnecessary danger.
- D. The classification specialist will spend extra time ensuring that youthful offenders understand what constitutes sexual abuse and harassment and how to report it.
- E. Best efforts will be made to avoid placing youthful offenders in isolation to comply with this provision.
- F. Youthful offenders will have access to large muscle exercise, education programs and/or other program/work opportunities to the extent possible.

#### **AM 5.12 Data Collection and Retention**

- A. The PREA Coordinator shall collect accurate, uniform data for every allegation of sexual abuse at the Outagamie County Jail using a standardized instrument and set of definitions. Upon request, the PREA Coordinator shall provide all such data from the previous year to the Department of Justice no later than June 30.
- B. Data will be collected from all available incident-based documents, including reports, investigation files and sexual abuse incident reviews.
- C. The Outagamie County Jail shall review data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
  - 1. Identifying problem areas;

2. Taking corrective action on an ongoing basis; and
  3. Preparing an annual report of its findings and corrective actions for the Outagamie County Jail.
- D. The Outagamie County Jail shall make all aggregated sexual abuse data readily available to the public at least annually through its website. Before making aggregated sexual abuse data publicly available, the Outagamie County Jail shall remove all personal identifiers and is allowed further redactions when the publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the material redacted.
- E. Incident-based and aggregate data will be securely retained and maintained for a minimum of 10 years after the date of initial collection, unless federal, state or local law requires otherwise.

### **AM 5.13 Interpreters**

- A. Inmates may not be used as interpreters except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties or the investigation of the inmate's allegations.
- B. The Outagamie County Jail shall take appropriate steps to ensure that inmates with disabilities (including, for example, those who are deaf or hard of hearing, those who are blind or have 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. Such steps shall include, when necessary to ensure effective communication with inmates/ who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. The Outagamie County Jail will also ensure that written materials are provided in formats or through methods that ensure effective communication with inmates/ with disabilities, including those who have intellectual disabilities, limited reading skills, or who are blind or have low vision.
- C. The Outagamie County Jail shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates/ who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using necessary specialized vocabulary.

### **AM 5.14 Civil Immigration Detainers**

- A. Inmates who are solely detained for civil immigration purposes shall be provided with information on how to contact relevant consular officials and relevant official of the Department of Homeland Security.

### **AM 5.15 Staffing Plan: Hiring, Promotions, Contractors**

- A. The Outagamie County Jail will develop, document, and make best efforts to comply on a regular basis with a staff plan that provides for adequate levels of staffing and, where applicable, video monitoring to protect inmates/ against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the following will be considered:
1. Generally accepted detention practices;
  2. Any judicial findings of inadequacy as well as any findings of inadequacy from federal investigative agencies or internal or external oversight bodies;

3. All components of the jail's physical plant (including blind spots or areas where staff or inmates may be isolated);
4. The composition of the inmate population;
5. The number and placement of supervisory staff;
6. Institutional programs occurring on a particular shift;
7. Applicable state or local laws, regulations, or standards;
8. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and,
9. Any other relevant factors.

- B.** In circumstances where the staffing plan is not complied with, the Outagamie County Jail shall document and justify all deviations from the plan in a staff incident report. Whenever necessary but no less frequently than once each year, jail administration in consultation with the PREA Coordinator will assess, determine, and document where adjustments are needed to the staffing plan, the deployment of video monitoring and other monitoring technologies, and the resources available to commit to ensure adherence to the staffing plan in a staff incident report.
- C.** The Outagamie County Jail will not hire or promote anyone to a position or enlist the services of any contractor who may have contact with inmates and who has:
1. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (as defined in 42 U.S.C. 1997).
  2. 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.
  3. Has been civilly or administratively adjudicated to have engaged in the activity described in the previous paragraph.
- D.** Before the Outagamie County Sheriff's Department hires any new employee, we will conduct a criminal background record check. We will make our best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of sexual abuse.
- E.** Any incidents of sexual harassment will be considered in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
- F.** A criminal background record check will be completed before enlisting the services of any contractor who may have contact with inmates. Any contractor or volunteer found to have engaged in sexual abuse or harassment will not be allowed to have contact with inmates.
- G.** Any contractor or volunteer who engages in sexual abuse shall be 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.
- H.** Outagamie County shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.
- I.** At least every five years, current employees and vendor employees who may have contact with inmates shall undergo a criminal background records check.
- J.** All applicants and employees who may have contact with inmates will be directly asked about previous

misconduct in written applications or interviews for hiring or promotions. The Outagamie County Jail shall also impose upon employees a continuing affirmative duty to disclose any such misconduct. Material omissions regarding such misconduct, or the provision of materially false information shall be grounds for termination.

- K. The Outagamie County Jail 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 the employee has applied to work.
- L. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual misconduct, abuse or harassment policies and termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual touching.
- M. Disciplinary sanctions for violations of agency policies related to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstance of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- N. 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 body".

#### **AM 5.16 New building construction or modification**

- A. When designing or acquiring any new facility and in planning any substantial expansion or modification of the existing facility, the Outagamie County Jail shall consider the effect of the design, acquisition, expansion, or modification upon the jail's ability to protect inmates/ from sexual abuse.
- B. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Outagamie County Jail shall consider how such technology may enhance the jail's ability to protect inmates/ from sexual abuse.

#### **AM 5.17 Contracts or agreements**

- A. Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
- B. Nothing in this standard shall restrict the entering into or renewal of agreements that govern:
  - (1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.72 and 115.76; or
  - (2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.