

**MONTGOMERY COUNTY
JAIL FACILITY**

**PRISON RAPE ELIMINATION ACT (PREA)
SEXUAL ABUSE PREVENTION AND
INTERVENTION PROGRAM**



**VOLUNTEER AND/OR CONTRACTOR
POLICY AND PROCEDURE
TRAINING MANUAL**

PURPOSE AND SCOPE:

The Montgomery County Jail Facility has a “Zero Tolerance” Policy regarding all forms of sexual abuse and sexual harassment. The Montgomery County Jail is committed to providing a safe and secure environment for all Detainees, Staff, Contractors, and Volunteers, free from the threat of sexual abuse, by maintaining a Sexual Abuse Prevention and Intervention Program. The Program ensures effective procedures for preventing, reporting, responding to, investigating, and tracking incidents or allegations of sexual abuse. This Program is consistent with the Prison Rape Elimination Act of 2003 (PREA).

The Montgomery County Jail affirmatively acts to prevent acts of sexual abuse and sexual harassment on Detainees, provide prompt and effective intervention and treatment for victims of sexual abuse, and control, discipline, and prosecute the perpetrators of sexual abuse or sexual harassment.

BACKGROUND:

The Prison Rape Elimination Act of 2003 (PREA) sets a zero tolerance standard regarding sexual abuse in “any confinement facility of a Federal, state, or local government, whether administered by such government or by a private organization.

Research indicates that a small percentage of individuals express aggression and seek to dominate others through violent sexual behavior. Forceful and pressured sexual interactions are among the most serious threats to Detainee safety, Facility security, and good order. Victims suffer physical and psychological harm and could be infected with a life-threatening disease.

DEFINITIONS:

For purposes of this policy, the following definitions apply:

- A. Exigent Circumstances:** Any set of temporary unforeseen circumstances that require immediate action in order to combat a threat to the security or order of the Jail Facility.
- B. First Responder:** The first person arriving on the scene of an incident or the first person having contact with an alleged victim.
- C. PREA Program Coordinator:** A Facility Supervisor who is responsible for ensuring compliance of the PREA Standards.
- D. Staff Member:** For purposes of this policy and procedure, Staff Member shall include any person:
 - 1. Employed by the Montgomery County Sheriff’s Office and/or Jail and are paid by the County of Montgomery.
 - 2. Contracted to perform services on a recurring basis within the Jail Facility pursuant to a contractual agreement.
 - 3. Approved access to the Jail Facility for the purpose of volunteering their services, such as Jail Ministry Services, Education Services, Substance Abuse Services, etc.
- E. Victim Advocate:** A Professional with specialized training who provides direct services, such as emotional support, counseling, and resources, to male and female victims of sexual abuse.
- F. Sexual Misconduct:** For purposes of this policy and procedure, Sexual Misconduct shall include:
 - 1. An incident in which one or more Detainees are engaged in, are attempting to engage in, or have completed a consensual sexual act with another Detainee.
 - 2. Any behavior or act of a sexual nature described in **Paragraphs (N), (O), or (P)**.
- G. Detainee-on-Detainee Sexual Abuse:** One or more Detainees, by force, coercion, or intimidation, engaging in or attempting to engage in a sexual act, including:
 - 1. Contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph, contact involving the penis occurs upon penetration, however slight;
 - 2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
 - 3. Penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object;
 - 4. Touching of the genitalia, anus, groin, breast, inner thigh, or buttocks, either directly or through the clothing, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

5. The use of threats, intimidation, inappropriate touching, or other actions and or communications by one or more Detainees aimed at coercing and or pressuring another Detainee to engage in a sexual act.

H. Sexual Harassment:

1. 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.
2. Repeated verbal comments or gestures of a sexual nature to a detainee 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.

I. Staff-on-Detainee Sexual Abuse: One or more Staff Members, Volunteers, or Contract Personnel, by force, coercion, or intimidation, engaging in or attempting to engage in a sexual act, including:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
2. Contact between the mouth and the penis, vulva, or anus.
3. Contact between the mouth and any body part where the Staff Member has the intent to abuse, arouse, or gratify sexual desire.
4. 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 has the intent to abuse, arouse, or gratify sexual desire.
5. 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 has the intent to abuse, arouse, or gratify sexual desire.
6. Any attempt, threat, or request by a Staff Member to engage in the activities described in paragraphs (1) through (5) of this definition.
7. Any display by a Staff Member of his or her uncovered genitalia, buttocks, or breast in the presence of a Detainee.
8. Voyeurism by a Staff Member which is an invasion of privacy of a Detainee by staff for reasons unrelated to official duties, such as peering at a Detainee who is using a toilet in his or her cell to perform bodily functions; requiring a Detainee to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a Detainee's naked body or of a Detainee performing bodily functions.

J. Staff Misconduct of a Sexual Nature: Staff Misconduct of a Sexual Nature shall mean the following acts when performed by a Staff Member and directed at any Detainee for the purpose of gratifying the sexual desire(s) of any person or getting a Detainee to engage in Staff Sexual Misconduct, or that have sexual undertones:

1. Exchanging personal letters, pictures, phone calls, or contact information with an individual known to be under Department Jurisdiction, or his/her immediate family, without the express authorization of the Sheriff.
2. Exchanging personal information with a Detainee known to be under Department Jurisdiction, or his/her immediate family, intended to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person and/or in an effort to get a Detainee to engage in Staff Sexual Misconduct or other conduct prohibited by this section.
3. Engaging in an unauthorized personal relationship with an individual known to be under Department Jurisdiction without the express authorization of the Sheriff.
4. Discouraging or preventing Detainees or Staff Member from:
 - a. Making good faith reports of Staff Sexual Misconduct or Staff Misconduct where a Detainee is the alleged victim, or
 - b. Providing, in good faith, information regarding Sexual Misconduct or Staff Misconduct where a Detainee is the alleged victim. This could include, but is not limited to, making threats, bribes, or acts of coercion toward a Detainee or Staff Member. This does not include short-term temporary delays in reporting necessary to ensure safety or security in the facility or instances where the Staff Member would not reasonably have known under the circumstances that he or she was in violation of this section.

5. Aiding or abetting another person to perform the acts prohibited in this section. This would include intentionally failing to report knowledge of another Staff Member engaging in Staff Sexual Misconduct or the acts prohibited in this section.

ZERO TOLERANCE:

The Montgomery County Jail has a strict **Zero Tolerance Policy** for all acts of Sexual Abuse, Sexual Harassment, and Retaliation regardless of consensual status. The following acts of Sexual Abuse are strictly prohibited and subject to Administrative Sanction, Disciplinary Sanctions, and Criminal Prosecution.

1. Detainee-on-Detainee Sexual Abuse
 2. Staff-on-Detainee Sexual Abuse
 3. Staff Misconduct of a Sexual Nature
 4. Staff-on-Detainee or Detainee-on-Detainee Sexual Harassment
 5. Any act defined above in **Paragraphs (M) through (Q)**.
- Detainee Sexual Abuse by a Staff Member is a Class D Felony and could result in having to register as a Sex Offender.

AN ABUSE OF POWER:

Due to the imbalance of power between Detainees and Staff in correctional setting, sexual interaction between Staff, who have power, and Detainees, who lack power, are unprofessional, unethical, and illegal.

Some Detainees who lack power may become sexually involved with Staff in an effort to equalize the imbalance of power. Occasionally a Detainee may try to use sex to improve his/her standing or circumstances (eg. Better job, avoid disciplinary action, affect a release plan, gain privileges, etc.)

As a Montgomery County Jail Contractor, Vendor or Volunteer, your designated assignments place you in a position of authority over the Detainees with whom you interact in a professional capacity. It is not possible to have a relationship as equal because you have a responsibility to maintain custody, evaluate work performance, and/or provide input to issues that affect release dates, return to prison, or other sanctions.

Because of the imbalance of power between Detainees and Staff, Vendors, Contractors, and Volunteers, there can never be a consensual relationship between Staff and Detainees. In fact, the law states “Consent” is not a defense to prosecution.

HISTORY OF VICTIMIZATION:

Some Staff don't think of Detainees as “Victims” of Staff Sexual Abuse, especially when the Detainee appears to be a willing participant or even initiated the sexual or “Romantic” interactions with a Staff Member. The Detainee is **always** the victim because of the imbalance of power. The consent or willingness of a Detainee to participate may be a survival strategy or a learned response to previous or current victimization.

Many Detainees have a history of victimization (Physical and/or Sexual Abuse), which may make them especially vulnerable to the sexual overtures of persons in position of authority. Their perception of affection and/or love may be skewed by this background of abuse, making it impossible for them to refuse advances of a Staff Member. In some instances, particularly for female Detainees, their survival in the community has been directly related to using their sexuality to obtain the means to survive. Coupled with low self-esteem, this carries over into their conduct in the confinement setting.

As the Staff Member, the person in authority, it is your responsibility to discourage, refuse, and report any overtures as well as maintain professional boundaries **at all times**.

Boundaries in relationships can be difficult. If you question your professional boundaries with a Detainee or feel uncomfortable with his/her actions or advances toward you, report this to a Security Staff Member, the Jail Administrator, any employee that you respect, or to the outside Advocate (ACCIS 573-581-3835). Make this report before it gets out of control.

RED FLAGS:

The following are behaviors or “Red Flags” that may signal you or someone you work with is in danger of engaging in a Sexual Abuse or Sexual Harassment with a Detainee:

1. Spending a lot of time with a particular Detainee.
2. Change in appearance of a Detainee or Staff Member.
3. Deviating from agency policy for the benefit of a particular Detainee.
4. Sharing personal information with a Detainee.
5. Horseplay.
6. Overlooking infractions of a particular Detainee.
7. Doing favors for a Detainee.
8. Consistently volunteering for a particular assignment or shift.
9. Coming to work early and/or staying at work late.
10. Flirting with a Detainee.
11. Standing too close to a Detainee.
12. Taking up a Detainee’s cause or grievance.
13. Getting into conflicts with co-workers over a Detainee.
14. Bringing things into the facility for the Detainee.
15. Doing favors for a Detainee’s family.
16. Feeling the effects of major life changes (divorce, etc.)
17. Believing a Detainee is indispensable.
 - Your personal and professional reputation may be jeopardized because of unprofessional conduct. Your career, and even your family can also be negatively impacted or destroyed.

THINGS TO CONSIDER:

Amorous or sexual relationships with a Detainee are seldom a secret. Such behavior will subject you to disrespect and manipulation from other Detainees that may be aware of your situation.

Once in a relationship, professional judgment becomes clouded and the normal defenses that exist to protect you will be compromised. When acting on emotions, you may take actions that would otherwise be considered inappropriate in a correctional environment.

Amorous or sexual relationships are inappropriate and illegal when they occur between a Detainee and any Staff Member, Contractor, Vendor, or Volunteer. Detainees depend upon Staff to provide for their board and care, ensure their safety, address their health care needs, supervise their work and conduct, and act as role models for socially-acceptable conduct.

Your conduct and decisions you make reflect not only on your own reputation, but also on that of your peers and the agency you represent.

HOW TO MAINTAIN APPROPRIATE BOUNDRIES:

Most Staff/Detainee Sexual Abuse or Sexual Harassment occurs only after seemingly innocent professional boundaries have been crossed. The following behaviors will assist you in maintaining appropriate boundaries:

1. Maintain a professional distance.
2. Focus behavior on duties and assignments.
3. Don not become overly close with a particular Detainee.
4. Do not share your own or other Staff Member’s personal information with or around Detainees.
5. When speaking to Detainees about other Staff, refer to the Staff Member by their title or as Mr. or Ms.
6. When speaking to Detainees, refer to them as Mr. or Ms. and their last name.
7. Do not accept gifts or favors from Detainees.

A DUTY TO REPORT:

Staff must report any inappropriate Staff/Detainee behavior immediately. The presence of illegal and unethical behavior by Staff compromises the security and safety of the facility.

The Montgomery County Jail requires all Staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred between a Staff Member and a Detainee or between two or more Detainees. Staff failing to make such reports are in violation of the Zero Tolerance Policy and shall be subject to Administrative Sanctions and Criminal Prosecution.

Reports shall be made to a Security Staff Member, the Jail Administrator, any employee that you respect, or to the outside Advocate Agency (ACCIS 573-581-3835).

QUESTIONS:

If you have any general questions, please call Lieutenant Eric E. Foree or Sgt. Katie Pape at (573) 564-8086.