

PENOBSCOT COUNTY SHERIFF'S OFFICE

TITLE: SEXUAL MISCONDUCT (PREA AND MAINE STATUES)
COMMUNITY CORRECTIONS SUPERVISOR

NO. F- 324.6

EFFECTIVE DATE: November 1, 2016

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APPROVED BY: *Sheriff Troy Morton*™

STANDARDS:

I. POLICY

In accordance with 17-A M.R.S.A Sections 253, 255-A, 260, and 760, it is the policy of the Penobscot County Sheriff's Office to prohibit community corrections staff, and volunteers from engaging in sexual misconduct with an inmate/resident or sexual harassment of an inmate/resident. It is also the policy of the Department to require the reporting of any sexual misconduct or sexual harassment or suspicion of either. Any community corrections staff, or volunteer who engages in or threatens to engage in, fails to report, or otherwise fails to take appropriate steps in response to sexual misconduct with an inmate/resident or sexual harassment of an inmate/resident is subject to appropriate action, up to possible criminal prosecution. The Penobscot County Sheriff's Office has zero tolerance toward all forms of sexual misconduct or sexual harassment. As an alternative, a community corrections staff person, and volunteer may make a report directly to the Sheriff's Office PREA Coordinator, either by writing to or calling the PREA Coordinator, who shall, if requested, keep confidential the identity of the person contacting the Coordinator.

II. PROCEDURES

Procedure A: Community Corrections

- 1) The Jail Administrator, or designee, in conjunction with the Sheriff's Office PREA Coordinator, shall ensure that all community corrections staff and volunteers in the Sheriff's Office receive training relating to the prohibition on sexual misconduct with inmate/residents, including, but not limited to, training with respect to the definitions of sexual misconduct detailed in Department Policy F-324, Sexual Misconduct (PREA and Maine Statutes), General.
- 2) The Jail Administrator, or designee, shall ensure that the community corrections staff and volunteers receive and sign the appropriate acknowledgment memo (F-324.6.1) at the time of initial training and that they receive and become familiar with the Information about Sexual Misconduct for community corrections inmate/residents handout (Form F-324.6.2).
- 3) The Jail Administrator, or designee, shall ensure that inmate/residents receive a copy of the Information about Sexual Misconduct for community corrections Inmate/residents handout (Form F – 324.2.4) during processing.
- 4) If a community corrections staff person, or volunteer observes, receives a report of, or otherwise discovers what appears to be sexual misconduct with an inmate/resident or

sexual harassment of an inmate/resident by a community corrections staff person or volunteer, that person will immediately orally report the incident to the PREA Monitor (Security Sergeant) who will immediately report it to the Sheriff, or designee, as soon as possible, and shall then immediately report it to the Penobscot County Sheriff's Office PREA Coordinator.

- 5) The person who made the oral report shall then make a written report as soon as possible and forward it to the PREA Monitor (Security Sergeant), who will forward it to the Sheriff, or designee with a copy to the Penobscot County Sheriff's Office PREA Coordinator.
- 6) The person who made the report shall otherwise keep the report and its contents confidential, except as necessary to facilitate any investigation of the report and any administrative or criminal proceedings.
- 7) As an alternative, a community corrections staff person or volunteer, may make a report directly to the Penobscot County Sheriff's Office PREA Coordinator, either by writing to or calling the PREA Coordinator, who shall, if requested, keep confidential the identity of the person contacting the Coordinator.
- 8) If the alleged victim is considered an incapacitated adult under 22 M.R.S.A Section 3472 and the allegation is one of sexual misconduct, the Sheriff, or designee, shall report the allegation to the Department of Health and Human Services.
- 9) If the Jail Administrator, or designee, is uncertain as to whether the allegation is required to be so reported, the Jail Administrator, or designee, shall contact the Penobscot County District Attorney's Office for advice.
- 10) If a community corrections staff person observes an incident of sexual misconduct involving a sexual act or, an inmate/resident who is the alleged victim of sexual misconduct involving a sexual act reports the incident to a community corrections staff person, that community corrections staff person or the PREA Monitor (Security Sergeant) , to whom the community corrections staff person has reported the incident shall ensure the inmate/resident is encouraged to obtain any necessary medical treatment for any physical injury and any necessary testing and treatment for sexually transmitted diseases, as appropriate.
- 11) If a community corrections staff person observes an incident of sexual misconduct or a inmate/resident who is the alleged victim of sexual misconduct reports the incident to a community corrections staff person, that community corrections staff person or the PREA Monitor (Security Sergeant), or designee, to whom the community corrections staff person has reported the incident shall ensure the inmate/resident is encouraged to obtain any necessary mental health assessment, counseling and/or treatment, as appropriate.
- 12) Upon receiving a written report of sexual misconduct or sexual harassment by a community corrections staff person, the Penobscot County Sheriff's Office PREA Coordinator shall contact the Sheriff, or designee.
- 13) All reports of sexual misconduct or sexual harassment by community corrections staff shall be investigated as determined by the Sheriff, or designee. The investigation shall be consistent with the details the in Department Policy 42.2.18, Sexual Misconduct

(PREA and Maine Statutes), Reporting and Investigation.

- 14) Following an investigation into a community corrections inmate/resident allegation that he or she suffered sexual harassment or sexual misconduct by a volunteer, the Sheriff, or designee, shall inform the inmate/resident in writing as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- 15) Following an investigation into a community corrections inmate/resident's allegation that he or she suffered sexual harassment or sexual misconduct by a community corrections staff person, the Sheriff, or designee, as applicable, shall inform the inmate/resident in writing that the investigation has been completed.
- 16) Following an investigation into a community corrections inmate/resident's allegation that he or she suffered sexual misconduct or sexual harassment by community corrections staff, the Sheriff, or designee, shall not inform the inmate/resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded, except as set out below.
- 17) Following a community corrections inmate/resident's allegation that he or she suffered sexual misconduct or sexual harassment by a community corrections staff person, the Sheriff, or designee, shall inform the inmate/resident whenever:
 - a) the community corrections staff person is no longer supervising or otherwise having contact with the inmate/resident;
 - b) the community corrections staff person is no longer employed by the Penobscot County Sheriff's Office;
 - c) the community corrections staff person has been indicted on a charge related to alleged sexual misconduct; or
 - d) the community corrections staff person has been convicted on a charge related to sexual misconduct.

***In accordance with the Freedom of Information Act, for Correctional employees.**

- 18) Upon receiving an allegation that a community corrections inmate/resident was subjected to sexual misconduct or sexual harassment while confined at a detention or correctional facility, in addition to notifying the Penobscot County Sheriff's Office PREA Coordinator, the Sheriff, or designee, shall notify the Chief Administrative Officer, or designee, of the facility where the alleged sexual misconduct or sexual harassment occurred.
 - a) Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after its receipt by the Sheriff, or designee.
 - b) The Sheriff, or designee, providing the notification shall document that such notification has been provided.
 - c) The Sheriff, or designee, shall ensure that the community corrections inmate/resident is encouraged to obtain any appropriate services.
 - d) The Chief Administrative Officer, or designee, of a facility who receives such notification shall ensure that the allegation is investigated in accordance with departmental policy.

- 19) The administrative sanctions imposed for a violation of a departmental sexual misconduct policy by a community corrections staff person, or volunteer shall be consistent with the sanctions described in Department Policy F-324.4 Sexual Misconduct (PREA and Maine Statutes), Administrative Sanctions and Grievances.