



# WILLIAMSON COUNTY JAIL POLICIES AND PROCEDURES

Policy #	<b>20.213</b>		<b>Prison Rape Elimination Act</b>
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this agency for non-judicial administrative action in accordance with the laws governing employee discipline.</i>			
Applicable Illinois Regulations: Prison Rape Elimination Act of 2003 – 42 USC 147; Final Standards, Prison Rape Elimination Act – Part 115 of Title 28 of the Code of Federal Regulations; Custodial Sexual Misconduct – 720 ILCS 5/11-9.2.; Illinois County Jail Standards 701.110; WCSO Jail Inmate Hand Book			
BY AUTHORITY OF: Sheriff Bennie Vick Chief Darren Ferrell, Jail Administrator			
Date Implemented/Revised: March 2019			Review Date: March 2020

**I. PURPOSE**

This Policy establishes general office-wide policy/procedures consistent with the Prison Rape Elimination Act (PREA) to deter and respond to the sexual abuse and sexual harassment of persons in the control of the Williamson County Sheriff's Office (WCSO).

**II. POLICY**

The WCSO has zero tolerance for sexual abuse or sexual harassment of persons in WCSO custody. The sexual abuse, sexual harassment and engaging in voyeurism of persons in WCSO custody are strictly prohibited. Illinois law does not recognize the consent of a person in WCSO custody as a defense to crimes related to sexual activity with staff members or contractors. Nothing in this policy shall permit consensual sexual activity among inmates in custody.

If any employee discovers that a person in WCSO custody has been sexually abused or sexually harassed or is at substantial risk of imminent sexual abuse, immediate action must be taken to protect him/her.

In so far as is reasonably possible, the WCSO shall provide victims of sexual abuse with the same services victims of sexual abuse would have access to in the community.

All allegations of sexual abuse shall be investigated promptly, thoroughly, and objectively, including third-party and anonymous reports, using investigators who have received training on the investigations of PREA-related allegations. No investigation

shall be terminated due to the release, discharge or transfer of an accused or victim from control of the jail or by the departure from employment of an accused. In the event an allegation of sexual abuse is substantiated, the WCSO shall seek criminal charges against the offender for those offenses occurring within its jurisdiction and shall cooperate with other jurisdictions when necessary.

### III. APPLICABILITY

This Policy is applicable to all employees of the WCSO and non-WCSO personnel. All employees/non-WCSO personnel shall familiarize themselves with the contents of this Policy. Supervisors shall review the contents of this Policy with all employees/non-WCSO personnel as appropriate. Failure to adhere to the provisions of this policy will result in disciplinary action up to and including termination.

### IV. AUTHORITY/REFERENCE

- A. Prison Rape Elimination Act of 2003 – 42 USC 147.
- B. Final Standards, Prison Rape Elimination Act – Part 115 of Title 28 of the Code of Federal Regulations.
- C. Custodial Sexual Misconduct – 720 ILCS 5/11-9.2.
- D. Illinois County Jail Standards 701.110
- E. WCSO Jail Inmate Hand Book

### V. DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

- A. Prison Rape Elimination Act (PREA) of 2003 – Federal law established to address the elimination and prevention of sexual assault and rape in correctional systems.
- B. Inmate – This term will be used for all individuals in the custody of the Williamson County Jail.
- C. Sexual abuse (inmate on inmate) – Sexual abuse of inmate in custody by another inmate in custody, includes any of the following acts, if the victim does not consent, is coerced into such an act by overt or implied threats of violence, or is unable to consent or refuse:
  - 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. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
  - 4. 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 confrontation.
- D. Sexual abuse (WCSO staff member or non-WCSO personnel on inmate) – Sexual abuse of inmate in custody by a staff member, contractor, volunteer or other person

providing services to inmates includes any of the following acts, with or without consent of the inmate:

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, contractor, volunteer or other person providing services to inmates 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, contractor, volunteer or other person providing services to inmates has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or indirectly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to the official duties or where the staff member, contractor, volunteer or other persons providing services to inmates has the intent to abuse, arouse, or gratify sexual desire.

E. Sexual harassment – Repeated and unwelcome sexual advances; requests for sexual favors; repeated verbal comments, gestures, or actions of a sexually derogatory or sexually offensive nature by one inmate directed toward another; verbal comments or gestures of a sexual nature to a inmate by a staff member, contractor, volunteer or other person providing services to inmates, including demeaning references to gender; sexually suggestive or derogatory comments about body or clothing; or obscene language or gestures.

F. Voyeurism – An invasion of the privacy of a inmate by a staff member, contractor, volunteer or other person providing services to inmates for reasons unrelated to official duties, such as peering at a inmate who is using a toilet in his/her cell to perform bodily functions; requiring a inmate to expose his/her buttocks, genitals, or breasts; or taking images, still or video, of all or part of a inmate's naked body or of a inmate performing bodily functions.

G. Non-WCSO personnel – Includes:

1. Individuals such as those employed by the County of Williamson, but not directly by the WCSO, such as Public Building Commission of Williamson County, ARAMARK, and etc.; or
2. Any individual not directly employed by the County of Williamson but who may be described as any of the following, not limited to: a contractor, volunteer, intern, service provider, or vendor in providing services to a Williamson County Department.

## VI. PREA STAFF

### A. PREA Coordinator:

The PREA Coordinator (Chief Jail Administrator) is responsible for the development of PREA-related policies and procedures and oversees the WCSO's PREA-related initiatives.

### B. PREA Compliance Officer:

The PREA Compliance Officer (Designee of the PREA Coordinator) is responsible for the tracking of individual allegations of sexual abuse or sexual harassment to ensure that each allegation is properly handled according to the PREA-related policies of the WCSO. The Compliance Officer also monitors the WCSO's compliance with PREA-related policies. The Compliance Officer reports to the PREA Coordinator.

### C. Contacting PREA Staff:

The PREA staff maintains an email address, [PREA@WCSHERIFF.COM](mailto:PREA@WCSHERIFF.COM), in order to communicate with all staff members as well as persons outside of the WCSO regarding PREA matters. The PREA email address is a source staff can use to privately report sexual abuse and sexual harassment of inmates.

## VII. PREVENTION: HIRING, PROMOTIONS, BACKGROUND INVESTIGATIONS, AND TRAINING

A. The WCSO shall not hire or promote anyone whose job duties include contact with inmates if it is known that person in the past has:

1. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution;
2. Been convicted of engaging or attempting to engage in sexual abuse 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
3. Been civilly or administratively adjudicated to have engaged in the conduct as described above in 1 and 2, including being subject to a current Civil No Contact Order.

B. Before hiring a new or promoting an employee, the WCSO shall:

1. Perform a criminal background check.
2. Make best efforts to contact all prior institutional employers (e.g., Jail, Police, other government employers, etc.) for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of sexual abuse.
3. Ask all applicants, including current employees being considered for promotions, directly about previous misconduct by requiring:
  - a. All new applicants to complete and sign the PREA Pre-Employment Self-Report Form;

b. Current employees to complete and sign the PREA Promotional Self-Report Form.

4. The WCSO shall conduct criminal background checks on every employee who has contact with inmates at least once every two years.

5. Material omissions regarding sexual misconduct or providing materially false information is grounds for termination.

C. Non-WCSO personnel requiring access to non-public or public areas of the WCSO shall not be granted such access, or shall have such access revoked, if it is known that person in the past has:

1. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution;

2. Been convicted of engaging or attempting to engage in sexual abuse 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

3. Been civilly or administratively adjudicated to have engaged in the conduct as described above in 1 and 2, including being subject to a current Civil No Contact Order.

D. Before granting non-WCSO personnel (i.e. contractors, maintenance, and volunteers) access to private areas of the jail or to inmates (other than attorneys acting in their official capacity), the WCSO shall complete the following, not limited to:

1. A review of all applications;

2. A criminal background check upon the individual, and upon every background anniversary date thereafter (if they continue to have access to inmates);

3. A Code of Conduct form signed by the applicant.

#### VIII. Supervision and Monitoring (115.13, 115.18)

A. The WCSO Corrections Division shall have quarterly meetings to discuss compliance provisions and staffing adequacy to ensure best efforts are being made to protect inmates against sexual abuse. These meetings will be comprised of the WCSO Adjustment Review Team [A.R.T.] (Jail Administrator/PREA Coordinator, Lt./Assistant Jail Administrator, and PREA Compliance Manager) and input from corrections floor supervisors. If or when the WCSO plans any substantial expansions or modifications, how technology may enhance the ability to protect inmates from sexual abuse shall be considered. Throughout each shift, floor supervisors shall conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Staff members will be made aware that alerting other staff members of these rounds are prohibited and could lead to disciplinary action.

B. At the end of each fiscal year, the A.R.T. shall access quarterly reviews. This will ensure that each facility it operates shall develop, document, and make its best efforts

to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable video monitoring to protect inmates against sexual abuse. A PREA annual staffing and monitoring compliance review form (ASMCRF) shall be completed.

- IX. Youthful Inmate (115.14)  
In exigent circumstances when a youthful inmate must be housed, the inmate shall be kept separated where the youthful inmate will not have sight, sound, or physical contact with any adult inmate(s). Youthful inmates will be housed in holding cells located across from the WCSO communication room where they will be under direct supervision.
- X. Cross Gender Viewing and Searching (115.16)
- A. Cross-gender strip searches or cross-gender visual body cavity searches shall not be conducted except in exigent circumstances or when performed by medical staff.
  - B. Documentation shall be required for all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches.
  - C. Staff shall notify housing pods of opposite gender presence during cell checks to reduce opposite gender viewing of breasts, buttocks, or genitalia.
  - D. Staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status, if unknown, genital status may be determined during conversation, intake questionnaire, review of medical records, or a medical examination conducted in private by a medical professional.
  - E. WCSO correctional staff shall be trained to conduct cross-gender pat-down searches, and searches of transgender or intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
- XI. Inmates With Disabilities / Limited English Proficiencies (115.16)
- A. Staff shall take reasonable steps to ensure meaningful access to information in prevention, reporting, and protection in regards to sexual abuse and sexual harassment when educating inmates with disabilities or English speaking proficiencies.
  - B. Inmates that are sight impaired or have limited reading ability shall have an opportunity to have staff read the information to them to ensure full understanding of their rights to be free of sexual abuse and harassment. The assisting officer shall log that the information was read and the reason it was read.
  - C. inmate interpreters/assistance is prohibited except during an extended delay in obtaining an effective interpreter that could affect inmate safety, officer's duties, or the investigative process
  - D. In the event an inmate is hearing impaired and/or illiterate, the WCSO shall make someone available proficient in sign language.

## XII. Prevention Plan (115.17)

- A. All WCSO correction staff and non-staff members that have contact with inmates will be trained on WCSO PREA policy and procedures.
- B. All inmates will go through a screening process during intake to alert officers of potential risks of victimization or abusive behavior.
- C. Policy and procedures shall be reviewed annually to ensure that the WCSO is meeting PREA standards to help protect and educate inmates on their right to be protected from sexual abuse and sexual harassment.
- D. All WCSO corrections applicants will be subject to a PREA Pre-Employment Self-Report Questionnaire.
  - 1. Any WCSO corrections employee applying for promotion will be subject to a PREA Promotional Self-Report Questionnaire.
  - 2. All WCSO corrections staff shall be subject to back ground checks every five (5) years.
- E. Non-staff members include but are not limited to:
  - 1. Religious Services
  - 2. Outside Contractors
  - 3. Medical Professionals
  - 4. Maintenance Workers

## XIII. Staff and Non-Staff Training (115.31, 115.32)

- A. The WCSO shall schedule individual training / education sessions for all jail staff. These sessions will consist of educating each officer on what PREA is, the particular definitions within PREA standards, and the WCSO zero tolerance policy and procedures.
- B. The training of staff shall include specialized training of PREA procedures that have been created by the WCSO PREA Coordinator and Compliance Manager that meet PREA Standards.
- C. Non-employees shall also be educated on what PREA is and the procedures they must follow.
- D. At the completion of each training / education session, staff and non-staff shall sign off that they have received and understand the policies and procedures. Also, each staff and non-staff member shall receive notification cards detailing a step-by-step plan of action.

## XIV. Inmate Education (115.33)

- A. During the intake process, inmates shall receive information explaining the WCSO's zero tolerance policy and how to report incidents of suspicions of sexual abuse or sexual harassment. Each inmate shall receive comprehensive education within thirty (30) days of intake.
- B. Any inmate that has been housed at the WCSO shall receive the same education within one (1) year of the effective PREA compliance date.

- C. Inmates who are limited English proficient, deaf, visually impaired, limited reading skills, shall be provided inmate education in formats that will meet their specific needs.
- D. After conclusion of the PREA education process, each inmate shall sign the PREA education form that will be a part of intake.
- E. Inmates shall also be given information about PREA and definitions through posters and inmate hand books.
- F. Staff shall provide information regarding what is and what isn't monitored and recorded.

XV. Screening for Risk of Victimization and Abusiveness

(115.41, 115.42, 115.43, 115.62)

- A. All inmates accepted to the WCSO shall be screened for risk of victimization and abusiveness. A specific set of questions will be asked to determine the inmate's risk level. Specialized questions will be asked separately to further assess the risk assessment.
- B. Inmates at a 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. The inmate(s) may be housed for up to twenty-four (24) hours while the assessment is being completed.
- C. If an inmate has been accused of sexual abuse, the inmate shall be housed appropriately. In the event all means of housing has been attempted, the accused shall be housed in a holding cell awaiting a thirty (30) day review.
- D. Transgender or intersex inmate housing shall be considered on a case-by-case basis with the goal of maintaining health and safety, and whether the placement would present management or security problems.
- E. Transgender or intersex inmates' own views with respect to his or her own safety shall be given serious consideration.
- F. Housing assignments for transgender or intersex inmates shall be reviewed at least twice a year or on a case-by-case basis.
- G. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. (Change out rooms)
- H. Officers shall document any housing assignments, housing changes, and shower requests on the jail log. Document thoroughly the reasons for housing changes along with restricted privileges, duration of the limitations, and the reason for such limitations.
- I. In the event involuntary segregation is made, the placement shall not ordinarily exceed a period of thirty (30) days. Such housing shall only be used until an alternative means of separation from likely abusers can be arranged.
- J. When involuntary segregation assignments are made, document the concerns for the inmate's safety, and the reason why no alternative means of separation can be arranged.
- K. Every thirty (30) days, the facility shall allow each such inmate a review to determine whether there is a continuing need for separation from the general population.



- L. If the WCSO learns that an inmate is subject to a substantial risk of imminent sexual abuse, the staff shall take immediate action to protect the inmate.
- M. All inmates will have a risk assessment completed within 72 hours of intake.
- N. Inmates will complete a reassessment within thirty(30) days utilizing any new information, incidents of sexual abuse, referrals, or inmate requests.
- O. Information obtained during assessments shall be available only to the PREA Committee, Investigations, medical professionals, and appropriate staff.
- P. Staff shall not discipline inmates for refusing to answer or for not disclosing complete information related to:
  1. Whether or not the inmate has a mental, physical, or developmental disability.
  2. Whether or not the inmate is or is perceived to be LGBTI or non-gender conforming.
  3. Whether or not the inmate has previously experienced sexual victimization.
  4. The inmate's own perception of vulnerability.
- Q. Inmates shall be assigned housing based upon assessment scores. Inmates assessed as being high risk for victimization shall be housed separately from those inmates assessed as high risk abusers. Every inmate's safety is to be a high priority.
- R. LGBTI inmates shall not be housed solely on the basis of identification or status as such, unless mandated by lawful decree or for the purpose of the inmate's protection.
- S. Inmates placed in segregated housing shall have access to programs, privileges, education, and work opportunities that have been limited. The duration of the limitation, reason for such limitation, and opportunities that have been limited shall be documented and considered during appropriate reviews. Security and safety of all inmates shall be taken into account during these limitations.

XVI. Reporting Mechanisms (115.51, 115.52, 115.53, 15.54)

- A. Reports of sexual abuse or sexual harassment may be made by using any available methods of communication. The WCSO methods of inmate reporting include:
  1. Report directly to a staff member
  2. File a grievance – There will be no time limit imposed.
  3. Calling the provided hotline number –Inmate Jail Phones Choose 1 for English or 2 for Spanish. Choose 1 then \*75.
  4. Third party reporting – Family and friends (WCSO website for details)
  5. Volunteers
  6. Contractors / Maintenance workers
  7. Medical request form
  8. Jail medical personnel
  9. Women's Center - INMATE Jail Phones Choose 1 for English or 2 for Spanish. Choose 1 the \*74. This is TOLL FREE.

B. When an inmate is housed for civil immigration purposes staff shall get the required consulate information by visiting [WWW.State.Gov](http://WWW.State.Gov) and enter foreign consulate in the search bar. Phone calls made to appropriate consulates shall not be recorded.

C. Acts of retaliation by inmates or staff for an inmate reporting sexual abuse, sexual harassment, and/or staff neglect may be reported by:

1. Reporting directly to staff member
2. Filing a grievance-there will be no time limit imposed.
3. Calling the provided hot-line number 618-998-2121 (inmate jail phone #\*75)
4. A third party reporting
5. Volunteers
6. Medical personnel/medical request forms

D. Refer to inmate handbook for the exhaustion of administrative remedies. (115.52)

XVII. Response Requirements and Procedures (115.61, 115.62 115.63, 115.64, 115.65 115.66)

A. Reporting Duties

1. WCSO staff is required to immediately report and document any verbal reports of sexual abuse or sexual harassment, knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment.
2. Staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary. (Medical, Investigator, and those who make security / management decisions.
3. The facility shall report all allegations of sexual abuse and sexual harassment, including third party reports to the facility's designated investigations.
4. If the WCSO learns that an inmate is subject to a Substantial risk of imminent sexual abuse, the staff shall take immediate action to protect the inmate.
5. Contracted medical and mental health practitioners are required to immediately inform security staff of sexual abuse or sexual harassment allegations and shall immediately document such allegations.

B. Reporting to other facilities

1. Staff shall immediately notify the Jail Administrator and/or PREA Compliance Manager of any knowledge, suspicion, or information that an incident of sexual abuse or sexual harassment occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
2. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Jail Administrator, or PREA Compliance Manager shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.

3. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
4. The Jail Administrator or PREA Compliance Manager shall document that notification has been given.
5. The WCSO shall investigate all allegations received from other facilities and agencies in accordance with PREA standards.

C. Staff First Responder Duties

1. Separate the alleged victim and abuser.
2. Preserve and protect any crime scene(s) until appropriate steps can be taken to collect any evidence.
3. Notify shift supervisor.
4. If the time frame still allows for the collection of physical evidence, ensure that the alleged victim and abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
5. In the event physical evidence cannot be protected and secured, retain it until it can be transferred to the investigating detective or deposited into the evidence lock-up. If evidence must be collected prior to the investigating detective's arrival, document the reason for the collection and the steps taken to collect and preserve the evidence.
6. If the claim is made against staff, the staff member shall be removed from the area, and shall not be posted in positions that can create a chance of contact with the alleged victim.
7. If the first responder is not a security staff member, the responder shall request that the alleged victim not take action that could destroy evidence, and immediately inform security staff of the claim.

D. Coordinated response

1. Report incident to shift supervisor.
2. Safeguard the alleged victim.
3. Notify the Jail Administrator, PREA Compliance Manager, and medical staff.
4. The Jail Administrator or PREA Compliance Manager shall notify the WCSO investigation division.
5. Preserve evidence for response protocol.
6. Medical staff determines and documents treatment needs.
7. Set up outside medical trip if necessary.
8. All staff involved prepares written reports of incident.
9. Reports must contain:
  - a. How they were reported.
  - b. The area(s) the alleged abuse occurred.
  - c. Names, booking number, date of birth, ethnicity, gang affiliation (if any) of inmates involved.
  - d. Steps taken to safeguard the victim, abuser, and person(s) who reported.
  - e. Steps taken to collect evidence. (If any was collected by jail staff)
  - f. General synopsis of the step by step action taken by officers involved.
10. File a Report of Extraordinary Occurrence form.

11. The shift supervisor, Jail Administrator, and PREA Compliance Manager shall act on the initial findings in regards to the transfer or segregated housing assignment(s).

12. Assign a separation number amongst alleged victim(s) And alleged abuser(s).

XVIII. Protection Against Retaliation (115.67, 115.68)

- A. The WCSO Corrections Division shall be responsible for the monitoring of any forms of retaliation against inmates and/or staff who report sexual abuse or sexual harassment or anyone who cooperates with sexual abuse or sexual harassment investigations. Protection measures shall be employed as appropriate. Such as:
  - 1. Unannounced periodic status checks will be conducted on all inmates and staff involved in the reports of sexual abuse and sexual harassment allegations.
  - 2. Housing changes or transfers for inmate victim or abusers, or removal of alleged staff or inmate abusers from contact with victims.
  - 3. Emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or harassment or for cooperating with investigations.
- B. For ninety (90) days following a report of sexual abuse or sexual harassment, the WCSO Corrections Division monitor the conduct and treatment of inmates and/or staff who reported the sexual abuse or sexual harassment and of inmates who were reported to have suffered sexual abuse or sexual harassment to see if there are changes that may suggest possible retaliation by other inmates or staff.
- C. Staff shall act promptly to remedy any such retaliation.
- D. The Jail Administrator, or designee shall monitor any inmate disciplinary reports, housing changes or work status changes.
- E. The Jail Administrator, or designee shall monitor negative performance evaluations, or negative reports from staff members of staff members who have been involved with the reporting or investigating a sexual abuse or sexual harassment claim.
- F. After the ninety (90) day monitoring, the Jail Administrator and PREA Compliance Manager can decide to continue monitoring beyond the required time frame of ninety (90) days if indications require a continuing need.
- G. The PREA Compliance Manager shall maintain a PREA Retaliation form for any inmate or staff member involved in reporting or investigating sexual abuse or sexual harassment claims.
- H. If the decision is made to continue the retaliation monitoring, it will be documented as to the reason why.
- I. The Jail Administrator and PREA Compliance Manager shall document post-allegation protective custody usages when segregated housing is used to protect an inmate who has allegedly suffered sexual abuse.

XIX. Investigations (115.21, 115.22, 115.34, 115.71, 115.72, 115.73)

- A. The WCSO shall impose no standard higher than the preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
1. All sexual abuse and sexual harassment investigations shall be done promptly, thoroughly, and objectively.
  2. Investigations of inmate on inmate sexual abuse shall be conducted by the WCSO Investigations Division.
  3. WCSO investigators are trained on how to investigate sexual abuse claims.
  4. Investigators shall gather and preserve direct and circumstantial evidence, interview alleged victims, suspected perpetrators and witnesses.
  5. Prior complaints and reports of sexual abuse involving the suspected perpetrator shall be a focus of alleged sexual abuse and sexual harassment claims.
  6. 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 inmate or staff.
  7. Inmates who claim sexual abuse or sexual harassment are not required to be submitted to a polygraph examination or other truth-telling device as a condition of proceeding with the investigation.
  8. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse and shall be documented in written reports that meet WCSO investigative policy and PREA standards.
  9. Criminal investigations shall be documented in written reports that meet WCSO investigative policy and PREA standards.
  10. Sexual abuse and sexual harassment allegations will be referred to the Illinois State Police for investigation, unless the allegation does not involve potentially criminal behavior.
- B. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- C. The WCSO shall retain all written reports for as long as the alleged abuser is detained or employed by the agency, plus five years.
- D. The departure of the alleged abuser or victim from the employment or control of the WCSO shall not provide a basis for terminating an investigation.
- E. The WCSO shall cooperate with outside agencies investigating claims of sexual abuse or sexual harassment that is alleged to have taken place in our facility.

XX. Disciplinary Sanctions (115.76, 115.77, 115.78)

- A. Staff shall be subject to disciplinary sanctions up to and including termination for violating WCSO PREA Policy and Procedures. With termination a presumptive sanction if found to have engaged in sexual abuse.

- B. 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 non-criminal, and to any licensing bodies. Other sanctions may be imposed based upon the totality of facts, circumstances, and prior relevant history.
- C. Any contractor or volunteer found to have engaged in sexual abuse shall be terminated, and shall be reported to law enforcement agencies, and to relevant licensing bodies.
- D. Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. Sanctions shall be commensurate with:
  1. The nature and circumstances of the abuse committed
  2. Mental abilities and fitness
  3. Whenever it is appropriate, the facility, will offer intervention therapy, and counseling to the inmate.
  4. Discipline will be administered to an inmate for sexual abuse when found to have abused a non-consenting staff member.
  5. Disciplinary action may be taken against an inmate for making an intentional false report of sexual abuse
  6. Sexual activity is prohibited between inmates and will be subject to discipline. However, sexual activity will be deemed sexual abuse only in cases of coercion or non-consent are a factor.
- E. The WCSO has zero tolerance for inmate-on-inmate sexual abuse and sexual harassment. Staff shall follow the appropriate measures in disciplinary sanctions for inmates who have been found guilty of inmate-on-inmate sexual abuse or sexual harassment.

XXI. Medical and Mental Care (115.81, 115.82, 115.83)

- A. A medical screen shall be conducted within fourteen (14) days of all inmate intake screenings if the inmate is still in custody at the WCSO.
- B. Inmate victims of sexual abuse shall receive timely access to emergency medical treatment and crisis intervention services at no financial cost to the inmate.
- C. If emergency medical is needed outside of the WCSO, an outside medical trip shall be set up to take the inmate victim(s) to Heartland Regional Medical Center and/or Herrin Hospital.
- D. The WCSO will provide crisis intervention services through the Women's Center of Carbondale. A free number shall be made accessible to inmate victims of sexual abuse or sexual harassment.
- E. The WCSO shall attempt to conduct a mental health evaluation of all known inmate-on inmate abusers within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

- F. If pregnancy results from sexual abuse, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
- G. Medical/Mental health practitioners are required to report any sexual assault/harassment incidents that occur while incarcerated in the WCSO-Jail.
- H. If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, 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.
- I. 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, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
- J. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

XXII. Notification, Data Collection, and Reporting Requirements  
(115.86, 115.87, 115.88, 115.89)

- A. Any inmate who makes an allegation that he or she suffered sexual abuse or sexual harassment shall be informed in writing by the PREA Coordinator as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following the completion of the investigation.
  1. Following an inmate's allegation that he or she has been sexually abused by another inmate in the facility, the alleged victim shall be informed whenever: The Corrections Division learns that the alleged perpetrator has been indicted on a charge related to sexual abuse within the facility, or the Corrections Division learns that the alleged perpetrator has been convicted on a charge related to sexual abuse within the facility.
  2. For allegations involving staff members, unless it has been determined that the allegations are unfounded, the following information must be provided to the inmate when the staff member:
    - a. Is no longer posted within the inmate's unit.
    - b. Is no longer employed at the facility.
    - c. Has been indicted on a charge related to sexual abuse within the facility.
    - d. Has been convicted on a charge related to sexual abuse within the facility.
  3. All staff shall document on the jail log when an inmate has been notified.
- B. Reports and medical records may become evidence in a criminal prosecution. Due caution should be observed in completion and completeness of these records.

1. All case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are retained in accordance to WCSO investigative policy.
2. The Jail Administrator, or designee, shall maintain two (2) types of files regarding incidents of sexual abuse:
  - a. General files include:
    - 1) Information about the victim(s) and Assailant(s) of a sexual assault (including the race, nationality, age, and gender of the individuals.)
    - 2) Crime characteristics (including the date, time, location, and nature of the incident.)
    - 3) Detailed reporting timeline, including the name of the staff member receiving the report of sexual assault, date and time the report was received, and steps taken to communicate the report up the chain of command.
  - b. Administrative Investigative files include:
    - 1) All reports.
    - 2) Medical forms (including documentation of any injuries sustained, and examinations, testing, or treatment administered.)
    - 3) Supporting memos and videotapes, if any.
    - 4) Any other evidentiary materials pertaining to the allegation.
- C. All information shall be shared only on a need-to-know basis with staff involved in the treatment of the victim or the investigation of the incident.

### XXIII. Data Collection and Reporting Procedures (115.87)

- A. The WCSO shall also:
  1. collect accurate, uniform data for every allegation  
Of sexual abuse using a standardized instrument and set of definitions.
  2. aggregate the incident-based sexual abuse data at  
least annually.
  3. incident-based data collected shall include, at a minimum, the data  
necessary to answer all questions from the most recent version of the  
Survey of Sexual Violence conducted by the Department of Justice.
  4. maintain, review, and collect data as needed from all available incident-  
based documents, including reports, investigation files, and sexual abuse  
incident reviews.
  5. Upon request, the agency shall provide all such data from the previous  
calendar year to the Department of Justice no later than June 30.
- C. The WCSO shall maintain all sexual abuse data collected for at least 10 years  
after the date of the initial collection unless the Federal, State, or local law  
requires otherwise. At this time the data shall be securely destroyed. (115.89)



XXIV. Neither the County of Williamson nor the Williamson County Sheriff's Office 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.