
Prison Rape Elimination Act

605.1 PURPOSE AND SCOPE

To establish the Winnebago County Sheriff's Office's zero tolerance towards all forms of sexual abuse, sexual harassment and sexual misconduct by maintaining a program of prevention, detection, response, investigation and tracking. Sexual assault among inmates and staff sexual misconduct and sexual harassment towards inmates is strictly prohibited and subject to administrative and criminal disciplinary actions.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Employee - Any person who works directly for and is paid by the Winnebago County Sheriff's Office.

Contractor - Any person who provides services on a recurring basis pursuant to a Contractor Agreement with the Sheriff's Office or the County.

Inmate - Any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or terms and conditions of probation, parole, prosecution, pretrial release, or diversionary program.

Prison Rape Elimination Act (PREA) - A federal law enacted in 2003, created to eliminate any form of sexual abuse in confinement. This legislation mandates national standards for the detection, prevention and punishment of prison rape and also mandates national data collection efforts.

Sexual abuse - Any of the following acts, if the inmate does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the inmate:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus

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- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of an inmate
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one inmate that are directed toward another; repeated verbal comments or gestures of a sexual nature to an inmate 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 (28 CFR 115.6).

Sexual Misconduct - Shall be inclusive of any behavior or act of a sexual nature directed toward an inmate. This includes acts or attempts to commit such acts including but not limited to sexual assault, sexual abuse, sexual harassment, sexual contact, sexual battery, conduct of a sexual nature or implication, obscene conversations or correspondence of a romantic or sexual nature and unreasonable invasion of privacy.

Staff Member - Any person employed by the Winnebago County Sheriff's Office

Volunteer - Any person who, by mutual agreement with the Agency, provides a service without compensation, or who voluntarily assists inmates or the Agency in the course of their official duties.

Voyeurism - An invasion of privacy of an inmate by staff, contractor or volunteer for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his/her cell to perform bodily functions; requiring an inmate to expose his/her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

605.2 PROCEDURES:

605.2.1 PREVENTION AND TRAINING

1. The Winnebago County Sheriff's Office mandates zero tolerance towards all forms of sexual abuse, sexual assault, sexual activity and sexual harassment. (28 CFR 115.6)
2. The Sheriff shall designate a PREA Coordinator to develop, implement, and oversee the Agency's efforts to comply with PREA standards.

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3. Sexual abuse/assault or sexual acts between staff, volunteers, contract personnel and inmates, regardless of consensual status, is prohibited and will be subject to administrative and criminal disciplinary actions. Such acts will be considered as nonconsensual and are punishable as a felony under Wisconsin State Statute 940.225(2)(h). Any such acts shall be reported immediately and investigated thoroughly.

4. If the Agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, the Agency will take immediate action to protect the inmate.

5. Supervisory staff shall conduct unannounced rounds on each shift. The rounds are to identify and deter staff abuse and sexual harassment. Staff shall not alert other members that these supervisory rounds are occurring, unless such announcement is related to a legitimate operational function of the facility.

6. Staff members shall not watch inmates of the opposite sex while they dress, shower, or perform bodily functions; in order to avoid the viewing of their breasts, buttocks, or genitalia §115.15(d), except:

- i. Under exigent circumstances.
- ii. When such viewing is incidental to routine cell checks.
- iii. This policy includes the viewing of inmates via video camera, live, or recorded, except in cases where a female/male Deputy is assigned to a direct observation male/female inmate for the purposes of preserving the inmate's safety.

7. The Winnebago County Sheriff's Office shall focus training of all staff, volunteers and contractors towards the elimination, prevention, early detection and coordinated response to all types of inmate sexual abuse and sexual assault and staff sexual misconduct and sexual harassment.

8. Implementation of the Sheriff's Office zero tolerance policy includes prompt and effective intervention to address the safety and treatment needs of an inmate victim, and the investigation, discipline and prosecution of the aggressor(s).

9. Medical and Mental Health staff shall receive specialized training related to PREA as outlined in §115.35(a). This training must be completed within ninety (90) days of the employee's hire date. The training shall include:

- i. How to detect and assess signs of sexual abuse and sexual harassment.
- ii. How to preserve physical evidence of sexual abuse.
- iii. How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
- iv. How and to whom to report allegations of suspicions of sexual abuse and sexual harassment.
- v. The PREA Coordinator shall maintain documentation of such training.

10. Inmate Education:

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- i. A Sexual Assault Prevention and Reporting Inmate Brochure shall be given to all inmates upon their entry into the facility in Booking. The brochure includes information on prevention, self-protection, and reporting sexual abuse or assault within the facility.
- ii. Information on sexual assault, sexual victimization and sexual misconduct is written in the Inmate Handbook. The Inmate Handbook is available for inmates in both English and Spanish.
- iii. Posters are displayed in English and Spanish with information on sexual abuse/assault in all housing areas and in the Booking area. The posters provide inmates with information on how to report known or suspected abuse.
- iv. An inmate orientation presentation regarding PREA and sexual abuse/assault will be shown daily in English and Spanish to all inmates arrested and still in custody within the previous twenty-four (24) hours.
- v. If an inmate cannot read, orientation and education materials shall be read to the inmate by a staff member or will be presented by video with sound. All inmates with disabilities (i.e., limited English proficiency, deaf, visually impaired, limited reading skills) will have access to the inmate orientation process using appropriate accommodations.

11. Public Information:

- i. Posters shall be displayed in English and Spanish in the public lobby, to provide the public with information on how to report known or suspected sexual abuse or sexual harassment.
- ii. The agency shall post the following information on the agency's website at: <https://www.co.winnebago.wi.us/sheriff>
 - a. The Sheriff's Office zero tolerance policy regarding sexual abuse and sexual harassment. (28 CFR 115.6)
 - b. The Sheriff's Office policy to ensure that all allegations of sexual misconduct and sexual harassment are referred for investigation.
 - c. Information for the public on how to report known or suspected abuse, to include:
 1. Contact information for Agency personnel.
 2. Instructions for what information must be included.
 3. A statement advising that the complaint will be discussed with those who need to know.

605.2.2 REPORTING AND CRIMINAL INVESTIGATION:

1. An inmate may report sexual assault or abuse, sexual misconduct or sexual harassment in the following ways:

- i. Verbally to a qualified healthcare professional (HSU), Chaplain, Corrections Deputy, Classification Associate, or directly to the Winnebago County Sheriff's Office.
- ii. In writing, on a request form or any other piece of paper.

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- iii. Anonymously
 - iv. Through a third party.
 - v. By telephone, The inmate may call the Winnebago County Sheriff's Office Sexual Assault Service Provider (Reach Counseling) or the PREA hotline free of charge from the inmate telephones.
2. An inmate may also report sexual assault or abuse, sexual misconduct or harassment by submitting an inmate grievance.
3. Inmates who have limited English proficiency (LEP), are deaf or disabled are able to report sexual abuse to staff directly through interpretive technology, or through non- inmate interpreters.
4. If the complaint is received orally, the staff member receiving the complaint shall put the complaint into writing and forward the report to his/her Supervisor within two (2) hours of receiving the information.
5. All allegations of sexual abuse, sexual harassment or sexual misconduct between inmates shall be investigated promptly, thoroughly, and objectively for all allegations, no matter the reporting source. Criminal investigations are investigated by the Winnebago County Sheriff's Office, and only investigators who have completed PREA investigator training, sexual abuse and sexual harassment training will be assigned to investigate these cases. Internal administrative investigations are investigated by Administration. Winnebago County Sheriff's Office will follow their standard operating procedure and evidence protocol for all investigations. All allegations of sexual abuse, sexual harassment or sexual misconduct between a staff member and an inmate will be investigated by an outside agency.

605.2.3 FIRST RESPONDER- DISCOVERY OF SEXUAL ABUSE OR HARASSMENT:

1. When a staff member identifies or is alerted to any incident of sexual abuse or sexual harassment, the staff member shall:
 - i. Call for immediate assistance and notify the Shift Supervisor.
 - ii. Separate the alleged victim from the alleged abuser. If possible, continuously observe the inmates until an investigator can interview them.
 - iii. Secure the crime scene as follows:
 - a. Leave the scene exactly as found
 - b. Protect all areas where physical evidence may be found.
 - c. If evidence cannot be protected or secured, take custody of the evidence and retain it in your possession until it can be transferred to the investigator.
 - d. Instruct the alleged victim/alleged abuser not to take any actions that could destroy physical evidence including the following: washing, brushing teeth, changing clothes, urinating, defecating or eating.

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- e. Complete a written report with known facts regarding the incident as soon as possible after the scene and inmates are secured.
- f. Staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary or to make treatment, investigation, and other security and management decisions.

605.3 PREA INCIDENT RESPONSE

1. All actions taken in response to an incident of sexual abuse are coordinated by staff, first responders, medical and mental health practitioners, investigators, and Sheriff's Office Administration. The Agency's coordinated response ensures that victims receive all necessary immediate and ongoing medical, mental health, and support services and that investigators are able to obtain usable evidence to substantiate allegations and hold perpetrators accountable. (28 CFR 115.64)
2. Any staff member, volunteer, or contract person who has knowledge of any sexual abuse, assault, or harassment of any inmate shall report such information immediately. Early intervention is crucial for inmates who are victims of sexual abuse/assault.
3. If an allegation of involved sexual abuse is reported to a Deputy, a Deputy will (28 CFR 115.64):
 - i. Separate the parties.
 - ii. Secure professional medical and mental health services as appropriate. (28 CFR 115.82).
 - iii. Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
 - iv. Preserve the collection of physical evidence, by ensuring the involved parties do not take any actions that could destroy physical evidence (i.e., washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating)
 - v. Consider whether a change in classification or housing assignment for the victim is needed or whether witnesses to the incident need protection, both of which may include reassignment of housing.
 - vi. Determine whether the alleged perpetrator should be administratively segregated or administratively transferred during the investigation.
 - vii. Should an investigation involve inmates who have disabilities or who have limited English proficiency, the Deputy will not rely on inmate interpreters, inmate readers or other types of inmate assistants, except in limited circumstances where an extended delay in obtaining an interpreter could compromise inmate safety, the performance of the Deputy's duties or the investigation of sexual abuse or sexual harassment allegations (28 CFR 115.16)
4. A preliminary investigation is conducted by the on duty shift supervisor and documented whenever a sexual assault or threat is reported, regardless of source. The on duty shift supervisor will complete the investigation in accordance with General Order 6.11, Criminal Investigations.

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5. If the on duty shift supervisor's preliminary investigation indicates the report is valid, the PREA Coordinator should be contacted to begin a criminal investigation.

6. The on duty shift supervisor will:

- i. Ensure the safety of those involved
- ii. Refer to medical personnel for any immediate treatment needs. Ensure that Medical is aware that this is a report of sexual abuse. (28 CFR 115.82)
- iii. Instruct the alleged victim and alleged abuser not to take any actions that could destroy physical evidence.
- iv. Identify and separate any witnesses.
- v. Obtain a brief synopsis of the assault from the alleged victim. Explain to the victim that a complete statement will be taken later by an investigator.
- vi. Notify the PREA Coordinator, who will notify the Captain. The PREA Coordinator will also contact the Detective Division to get the PREA Investigators to the scene.
- vii. Brief the investigators once on scene.
- viii. Complete the Incident report before going off duty, and ensure all other reports are completed by end of shift per General Order 10.1.3.4.

7. Medical Staff shall:

- i. Provide immediate medical treatment for injuries, if any, being careful not to interfere with the collection of potential evidence.
- ii. Notify the mental health worker.
- iii. Develop and provide evaluation and treatment of the alleged victim, including follow up services, treatment plans and when necessary, referrals for continued care following the inmate's release from the facility.

8. Mental Health Staff shall:

- i. Upon notification that a PREA incident may have occurred, ensure the alleged victim of sexual abuse receives timely services to address both immediate and ongoing needs.
- ii. The mental health worker shall schedule an interview with the alleged victim and provide follow-up counseling.
- iii. Consult with Classification and the PREA Coordinator to provide information needed to safely house the alleged victim.

9. Investigation

A. An administrative investigation, criminal investigation or both shall be completed for all allegations of sexual abuse and sexual harassment (28 CFR 115.22). Administrative investigations shall include an effort to determine whether the staff's actions or inaction contributed to the abuse. All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

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Only investigators who have completed PREA Investigator training, sexual abuse and sexual harassment investigation will be assigned to investigate these cases (28 CFR 115.71).

B. When practical, an investigator of the same sex as the victim should be assigned to the case. Sexual abuse and sexual harassment investigations should be conducted promptly and continuously until completed. Investigators should evaluate reports or threats of sexual abuse and sexual harassment without regard to an inmate's sexual orientation, sex or gender identity. Investigators should not assume that any sexual activity among inmates is consensual.

C. The departure of the alleged abuser or victim from the employment or control of the Winnebago County Sheriff's Office shall not provide a basis for terminating an investigation (28 CFR 115.71).

D. If the investigation is referred to another agency for investigation, the Winnebago County Sheriff's Office shall request that the investigating agency follow the requirements as provided in 28 CFR 115.21 (a) through (e). The referral shall be documented. The Winnebago County Sheriff's Office shall cooperate with the outside agency investigation and shall request to be informed about the progress of the investigation (28 CFR 115.71). If criminal acts are identified as a result of the investigation, the case shall be presented to the appropriate prosecutor's office for filing of new charges (28 CFR 115.71).

E. Evidence collection shall be based on a uniform evidence protocol that is developmentally appropriate for youth, if applicable, and adapted from or otherwise based on the most recent edition of the DOJ's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 (28 CFR 115.21).

F. Inmates alleging sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation (28 CFR 115.71).

Investigation follow through:

- i. Completed reports shall be provided to the responding PREA Investigator.
- ii. Allow the Investigator to meet with the alleged victim and evaluate their statement.
- iii. If the PREA Investigator has obtained statements from the alleged victim, alleged abuser, and any witnesses, they shall provide those to the PREA Coordinator.
- iv. The Winnebago County Sheriff's Office shall coordinate transfer of the alleged victim to the hospital for evaluation and forensic examination.
- v. If the alleged victim refuses medical treatment, examination, or any part of the investigative process, it must be documented in the incident report.
- vi. If the allegation of sexual abuse involves any staff member, the on duty shift supervisor shall contact Administration to coordinate investigative efforts.
- vii. Administration shall determine if an Internal Investigation is needed and if so, shall start that process immediately.

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9. PREA Coordinator:

- i. The PREA Coordinator shall review and ensure submittal of all relevant documents for the PREA file.
- ii. The PREA Coordinator shall act as liaison between the alleged victim and the community advocate, to support the victim through the forensic examination process, and provide emotional support, information, and referrals.
- iii. The PREA Coordinator shall chair the facility's Sexual Abuse Incident Review Team and document the findings.
- iv. The review team shall include the Corrections Captain, with input from the Shift Supervisors, Investigators, Classification, Medical and Mental Health Practitioners, Deputies and the PREA Coordinator.

605.4 PREA COORDINATOR RESPONSIBILITIES

The Sheriff or designee will appoint an upper-level supervisor to serve as the PREA coordinator who is responsible for the implementation and oversight of compliance with PREA standards. The PREA Coordinator will review facility policies and practices and make appropriate compliance recommendations to the Sheriff (28 CFR 115.11).

The PREA Coordinator's responsibilities will include:

- (a) Develop a written plan to coordinate response among deputies, medical and mental health practitioners, investigators and facility management to an incident of sexual abuse (28 CFR 115.11).
- (b) Ensure that consideration is given to the Agency's ability to protect inmates from sexual abuse, when designing or modifying facilities, or when installing or updating a electronic surveillance systems. (28 CFR 115.18).
- (c) Make reasonable efforts to partner with community service providers to provide inmates with confidential, emotional support services related to sexual abuse (28 CFR 115.53).
- (d) Implement a process by which inmates may report sexual abuse and sexual harassment to an entity that is not part of the Winnebago County Sheriff's Office. The external entities are able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to the Sheriff and allows the inmate anonymity (28 CFR 115.51).
- (e) Establish a process to ensure accurate, uniform data is collected for every allegation of sexual abuse at the Winnebago County Jail , using a standardized instrument and set of definitions (28 CFR 115.87).
 1. The data collected will be gathered at least annually and will 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 U.S. Department of Justice (DOJ).

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- (f) Establishes a process to monitor the conduct and treatment of inmates or staff who have reported sexual abuse and the conduct and treatment of inmates who were reported to have suffered sexual abuse.
- (g) Ensure that the following are published on the Agency website or by other means, if no website exists:
 - 1. The Winnebago County Sheriff's Office policy governing investigations of allegations of sexual abuse and sexual harassment or the referral of such investigations of sexual abuse or sexual harassment (unless the allegation does not involve potentially criminal behavior) (28 CFR 115.22)
 - 2. Information on how to report sexual abuse and sexual harassment on behalf of an inmate (28 CFR 115.54).
 - 3. Protocols for the law enforcement Agency responsible for conducting any sexual abuse or sexual harassment investigations (28 CFR 115.22)

605.4.1 REPORTING RESPONSIBILITY
INTERNALLY:

- 1. All staff are required to immediately report to the on duty shift supervisor any knowledge, suspicion, or information they receive regarding an incident of sexual abuse that occurred in our institutional setting, retaliation against inmates or staff who reported abuse, and any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or retaliation.
- 2. Staff members who fail to report sexual misconduct that is either witnessed or reported are subject to disciplinary action up to and including termination.
- 3. Apart from reporting to designated Supervisors or officials, staff must not reveal any specific information relating to sexual abuse to anyone other than those who need to know in order to make treatment, investigation and other security management decisions.
- 4. Inmate responses to questions asked pursuant to vulnerability and abuser screening are considered sensitive information. All staff members must take care to preserve the confidentiality of this information and ensure that it is disseminated only to those who need to know.
- 5. If the alleged victim of sexual abuse is under the age of 18, the Agency shall ensure that the incident is reported properly to the Wisconsin Department of Children and Families (DCF).

REPORTING OF ABUSE OUTSIDE THE FACILITY:

- 1. If there is an allegation that an inmate was sexually abused while he/she was confined at another facility, the Sheriff or designee shall notify the head of that facility within 72 hours after receiving the allegation. The Sheriff or his designee shall ensure that the notification has been documented (28 CFR 115.63).
- 2. If information is received that a former inmate has committed alleged sexual abuse or that a former inmate was sexually abused while confined at this facility it shall be thoroughly investigated.

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Administration shall receive such notification and shall ensure that the allegation is investigated in accordance with these standards.

605.5 RETALIATION, MONITORING AND TREATMENT

1. All inmates and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations, shall be protected from retaliation.
2. Protective measures, including housing changes, transfers, removal of alleged abusers from contact with victims, administrative reassignment or reassignment of the victim or alleged perpetrator to another housing area, and support services for inmates or staff who fear retaliation shall be utilized (28 CFR 115.67).
3. The PREA Coordinator or the authorized designee shall assign a shift supervisor to monitor, for at least 90 days, the conduct and treatment of inmates or staff who report sexual abuse or sexual harassment, as well as inmates who were reported to have suffered sexual abuse, to determine if there is any possible retaliation. The supervisor shall act promptly to remedy any such retaliation. The assigned supervisor should consider inmate disciplinary reports, housing or program changes, negative staff performance reviews or reassignment of staff members. Monitoring may continue beyond 90 days if needed. Inmate monitoring shall also include periodic status checks. The PREA Coordinator should take reasonable steps to limit the number of people with access to the names of individuals being monitored and should make reasonable efforts to ensure that staff members who pose a threat of retaliation are not entrusted with monitoring responsibilities.
4. If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take reasonable measures to protect that individual against retaliation (28 CFR 115.67).
5. The obligation to monitor the victim shall terminate if the Agency determines that the allegation is unfounded.
6. Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services.
7. Victims of sexual abuse shall be offered timely information about, and timely access to, emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, as medically appropriate.
8. The Agency shall provide inmates with access to outside victim advocates (Reach Counseling) for emotional support services related to sexual abuse. Prior to giving them access, the Department will inform inmates of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities.
9. The Agency shall offer medical and mental health evaluations to all inmates who have been victimized by sexual abuse in the facility.

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- i. The evaluation and treatment of such victims shall include: follow-up services, treatment plans and if necessary, referrals for continued care following their release from the facility.
- ii. The facility shall provide such victims with medical and mental health services consistent with the community level of care.
- iii. Victims of vaginal penetration while incarcerated shall be offered pregnancy tests.
- iv. If pregnancy results from the sexual conduct, such victims shall receive timely and comprehensive information about, and timely access to all lawful pregnancy related medical services.
- v. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate.

10. The Department shall provide, at no cost, medical treatment, physical and/or mental health support, and access to Crisis services for those inmates who require or request such assistance due to sexual abuse victimization.

605.6 SANCTIONS AND DISCIPLINE

1. The Winnebago County Sheriff's Office shall educate all staff members and inmates on the sanctions for committing acts of sexual abuse or sexual harassment towards inmates, and retaliation towards victims, accusers, and reporters of such abuse.

2. Inmate Discipline:

- i. Inmates are subject to disciplinary actions pursuant to a formal disciplinary process following an administrative ruling that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilty for inmate-on-inmate sexual abuse. Disciplinary actions are commensurate with the nature and circumstance of the abuse committed, the inmate's disciplinary history, and the disciplinary actions for comparable offenses by other inmates with similar histories.
- ii. The disciplinary process must consider whether an inmate's mental disabilities or mental illness contributed to his/her behavior when determining what type of disciplinary actions, if any, should be imposed. Possible disciplinary actions also include interventions designed to address and correct underlying reasons or motivation for the abuse, such as requiring the offending inmate to participate in therapy, counseling, or other programs.
- iii. Ensure victims and other complainants are notified in writing of the outcomes of any disciplinary actions.
- iv. The Department may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- v. An inmate shall not be disciplined for filing a false report of sexual abuse if the investigation proves that the inmate had a reasonable belief that the alleged conduct

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occurred, even if the investigation did not establish evidence sufficient to substantiate the allegation.

3. Staff Discipline:

- i. Staff shall be subject to disciplinary actions up to and including termination for violating Agency sexual abuse or sexual harassment policies.
- ii. Termination shall be the presumptive disciplinary action for staff who have engaged in sexual abuse.
- iii. Disciplinary actions for violations of Agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed.
- iv. All terminations for violation of the Agency's sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to Training and Standards and any relevant licensing bodies.

4. Contractors and Volunteers:

- i. Any contractor or volunteer who engages in sexual abuse or sexual harassment with an inmate will be prohibited from inmate contact and is subject to permanent exclusion from the facility. The contractor or volunteer shall be reported to law enforcement agencies and to relevant licensing bodies.

605.7 REPORTING TO INMATES

1. Following an investigation into an inmate's allegation that he/she suffered sexual abuse in the facility, the Agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. (28 CFR 115.73).

2. Following an inmate's allegation that a staff member has committed sexual abuse against him/her, unless the allegation has been determined to be unfounded, the Agency shall inform the inmate whenever:

- i. The staff member is no longer assigned to a post within the inmate's unit.
- ii. The staff member is no longer employed at the facility.
- iii. The Agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility.
- iv. The Agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

3. Following an inmate's allegation that he/she has been sexually abused by another inmate, the Agency shall inform the inmate whenever:

- i. The Agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.
- ii. The Agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

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4. All such notifications or attempted notifications are documented by the PREA Coordinator.
5. The Agency's obligation to inform an inmate terminates if the inmate is released from custody.

605.8 DATA COLLECTION AND TRACKING

1. The PREA Coordinator shall be responsible for collecting accurate, uniform data for every reported incident of sexual abuse using a standardized instrument and set of definitions.
2. The PREA Coordinator will aggregate the incident-based sexual abuse data at least annually. The incident-based data collected includes, at a minimum, the data necessary to answer all questions from the most recent version of the Bureau of Justice Statistics Survey on Sexual Violence.
3. The PREA Coordinator shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
4. Upon request, the PREA Coordinator shall provide all such data from the previous calendar year to the U.S. Department of Justice.
5. The Winnebago County Sheriff's Office shall review, analyze, and use all sexual abuse data, including incident-based aggregated data, to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training.
6. Using this data, the Winnebago County Sheriff's Office shall identify problem areas, including any racial dynamics underpinning patterns of sexual abuse, and will take corrective action on an ongoing basis.
7. The PREA Coordinator shall prepare an annual report of the Agency's findings and corrective actions. The report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Agency's progress in addressing sexual abuse.
8. The Winnebago County Sheriff's Office may redact specific material from the report when publication would present a clear and specific threat to the safety and security of the facility, but it must indicate the nature of the material redacted.
9. The PREA Coordinator shall make all aggregated sexual abuse data readily available to the public at least annually through its website.
10. Before making aggregated sexual abuse data publicly available, the Records Custodian shall remove all personal identifiers from the data.
11. The Winnebago County Sheriff's Office maintains sexual abuse data for at least ten (10) years after the date of its initial collection, unless Federal, State, or local law requires that the data be maintained for a longer period of time.
12. All case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation

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findings, and recommendations for post-release treatment and/or counseling are retained in accordance with an established schedule.

605.9 COMPREHENSIVE AUDIT

Comprehensive audits, if necessary, shall be conducted at least every three (3) years by independent auditors. The PREA Coordinator shall ensure files are prepared and are ready for review.

605.10 STAFFING ASSESSMENT AND USE OF MONITORING TECHNOLOGY

1. The Corrections Captain shall determine the adequate levels of staffing, and, where applicable, the use of video monitoring to protect inmates against sexual abuse.

2. The staffing plan shall include:

- i. Generally accepted detention and correctional practices.
- ii. Any judicial findings of inadequacy.
- iii. Any findings of inadequacy from Federal investigative agencies.
- iv. Any findings of inadequacy from internal or external oversight bodies.
- v. All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated).
- vi. The composition of the inmate population.
- vii. The number and placement of supervisory staff.
- viii. Institution programs occurring on a particular shift.
- ix. The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
- x. Any other relevant factors.

3. In circumstances where the staffing plan is not complied with, jail administration shall document and justify all deviations from the plan.

4. Each year, the Corrections Captain, in conjunction with the PREA Coordinator, shall assess and determine whether adjustments are needed to:

- i. The staffing levels in the Corrections division
- ii. The Agency's use of video monitoring systems and other technology.
- iii. Prevailing staffing patterns.
- iv. The resources the facility has available to commit to ensuring adherence to the staffing plan.

Prison Rape Elimination Act

605.11 COLLECTIVE BARGAINING AGREEMENTS

The Winnebago County Sheriff's Office shall not enter into or renew any, collective bargaining agreement or other agreement that limits the Agency's ability to remove alleged staff abusers from contact with victims pending an investigation.