HADDON TOWNSHIP POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE

PRISON RAPE ELIMINATION ACT

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ACCREDITATION STANDARDS: 5.2.2	BY THE ORDER OF: Chief Tim Hak

PURPOSE: The purpose of this policy is to establish guidelines for the management, operation, security, detainee accounting and control of the department's temporary detention facility and to outline the department's compliance with the Federal Prison Rape Elimination Act of 2003 (PREA).

SCOPE: The Federal Prison Rape Elimination Act of 2003 applies to this department and as such all applicable regulations set forth in the Act shall be adhered to in all interactions with detainees, arrestees, and prisoners. This policy is binding on all department personnel.

POLICY: In accordance with the Federal Prison Rape Elimination Act of 2003, the department (28 C.F.R. Part 115.111):

- Has established a zero tolerance policy toward all forms of sexual abuse and sexual harassment towards any detainee,
- Ensures that all detainees have the right to be free from sexual abuse and sexual harassment, and
- Has established a zero tolerance policy toward all forms of retaliation against anyone who reports sexual abuse and sexual harassment or who cooperates in a sexual abuse investigation.

PROCEDURES:

I. Definitions

For the purposes of understanding and interpreting this policy the following terms shall mean, as follows (28 C.F.R. Part 115.5):

A. Cell or Holding Room: any secure enclosure that is under the control of law enforcement and is primarily used for the temporary confinement of suspects who have recently been arrested. Note: cells are for single occupancy only by a detainee and holding rooms are for multiple occupancy (as approved, by the New Jersey Department of Corrections based on square foot of floor space).

B. Contractor: a person who provides services on a recurring basis pursuant to a contractual agreement with the department.

C. Detainee: any person detained in a police lockup, regardless of adjudication status.

D. Employee: a sworn member or civilian who works directly for the department.

E. Exigent Circumstances: any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

F. Facility: a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals

G. Gender nonconforming: a person whose appearance or manner does not conform to traditional societal gender expectations.

H. Intersex Individual: a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

I. Juvenile: any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

J. Law Enforcement Staff: employees responsible for the supervision and control of detainees in lockups

K. Lockup: a facility that contains cells, holding rooms, cell blocks, or other secure enclosures that are:

1. Under the control of a law enforcement, court, or custodial officer, and

2. Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

L. Medical Practitioner: a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the

scope of their professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

M. Mental Health Practitioner: a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of their professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

N. Pat-Down Search: a running of the hands over the clothed body of a detainee by an employee to determine whether the individual possesses contraband.

O. Prison Rape Elimination Act (PREA): PREA was signed into law on September 4, 2003. It establishes a standard of zero tolerance for rape and sexual assault or sexual harassment in any prison, jail, police lockup, or juvenile facility.

P. PREA Coordinator: a management level employee that oversees, develops, and implements department efforts to comply with the PREA Lockup Standards.

Q. Sexual Abuse includes:

1. Sexual abuse of a detainee by another detainee, and

a. Sexual abuse of a detainee by another detainee includes any of the following acts, if the victim does not consent, is coerced into such 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 altercation.

2. Sexual abuse of a detainee by an employee of this department, a contractor, or a volunteer.

a. Sexual abuse of a detainee by an employee of this department, a contractor, or a volunteer includes any of the following acts, with or without consent of the detainee:

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 employee of this department, a contractor, or a volunteer 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 employee of this department, a contractor, or a volunteer 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 employee of this department, a contractor, or a volunteer has the intent to abuse, arouse, or gratify sexual desire,

6). Any attempt, threat, or request by an employee of this department, a contractor, or a volunteer to engage in the activities described in paragraphs (1)-(5) of this section,

7). Any display by an employee of this department, a contractor, or a volunteer of their uncovered genitalia, buttocks, or breast in the presence of a detainee, and

8). Voyeurism by an employee of this department, a contractor, or a volunteer.

Voyeurism: when an employee, contractor, or volunteer invades a detainee's privacy for reasons unrelated to official duties, such as peering at a detainee who is using a toilet in their cell to perform bodily functions, requiring the detainee to expose their buttocks, genitals, or breasts, or taking images of all or part of a detainee's naked body or of a detainee performing bodily functions

R. Sexual Harassment includes:

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 detainee directed toward another, and

2. Repeated verbal comments or gestures of a sexual nature to a detainee by an employee of this department, a contractor, or a volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

S. Strip Search: a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

T. Substantiated Allegation: an allegation that was investigated and determined to have occurred.

U. Transgender Individual: a person whose gender identity (e.g., internal sense of feeling male or female) is different from the person's assigned sex at birth.

V. Unfounded Allegation: an allegation that was investigated and determined not to have occurred.

W. Unsubstantiated Allegation: an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

X. Volunteer: an individual who donates time and effort on a recurring basis to enhance the activities and programs of the department.

II. Zero Tolerance Policy Regarding Sexual Abuse and Sexual Harassment

A. In accordance with the Federal Prison Rape Elimination Act of 2003, 42 U.S.C. 15602 et seq., our department maintains a zero tolerance policy for any incidence of sexual abuse and sexual harassment. This policy describes in detail the department's approach to preventing, detecting, and responding to such conduct (28 C.F.R. Part 115.111a).

1. All applicable regulations set forth by the Act shall be adhered to in all interactions with detainees, arrestees, and prisoners.

B. All persons detained, arrested, or lawfully confined to a detention facility shall be protected by detention facility staff from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.

C. Our department's organizational policy and procedures applicable, but not limited to, the supervision and care of detainees, security, medical/dispensing of medications, suicide prevention and control, sanitation, and detainee property are implemented and enforced to protect detainees in our custody. Active monitoring, mandatory detainee supervision, and employee training further reinforce these measures.

D. Measures are undertaken by this department, and outlined in this policy, regarding the prevention, detection, monitoring and response to any incident/alleged incident of sexual abuse and sexual harassment.

E. Any reported incidents will be referred by employees to Internal Affairs, who will in turn notify the Camden County Prosecutor's Office, if applicable.

F. Appropriate disciplinary action shall be taken, in accordance with state law, collective bargaining agreements, and federal civil rights laws, against employees who engage in prohibited behavior and, when necessary, these cases will be referred to the Camden County Prosecutor's Office. The referral shall be documented.

G. This department's Internal Affairs is the primary source that handles relevant cases. Our department adheres to relevant guidelines as outlined in this policy, the New Jersey Municipal Detention Facility Standards (N.J.A.C. 10A:34), and the department's rules and regulations as it relates to officer conduct and the department's ethics statement that is maintained current and enforced.

III. Intake Notification for Detainees

A. During the intake process, the arresting officer or their designee shall notify their detainee(s) (arrestees) of the department's zero-tolerance policy regarding sexual abuse and sexual harassment by directing them to read the sign that is posted on the wall in processing (28 C.F.R. Part 115.132a).

Notification Sign: the notification sign will be updated to contain the notification in languages prevalent to this department's jurisdiction.

IV. Notification for Contractors Entering the Department's Detainee Detention Facility

A. When a contractor enters the detention facility the employee escorting the contractor shall advise them of the department's zero-tolerance policy regarding sexual abuse and sexual harassment of detainees. This may be performed by directing them [the contractor] to read the sign that is posted on the wall in processing (28 C.F.R. Part 115.132b).

V. Contracting with Other Entities for the Confinement of Detainees

A. If this department ever contracts another entity (contractor) for the confinement of its detainees, the contract shall include the entity's obligation to adopt and comply with the PREA standards (28 C.F.R. Part 115.112a).

B. Any new contract or contract renewal shall provide for contract monitoring by the department to ensure that the contractor is complying with the PREA standards (28 C.F.R. Part 115.112b).

VI. Auditing

A. The department shall conduct audits pursuant to 28 C.F.R. Part 115.401-405 if it houses detainees overnight.

B. Audits need not be conducted if detainees are not housed overnight (28 C.F.R. Part 115.193).

VII. Department Responsibilities

A. The department shall ensure that:

1. An administrative or criminal investigation is completed for all allegations of detainee sexual abuse and/or sexual harassment (28 C.F.R. Part 115.154).

2. Alleged detainee sexual abuse and/or sexual harassment incidents, including third-party (28 C.F.R. Part 115.154) and anonymous reports, are reported to designated investigators.

3. Detainees are informed of at least one way to report sexual abuse and/or sexual harassment to a public or private entity or office that is not part of the department, allowing the detainee to remain anonymous if so requested (28 C.F.R. Part 115.151b).

4. Investigators, who are used to investigate PREA incidents, have received special training in sexual abuse investigations pursuant to (28 C.F.R. Part 115.134).

   a. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

   b. The department shall maintain documentation that applicable department investigators have completed the required specialized training in conducting sexual abuse investigations

   c. See also "Reference Material" section of this policy for PREA Training and Education for Law Enforcement Lockup Facilities, specifically Specialized Training for Investigations.

VIII. Screening for Risk of Victimization and Abusiveness

A. **Screening**: before placing any detainees together in a holding room (cell), employees shall consider whether, based on the information before them, a detainee may be at a high-risk of being sexually abused and, when appropriate, shall take necessary steps to mitigate any such danger to the detainee (28 C.F.R. Part 115.141).

   1. The screening process shall consider, to the extent that the information is available, the following criteria to screen detainees for risk of sexual victimization:

      a. Whether the detainee has a mental, physical, or developmental disability,

      b. The age of the detainee,

      c. The physical build and appearance of the detainee,

      d. Whether the detainee has previously been incarcerated, and

      e. The nature of the detainee's alleged offense and criminal history.

B. If after screening, the employee determines that the detainee may be at risk, the detainee shall be housed alone in a cell for the duration of their detainment at this department. This includes post-screening transportation in a Department vehicle to/from court, jail, prison, or other agency (28 C.F.R. Part 115.162).

IX. Juveniles

A. Juveniles shall be held separately from adult detainees and not placed into the same cell or holding room with an adult (28 C.F.R. Part 115.114).

X. Disabled Detainees

A. Detainees with disabilities include detainees who are deaf, hard of hearing, blind or have low vision, and those who have intellectual, psychiatric, or speech disabilities.

B. Employees shall take appropriate steps to ensure that detainees with disabilities have an equal opportunity to benefit from all aspects of the department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include providing access to interpreters who can interpret effectively, accurately, and impartially, when necessary, to ensure effective communication with detainees who are deaf or hard of hearing. In addition, employees shall ensure that written materials are provided in formats and through methods that ensure effective communication with detainees with disabilities (28 C.F.R. Part 115.116a).

XI. Detainees with Limited English Proficiency

A. Employees shall take reasonable steps to ensure that detainees with limited English proficiency have meaningful access to information regarding the department's policies and efforts to prevent, detect, and respond to sexual abuse and sexual harassment including by providing interpreters who can interpret effectively, accurately, and impartially (28 C.F.R. Part 115.116b).

XII. Detainee Interpreters

A. No employee shall use detainees as interpreters or readers or otherwise request assistance from another detainee except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the detainee's safety, the performance of first-response duties, or the investigation of the detainee's sexual abuse/harassment allegations (28 C.F.R. Part 115.116c).

XIII. Employee Staffing Plan

A. The Chief of Police or their designee shall develop and document a staffing plan (schedule) that provides for adequate levels of staffing, and, where applicable, video monitoring to protect detainees against abuse (28 C.F.R. Part 115.113a).

B. Chief of Police or their designee shall consider the following factors when determining adequate staffing plans (28 C.F.R. Part 115.113a):

1. The physical layout of the department's detention facility

2. The composition of the detainee population (if more than one detainee is routinely held at a time)

3. The prevalence of sexual abuse and sexual harassment incidents, and

4. Any other relevant factor(s)

C. Each time the staffing plan is not complied with, the Chief of Police or their designee shall document and justify all deviations from the staffing plan and forward the same to the PREA Coordinator (28 C.F.R. Part 115.113b).

D. Whenever necessary, but no less frequently than once each year, the department shall assess, determine, and document whether adjustments are needed to (28 C.F.R. Part 115.113c):

1. The staffing plan established pursuant to paragraphs (A and B) of this section

2. Prevailing staffing patterns

3. The detention facility's deployment of video monitoring systems and other monitoring technologies, and

4. The resources the detention facility has available to commit to ensure adequate staffing levels.

E. If vulnerable detainees are identified pursuant to the **Screening for Risk of Victimization and Abusiveness** section of this policy, employees shall provide such detainees with heightened protection, to include continuous direct sight and sound supervision, single-cell housing, or placement in a cell actively monitored on video by an employee sufficiently proximate to intervene, unless no such option is determined to be feasible (28 C.F.R. Part 115.113d).

XIV. Limits on Cross-Gender Viewing and Searches

A. All strip and body cavity searches shall be conducted in accordance with department policy and the New Jersey Attorney General's Strip Search and Body Cavity Search Requirements and Procedures for Police Officers policy.

1. The department shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners (28 C.F.R. Part 115.111a).

2. The department shall document all cross-gender strip searches and cross-gender visual body cavity searches (28 C.F.R. Part 115.111b).

3. Detainees shall be provided reasonable privacy when performing bodily functions or when required to change their clothing. If an employee of the opposite gender needs to enter the detainee's area where this is taking place, they shall announce their presence when entering the area (28 C.F.R. Part 115.111c).

4. No employee of this department shall search or physically examine a transgender or intersex detainee for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined during conversations with the detainee, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner (28 C.F.R. Part 115.111d).

5. The department shall train officers in how to conduct cross-gender pat-down searches, and searches of transgender and intersex detainees, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs (28 C.F.R. Part 115.111e).

XV. First Responder Responsibilities

A. The first officer to respond to a report of a sexual assault or sexual harassment shall:

1. Immediately separate the alleged victim and abuser (28 C.F.R. Part 115.164a(1)),

2. Take immediate action to protect the detainee from substantial risk of imminent sexual abuse (28 C.F.R. Part 115.162),

3. Detainee victims of sexual abuse in lockups shall receive timely, unimpeded access to emergency medical treatment (28 C.F.R. Part 115.182a),

   a. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. (28 C.F.R. Part 115.182b),

4. Follow uniform evidence protocol that maximizes the potential for obtaining usable physical evidence including preserving and protecting any crime scene until appropriate steps can be taken to collect any evidence (28 C.F.R. Part 115.164a(2)),

5. If the abuse occurred within a time period that still allows for the collection of physical evidence, **request** that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating (28 C.F.R. Part 115.164a(3)),

6. If the abuse occurred within a time period that still allows for the collection of physical evidence, **ensure** that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating (28 C.F.R. Part 115.164a(4)),

7. Offer all victims access to forensic medical examinations performed by a Sexual Assault Forensic Examiner (SAFE), Sexual Assault Nurse Examiners (SANEs) or qualified medical practitioner without financial cost to the victim, if evidentiary or medically appropriate (28 C.F.R. Part 115.121c)

8. If the detainee is transported for a forensic examination to an outside hospital that offers victim advocacy services, ensure that the detainee be permitted to use such services to the extent available, consistent with security needs (28 C.F.R. Part 115.121d)

9. Document all efforts to provide a SAFE or medical practitioner (28 C.F.R. Part 115.121d)

10. Accompany the victim through the forensic medical examination process and interviews.

B. If the first responder is not a law enforcement officer, that responder shall (28 C.F.R. Part 115.164b):

1. Request that the alleged victim not take any actions that could destroy physical evidence, and

2. Immediately notify law enforcement staff.

XVI. Criminal and Administrative Department Investigations

A. When this department conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports (28 C.F.R. Part 115.171a).

B. Where sexual abuse is alleged, the department shall use investigators who have received special training in sexual abuse investigations pursuant to 28 C.F.R. Part 115.134 (28 C.F.R. Part 115.171b).

C. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data, shall interview alleged victims, suspected perpetrators, and witnesses, and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator (28 C.F.R. Part 115.171c).

D. When the quality of evidence appears to support criminal prosecution, the department shall conduct compelled interviews only after consulting with the Camden County Prosecutor's Office to whether compelled interviews may be an obstacle for subsequent criminal prosecution (28 C.F.R. Part 115.171d).

E. The 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 detainee or an employee of this department. This department shall not require a detainee who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 C.F.R. Part 115.171e).

F. Administrative investigations (28 C.F.R. Part 115.171f):

1. Shall include an effort to determine whether employee actions or failures to act contributed to the abuse, and

2. 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.

Evidentiary standard for administrative investigations: the department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated (28 C.F.R. Part 115.172).

G. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and

attaches copies of all documentary evidence where feasible (28 C.F.R. Part 115.171g).

H. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution (28 C.F.R. Part 115.171h).

I. The department shall retain all written reports referenced in paragraphs (F) and (G) of this section for as long as the alleged abuser is incarcerated or employed by the department, plus five years (28 C.F.R. Part 115.171i.

J. The departure of the alleged abuser or victim from the employment or control of the department shall not provide a basis for terminating an investigation (28 C.F.R. Part 115.171j).

XVII. Referrals for Prosecution for Detainee-on-Detainee Sexual Abuse

A. When there is probable cause to believe that a detainee sexually abused another detainee, the department shall refer the matter to the Camden County Prosecutor's Office (28 C.F.R. Part 115.178a).

B. To the extent the department itself is not responsible for investigating allegations of sexual abuse, the department shall inform the investigating entity of this policy (28 C.F.R. Part 115.178b).

C. All referrals shall be documented (28 C.F.R. Part 115.122b).

D. When outside agencies investigate sexual abuse, the department and its employees shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation (28 C.F.R. Part 115.171l).

E. Since it is possible that the Camden County Prosecutor's Office may become responsible for conducting a criminal investigation on behalf of this department, in accordance with 28 C.F.R. Part 115.122b the department shall publish this policy, on its website, or, if at any times we do not have a web site we shall make available the policy through other means.

XVIII. Reporting

A. Detainee Reporting of Incidents:

1. The department shall provide multiple ways for detainees to privately report sexual abuse and sexual harassment, retaliation by other detainees or employees of this department for reporting sexual abuse and sexual harassment, and employee neglect or violation of responsibilities that may have contributed to such incidents (28 C.F.R. Part 115.151a).
    a. Detainees may report information or incidents to a supervisor at any time.

    b. If the detainee does not want to report information or incidents to a supervisor, the detainee shall be offered the ability to talk directly with Internal Affairs.

    c. **Notification Sign**: a sign shall be posted explaining these options where detainees are held.

2. The department shall also inform detainees of at least one way to report abuse or harassment to a public or private entity or office that is not part of the department, and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to department officials, allowing the detainee to remain anonymous upon request (28 C.F.R. Part 115.151b).

    a. **Notification Sign**: to comply with this statue the department will use the Camden County Prosecutor's Office and their information shall also be posted on the sign in section 1C above.

3. Employees shall accept reports made verbally, in writing, anonymously, and from third parties and promptly document any verbal reports (28 C.F.R. Part 115.151c).

4. The department shall provide a method for employees to privately report sexual abuse and sexual harassment of detainees (28 C.F.R. Part 115.151c).

    a. Employees are authorized to privately report sexual abuse and sexual harassment of detainees to either the Chief of Police, Internal Affairs, or if either of these two officers are involved, directly to the Camden County Prosecutor's Office.

B. All employees shall immediately report to their immediate supervisor (28 C.F.R. Part 115.161a):

1. Any knowledge, suspicion, or information regarding an incident of detainee sexual abuse and/or sexual harassment that occurred within the department's facilities,

2. Any retaliation against detainees or department employees who reported such an incident, and

3. Employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.

C. All allegations of sexual abuse, including third party (28 C.F.R. Part 115.154) and anonymous reports, shall be reported to Internal Affairs who shall investigate the allegation pursuant to the New Jersey Attorney General Guidelines, department policies and the PREA statutes (28 C.F.R. Part 115.161d).

D. Employees shall not reveal any information related to a sexual assault to anyone other than to the extent necessary to make treatment and investigatory decisions (28 C.F.R. Part 115.161b).

E. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the department shall report the allegation to the appropriate State and or local services organization, such as:

1. Vulnerable Adults: Adult Protective Services for Camden County

2. Juveniles: New Jersey Department of Children and Families, Child Protection and Permanency

F. All verbal reports sexual abuse and/or sexual harassment shall be documented by the immediate supervisor who receives a report of sexual abuse or sexual harassment pursuant to this policy (28 C.F.R. Part 115.151c).

G. Department employees may privately report sexual abuse and/or sexual harassment by contacting the PREA Coordinator, filing a complaint with the Internal Affairs Section, or utilizing the PREA third party contact number posted on the Department's website and on the PREA informational brochure (28 C.F.R. Part 115.151d).

H. Methods of reporting shall include in-person, phone, mail, email, fax, or any means by which the employee feels comfortable in reporting to supervisory level officers and/or the PREA Coordinator. Employees are expected to report any knowledge or suspicion of abuse. The methods of reporting are expected to vary based on the situation and the individual involved. Should there be any question as to the most appropriate method, the PREA Coordinator or Supervisor should be contacted.

XIX. Abuse Reports from Outside Facilities/ Agencies

A. An employee who receives an allegation that a detainee was sexually abused and/or sexually harassed while confined at a non-department facility, shall notify through channels:

1. The Chief of Police,

2. The PREA Coordinator.

B. Chief of Police shall:

1. Notify the head of the facility or appropriate office of the agency where the alleged abuse occurred (28 C.F.R. Part 115.163a),

2. Make notification, as soon as possible, but no later than seventy-two (72) hours after receiving the allegation (28 C.F.R. Part 115.163b), and

3. Document such notification (28 C.F.R. Part 115.163c).

XX. Training Employees for Compliance with PREA Regulations

A. **New Employee Training**: the department shall train all new employees and volunteers who may have contact with detainees to be able to fulfill their responsibilities under department sexual abuse prevention, detection, and response policies and procedures, including training on (28 C.F.R. Part 115.131a):

1. The department's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment (28 C.F.R. Part 115.131(a)(1),

2. How to fulfill their responsibilities regarding prevention, detection, reporting, and response to sexual abuse and sexual harassment,

3. The right of detainees and employees to be free from retaliation for reporting sexual abuse and sexual harassment (28 C.F.R. Part 115.131(a)(3),

4. The dynamics of sexual abuse and sexual harassment in confinement (28 C.F.R. Part 115.131(a)(2),

5. The common reactions of sexual abuse and sexual harassment victims,

6. How to detect and respond to signs of threatened and actual sexual abuse (28 C.F.R. Part 115.131(a)(4),

7. How to avoid inappropriate relationships with detainees,

8. How to communicate effectively and professionally with all detainees, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming detainees (28 C.F.R. Part 115.131(a)(5), and

9. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities (28 C.F.R. Part 115.131(a)(6).

Every employee who may have contact with detainees shall acknowledge either in written or electronic format that they understand the department's PREA policies and protocols and the PREA training they have received (28 C.F.R. Part 115.131(c).

The department shall maintain documentation confirming that employees, volunteers, and contractors understand the training they have received.

B. The department shall train officers in how to conduct cross-gender pat-down searches, and searches of transgender and intersex detainees, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs (28 C.F.R. Part 115.111e).

C. Annual Policy Review and Refresher Training

1. **Annual PREA Policy Review**: all employees who may have contact with detainees shall annually review this policy that they understand the policy (28 C.F.R. Part 115.131(b).

2. **Annual Refresher Training**: the department shall provide each employee with refresher training annually to ensure that all employees know the department's current sexual abuse and sexual harassment policies and procedures (28 C.F.R. Part 115.131(b).

Every employee who may have contact with detainees shall acknowledge either in written or electronic format that they understand the department's PREA policies and protocols and the PREA training they have received (28 C.F.R. Part 115.131(c).

The department shall maintain documentation confirming that employees, volunteers, and contractors understand the training they have received.

D. **Investigator Training**: investigators, who are used to investigate PREA incidents, have received special training in sexual abuse investigations pursuant to (28 C.F.R. Part 115.134).

1. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

   The department shall maintain documentation that applicable department investigators have completed the required specialized training in conducting sexual abuse investigations

   See also "Reference Material" section of this policy for PREA Training and Education for Law Enforcement Lockup Facilities, specifically Specialized Training for Investigations.

XXI. PREA Coordinator

A. The Chief of Police shall:

1. Designate a command level officer to act as the department's PREA coordinator with sufficient time and authority to develop, implement, and oversee the department's efforts to comply with the PREA Lockup Standards (28 C.F.R. Part 115.111b).

B. The PREA Coordinator shall:

1. Be properly trained to perform their duties and shall retain an obligation to seek out and attend in-service training on PREA and subject related to PREA standards compliance.

2. Annually submit a status report of PREA compliance standards, employee and investigative training requirements being fulfilled, and a summary/status of all reported/investigated incidents to the Chief of Police,

3. Detail any corrective action (e.g., policy, training, regulatory, facility, reporting, etc.) required to ensure compliance with the PREA standards,

4. Keep a current list of investigators who receive special training in sexual abuse investigations pursuant to 28 C.F.R. Part 115.34, and

5. Take necessary action to ensure department compliance with the PREA standards subject to the Chief of Police's approval.

XXII. Hiring and Promoting Practices

A. The department shall not hire or promote anyone who may have contact with detainees and shall not enlist the services of any contractor who may have contact with detainees who (28 C.F.R. Part 115.117a):

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, as defined in 42 U.S.C. 1997 (28 C.F.R. Part 115.117a(1)),

2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse (28 C.F.R. Part 115.117a(2)), or

3. Has been civilly or administratively adjudicated to have engaged in the activity described in the paragraphs above (28 C.F.R. Part 115.117a(3)).

B. The department shall consider any incidents of sexual abuse and/or harassment in determining whether to hire or promote an employee, or to retain the services of any contractor, who may have contact with detainees (28 C.F.R. Part 115.117b).

C. Before hiring new employees, who may have contact with detainees, the department shall (28 C.F.R. Part 115.117c):

1. Perform a criminal background records check on all applicants (28 C.F.R. Part 115.117c(1)), and

2. Make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse, or any resignation during a pending investigation of an allegation of sexual abuse (28 C.F.R. Part 115.117c(2)).

D. The department shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with detainees or have in place a system for otherwise capturing such information for current employees (28 C.F.R. Part 115.117e).

E. The department shall ask all applicants and employees who may have direct contact with detainees about previous misconduct described in this section, in (28 C.F.R. Part 115.117f):

1. Written applications and/or interviews for hiring or promotion, and

2. Interviews or written self-evaluations conducted as part of reviews of current employees.

F. All employees shall disclose any of the misconduct described in this section (28 C.F.R. Part 115.117f).

G. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination (28 C.F.R. Part 115.117g).

H. Any employee determined to have engaged in sexual abuse or sexual harassment of detainees as defined by policy shall be subject to discipline. The presumptive sanction for having engaged in prohibited behavior under this policy is termination.

I. Unless prohibited by law, the department shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former

employee upon receiving a request from an institutional employer for whom such employee has applied to work (28 C.F.R. Part 115.117h).

XXIII. Collective Bargaining and Preservation of Ability to Protect Detainees

A. Neither the department nor any other governmental entity responsible for collective bargaining on the department's behalf shall enter into **or** renew any collective bargaining agreement or other agreement that limits the department's ability to remove alleged employee sexual abusers from contact with detainees pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 C.F.R. Part 115.166a).

B. The PREA Lockup Standards do not restrict the entering into **or** renewal of agreements that govern:

1. The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of 28 C.F.R. Part 115.172 and 28 C.F.R. Part 115.176, or

2. Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the employee's personnel file following a determination that the allegation of sexual abuse is not substantiated.

XXIV. Contractors and Volunteers

A. The department shall also perform a criminal background records check before retaining the services of any contractor or volunteer who may have contact with detainees and document the same (28 C.F.R. Part 115.117d).

B. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and shall be prosecuted, unless the activity was clearly not criminal, and to relevant licensing bodies (28 C.F.R. Part 115.177a).

C. In the event that a contractor or volunteer has engaged in sexual abuse or has been convicted or adjudicated of having engaged in sexual abuse, they shall have no access or contact with detainees in department custody (28 C.F.R. Part 115.177b).

D. The department shall ensure that all volunteers and contractors who enter department facilities and who may have contact with detainees have been informed of their responsibilities under the department's sexual abuse and sexual harassment prevention, detection, and response policies and procedures including the department's zero-tolerance policy regarding prohibited behavior (28 C.F.R. Part 115.132b).

E. The department shall maintain documentation confirming that volunteers and contractors understand the department's PREA policy and information received.

XXV. Disciplinary Sanctions for Employees

A. Employees shall be subject to disciplinary sanctions up to and including termination for violating department sexual abuse or sexual harassment policies (28 C.F.R. Part 115.176a).

B. Termination shall be the presumptive disciplinary sanction for employees who have engaged in sexual abuse (28 C.F.R. Part 115.176b).

C. Disciplinary sanctions for violations of department 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, the employee's disciplinary history, and the sanctions imposed for comparable offenses by other employees with similar histories (28 C.F.R. Part 115.176c).

D. All terminations for violations of department sexual abuse or sexual harassment policies, or resignations by employees who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies (28 C.F.R. Part 115.176d).

XXVI. Retaliation and Monitoring for Retaliation

A. The department shall ensure that all detainees and employees who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations are protected from retaliation by other detainees or employees (28 C.F.R. Part 115.167a).

1. The Chief of Police and Internal Affairs shall monitor for retaliation.

B. Supervisors shall monitor the conduct and treatment of detainees or employees who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse and shall act promptly to remedy any such retaliation (28 C.F.R. Part 115.167c).

1. If any other individual who cooperates with an investigation expresses a fear of retaliation, the department shall take appropriate measures to protect that individual against retaliation (28 C.F.R. Part 115.167d).

C. Supervisors who receive reports of retaliation shall employ multiple protection measures, which may include (28 C.F.R. Part 115.167b):

1. Cell changes or transfers for detainee victims or abusers

2. Removal of alleged employees or detainee abusers from contact with victims

3. Providing emotional support services for employees who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations, and/or

4. Closely monitoring detainees or employees who fear retaliation

D. An employee who has knowledge, suspicion, or information regarding an incident of retaliation against detainees or another employee who reported such an incident and any employee neglect that may have contributed to such retaliation, shall immediately report such incident or retaliation to their immediate supervisor.

E. The obligation to monitor for retaliation shall terminate if the department determines that the allegation is unfounded (28 C.F.R. Part 115.167e).

XXVII. Sexual Abuse Incident Reviews

A. The department shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded (28 C.F.R. Part 115.186a).

B. Such review shall ordinarily occur within 30 days of the conclusion of the investigation (28 C.F.R. Part 115.186b).

C. The review team shall include upper-level management officers, with input from line supervisors and investigators (28 C.F.R. Part 115.186c).

D. The review team shall (28 C.F.R. Part 115.186d):

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse,

2. Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, or gang affiliation, or was motivated or otherwise caused by other group dynamics at the department's detention facility,

3. Examine the area in the department's detention facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse,

4. Assess the adequacy of staffing levels in that area during different shifts,

5. Assess whether monitoring technology should be deployed or augmented to supplement supervision, and

6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the Chief of Police and department PREA coordinator.

E. The department shall implement the recommendations for improvement or shall document its reasons for not doing so (28 C.F.R. Part 115.186e).

XXVIII. Incident Data Collection

A. The department shall collect accurate, uniform data for every allegation of sexual abuse (if any) in its detention facility using a standardized instrument and set of definitions (28 C.F.R. Part 115.187a). See section C below for specific data required.

B. The department shall aggregate the incident-based sexual abuse data (if any) at least annually (28 C.F.R. Part 115.187b).

C. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Local Jail Jurisdictions Survey of Sexual Violence Questionnaire (SSV3 – Local Jail Jurisdictions) conducted by the Department of Justice, or any subsequent form developed by the Department of Justice and designated for police department lockups (28 C.F.R. Part 115.187c).

D. The department shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews (28 C.F.R. Part 115.187d).

E. The department also shall obtain incident-based and aggregated data from any private agency with which it contracts (if ever) for the confinement of its detainees (28 C.F.R. Part 115.187e).

F. Upon request, the department shall provide all such data from the previous calendar year to the Department of Justice no later than June 30 (28 C.F.R. Part 115.187f).

XXIX. Incident Data Review for Corrective Action

A. The department shall review data collected and aggregated (if any) pursuant to 28 C.F.R. Part 115.187 (Section XXVII of this policy, above) in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including (28 C.F.R. Part 115.188a):

1. Identifying problem areas,

2. Taking corrective action on an ongoing basis, and

3. Preparing an annual report of its findings and corrective actions for each lockup, as well as the department as a whole.

B. Such report (if data exists to justify its completion) 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 department's progress in addressing sexual abuse (28 C.F.R. Part 115.188b).

C. The department's report (if data exists to justify its completion) shall be approved by the Chief of Police and made readily available to the public through the department's website or, if at any time we do not have one, through other means (28 C.F.R. Part 115.188c).

D. The department may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the detention facility but must indicate the nature of the material redacted (28 C.F.R. Part 115.188d).

XXX. Incident Data Storage

A. The department shall ensure that data collected pursuant to 28 C.F.R. Part 115.187 (Section XXVII of this policy, above) is securely retained (28 C.F.R. Part 115.189a).

B. The department shall make all aggregated sexual abuse data, from the detention facility and any private agencies with which it contracts, readily available to the public at least annually through its website or, if at any time we do not have one, through other means (28 C.F.R. Part 115.189b).

C. Before making aggregated sexual abuse data publicly available, the department shall remove all personal identifiers (28 C.F.R. Part 115.189c).

D. The department shall maintain sexual abuse data collected pursuant to 28 C.F.R. Part 115.187 (Section XXVII of this policy, above) for at least ten (10) years after the date of the initial collection unless Federal, State, or local law requires otherwise (28 C.F.R. Part 115.189d).

XXXI. Upgrades to Facilities and Technologies

A. When designing or updating cells (single occupancy) or holding rooms (multiple occupancy), the department will consider the effect of the design upon the ability to protect prisoners from sexual contact (28 C.F.R. Part 115.118a).

B. When installing or updating video monitoring systems, the department will consider how the technology may enhance the ability to protect prisoners from sexual contact (28 C.F.R. Part 115.118a).