

Volume 9

Chapter 1

POLICY: The Cascade County Adult Detention Facility has Zero Tolerance for nonconsensual sexual acts, inmate on inmate sexual abuse, sexual misconduct, and staff sexual harassment and recognizes these inmates as crime victims. This facility will immediately respond to all allegations, investigate all incidents, discipline those involved and prosecute those participating in such conduct as set forth in the new PREA Standards.

1. **CCDC 9-01-00, Prison Rape Elimination Act of 2003** was adopted in accordance with this policy.
2. I have reviewed and approved procedures.
3. Policy and Procedures will be trained to before effective date of implementation.

APPLICABILITY:

All employees of the Cascade County Sheriff's Office.

AUTHORITY:

MCA 41-3-201	Reports
MCA 45-5-501	Definition
MCA 45-5-502	Sexual Assault
MCA 45-5-503	Sexual Intercourse without Consent
4-428-1 – 4-281-8	ACA Standards Supplement 2008
DOC Policy 1.1.6	Priority Incident Reporting and Acting Director System
DOC Policy 1.5.5	Case Records Management
DOC Policy 1.8.1	Victim Services
CCDC 15-01-00/	Admissions
CCDC 16-01-00	Inmate Classification System
CCDC 9-01-00	Prison Rape Elimination Act 2003
CCDC 14-04-00	Inmate Grievance Program
CCDC 19-01-00	Special Needs Inmates
CCDC MOU's	Victim Services – Victim Witness / Voices of Hope

DEFINITIONS:

1. **Agency Head** – The principle official of an agency.
2. **Facility Head** – The principle official of a facility, regardless of local title (facility administrator), ultimately responsible to the Sheriff.

3. **Employee or Staff** – For the purpose of this policy, the terms include paid employees or contracted persons, volunteers and interns who are paid or donate time or services to the Detention Facility, and individual service providers, e.g., delivery, maintenance, vendors, or other service providers who may not be contracted to the Detention Facility.
4. **Inmate** – Any person committed to the care, custody, or supervision of the Detention Facility by any court, Board of Pardons and Parole, or through judicial sanction. This definition includes inmates assigned to programs such as probation, parole, Intensive Supervision Program (ISP), Conditional Release, Prerelease, alternatives to incarceration, work or educational release, or in any capacity where employees are supervising individual inmates.
5. **Facility** – A building or residence, including the property and land where the building or residence is located, owned, or leased and operated or managed by the Detention Facility.
6. **Sexual Abuse** – When an inmate, employee or staff, or group of inmates, knowingly subjects another inmate to any sexual contact without consent he/she commits the offense of sexual assault (includes rape, sodomy or any form of unlawful touching).
7. **Nonconsensual Sexual Acts** – Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse. **AND** Contact between the penis and the vulva or the penis and the anus including penetration, however slight; **OR** contact between the mouth and the penis, vulva, or anus; **OR** penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
8. **Abusive Sexual Contact (less severe)** – Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse. **AND** intentional touching, either directly or through clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. **EXCLUDE** incidents in which the contact was incidental to a physical altercation.
9. **Sexual Harassment by another Inmate** – Repeated and unwelcome sexual advances, request for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive nature by one inmate directed toward another.
10. **Staff Sexual Harassment** – Repeated verbal comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family, friends, or other visitors); includes demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; **OR** repeated profane or obscene language or gestures.

11. **Staff Sexual Misconduct** – Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (excluding family, friends or other visitors). Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include – intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; OR completed, attempted, threatened, or requested sexual acts; OR occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.
12. **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.
13. **Gender Nonconforming** – A person whose appearance or manner does not conform to traditional societal gender expectations.
14. **Transgender** – A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.
15. **PREA Coordinator** – The official responsible for the coordination and compliance monitoring of the Prison Rape Elimination Act of 2003 for the facility.
16. **PREA Investigator** – The official responsible for the investigation of alleged PREA violations.
17. **Sexual Abuse Review Team** – Includes upper-level management official, with input from line supervisors, investigators, and medical or mental health practitioners.
18. **Substantiated Allegation** – An allegation that was investigated and determined to have occurred.
19. **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.
20. **Unfounded Allegation** – An allegation that was investigated and determined not to have occurred.

Approved: Signed _____
Bob Edwards, Sheriff/Coroner

Date: 1-1-2001

Reviewed Date: 1-1-2011
Reviewed Date: 3-21-2012
Reviewed Date: 1-2-2013
Reviewed Date: 1-7-2015
Reviewed Date: 1-4-2016
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