

**Division 3**  
**Section Three – Rules & Discipline**  
**Volume III**  
**Chapter Four**

**PRISON RAPE ELIMINATION ACT OF 2003**

**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 3-3-3-4, 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 3-4-1-1/3-4-1-2	Admissions and Inmate Orientation
CCDC 3-4-2-1	Inmate Classification System
CCDC 3-3-3-4	Prison Rape Elimination Act 2003
CCDC 3-3-5-6	Inmate Grievance Program
CCDC 3-4-5-2	Special Needs Inmates

## **DEFINITIONS:**

1. **Administrator** – The official, regardless of local title (facility administrator), ultimately responsible to the Sheriff for facility operations.
2. **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.
3. **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.
4. **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.
5. **Sexual Assault** – 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).
6. **Nonconsensual Sexual Act** – A sexual act upon an incarcerated inmate perpetrated by another inmate if the victimized inmate does not consent or is mentally incapable of consent or when the perpetrator is an employee, contractor or volunteer unless the act is part of a lawful search.
7. **Nonconsensual Sexual Contact** – Touching of an incarcerated inmate directly or through clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks for sexual gratification perpetrated by another inmate if the victimized inmate does not consent or is mentally incapable of consent or perpetrated by an employee, contractor or volunteer unless the act is part of a lawful search.
8. **Sexual Act** – Contact between the penis and the vagina or the penis and the anus involving penetration, however slight; contact between the mouth and the penis, vagina, or anus; or penetration of the vagina or anus of another person by hand, finger, or other object.

9. **Staff Sexual Harassment** – Repeated statements or comments of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative; includes demeaning references to gender or derogatory comments about body or clothing; and repeated profane or obscene language or gestures.
10. **Staff Sexual Misconduct** – Nonconsensual sexual contact or acts directed toward an inmate by an employee, volunteer, contractor, official visitor, or other agency representative, including completed, attempted, threatened, or requested sexual acts and occurrences of indecent exposure, invasion of privacy or staff voyeurism for sexual gratification.
11. **PREA Coordinator** – The official responsible for the coordination and compliance monitoring of the Prison Rape Elimination Act of 2003 for the facility.
12. **PREA Investigator** – The official responsible for the investigation of alleged PREA violations.

**Approved:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Bob Edwards, Sheriff/Coroner**