



Department of State Police General Order

Effective Date July 20, 2015	Number PRI-07
Subject Detainee Sexual Abuse and Sexual Harassment	

Policy

In accordance with the *Prison Rape Elimination Act (PREA) of 2003*, the Department shall establish:

- A zero tolerance policy toward all forms of sexual abuse and sexual harassment towards any detainee; and
- Ensure that all detainees' have the right to be free from sexual abuse and sexual harassment.

This policy shall be made available through the Department's website and upon request.

Definitions

Prison Rape Elimination Act (PREA): Signed into law on September 4, 2003. The Prison Rape Elimination Act is legislation that establishes a standard of zero tolerance for rape and sexual assault in any prison, jail, police lockup, or juvenile facility.

Lockup: A facility that contains holding cells, 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.

Detainee: Any person detained in a lockup, regardless of adjudication status.

Employee: A sworn member or civilian who works directly for the Department of State Police.

PREA Coordinator: A management level employee that oversees, develops, implements, Department efforts to comply with the PREA standards.

Reporting

The Department shall require all employees to immediately report to their immediate supervisor:

- Any knowledge, suspicion, or information regarding an incident of detainee sexual abuse or sexual harassment that occurred within a Department lockup;
- Any retaliation against detainees or Department employees who reported such an incident; and
- Employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.

The Department shall ensure:

- Employees take immediate action to protect the detainee from substantial risk of imminent sexual abuse;
- That an administrative or criminal investigation is completed for all allegations of detainee sexual abuse and sexual harassment;
- Alleged detainee sexual abuse or sexual harassment incidents, including third-party and anonymous reports, are reported to designated investigators;
- Detainees are informed of at least one way to report sexual abuse and 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; and
- Investigators have received special training in sexual abuse investigations pursuant to Code of Federal Regulations (CFR) 28 § 115.34.

The Department shall adhere to the following requirements in regards to detainee allegations of sexual abuse and sexual harassment:

- The responsibility to investigate any allegations of detainee sexual abuse and sexual harassment according to Policy and Procedure PRI-07A *Detainee Sexual Abuse or Sexual Harassment Investigations*;
- Follow uniform evidence protocol that maximizes the potential for obtaining usable physical evidence;
- Develop an internal protocol appropriate for juveniles detainees where applicable;
- Offer all victims access to forensic medical examinations performed by Sexual Assault Forensic Examiners or qualified medical practitioner;
- Attempt to make a victim advocate from a rape crisis center available to the detainee; and
- Accompany the victim through the forensic medical examination process and interviews.

Abuse Reports from Outside Facilities/Agencies

The Department shall ensure when an employee receives an allegation that a detainee was sexually abused while confined at another facility, the employee shall notify through channels:

- The Colonel/Superintendent; and
- The Department PREA Coordinator.

Colonel/Superintendent shall:

- Notify the head of the facility or appropriate office of the agency where the alleged abuse occurred;
- Make notification, as soon as possible, but no later than seventy-two (72) hours after receiving the allegation; and
- Document such notification.

Department Custody Investigations

While in Department custody, the investigation of any allegations of detainee sexual abuse and sexual harassment, Department Investigators shall:

- Investigate any allegations of detainee sexual abuse and sexual harassment according to Policy and Procedure PRI-07A *Detainee Sexual Abuse or Sexual Harassment Investigations*;
- Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data;
- Interview alleged victims, suspected perpetrators, and witnesses;
- Review prior complaints and reports of sexual abuse and sexual harassment involving the suspected perpetrator;
- Notify their Division Commander through channels of the possible outcome when the evidence appears to support criminal prosecution; and
- Make available to the Department and/or requesting agency relevant information regarding the status of an investigation in order to inform the detainee.

When an investigation into allegations of detainee sexual abuse and sexual harassment results in a possible outcome that may support criminal prosecution, the Colonel/Superintendent shall:

- Ensure the Department's investigation is turned over to the District Attorney's Office of jurisdiction.

Training

The Department shall ensure employees who may have contact with lockup detainees:

- Adhere to the Department's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment;
- Ensure compliance with relevant laws related to mandatory reporting of sexual abuse; and
- Annually review the PREA Standards Bulletin posted to DocuShare.

**Training
Records**

Members who receive special training in sexual abuse investigations pursuant to Code of Federal Regulations (CFR) 28 § 115.34 shall:

- Adhere to Policy and Procedure TRN-01 Training Administration; and
- Forward copies of training certificates or record of attendance for non-Department training to:
 1. The State Police Academy (SPA);
 2. Their Station/Section/Unit Commanding Officer who shall place such certificate or record into their Individual Training File; and
 3. The Department's PREA Coordinator.

**PREA
Coordinator**

The Colonel/Superintendent shall:

- Designate a Detective Captain within Division of Investigative Services as the PREA Coordinator; and
- Ensure the PREA Coordinator has the authority to develop, implement, and oversee the Department's effort to comply with the PREA standards in all Department lockups.

The PREA Coordinator shall:

- Annually submit a status report of PREA compliance standards, investigative training requirements and reported/investigated incidents to the Colonel/Superintendent;
- Detail any corrective action required to ensure compliance with the PREA standard; and
- Keep a current list of members who receive special training in sexual abuse investigations pursuant to Code of Federal Regulations (CFR) 28 § 115.34.

References

Prison Rape Elimination Act (PREA) 28 CFR 115
 Policy and Procedure TRN-01 Training Administration
 Policy and Procedure PRI-07A Detainee Sexual Abuse or Sexual Harassment Investigations
 Department of State Police Bulletin on PREA Standards

Promulgated By: