

Personnel Policies

Policy #	442	
Sections:	Personnel	Effective Date: Sep 25, 2019
Title:	Prison Rape Elimination Act	Review Date: Aug 20, 2022

442 Prison Rape Elimination Act (PREA)

Policy

All staff, volunteers, interns, contractors and Pre-Release clients will be bound by the provisions of the Prison Rape Elimination Act of 2003 (PREA) and Kentucky CPP 14.7 “Sexual Abuse/Assault Prevention and Intervention Programs”

Procedure

The Prison Rape Elimination Act of 2003 supports the elimination, reduction and prevention of sexual assault and rape within corrections systems. The act applies to all federal, state and local prisons, jails, police lock-ups, private facilities and community settings, such as residential facilities. The PREA Act and this policy are applicable to both staff and clients. All staff and clients must sign and date the Transitions Inc. “Policy on Prison Rape Elimination Act” which prohibits the following behavior:

1. Rape (Sexual Assault)
 - a. Under PREA, rape (sexual assault) is disaggregated into two (2) categories of sexual violence:
 - i. Nonconsensual Sexual Acts: 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 vagina or the penis and the anus, including penetration, however slight, or contact between the mouth and the penis, vagina or anus, or penetration of the anal or genital opening of another person by a hand, finger or other object.
 - ii. Abusive Sexual Contacts: 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 the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
2. Staff Sexual Misconduct
 - a. Includes any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor, or other agency representative. Sexual relationships of a romantic nature between staff and inmates are included in this definition. In addition, staff are required to follow the provisions of Transitions Inc’s. “Non-Fraternization” policy.
 - b. Consensual or nonconsensual sexual acts including: intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent

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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 sexual gratification.

3. Staff Sexual Harassment
 - a. Includes repeated verbal statements or comments of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative.
 - b. Demeaning references to gender or derogatory comments about body or clothing; or repeated profane or obscene language or gestures
4. Program Directors serve as "PREA Managers" for each facility. The agency also has a PREA Coordinator, who ensures that the agency is in compliance with all PREA regulations. New employees, Interns and Volunteers shall receive extensive training upon hire. Employees will then receive ongoing training at staff meetings, at least quarterly. The agency shall be audited once every 3 years to ensure compliance with the law.
5. Also see the agency "Action Plan", "Agency PREA Policy" and the "Staffing Plan" for each facility.