



**Bluegrass Career Development Center
Institutional Policy and Procedure 26.2
Prison Rape Elimination Act: Reference Kentucky Corrections Policy and
Procedures 14.7**

POLICY

BCDC will adhere to Corrections Policy and Procedure 14.7 Sexual Abuse Prevention and Intervention Programs. BCDC is an all-male facility.

BCDC has a zero tolerance for any sexual misconduct of any kind between residents or between residents and staff.

Any female staff that enters the BCDC restrooms and showers shall knock and announce herself prior to entering these areas each time. Any female who enters the dorm area shall announce that a female is on the floor to give all residents of the opposite genders notice to govern themselves accordingly.

BCDC staff who receives a report from a resident or by any means concerning any type of sexual misconduct by residents, staff members, or anyone shall immediately notify the Administrative Staff. Staff shall not divulge any information received or gained. Administrative staff shall refer the allegations in writing to the BCDC PREA Investigator.

Following a residents allegation that he or she has been sexually abused by another resident, BCDC shall inform the alleged victim whenever: BCDC learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility, or learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

Any violations may be reported to the email address listed as (thebrrc.com). No identifying information is required or needed to report any violation. Under no circumstance shall any

BCDC staff attempt to investigate allegations of sexual misconduct by residents or staff. Investigators shall prepare a written report of facts. A resident who files a false or frivolous allegation which has been investigated and found to be without merit shall receive disciplinary action.

Any report from a resident of sexual misconduct which may have occurred at the resident's sending facility shall be documented. The Director shall notify the sending facility's Warden or Director within 72 hours of receiving the information. The information shall be documented and retained showing that the information was provided to the Facility in question.

If an allegation is received in which the victim is under the age of 18 or considered a vulnerable adult under a state or local vulnerable person's statute, BCDC shall report the allegation to the state or local services under applicable mandatory reporting laws.

Any staff member found to be in violation of PREA Standards which has been substantiated shall be reported to Relevant Licensing Agencies. BCDC shall ensure that all allegations of sexual harassment and sexual abuse shall be referred for administrative or criminal investigations. All allegations involving criminal conduct shall be referred to the Kentucky State Police. BCDC shall fully cooperate with any outside investigations and attempt to remain informed on the status of the investigation.

All completed investigations shall be requested for records and notifying parties included. Any employee who is separated from employment for any reason shall not provide a basis for terminating an investigation.

Unless prohibited by law, BCDC 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.

BCDC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Residents shall be informed or notification attempts of the actions taken of substantiated sexual abuse cases which shall be documented and maintained for record keeping purposes. BCDC shall request corresponding notification from investigations conducted by Probation & Parole in order to inform the resident. If a resident is released from custody the obligation to report is terminated.

No staff member or resident shall be retaliated against in any form for reporting sexual harassment, abuse, or cooperating with sexual allegation investigations. Administrative staff shall have the responsibility of monitoring and enforcing this directive for a period of 90 days following an allegation by a resident or staff member. Administrative staff shall complete the Sexual Allegation Monitoring Form following the 90 days or prior if the need arises. The

monitoring shall exceed the 90 days if there is sufficient evidence to mandate the extension however; the obligation to monitor shall terminate if it is determined that the allegation is unfounded.

Staff shall be subject to disciplinary action up to and including termination for violations of sexual abuse or sexual harassments policy. Staff may be subject to verbal or written reprimands, unpaid leave, and or termination based on the violation other than actual engagement in sexual abuse and staffs prior disciplinary history. Any contractor or volunteer who has engaged in any form of sexual abuse or harassment shall be permanently barred from the facility.

Staff, contractors, and volunteers shall undergo background checks every five years. During the hiring process staff will undergo background checks and considerations shall be applied concerning any incidents of sexual nature when hiring or promoting staff. Further any material omissions or provisions of materially false information shall be grounds for termination.

All medical and physiological staff contracted shall be required to report any sexual abuse reported to them. Reports shall be forwarded to BCDC PREA Coordinator and or the Director. All residents shall be made aware of the obligation of the medical and physiological staff.

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. No resident shall be required to submit to a polygraph or any type of truth-telling device as a condition of filing an allegation.

Residents shall be subject to the Kentucky Department of Corrections disciplinary process for any violations of this policy.

I. Training:

- A.** All BCDC staff shall receive PREA Training as required by 28 C.F.R. 115.31 annually. Training is in accordance with C.P.P. 14.7.
- B.** As required by 28 C.F.R. 115.31 all Volunteers, Community Work Supervisors, and Contracted Medical staff shall receive annual training in accordance with C.P.P. 14.7
- C.** 28 C.F.R. 115.34 – 28 C.F.R. 115.71 Director or Facility Assistant Director shall conduct all PREA Investigations pertaining to Resident to Resident. Resident to Staff investigations shall be conducted by Probation and Parole staff.

- D.** BCDC Health Care Providers has received training in accordance with Standard 28 C.F.R. 115.35. Training documentation is on file for all staff, volunteers, and contractors.

- E.** BCDC Residents may receive support and counseling services from:
Bluegrass.org/Madison County 415 Gibson Ln Richmond, KY 40475 Phone: 859-623-9367 – 24 hour access hotline 1-800-928-8000

- F.** All BCDC residents who may become victims of sexual abuse shall have access to Baptist Health Forensic Medical Staff (SANE Nurses) in Richmond, KY. There will be no cost the residents.

- G.** Per Standard 28 C.F.R. 115.33 all residents shall receive a resident handbook upon intake which addresses BCDC stance on the sexual abuse of zero tolerance policy. Information provided educates residents of the processes that may be taken to inform staff of any and all violations concerning sexual abuse and how this information may be relayed. Residents shall be verbally addressed concerning this process upon intake. Each Tuesday at 9:15 PM the PREA Training video shall be played throughout the facility which addresses the prevention of sexual abuse, self-protection, and receiving treatment and counseling. Residents and employees have the right to be free from sexual abuse, harassment, and retaliation for reporting and or assisting in investigations which may occur.

- H.** BCDC has posters placed throughout the facility which addresses Sexual Abuse. BCDC has information concerning sexual abuse written in large print, video and audio and in braille for individuals who may be visually impaired. BCDC also has information written in Spanish and has an interpreter on call as needed. Translator information is within the PREA Container. All information shall be available to residents at all times. BCDC PREA policy is published on the BCDC website.

- I.** The BCDC Counselor shall conduct a Risk Assessment within 72 hours of intake and shall be reassessed 30 days from intake date. This process shall be documented within the Kentucky Offender Management System. Further a reassessment shall be conducted when a referral request, an incident, or any pertinent information is received. Based on the risk assessment the residents shall be placed in an area in direct site of camera view for continued viewing based on the risk assessment. Further work, education, program classes, etc. shall be considered in keeping high risk victims and abusers separated as much as possible.

II. Evidence Collection:

A. BCDC shall utilize a PREA evidence collection kit which shall be located within the Monitors' Station. The kit shall have the following items within:

1. Paper bags for clothing collection in which each item shall be placed in a separate bag. Each bag will be tagged with name, date, time, identity of item, and a completed chain of evidence form attached.
2. Clean white sheets shall be used to have resident stand on while they undress for collection. Upon completion the sheet is to be placed in a paper bag with the same info listed in 1.
3. Paper gowns will be used when appropriate.
4. Chain of evidence forms will be used appropriately and placed on each item followed by an incident report.
5. Section one of the Sexual Offense Allegations Reporting Form shall be completed. Section Two shall be completed by the PREA Investigator.
6. Copy of C.P.P. 14.7 Sexual Abuse Prevention Policy
7. PPE equipment
8. Paper tape
9. Containment tape to seal off crime scene areas if required.
10. Digital camera also available at all times within staff office.
11. All forms and policies shall be within the PREA Evidence Collection Kit.

III. Sexual Allegation Procedure IPP 26.2

A. If a sexual allegation complaint is received by a staff member that a resident has been abused in any way staff will immediately place the resident in the conference room under video surveillance behind a locked door. The alleged perpetrator shall be placed in the Intake Office with a staff member maintaining constant supervision.

B. Staff shall immediately notify Administrative staff once the residents have been separated. No information shall be given out past the extent necessary. Administrative Staff will begin the process of determining the plan of action for BCDC. Administrative Staff will begin the notification process to have the residents transferred and/or transported to Baptist Health in Richmond, KY. The state CSC Coordinator, Parole Officer, Director, and the BCDC PREA Investigator shall be immediately notified. Residents shall be notified in a timely manner of access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care, where medically appropriate. Follow up services, treatment plans, and referrals for continued care following transfer to custody or release. Services

shall be consistent with community level care. Resident victims of sexual abuse during incarceration shall be offered testing and treatment at no cost regardless whether the resident cooperates with the investigation.

- C. Administrative staff shall begin calling in additional BCDC staff to assist with the situation and to return the facility to normal operations as soon as possible.
- D. The On-Duty staff member will then begin securing any possible crime scene, evacuating the area, gathering evidence, taking photos, securing property and maintaining pertinent documentation until additional staff arrive. The PREA Kit located in the Monitors' Station shall be utilized as needed to assist staff.
- E. BCDC shall conduct an incident review upon the conclusion of all substantiated sexual abuse incidents within 30 days of completion by line staff, supervisors, investigators, medical, and mental health staff involved in the incident. Any discrepancies shall be addressed immediately. Any recommendations for improvement shall be documented and considered for implementation by the Director. Recommendations for improvements not acted upon shall be documented and justified if they are not implemented.
- F. The review team shall consider the following:
 - 1. Consider whether the allegation or investigation indicated a need to revise policies or practices 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; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
 - 3. Examine the area in the 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 by staff.
 - 6. Prepare a report of its findings, including determinations made from sections 1-5 and any recommendations for improvement and submit the report to the facility head and PREA compliance manager.
 - 7. The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.

BCDC shall attempt to have a mental health evaluation done on all known resident on resident abusers within 60 days of becoming aware of the abuse and offer treatment when deemed appropriate by mental health staff.

- G. Sexual Abuse Data:

Data shall be collected for every allegation of sexual abuse using the PREA investigating screens in KOMS designed to contain the data necessary to answer all questions for the Survey of Sexual Violence requested annually from the Department of Justice for the set of definitions established in 28 C.F.R. §115.5 and 28 C.F.R. §115.6. All data collected shall be securely retained. 2. Each facility shall document the number of allegations, completed investigations, Sexual Abuse Incident Reviews, offender notifications and outside SANE or SAFE exams on a monthly report. The monthly report shall be submitted monthly to the central office PREA Coordinator along with the facilities tracking spreadsheet. 3. All data from available incident-based documents related to allegations of sexual abuse shall be collected, reviewed, and maintained as needed.

BCDC shall maintain sexual abuse data indefinitely pursuant 115.287.

- H. BCDC shall maintain, review, and collect data as needed from all available incident-based documents including reports, investigations files, and sexual abuse incident reviews.
- I. Upon request, BCDC shall provide all data from the previous calendar year to the Department of Justice no later than June 30.

IV. Staff Training and Awareness of Transgender and Intersex Population

1. All new employees shall receive familiarity training to the transgender and intersex population during PREA training.
2. The BCDC shall include transgender and intersex population awareness training during the yearly PREA training.
3. The BCDC shall provide training to security staff on how to conduct cross-gender pat-down searches and searches of transgender and intersex residents. Searches shall be documented.
4. All volunteers and contractors who have contact with residents shall also be familiar with their responsibilities regarding transgender and intersex populations in accordance with BCDC policies.
5. Transgender and intersex residents shall be given the opportunity to shower privately from other residents.
6. Transgender and intersex residents shall be given as much privacy as possible without jeopardizing the safety of the resident and the safety and security of the facility during shower periods. Staff shall verbally announce their selves upon entry into the restroom and shower areas.

7. BCDC staff shall conduct themselves in a professional manner when interacting with the residents during this process
8. BCDC staff shall not search or physically examine transgender or intersex residents for the sole purpose of determining genital status. As noted in PREA Standard 28 C.F.R. 115.15(e) if a resident's genital status is unknown, BCDC may determine it through conversations with the resident, 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.
9. Security staff shall conduct these searches in a professional and respectful manner. The least intrusive manner possible and consistent with security needs will be utilized.
10. Providing a transgender request a transfer to a female facility BCDC would forward this request to the KDOC for consideration in the best interest and the wellbeing of the resident.
11. BCDC shall not house gay, bisexual, transgender, intersex, race, religion, or any other group of residents in certain areas of the facility.

