

City of St. Louis Department of Public Safety / Division of Corrections  
**POLICY & PROCEDURES**

<b>CHAPTER:</b>	1	Institutional Operation	<b>1. 3. 24</b>
<b>SECTION:</b>	3	Security and Control	<b>EFFECTIVE DATE:</b> 3 / 18 / 20
<b>SUBJECT:</b>	24	<b>Prison Rape Elimination Procedure</b>	
<b>STANDARDS: ACA – 4 – ALDF: <a href="#">2A-29</a>, <a href="#">4D-22-2</a>, <a href="#">4D-22-5</a>, <a href="#">4D-22-7</a>, <a href="#">4D-22-8</a>, <a href="#">4D-22-8</a></b>			
<b>APPROVED:</b>			<b>REVIEW DATE:</b> 3 / 18 / 20
Dale Glass <b>COMMISSIONER OF CORRECTIONS</b>			<b>REVISION DATE:</b> 3 / 31 / 20
Rescind: 1.3.26 dated 5/13/15 Cancel:			

**I. POLICY**

It is the policy of the St. Louis City Division of Corrections to maintain an environment free from the threats of sexual misconduct for all inmates. The Division maintains a zero-tolerance policy regarding sexual abuse and sexual harassment.

**II. RESPONSIBILITIES**

All Division of Corrections’ staff, contractors, volunteers, and inmates are responsible for adhering to the following procedures.

**III. DEFINITIONS**

**Abuser:** A high risk inmate who has been found guilty of committing one or more instances of sexual abuse in an institutional setting.

**Divisional PREA Coordinator:** The Staff person designated by the Appointing Authority to oversee the Division efforts to comply with PREA standards in all facilities. The Divisional Coordinator is the liaison for the City Justice Center and the Medium Security Institutions, and will monitor, track, and maintain statistics of sexual assault/rape and sexual misconduct in the Division, as well as conducting reviews and audits to ensure compliance with PREA Standards (115.11(c)).

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**Facility PREA Compliance Officer:** An individual designated by the Appointing Authority/designee in each facility to coordinate the facility efforts to comply with PREA standards. The facility's PREA Compliance Officer will work collaboratively with the Divisional PREA Coordinator to achieve overall PREA compliance.

**PREA Review and De-Briefing Team:** A team comprised of designated DOC individuals charged with the responsibilities of reviewing allegations of sexual abuse or misconduct.

**Sexual Abuse:** Any behavior or act of a sexual nature, or any attempt, threat or request for same, directed toward an inmate by an employee, contractor, or volunteer, which may include one or more of: 1) Sexual Conduct, 2) Sexual Contact, 3) Voyeurism, or, 4) Indecent Exposure; or any behavior or act of a sexual nature if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse, directed toward an inmate by another inmate which may include one or more of: (1) Sexual Conduct or (2) Sexual Contact.

**Sexual Contact:** Any touching of another person, including without limitation the thigh, genitals, buttocks, pubic region, breast, for the purpose of sexually arousing or gratifying either persons.

**Sexual Conduct:** Sexual intercourse, anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, except in relation to official duties; the insertion of any part of the body with any instrument, apparatus, or other object. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

**Sexual Harassment:** Unwelcome or offensive sexual advances, requests or demands for sexual favors, or conduct of a sexual nature including touching, pushing, back rubs, grabbing, kissing, pinching, brushing up against, or other physical contact of a sexual nature by one inmate toward another, or to an inmate by a staff member, contractor, vendor or volunteer. (See for example, Dept. of Personnel AR No. 113).

**Sexual Misconduct:** Sexual Misconduct: Any behavior or act of a sexual nature directed toward an inmate by an employee, contractor, or volunteer or other inmate which may be Sexual Harassment, Sexual Abuse or a combination of both as defined in this policy.

**Sexual Predator:** An inmate who has been convicted in a criminal proceeding or an administrative proceeding for an act of sexual assault/rape or, an inmate who is identified as such through the disciplinary hearing process or is identified as a sexual violent predator pursuant to an assessment by a mental health professional.

**Unfounded Allegation:** Means an allegation that was investigated and determined not to have occurred.

**Victim:** An inmate who has made allegation of being the victim of sexual abuse.

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**Voyeurism:** The invasion of privacy of inmates by staff, contractor, or volunteer for reasons unrelated to official duties requiring the inmates to expose their buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of any inmate performing bodily functions.

**Zero Tolerance:** The practice of not permitting sexual behavior from inmates, staff, contractors or volunteers to persist by applying immediate consequences for prohibited sexual conduct or incidents of retaliation related to the reporting of any prohibited act of prohibited sexual conduct.

### **IV. PROCEDURES**

#### **A. General Information**

1. The Division prohibits all forms of sexual contact between staff and inmates, inmate-on inmate, and inmates and contractors, or volunteers. (28 CFR: 115.11(a), 115.211(a). All allegations of sexual misconduct and/or retaliation against persons who report sexual misconduct will be administratively and/or criminally investigated, (115.22).
2. The Appointing Authority appoints the institutional PREA Coordinator, (28 C.F.R. 115.11(c); 115.111(b).
3. An inmate may report allegations of PREA or retaliation by other inmates or staff verbally or in writing to any staff, contractor, volunteer, or any person outside the Division; or to the Toll-Free Hot-Line number provided to the victim: (1-800-656-4673)
4. Inmate may report staff indifference or violation of PREA process that may have contributed to incidents of sexual misconduct.
5. The Appointing Authority/designee will advise inmate in writing of the outcome of the investigation of the alleged sexual abuse. If the investigation reveals that inmate made false allegation, the Division takes appropriate disciplinary action. Inmate may be referred for criminal prosecution.
6. All incidents of sexual misconduct witnessed by, or allegations brought to the attention of, staff, contractor, or volunteer must be immediately reported to the Divisional PREA Coordinator / Facility PREA Compliance Officer verbally and in writing. (See Policy #3.1.10 – Incident Reporting).
7. Retaliation by anyone for reporting a complaint of sexual misconduct, or misleading any person in making such a report; or becomes uncooperative in the

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investigation of such a complaint regardless of the merits or disposition of a complaint is prohibited.

8. There is no "consensual sex" in the Division of Corrections. Any allegation will be referred to St. Louis Metro Police Department.

**B. Inmate Orientation and Education, (115.33)**

1. All inmates will receive written/verbal orientation on PREA during initial intake and housing unit orientation, (115.116); DOC policy #3.5.4: Inmate Orientation.
2. Inmates will sign the facility orientation sheet. The Caseworker will make a journal entry in the IJMS. The signed sheet will be forwarded to PREA Coordinator who maintains it in accordance with applicable law.

**C. Inmate Housing/Monitoring**

1. Inmates that have been sexually victimized will be placed in temporary administrative segregation unit until proper housing assignment can be determined by caseworkers as provided in policy #3.6.1: Classification.
2. If housing assessment cannot be made immediately, the inmate will be placed in temporary administrative segregation housing for no more than 24 hours while completing the assessment, (28C.F.R 115.43(a)).
3. Inmates placed in segregated housing for this purpose will have access to programs, privileges, education, or work opportunities to the extent possible. If opportunity is restricted, the reason for such restriction, and the duration of the restriction will be documented (115.43(b); DOC Policy # 3.4.1: Administrative Segregation and Protective Custody.

**D. Staff Reporting Procedure: Sexual Assault/Rape or Sexual Misconduct**

1. If a staff member, contracted staff, or a volunteer receives information, regardless of its source, concerning sexual abuse, assault/rape or sexual misconduct; or observes an incident of sexual assault/rape or sexual misconduct, the person will:
  - a. Verbally report the information directly to any on-duty supervisor immediately.
  - b. Submit a written report to the Supervisor who forwards it to appropriate authority. All reports are kept confidential.
2. Anyone with knowledge, suspicion, or information including incidents of retaliation, staff neglect or violation of responsibilities that may have contributed to an incident or retaliation, must report and complete an Incident Report.

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(115.51(c), 115.251(c), 115.61(a), 115.261(a); DOC policy #3.1.10..

3. During non-regular business hours or holidays, allegations of sexual conduct must be reported to the Supervisor who immediately notifies the Officer of the Day. (See policy # 1.1.16: Officer of the Day).
4. Upon notification, the Commissioner/designee will be responsible for initiating a timely investigation into the allegation or incident. The Director of Public Safety will be notified. As appropriate, the Commissioner/designee will refer investigation to an agency with legal authority to conduct criminal investigations.

**E. Responding to Allegations of Sexual Assault/Rape**

1. The Supervisor or official receiving report of sexual assault/rape or sexual abuse will immediately notify the Medical Unit.
2. The Supervisor will utilize a check list for documenting action steps taken in response to an incident of sexual assault/rape or sexual act, (See DOC Form #1.3.24-A); as well as complete and attach (DOC Form #1.3.24B-B: PREA Incident Form) to an Incident Report along with other relevant attachments.
3. The Supervisor will be responsible for conducting the initial questioning and relaying the information to designated individuals.
4. Isolating Involved Parties (115.64; 115.264):
  - a. The alleged perpetrator/assailant will be isolated with no communication capabilities or contact until interviewed by the police or the facility investigators.
  - b. The alleged victim will be placed on temporary segregation pending the outcome of the investigation, 115.43 (a).
5. The area where the alleged assault/rape took place will be treated as a crime scene, (See Policy # 3.1.28: Crime Scene Management and Evidence Handling).

**F. Treatment of Victims**

1. Inmate victim will be taken to the facility's Medical Unit immediately for medical assessment/intervention, and immediately transported to Hospital for evidence collection, (115.82(a), and 115.282(a). The St. Louis Metro Police will be *notified*.
2. Inmate victims will be referred to Mental Health for treatment/counseling, (See Policy #4.2.18 Mental Health). A referral to medical Unit may be made by any staff member during any step of this process.

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3. Staff member victims will be immediately transported to a local medical facility for necessary medical care and the collection of evidence. The St. Louis Metropolitan Police will be notified per policy #3.1.10: Incident Reporting.
4. Inmate victim, after treatment, will be placed in temporary administrative segregation housing and without undue delay housing unit assessment will be made to determine proper Housing Unit assignment. (See Procedure B, item #2 of this policy).

**G. Investigation**

1. The Appointing Authority/designee will initiate the investigation into allegations, including third-party and anonymous reports, to be conducted promptly, thoroughly, and objectively (115.71(a), 115.271(a)). Any action taken will be documented.
2. The Investigators will produce an investigative report within thirty (15) calendar days of the conclusion of the interviews unless granted an extension by the Detention Center Superintendent, (115.72).
3. When an authorized agency conducts the investigation, the Division will cooperate with the investigators and will receive periodic up-date of the investigation, (115.71(l), and 115.271(l)).

**H. PREA Review & De-briefing TEAM**

1. The Division establishes PREA Review and Debriefing Team which consists of the following:
  - a. The Divisional PREA Coordinator,
  - b. The Detention Center Superintendent,
  - c. The Chief of Security/designee,
  - d. Any Designated Victim Support Person,
  - e. A Custody Line Supervisor,
  - f. The investigators,
  - g. The Medical and Mental Health Practitioners, and
  - h. A Policy Committee member.

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2. The Divisional PREA Coordinator will conduct sexual abuse review at the conclusion of every investigation. If an allegation has been determined to be unfounded, no review needs to be completed, (115.86(a), and 115.286(a)).
3. The PREA Review and De-briefing Team will, (115.86(d), 115.286(d) :
  - a. Consider whether the allegation or investigation indicates a need to change policy and procedures.
  - b. 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.
  - c. Assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology can be deployed or augmented to supplement supervision by staff.
  - d. Prepare a report of findings, including but not limited to determinations made above, and any recommendations for improvement and submit such report to the Detention Center Superintendent who forwards it to the Commissioner.

**I. Operational Issues, Supervision, and Monitoring**

1. Management will identify and eliminate blind spots that might be conducive to sexual misconduct or behavior within the facility.
2. When a reasonable suspicion exists that a staff member, volunteer or contractor is engaged in any act construed to be in violation of this policy the Detention Center Superintendent will be notified verbally and in writing.

**J. Data Collection/Tracking**

1. For tracking purposes, a copy of any written documentation regarding sexual assault/rape, sexual misconduct, sexual abuse, or sexual harassment in each facility will be forwarded to the facility PREA Compliance Officer who in turn forwards a copy of the report to the Divisional PREA Coordinator by the next business day following the incident or notification.
2. The Divisional PREA Coordinator will be responsible for compiling records and reporting statistical data to the Federal Bureau of Justice Statistics in compliance with PREA Act of 203; 115.87(b) and 115.287(b). Prior to making data available to the public, all personal identifiers will be removed from data aggregate,(115.87(e), 115.287(e), 115.89(b-c) and 115.289(b-c).

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3. All case records associated with claims of sexual abuse/assault will be retained in accordance with federal, state and local statutes, (115.89).

**K. PREA Annual Review and Audit**

1. Whenever necessary, but no less frequent than once each year, the Divisional PREA Coordinator will meet with Facility PREA Compliance Officers and Investigators to determine, and document whether adjustments are needed to the division's operating procedures and work rules with respect to (115.13(c)):
  - a. The Division's staffing plan;
  - b. Video monitoring systems;
  - c. Additional resources to augment staffing plan.
2. At the conclusion of the review, the Divisional PREA Coordinator will prepare an annual report of findings, recommendations and corrective actions for each facility and create a Divisional report. The report will include a comparison of the current year's data and corrective actions with those from prior year(s) and will provide an assessment of the Division's progress in addressing sexual assault/rape, sexual abuse, and sexual harassment.
3. The Divisional Report will be approved by the Appointing Authority/designee and made readily available to the public upon request through the Record Retention Unit and in accordance with Sunshine Request law.

**L Training**

1. All new employees, contracted staff, and volunteers that may have contact with inmates will receive instruction related to the Division's PREA Policy in their First- Year Training.
2. All other employees, contracted staff, and volunteers hired prior to the effective date of the approval and instituting of this Procedure and Work Rule will receive immediate training and annually thereafter or as directed by the appointing authority/designee. Training will include, but is not limited to:
  - a. The Division's zero-tolerance policy for sexual abuse and sexual harassment, (See Appendix A),
  - b. Responsibilities related to prevention, detection, reporting, investigation, and response to sexual assault/rape or sexual misconduct.



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- c. Recognition of signs of sexual assault/rape or sexual misconduct, sexual abuse and harassment, sensitivity to inmate allegations of sexual assault/rape or sexual misconduct, confidentiality, recognition of signs of predatory inmates and potential victims, staff involvement and reporting of incidents; and the prosecution of perpetrators.
3. Specialized training (115.34) will be provided to staff First Responders (Supervisors, Unit Managers, Chiefs of Security, investigators, etc.) who may respond to, be involve in, incidents of sexual assault/rape or sexual misconduct. This training may include, but is not limited to: techniques for interviewing sexual abuse victims, sexual abuse evidence collection in confinement setting, etc.
4. Additional specialized training may cover such topics as:
  - a. Common reaction of victims,
  - b. sensitivity to inmate allegations of sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment,
  - c. Inmates rights to be free from sexual victimization and to be free from retaliation for reporting such behavior,
  - d. How to communicate effectively with inmates and inmates with such attributes as lesbian, gay, bi-sexual; transgender, inter-sex, or gender non-conforming inmates.
  - e. Confidentiality,
  - f. Dynamics of sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment in confinement setting,
  - g. Recognition of signs of predatory inmates and potential victims,
  - h. Staff, contractors and volunteers' involvement with inmates and how to avoid inappropriate relationships with inmates,
  - i. Compliance with relevant laws related to mandatory reporting of sexual assault/rape, sexual abuse and sexual harassment; and
  - j. Consequences for failure to report.
  - k. Proper completion of various associated Forms.
5. To comply with federal statute (115.31(d)), (115.231(d)), (115.32(c)) and 115.232(c), all Divisional staff, contracted staff and volunteers having direct

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- contact with inmates will document through signature or electronic verification that they understand the training they have received.
6. To comply with (115.35(a)) and (115.235(a)) of PREA all full-and part time medical healthcare professionals and mental health clinicians contracted by the Division and who work regularly in the facilities will be trained, or document evidence of having been trained on:
    - a. How to detect and assess signs of sexual assault/rape, sexual abuse and sexual harassment,
    - b. How to preserve physical evidence,
    - c. How to respond effectively and professionally to victims of sexual assault/rape, sexual abuse and sexual harassment; and
    - d. How and to whom to report allegations or suspicions of sexual assault/rape, sexual abuse and sexual harassment.
  
  7. To comply with sub. sec. 115.34(a), 115.234(a), 115.71(b), 115.271(b), 115.34(c), 115.234(c), and 115.34(b) of PREA, Divisional Investigators will be trained or document evidence of having been trained on:
    - a. Conducting investigations of sexual assault/rape, sexual abuse and sexual harassment in confinement settings,
    - b. Interview techniques,
    - c. Evidence collection,
    - d. Criteria required to substantiate a case for administrative action or prosecution referral; and
    - e. Proper use of Miranda and Garrity Rights advisements
    - f. Documentation verifying completion of specialized training is required.