

DATE ISSUED: 02/27/2022	Somerset County Sheriff's Office Sheriff Darrin J. Russo Corrections Division	POLICY NUMBER: 29:06
LAST UPDATED:		ANNUAL REVIEW:
DATE EFFECTIVE: Immediately		PAGE: 1 of 4
REFERENCE: PREA – Prison Rape Elimination Act	SUBJECT: PREA – Response to Allegations	
ISSUED BY: Chief Frank J. Apisa	APPROVED BY: Warden Paul Kaminsky	

Purpose: The purpose of this policy is to establish the Somerset County Jail as a “zero tolerance” facility that prohibits harassment and sexual abuse in an effort to provide staff with key definitions, prohibited acts and general information regarding the prevention, detection and investigation of sexual harassment and sexual abuse in the facility.

Policy: The Somerset County Jail is a correctional facility with a “zero tolerance” for harassment and sexual abuse in accordance with the Prison Rape Elimination Act (PREA) of 2003 and the final PREA Standards adopted by the U.S. Attorney General in 2012. It is the policy of the Somerset County Sheriff's Office – Correction Division to safeguard inmates within the institution. Line uniformed personnel will most likely be the first responder to all forms of allegations related to inmate-on-inmate or staff-on-inmate sexual abuse. It is the policy of the Somerset County Sheriff's Office – Corrections Division that all staff will maintain a professional demeanor while responding to these allegations while following the below procedures.

Procedure:

- I. Staff First Responder Duties
 - A. Upon learning that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate. **(115.62)**
 - B. Upon learning that an inmate was sexually abused, the first custody staff member to respond to the report shall be required to: **(115.64)**
 1. Separate the alleged victim and abuser; Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence such as closing off crime scene to ensure not potential evidence is not tampered with; **(115.21)**
 2. Request the victim not take any actions that could destroy physical evidence including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating so long as the abuse occurred within a time period that still allows for the collection of physical evidence which is typically five (5)

- days; **(115.21)**
3. Ensure that the abuser does not take any actions that could destroy physical evidence including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating so long as the abuse occurred within a time period that still allows for the collection of physical evidence; **(115.21)**
 4. Treat the victim with respect and inform them of their right to seek immediate medical attention and notify the Office of Professional Standards.
 5. If the first staff member to respond to the incident is not a custody staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then immediately notify custody staff. **(115.21)**
 6. All inmates will be provided multiple ways of reporting sexual abuse and harassment and at least one way to report the incident to an entity NOT part of the Somerset County Corrections Division. All civil immigration inmates are provided with contact information for relevant consular officials and officials at the Department of Homeland Security. **(115.54)**
 7. Staff is required to accept and promptly report all allegations of inmate sexual abuse and harassment that are made either verbally, in writing, anonymously and from a third party. Staff shall promptly report all allegations of sexual abuse and harassment to their Shift Commander / Shift Supervisor and properly document the incident. In cases where the staff member may feel that it may be imprudent to report allegations of sexual abuse or harassment through normal chain of command, staff can privately report the allegation by contacting the Office of Professional Standards. **(115.61)**
 8. Inmates with disabilities and inmates who lack proficiency in the English language will have an equal opportunity to participate in the Somerset County Jail's efforts to prevent, detect and respond to sexual abuse or harassment. Meaningful access to all such efforts will also be given to inmates who lack proficiency in the English language. All materials afforded these inmates will be formatted appropriately to communicate written materials to those with disabilities. The use of inmate translators will not be allowed, except in exigent circumstances that would compromise the inmate's safety, the performance of any first responder or the investigation of the inmate's allegation. **(115.16)**

II. Supervisor / Shift Commander Responsibilities **(115.64)**

- A. Ensure the alleged victim is separated from their abuser;
- B. Ensure that the crime scene is preserved and protected for effective evidence collection by appropriate personnel;

- C. The area where the alleged sexual assault will be closed off. If the alleged sexual assault took place in a housing unit, that housing unit will be locked down, and the cell that the alleged sexual assault took place in will be closed off until investigated by appropriate personnel;
- D. Without unnecessary delay, attempts to ascertain the time frame the alleged sexual assault happened;
- E. Notify the jail administration (Chief and PREA Coordinator);
- F. Notify on-duty medical personnel and mental health providers. If a mental health provider is not on-duty, one is to be notified by medical staff for availability;
- G. Notify the Office of Professional Standards. The Office of Professional Standards will notify the Somerset County Prosecutor's Office who will notify and activate the Sexual Assault Response Teams (SART);
- H. The Office of Professional Standards will offer guidance to when the inmate should be transported to Robert Wood Johnson Medical Center – Somerset;
- I. Ascertain whether or not the alleged incident is of a criminal nature and if so, the Office of Professional Standards will notify the Somerset County Sheriff's Office; **(115.22)**
- J. If a victim refuses medical treatment, they must be interviewed by a member of the Classification Committee (Classification Supervisor, two records Officers, and Administrative Lieutenant) and PREA Coordinator or PREA Co-Coordinator;
- K. Ensure that inmate victims of sexual abuse are offered all available treatment and evaluation options in accordance this policy.

III. Coordinated Response **(115.65)**

- A. Coordinated actions shall be taken in response to an incident of sexual abuse in order to meet the needs and concerns of an inmate victim. The facility administrator shall, at his/her discretion, attempt to collaborate with SANE/SART offices to effectively evaluate the response to an incident of sexual abuse by the responding parties which include advocacy, first responders, medical and mental health providers, investigators, facility leadership, forensic nurse examiners etc. The SANE/SART Offices shall provide any input necessary to have a successful coordination of responses to future

incidents of sexual abuse.

1. Medical personnel at the Somerset County Jail are not permitted to conduct forensic medical examinations of inmates of sexual abuse.
2. Forensic medical examinations of inmate victims shall be performed by a Sexual Assault Forensic Examiners (SAFE) or Sexual Assault Nurse Examiners (SANE) at the Robert Wood Johnson Somerset Medical Center. The Somerset County Prosecutor's Office (SCPO) will be notified to activate the Sexual Assault Response Team (SART) and to send a SANE to the hospital to attempt to conduct a forensic medical examination of the inmate victim. Once the SCPO has notified the SANE they will respond to the hospital.
3. If available one of the transporting officers should have SART training. Law Enforcement Officers should never be in the exam room during the exam. Security should be outside of the exam room.

B. A suitable set of actions to affect a coordinated response shall include:

1. Assessing the victim's acute medical needs;
2. Informing the victim of his or her rights under relevant Federal or State law;
3. Offering the presence of a victim advocate during the exam;
4. Explaining the need for a forensic medical exam and offering the victim the option of undergoing one;
5. Interviewing the victim and any witnesses;
6. Collecting evidence; and,
7. Providing for any special needs the victim may have.