

	Department of Emergency Services and Public Protection	
	Administration and Operations Manual	
A&O Section # 19.03.30	<i>Subject:</i> Prison Rape Elimination Act (PREA) Standards and Procedures	<i>Revision Date:</i> March 6, 2024
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A. PURPOSE

- (1) The purpose of this policy is to provide guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation (28 CFR 115) that establishes standards to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees or prisoners in Connecticut State Police holding facilities and temporary detention areas.

B. POLICY

- (1) The Department of Emergency Services and Public Protection (DESPP), Division of State Police, has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Division of State Police will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.
- (2) The Division of State Police will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162)

C. DEFINITIONS

The following terms are defined *for purposes of this policy*:

- (1) **Contractor** — Means a person who provides services on a recurring basis pursuant to a contractual agreement with DESPP
- (2) **Detainee** — Means any person detained in a lockup, regardless of adjudication status.
- (3) **Inmate** — Means any person incarcerated or detained in a prison or jail.
- (4) **Intersex** — Means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. People with Intersex conditions should not be assumed to be Transgender.
- (5) **Lockup** — Means a facility that contains holding cells, cell blocks, or other secure enclosures that are:
 - (a) Under the control of a law enforcement, court, or custodial officer; and
 - (b) 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.
- (6) **PREA Coordinator** — A command-level, agency wide employee that develops, implements, and oversees agency efforts to comply with the PREA standards in all of the agency's lockups.

- (7) **Resident** — Means any person confined or detained in a juvenile facility or in a community confinement facility.
- (8) **Sexual Abuse** — Includes:
- (a) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
 - (b) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.
- (9) **Sexual Abuse of an inmate, detainee, or resident by another inmate, detainee, or resident** — Includes any of the following acts, 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:
- (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
 - (b) Contact between the mouth and the penis, vulva, or anus;
 - (c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - (d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- (10) **Sexual Abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer** — Includes any of the following acts, with or without consent of the inmate, detainee, or resident:
- (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
 - (b) Contact between the mouth and the penis, vulva, or anus;
 - (c) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - (d) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - (e) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - (f) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a) through (e) above;
 - (g) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident; and
 - (h) Voyeurism by a staff member, contractor, or volunteer.
- (11) **Sexual Harassment** — Includes:

- (a) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
 - (b) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- (12) **Staff** — Means people who work directly for DESPP.
- (13) **Transgender** — Means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
- (14) **Volunteer** — Means an individual who donates time and effort on a recurring basis to enhance the activities and programs of DESPP.
- (15) **Voyeurism by a staff member, contractor, or volunteer** — Means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

D. PREA COORDINATOR -- DESIGNATION AND RESPONSIBILITIES

- (1) DESPP, through the Office of the Deputy Commissioner / Colonel of the Division State Police, shall ensure that:
- (a) An upper-level employee is designated as the agency's PREA Coordinator.
 - 1. Normally, the Commanding Officer of the Bureau of Professional Standards or their designee shall be designated the PREA Coordinator, subject to the discretion of the Colonel.
 - (b) The PREA Coordinator has sufficient authority to develop, implement, and oversee the department's effort to comply with the PREA standards in all department lockups.
- (2) The PREA Coordinator shall:
- (a) Take necessary action to ensure the department's compliance with the PREA standards, subject to the approval of the Commissioner;
 - (b) Annually submit a status report of PREA compliance standards, investigative training requirements and reported / investigated incidents to the Commissioner;
 - (c) Detail any corrective action required to ensure compliance with the PREA standards;
 - (d) Review submitted staffing plans for all department lockup facilities
 - (e) Liaison with other units within DESPP in regard to necessary policy revisions and records retention matters pertaining to compliance with the PREA standards
 - (f) Ensure required audits of lockup facilities are arranged and conducted, in conjunction with affected troop/unit commanders, to the extent that such audits are applicable to the department's facilities.

- (g) Develop methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners
- (h) Develop a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department leadership to an incident of sexual abuse.

E. PREVENTION PLANNING

(1) Providing Notice

- (a) During the initial intake of a detainee into a department lockup facility, the processing trooper or police officer shall read to all detainees the PREA Notification which notifies all detainees of the following:
 - 1. The department's zero-tolerance policy for all forms of detainee sexual abuse and sexual harassment; and
 - 2. The availability of multiple ways for detainees to privately report sexual abuse and sexual harassment, retaliation by other detainees or staff for reporting sexual abuse or sexual harassment, including the ability to contact a non-affiliated entity to make such reports.
- (b) The notice is available on the PREA Notice and Screening Form DESPP-0103-C, and may be found electronically in the Records Management System (RMS). Troopers and police officers should ensure each detainee understands the notice as read to them.
 - 1. The notification shall be recorded on the PREA Notice and Screening Form DESPP-0103-C.
 - 2. If a detainee does not understand the notice as read to them, determine if translation services or other accommodation is needed as detailed in subsection (6) of this policy.

(2) Screening Detainees for Risk of Sexual Victimization and Abusiveness

- (a) All detainees shall be screened to assess their risk of being sexually abused by other detainees or sexually abusive toward other detainees.
 - 1. Troopers and police officers shall ask the detainee about his or her own perception of vulnerability; and
 - 2. The following criteria shall also be considered, to the extent that the information is available:
 - [a] Whether the detainee has a mental, physical, or developmental disability.
 - [b] The age of the detainee.
 - [c] The physical build and appearance of the detainee.
 - [d] Whether the detainee has previously been incarcerated.
 - [e] The nature of the detainee's alleged offense and criminal history.

3. The Prison Rape Elimination Act (PREA) Zero Tolerance Notice and Risk Assessment Screening shall be documented by completing the PREA Notice and Screening form DESPP-0103-C. The trooper or police officer conducting the screening shall sign the bottom of the form.

(3) **Supervision and Monitoring**

- (a) If after a risk assessment screening, as outlined in section E(2) above, any trooper or police officer determines that a detainee is identified as a vulnerable detainee, the trooper or police officer shall provide such detainee with heightened protection. Unless no such measure is determined to be feasible after consultation with the duty supervisor, such protection measures shall include (in order of preference):
 1. Single-cell housing;
 2. Continuous direct sight and sound supervision; or
 3. Placement in a cell actively monitored on video by an employee sufficiently proximate to intervene.

Such heightened protection measure(s) for the detainee shall continue to be employed for the duration of the detainment, and any post-screening transportation (i.e. prisoner transport) provided in a department vehicle or vehicle operated by a police officer under the jurisdiction and direction of the Division of State Police to or from court, a medical facility, a correctional center, or other entity.

(4) **Limits to Cross-Gender Viewing and Searches**

- (a) Troopers and police officers shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (Refer to A&O § 19.2.8).
- (b) Consistent with A&O § 19.01.17(4)d, detainees shall be enabled to shower, perform bodily functions, and change clothing without non-medical employees of the opposite gender viewing the detainee's breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.
 1. Employees of the opposite gender of the detainee shall announce their presence when entering an area where detainees are likely to be showering, performing bodily functions, or changing clothing.
- (c) Troopers and police officers shall not search or physically examine any a transgender or intersex detainee for the sole purpose of determining the detainee's genital status.

(5) **Juvenile and Youthful Detainees**

- (a) Juveniles and youthful detainees (under the age of 18) shall be held separately from adult detainees.

(6) **Detainees with Disabilities or Who are Limited English Proficient**

- (a) Detainees with disabilities include detainees who are deaf or hard of hearing, blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities.
- (b) Troopers and police officers shall take appropriate steps to ensure that detainees with disabilities or detainees with limited English proficiency have an equal opportunity to participate in or benefit from all aspects of the department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include:

1. When necessary to ensure effective communication with detainees who are deaf or hard of hearing, or who are limited English proficiency, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
 2. Providing written materials in formats or through methods that ensure effective communication with detainees with disabilities, including detainees who have intellectual disabilities, limited reading skills, or who are blind or have low vision.
- (c) Troopers and police officers shall not rely on other detainees for assistance with interpreting, reading, or similar activities except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the detainee's safety, the performance of first-response duties under section G of this policy, or the investigation of a detainee's allegations of sexual abuse, sexual harassment, or retaliation.
- (7) **Staffing Plan**
- (a) For each lockup under the control of DESPP, a documented staffing plan shall be developed that provides for adequate levels of staffing, and where applicable, video monitoring to protect detainees against sexual abuse. The following factors shall be taken into consideration in calculating adequate staffing levels and determining the need for video monitoring:
 1. The physical layout of each lockup;
 2. The composition of the detainee population;
 3. The prevalence substantiated and unsubstantiated incidents of sexual abuse; and
 4. Any other relevant factors.
 - (b) The commanding officer of any troop or unit that contains one or more lockup facilities shall devise the staffing plan.
 1. The staffing plan shall be sent to the PREA Coordinator for approval. A copy of the staffing plan shall be kept at the lockup facility.
 - (c) Whenever necessary, but no less frequently than once each year, the commanding officer of any troop or unit presiding over any lockup facility shall assess, determine, and document whether adjustments are needed to:
 1. The staffing plan;
 2. Prevailing staffing patterns;
 3. The deployment of video monitoring systems and other monitoring technologies in the lockup;
 4. The resources the lockup has available to commit to ensure adequate staffing levels
 - (d) Each time the staffing plan is not complied with for a particular facility, the commanding officer presiding over that lockup facility shall document and justify all deviations from the staffing plan and shall forward the document with justifications to the PREA Coordinator.

F. REPORTING OF DETAINEE SEXUAL ABUSE AND SEXUAL HARASSMENT

(1) **Detainee Reporting**

- (a) Detainees may report in multiple ways the following:
 - 1. Sexual abuse and/or sexual harassment that occurred within a department lockup;
 - 2. Retaliation by other detainees, department employees, or police officers under the jurisdiction and direction of the Division of State Police for reporting sexual abuse and/or sexual harassment; and
 - 3. Staff neglect or violation of responsibilities that may have contributed to such an incident.
 - (b) Staff shall accept reports made verbally, in writing, and anonymously.
 - 1. Any verbal reports of sexual abuse and/or sexual harassment shall be documented by means of a written incident report.
 - 2. Detainees shall be informed of at least one way to report sexual abuse or sexual harassment to public or private entity or office that that is not part of DESPP, and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to DESPP officials, allowing the detainee to remain anonymous upon request.
 - (c) All employees shall immediately report to the on-duty shift supervisor:
 - 1. Any knowledge, suspicion, or information regarding an incident of detainee sexual abuse and/or sexual harassment that occurred within a department lockup;
 - 2. Any retaliation against detainees, department employees, or police officers under the jurisdiction and direction of the Division of State Police who reported such an incident; and
 - 3. Any employee neglect or violation of responsibilities that may have contributed to an incident of retaliation.
 - (d) In addition to the requirements of this section, supervisors receiving such reports shall consider and comply with any other statutory mandatory reporting requirements of vulnerable populations, including:
 - 1. Neglected or abused children (Reference A&O § 19.05.06);
 - 2. Elderly persons age sixty (60) or older (Reference A&O §19.03.07); and
 - 3. Persons with Intellectual Disability or an individual who receives services from the Department of Social Services' Division of Autism Spectrum Disorder Services (Reference A&O § 19.03.25).
 - (e) Troopers, police officers, and any other staff shall not reveal any information related to a sexual abuse report to anyone other than the extent necessary to make treatment and investigatory decisions.
 - (f) All allegations of sexual abuse shall be forwarded to a designated sexual abuse investigator who shall investigate the allegation pursuant to section H of this policy. A Computer Aided Dispatch (CAD) Call for Service (CFS) number shall be created.
- (2) **Third Party Reporting**
- (a) All reports of sexual abuse and sexual harassment of detainees that are made from third parties shall be received and investigated.

1. This includes anonymous reports.

(3) **Staff and Department Reporting**

- (a) Staff, including police officers under the jurisdiction and direction of the Division of State Police, may privately report sexual abuse and/or sexual harassment by contacting the PREA Coordinator, filing a complaint with the Internal Affairs Unit, or utilizing the third-party contact phone number posted on the DESPP website.

(4) **Reports of Detainee Sexual Abuse at Other Confinement Facilities**

- (a) Upon any trooper or police officer in the course of his or her duties receiving an allegation that a detainee was sexually abused while confined at a non-department facility (e.g., a Connecticut correctional facility or Judicial lockup), the following individuals shall be notified through the chain of command as soon as possible:
 1. The Commanding Officer of the Troop area having operational responsibility for the facility in question; and
 2. The department PREA Coordinator.
- (b) Upon receiving such notification, the Commanding Officer of the Troop area having operational responsibility for the facility in question shall notify, or cause to be notified, the head of the facility or appropriate office of the agency where the alleged abuse occurred (e.g., Department of Correction (DOC) PREA Unit, Chief Judicial Marshal, etc.), according to any existing protocol arrangements.
 1. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation; and
 2. Such notification shall be documented using a method prescribed by the PREA Coordinator.

G. FIRST RESPONDER RESPONSIBILITIES

- (1) Upon learning of an allegation that a detainee was sexually abused, the first trooper or police officer to respond to such report shall:
 - (a) Separate the alleged victim and abuser;
 - (b) Take immediate action to protect the detainee from substantial risk of imminent sexual abuse;
 1. Contact a supervisor to determine further actions to protect the detainee
 - (c) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, *request* that the alleged *victim* not take any actions that could destroy physical evidence, including, as appropriate:
 1. Washing;
 2. Brushing teeth;
 3. Changing clothes;

4. Urinating;
 5. Defecating;
 6. Smoking;
 7. Drinking; or
 8. Eating.
- (e) If the abuse occurred within a time period that still allows for the collection of physical evidence, *ensure* that the alleged *abuser* does not take any actions that could destroy physical evidence, including, as appropriate:
1. Washing;
 2. Brushing teeth;
 3. Changing clothes;
 4. Urinating;
 5. Defecating;
 6. Smoking;
 7. Drinking; or
 8. Eating.

H. INVESTIGATIONS

(1) Criminal and Administrative Investigations

- (a) DESPP shall ensure that an administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
- (b) Investigators who have received special training in sexual abuse investigations pursuant to section N(6)a below shall be used when sexual abuse is alleged.
- (c) 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.
 1. When conducting investigations into allegations of sexual abuse within a department lockup, troopers and police officers shall follow uniform evidence protocol that maximizes the potential for obtaining usable physical evidence. Refer to A&O § 18.2.7 for additional details.
- (d) When a sexual abuse allegation is made, a forensic medical examination shall be offered to all victims, without financial cost, when evidentiary or medically appropriate.
 1. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs), where possible. If SAFEs or

SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. Efforts to provide SAFEs or SANEs shall be documented in the investigator's report.

2. If a detainee is transported for a forensic examination to a medical facility that offers victim advocacy services, the detainee shall be permitted to use such services to the extent available, consistent with security needs.
 3. When a sexual abuse allegation is made by a juvenile detainee, investigators shall ensure that developmentally appropriate protocols are implemented (e.g., Child Advocacy Center interviews, etc.)
- (e) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as detainee or staff.
1. Submission of a detainee who alleges sexual abuse to a polygraph examination shall not be used as a condition for proceeding with the investigation of such an allegation.
- (f) When the quality of evidence appears to support criminal prosecution, the department shall conduct compelled administrative interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (g) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- (h) Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
- (i) Administrative investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
1. Administrative investigations shall also include an effort to determine whether staff actions or failures to act contributed to the abuse.
- (j) The departure of the alleged abuser or victim from employment with the department or control of the agency shall not provide a basis for terminating an investigation.
- (2) **Retention of Reports**
- (a) DESPP shall follow the established retention schedule approved by the Connecticut State Library for sex crime case investigations.
- (3) **Evidentiary Standards for Administrative Investigations**
- (a) DESPP shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

I. COORDINATED RESPONSE PLAN

DESPP has implemented a coordinated response plan to ensure appropriate actions are taken in response to a lockup incident of sexual abuse.

- (1) If a victim is transferred from the lockup to a jail, prison, another agency's lockup, or medical facility, inform the receiving facility of the incident and the victim's potential need for medical or social services, unless the victim requests otherwise.

- (2) Other state agencies have documented procedures for notifying the State Police regarding incidents in their respective prisons or lockups so that appropriate investigative action can be taken by State Police personnel.
- (3) Victims shall have timely, unimpeded access to emergency medical treatment.
 - (a) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
- (4) Victims shall have access to other victim's services and other existing cooperative arrangements which the agency has for victim advocacy in accordance with A&O § 19.3.26.

J. PROTECTION AGAINST RETALIATION

- (1) Detainees and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation by other detainees or staff.
- (2) The commanding officer of any troop or unit that contains one or more lockup facilities shall ensure that multiple measures are employed for the protection against retaliation, such as the following:
 - (a) Removing alleged staff or detainee abusers from contact with victims.
 - (b) Providing emotional support services, whether through existing employee support programs or not, for staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigators.
- (3) The department shall monitor the conduct and treatment of detainees or staff who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. Commanders shall act promptly to remedy any such retaliation.
- (4) If any other individual who cooperates with an investigation expresses a fear of retaliation, the department shall take appropriate measures to protect that individual against retaliation.
- (5) The department's obligation to monitor shall terminate if the department determines that the allegation is unfounded.

K DISCIPLINE

- (1) **Staff Discipline**
 - (a) DESPP employees shall be subject to disciplinary sanctions up to and including termination for violating agency detainee sexual abuse or detainee sexual harassment policies.
 - (b) Disciplinary sanctions for violations of DESPP policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offense by other staff with similar histories.
 - (c) All terminations for violation of this policy, or resignations by staff who would have been terminated if not for their resignation, shall be reported to any relevant licensing bodies.

(2) Contractor and Volunteer Corrective Action

- (a) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees, a criminal investigation by the agency shall be initiated (unless the activity was clearly not criminal), and the sexual abuse shall be reported to any relevant licensing bodies.
- (b) The department shall take appropriate remedial measures and shall consider whether to prohibit further contact with detainees, in the case of any other violation of this policy by a contractor or volunteer.

(3) Referrals for Prosecution for Detainee-on-Detainee Sexual Abuse

- (a) When there is probable cause to believe that a detainee sexual abused another detainee in a lockup, the investigating trooper or police officer shall refer the matter to the appropriate prosecuting authority.

L. INCIDENT REVIEW AND DATA COLLECTION**(1) Sexual Abuse Incident Review Team**

- (a) DESPP shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- (b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- (c) The review team shall include the commanding officer of each district, commanding officer of the Training Academy or designee, and the PREA Coordinator.
 - 1. Input from line supervisors and investigating troopers shall be allowed.
- (d) The review team shall:
 - 1. Consider whether the allegation or investigation indicates a need to change policy or practice 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; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the lockup;
 - 3. Examine the area in the lockup 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; and
 - 6. The PREA Coordinator shall prepare a report of the review teams findings, including but not necessarily limited to determinations made pursuant to criteria reviewed above, and any recommendations for improvement, and submit such report to the commanding officer of the lockup and to the Office of the Colonel.

- (e) The recommendations for improvement shall be implemented at the lockup facility, or the reasons for not doing so shall be documented by the commanding officer of any troop or unit responsible for the lockup facility in question and forwarded through the chain of command to the PREA Coordinator.

(2) **Data Collection**

- (a) The PREA Coordinator shall ensure that accurate, uniform data for every allegation of sexual abuse at lockups under the direct control of the Division of State Police is collected.
 - 1. Such incident-based sexual abuse data shall be aggregated at least annually, and include, at a minimum, the data necessary to answer all questions from the most recent version of the Local Jail Jurisdictions Survey of Sexual Violence conducted by the Department of Justice and designated for lockups.
 - [a] Upon request, DESPP shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

(3) **Data Analysis**

- (a) The PREA Coordinator or authorized designees shall review the data collected in subsection L(2) above in order to assess and improve the effectiveness of the department's sexual abuse prevention, detection, and response policies, practices, and training, including:
 - 1. Identifying problem areas;
 - 2. Taking corrective action on an ongoing basis; and
 - 3. Preparing an annual report of its findings and corrective actions for each lockup, as well as the department as a whole.
 - [a] Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
- (b) The department's annual report prepared in subsection L(3)(a)3 above shall be approved by the Commissioner and made readily available to the public through the department's public web site.
 - 1. The department may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a lockup, but must indicate the nature of the material redacted.
- (c) The department shall make all aggregated sexual abuse data from lockups under its control readily available to the public at least annually, through the department's public web site.
 - [a] Before making any aggregated sexual abuse data publicly available, the department shall ensure that all personal identifiers are removed.

(4) **Data Retention**

- (a) DESPP shall ensure that data collected pursuant to subsection (L)2 above are securely retained.
- (b) DESPP shall maintain sexual abuse data collected pursuant to subsection (L)2 above for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

M. AUDITS OF STANDARDS

- (1) DESPP shall conduct audits pursuant to 28 CFR 115.401 through 28 CFR 115.405 of all lockup facilities operated by the department or under its direct control.
 - (a) Audits need not be conducted of individual lockups that are not utilized to house detainees overnight.
 - (b) The PREA Coordinator shall work in conjunction with affected troop/unit commanders to ensure required audits of lockup facilities are arranged and conducted.
- (2) For those department lockups that are subject to audits, at least one-third of each facility type operated by the department shall be audited in a one-year period starting August 20 and ending August 19.
 - (a) Each department lockup that is subject to audit shall be audited at least once in the three-year period commencing on August 20, 2022, and during each three-year period thereafter.
 - (b) Strong consideration should be given for the PREA Coordinator to attend these audits to maintain consistency.
- (3) DESPP shall bear the burden of demonstrating compliance with any applicable standards of an audit instrument developed by the United States Department of Justice, which will provide guidance on the conduct and contents of the audit.
- (4) As part of its participation in such an audit, DESPP shall ensure that auditors have access to all areas of the audited facility, and DESPP shall provide full cooperation to auditors, including facilitating each of the following:
 - (a) Allowing auditors to review all relevant agency-wide policies, procedures, reports, internal and external audits and accreditations for each facility type;
 - (b) Providing auditors with a sampling of relevant documents and other records and information for the most recent one-year period for review;
 - (c) Fulfilling any request for copies of any relevant documents (including electronically stored information);

Requests may be forwarded to Legal Affairs for consideration.
 - (d) Allowing auditors to interview a representative sample of detainees, staff, supervisors, and administrators;
 - (e) Allowing auditors to review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited, including providing a copy of such video/data if requested by the auditor;

Requests may be forwarded to Legal Affairs for consideration.
 - (f) Permitting the auditor to conduct private interviews with detainees;
 - (g) Permitting detainees to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
- (5) In the event that an audit is returned with a finding of "Does Not Meet Standard" for one or more standards, DESPP shall work with the auditor to develop a corrective action plan to achieve compliance.

- (6) DESPP shall ensure that the final report of any audit conducted pursuant to the requirements of 28 CFR 115.193 is published on the department's public web site.

N. TRAINING

- (1) The department shall train all troopers and any other employee or volunteer who may have contact with lockup detainees to fulfill their responsibilities under the department's sexual abuse prevention, detection, and response policies and procedures, including training on:
- (a) The department's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment;
 - (b) The dynamics of sexual abuse and sexual harassment in confinement settings, including which detainees are most vulnerable in lockup settings;
 - (c) The right of detainees and employees to be free from retaliation for reporting sexual abuse or sexual harassment;
 - (d) How to detect and respond to signs of threatened and actual sexual abuse;
 - (e) How to communicate effectively and professionally with all detainees; and
 - (f) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- (2) All existing employees who may have contact with lockup detainees shall be trained within one year of the effective date of the PREA standards and shall provide refresher information annually to ensure that such employees know the department's current detainee sexual abuse and sexual harassment policies and procedures.
- (3) All troopers and other employees who may have contact with lockup detainees shall acknowledge either in written or electronic format as designated by the department, that he or she understands the training / refresher information they have received.
- (a) The department shall maintain documentation confirming that such training / refresher information has been received, and such records shall be made available to the PREA Coordinator.
- (4) Any contractors or (DOC) inmates assigned to work in the lockup and who may have contact with lockup detainees shall be informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment.
- (5) The department shall train troopers in how to conduct cross-gender pat-down searches, and searches of transgender and intersex detainees, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
- (6) In addition to the general training requirements listed above, the department shall ensure that department investigators that conduct detainee sexual abuse investigations have received training in conducting such investigations in confinement settings.
- (a) Specialized training shall include:
 - 1. Techniques for interviewing sexual abuse victims;
 - 2. Proper use of *Miranda* and *Garrity* warnings;
 - 3. Sexual abuse evidence collection in confinement settings; and

4. The criteria and evidence required to substantiate a case for administrative action or prosecution referral
 - (b) The department shall maintain documentation confirming that department investigators have completed the required specialized training in conducting sexual abuse investigations, and such records shall be made available to the PREA Coordinator.

O. HIRING AND PROMOTION PROCESS

- (1) The department shall not hire or promote anyone who may have contact with detainees, and shall not enlist the services of any contractor who may have contact with detainees who:
 - (a) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
 - (b) Has been convicted of engaging or attempting to engage in sexual activity by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - (c) Has been civilly or administratively adjudicated to have engaged in the activity described in subsection O(1)(b) above.
- (2) The department shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with detainees.
- (3) Before hiring new employees who may have contact with detainees, the department shall:
 - (a) Perform a criminal background records check; and
 - (b) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- (4) The department shall also perform a criminal background record check before enlisting the services of any contractor who may have contact with detainees.
- (5) The department shall either conduct criminal background record checks at least every five (5) years of current employees and contractors who may have contact with detainees or have in place a system for otherwise capturing such information for current employees.
- (6) Background checks for town police officers (constables) and police officers of other departments (task force officers) operating under the authority of the Department of Emergency Services and Public Protection (DESPP) will be conducted by the Accreditation Unit.
- (7) The department shall ask all applicants and employees who may have contact with detainees directly about previous misconduct described in subsection O(1) above in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees.
- (8) All employees who may have contact with detainees shall have a continuing affirmative duty to disclose any misconduct described in subsection O(1) above.
- (9) Material omissions regarding such misconduct described in this section, or the provision of materially false information, shall be grounds for termination.

- (10) Unless prohibited by law, the department 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.

P. UPGRADES TO FACILITIES AND TECHNOLOGIES

- (1) When designing or acquiring any new lockup and in planning any substantial expansion or modification of existing lockups, the department shall consider the effect of the design, acquisition, expansion, or modification upon the department's ability to protect detainees from sexual abuse.
- (2) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the department shall consider how such technology may enhance the department's ability to protect detainees from sexual abuse.