

MORRIS PLAINS POLICE DEPARTMENT POLICY AND PROCEDURES



VOLUME: 5	CHAPTER: 8	# OF PAGES: 23
-----------	------------	----------------

Prison Rape Elimination Act (PREA)

EFFECTIVE DATE: 3/13/19	ACCREDITATION STANDARDS: 5.2.2	REVISION DATE 7/2/2020	PAGE # 1
BY THE ORDER OF: Chief Michael M. Koroski			
SUPERSEDES ORDER #:			

PURPOSE: The purpose of this policy and procedure is to provide information to staff and prisoners/offenders on sexual misconduct/assault/rape in order to prevent, detect and respond to these types of incidents.

SCOPE: This policy and procedure is applicable to all agency staff.

POLICY: In accordance with the Federal Prison Rape Elimination Act 2003 (PREA), 42 U.S.C. 15601 et sep., this agency's operations shall be based upon a fundamental commitment to treating prisoners/offenders with dignity and respect. We have a "zero-tolerance policy" relative to sexual violence and sexual misconduct.

It is the policy of this agency to provide training to staff and prisoners/offenders to prevent sexual misconduct and to fully investigate and prosecute those involved in such conduct. This policy shall be available to all staff, contractors, volunteers, interns and visitors.

This agency will designate one administrative level staff member to become the PREA coordinator to ensure compliance with all standards. The Morris Plains Police Department will ensure that all new contracts with facilities housing prisoners lawfully committed on behalf of the Morris Plains Police Department will comply with PREA. The Morris Plains Police Department will ensure that any private enterprise contracted to have contact with any prisoner/offender lawfully committed by or court ordered by the Morris Plains Police Department will be trained in PREA standards

PROCEDURES:

I. Reference Material

- A. [Federal Prison Rape Elimination Act of 2003 \(PREA\)](#).
- B. [National PREA Resource Center](#)
- C. [PREA Resource Library](#)

II. Definitions

- A. Contractor: Any facility or enterprise to which have entered into a contractual agreement with the Morris Plains Police Department to house, transport or have direct contact with a prisoner/offender committed to or court ordered by the Morris Plains Police Department.
- B. Employee means a person who works directly for the agency or facility.
- C. Exigent Circumstances means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a holding facility.
- D. Facility/Holding Facility means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.
- E. Gender Nonconforming means a person who's appearance or manner does not conform to traditional societal gender expectations.
- F. Institutional Sexual Conduct: The act of any employee, contract employee, volunteer, or individual who performs work or volunteer functions for the agency that involves sexual assault/rape or sexual misconduct under the supervision of the agency or its contracted agencies.
- G. Intersex means a person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- H. Juvenile means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
- I. Medical Practitioner means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
- J. Mental Health Practitioner means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care

for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

- K. Pat-Down Search means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.
- L. PREA Coordinator: Individual designated by the Chief of Police who is responsible for developing, implementing and overseeing facility compliance with PREA standards and coordinating the facility’s response to allegations of sexual misconduct.
- M. Prison means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.
- N. Prisoner: In this policy, prisoner shall be used to describe the client under control and supervision of the agency to include temporary housing of less than 24 hrs. In our holding facility, those in custody of the agency during a transport and those under supervision of agency while in court or court room situations.
- O. Retaliation: Any act of vengeance, covert or overt action or threat of action taken against an individual in response to their claim of sexual misconduct, sexual contact or sexual abuse or cooperation in the reporting or investigation of sexual misconduct, regardless of the disposition of the complaint. Examples of retaliation include:
 - 1. Unnecessary discipline.
 - 2. Verbal or physical intimidation or threats.
 - 3. Unnecessary changes in housing classification.
 - 4. Unnecessary changes in work or program assignments.
 - 5. Unjustified denials of privileges or services.
 - 6. Any action to compromise the victim or witness’s safety, including refusal or failure to protect.
- P. Sexual Acts: Any contact between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion of any part of the body of one person, or any object into the sex organ, mouth, or anus of another person.
- Q. Sexual Contact: Intentional touching, either directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks of a person other than by staff for medical purposes or for purposes of performing legitimate policy authorized searches.
- R. Sexual Abuse: Sexual abuse includes:

1. Sexual abuse of an prisoner, detainee, or resident by another prisoner, detainee, or resident; and
2. Sexual abuse of a prisoner, detainee, or resident by a staff member, contractor, or volunteer. Sexual abuse of an prisoner, detainee, or resident by another prisoner, 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.

Sexual abuse of a prisoner, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the prisoner, 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)-(e) of this section;
- g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an prisoner, detainee, or resident, and

- h. Voyeurism by a staff member, contractor, or volunteer.
 - 1) Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an prisoner, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an prisoner who is using a toilet in his or her cell to perform bodily functions; requiring a prisoner to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an prisoner's naked body or of a prisoner performing bodily functions
- S. Sexual Assault/Rape: the act of unwanted sexual intrusion, sexual contact or sexual penetration by any person on another by force, threat, coercion, or intimidation.
- T. Sexual Assault/Rape Victim: a person who reports having been subjected to sexual assault/rape.
- U. Sexual Harassment: a prisoner/offender commits this non-contact offense when he/she subjects another person to verbal or written statements or gestures of a sexual nature including but not limited to:
 - 1. 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;
 - 2. 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;
 - 3. Using obscene or profane language, demeaning references to gender or derogatory comments about body or clothing;
 - 4. Making sexually harassing gestures;
 - 5. Making threats of physical force or improper pressure for sexual acts, or request for sexual acts;
 - 6. Displaying his/her anus, genitals, or breast (female) to another person;
 - 7. Masturbating in the presence or direct vision of another person; and
 - 8. Other behavior of a sexual or romantic nature whether verbal or non-verbal.
- V. Sexual Misconduct: any behavior or act of a sexual nature directed toward anyone by another person. Sexual misconduct includes, but is not limited to: acts, threats, request of a sexual nature or implication of the same, taking or soliciting photographs/pictures of a person's nude breasts, genital or buttocks, indecent exposure, invasion of privacy for sexual gratification, inappropriate touching or incidents of intentional touching of the genitalia, anus, groin, inner thigh, or

buttocks or other body parts with the intent to abuse, arouse, or gratify sexual desire or incidents of indecent exposure of breasts, genital areas, or other body parts, even with consent in an institution.

Zero tolerance policy; in no case will the notion of "consensual sex" in a custodial or supervisory relationship be allowed. Any sexual assault/rape or sexual misconduct between staff or officers of the agency and prisoners/offenders violates professional and ethical principles, and agency policy. All allegations of sexual assault/rape or sexual misconduct will be investigated. If applicable, criminal charges will be filed and/or a professional standard investigation will be conducted which may result in corrective and/or disciplinary Action, including termination. Failure of staff members to report incidents of sexual assault/rape or sexual misconduct may result in corrective and/or disciplinary action, including termination. (115.11(a))

Types of sexual assault/rape or sexual misconduct:

1. Prisoner/offender on prisoner/offender:
 - a. One or more prisoners/offenders engaging in, attempting to engage in, or the completion of a sexual act with another prisoner/offender.
 - b. Use of threats, intimidation, force or other actions and/or communications reasonably calculated cause submission or another prisoner/offender to engage in a sexual act against the prisoners will.
 - c. Any sexual touching, attempt or "consensual" act is prohibited by the agency under a zero tolerance policy.
2. Prisoner/offender-on-staff:
 - a. All cases involving sexual assault/rape or sexual misconduct will be referred to internal affairs, the Chief of Police and if appropriate the Morris County Prosecutor's Office.
3. Staff-on-prisoner/offender:
 - a. Acts of sexual assault/rape or sexual misconduct against prisoners/offenders, retaliation against prisoners who refuse to submit to sexual activity, or intimidation or a witness may be a crime subject to investigation by this agency and the Morris County Prosecutor's office.

W. Staff means employees.

X. Strip Search means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Y. Transgender: Any person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

- Z. Victim: Any person who has been the target of sexual misconduct.
- AA. Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.
- BB. Youthful Prisoner means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.
- CC. Youthful Detainee means any person under the age of 18 who is under adult court supervision and detained in a lockup.

III. Upgrades to Facilities and Technologies

- A. When planning any expansion or modification of the existing detention facility, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect detainees from sexual abuse.
- B. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect detainees from sexual abuse.

IV. Hiring and Promotion

- A. The agency prohibits the hiring and promotion of anyone who may have contact with prisoners who:
 - 1. Has engaged in sexual abuse in a prison, jail, lockup community correction facility, juvenile facility, or other institution;
 - 2. Has been convicted of engaging or attempting to engage in sexual activity facilitated 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;
 - 3. Has been civilly or administratively adjudicated of engaging or attempting to engage in sexual activity facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse.
 - 4. All prospective employees must clear a criminal records background check prior to being hired, and all current employees and contractors shall be subject to a criminal records background check at least every five years.
- B. Unless prohibited by law, the agency 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.

V. Training

A. Staff training

1. Agency employees who have contact with prisoners shall receive comprehensive training upon hiring in the prohibition, identification, reporting and prevention of sexual assault/rape or sexual misconduct. This will include at a minimum:
 - a. The agency's zero tolerance policy for sexual misconduct.
 - b. How employees should fulfill their responsibilities under the prison sexual misconduct prevention, detection, reporting, and response policies and procedures.
 - c. Prisoner's right to be free from sexual misconduct.
 - d. The right of prisoners and employees to be free from retaliation for reporting sexual misconduct.
 - e. The dynamics of sexual misconduct in confinement.
 - f. The common reactions of sexual misconduct victims.
 - g. How to detect and respond to signs of threatened and actual sexual misconduct.
 - h. How to avoid inappropriate relationships with prisoners.
 - i. How to communicate effectively and professionally with prisoners, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming prisoners.
2. Agency employees who have contact with prisoners shall receive annual in-service training on sexual assault/rape and sexual misconduct including at a minimum:
 - a. The agency's zero tolerance policy for sexual misconduct.
 - b. How employees should fulfill their responsibilities under the prison sexual misconduct prevention, detection, reporting, and response policies and procedures.
 - c. Prisoner's right to be free from sexual misconduct.
 - d. The right of prisoners and employees to be free from retaliation for reporting sexual misconduct.
 - e. The dynamics of sexual misconduct in confinement.
 - f. The common reactions of sexual misconduct victims.
 - g. How to detect and respond to signs of threatened and actual sexual misconduct.
 - h. How to avoid inappropriate relationships with prisoners.

- i. How to communicate effectively and professionally with prisoners, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming prisoners.
 3. The agency shall train law enforcement staff 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.
 4. All volunteers, interns and contractors, who have contact with prisoners/offenders must be trained in their responsibilities under this policy and procedure. The level and type of training shall be based on the services they provide and the level of contact they have with prisoners, but all will be notified of the agency's zero tolerance policy regarding sexual abuse, sexual assault/rape, sexual misconduct and sexual harassment and informed how to report such incidents.
- B. Specialized training: PREA Coordinator
 1. Specialized training will be provided to employees who monitor and supervise the agency's compliance with PREA.
- C. Specialized training: Investigations
 1. In addition to the general training provided to all staff pursuant to this policy, the Chief of Police shall ensure that, to the extent the agency conducts sexual abuse investigations; its investigators have received training in conducting such investigations.
 2. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiate a case for administrative or sexual abuse investigation.
 3. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigation.
 4. All training shall be documented. Through staff/volunteer/intern/contractor signature or electronic verification, employees will document they understand the training they received.

VI. Prisoner

- A. All prisoners booked into the temporary detention facility shall receive verbal and written information about sexual misconduct. This information shall address:
 1. The agency's program for prevention of sexual misconduct.
 2. Methods of self-protection.

3. How to report sexual misconduct and retaliation.
 4. Protection from retaliation.
- B. Information regarding these topics will be approved by the Chief of Police or their designee.
- C. Appropriate provisions shall be made as necessary for prisoners not fluent in English and prisoners with disabilities, (including, for example, prisoners who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) so that all prisoners have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and harassment. At no time shall prisoner interpreters be employed for this purpose, absent exigent circumstances.

VII. Prevention

- A. This agency shall take all necessary steps to prevent rapes, assaults and other violent behaviors in the facility.
- B. This agency shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to detainees who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- C. The Morris Plains Police Department will ensure any agency contracted to house prisoners/offenders of the agency will be compliant with PREA standards.
- D. Staff is prohibited from observing prisoners of the opposite gender while they are showering, performing bodily functions and/or changing clothing, including through video surveillance,
- E. Physical plant strategies
1. Absolute keep separate of co-ed prisoners;
 2. Education posters;
 3. Cameras/Video monitoring; and
 4. Staff supervision
- F. Staff training
1. Staff shall be educated with regards to prisoner rape, sexual assault, staff-prisoner/offender behaviors, as well as the method of reporting these violations during orientation to the agency.

2. Emphasis should be given on the recognition and prevention of these behaviors
3. Other training (response and reporting, investigative training, etc.)

G. Staffing

1. The agency will develop and maintain a staffing plan (employee schedule) that provides for adequate levels of staffing which helps to protect detainees against sexual abuse.
2. The agency shall not hire or promote anyone who may have contact with a prisoner, and shall not enlist the services of any contractor who may have contact with prisoners, who:
 - a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or another institution
 - b. Has been convicted of engaging or attempting to engage in sexual activity facilitated 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 the section.
3. The agency 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 prisoners.
4. Before hiring new employees who may have contact with detainees the agency 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 pending investigation of an allegation of sexual abuse.
5. The agency shall also perform a criminal background records check before enlisting the services of any contractor or volunteer who may have contact with prisoners/offenders.
6. The agency whenever necessary, but no less than once each year, in consultation with the PREA coordinator access and document whether staffing adjustments need to be made.
 - a. The staffing plan established pursuant to paragraph staffing plan (a) of this section.

- b. The facility's deployment of video monitoring systems and other monitoring technologies; and
 - c. The resources the facility has available to commit to ensure adherence to the staffing plan
- 7. The agency shall ask all applicants and employees who may have contact with prisoners directly about previous misconduct described in paragraph (a) of this section 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. The agency shall also impose upon employees a continuing affirmative duty to disclose any such conduct. Or the provision of materially false information shall be grounds for termination.
- 8. Unless prohibited by law, the agency shall provide all 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.

VIII. Searching of Prisoners

- A. All searches of prisoners will be conducted with dignity and respect by agency personnel and shall only be performed in accordance with established agency policy, federal and state law, and the prisoner's civil rights. Any violation of this will be investigated by the agency and when required turned over to the Morris County Prosecutor's Office for review of possible criminal charges in addition to agency discipline, including up to termination of violating employee.

IX. Prisoner Separation in a Cell or Holding Room Environment

- A. Juveniles and youthful detainees shall be held separately from adult detainees.
- B. Males and females shall be kept separate from one another.
- C. Limits to cross-gender viewing and searches.
 - 1. Searches of detainees shall be conducted by an officer/matron of the same sex. Except in exigent circumstances, strip searches shall not be conducted on a person who is lawfully confined in the municipal detention facility. Body cavity searches are authorized under extremely limited circumstances and are never to be conducted in the municipal detention facility (See policy on Pre-Incarceration Searches)
 - a. Agency employees shall document all cross-gender searches.
 - 2. Agency employees shall not search or physically examine a transgender or intersex detainee for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined

during conversations with the detainee, 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.

X. Incident Reporting

- A. The agency shall follow all reporting guidelines as outlined in the Internal Affairs policy.
 - 1. Staff first responder's duties
 - a. Upon learning of an allegation that a prisoner/offender was sexually abused (while in control of the agency) the first staff members to respond shall be required to take these steps.
 - 1) Detainee victims of sexual abuse in lockups shall receive timely, unimpeded access to emergency medical treatment.
 - 2) 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.
 - 3) The responding staff member will be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify operations staff.
 - b. The first responding staff shall be required to:
 - 1) Separate the alleged victim and abuser, if they have not already been separated.
 - 2) Preserve and protect any crime scene until appropriate steps can be taken to control any evidence.
 - 3) If abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged victim does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating..
 - 4) 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, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.

- 5) The agency shall not rely on prisoner/offenders interpreters, prisoner readers or other types of prisoner assistance except in limited circumstances where extended delay in obtaining an effective interpreter could compromise the prisoners/officers safety, the performance of the first-response duties or the investigation of the allegations.

2. Staff reporting:

- a. All staff shall report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility or any facility contracted to house prisoners on behalf of the Morris Plains Police Department. Staff is required to report in the same manner retaliation against prisoners or staff who reported such incidents, and any staff neglect or violation of responsibilities that may have contributed to an Incident or retaliation.
- b. Any information regarding sexual misconduct that is received by any staff member, medical, mental health or treatment provider, chaplain, contractor or volunteer shall be immediately reported to the Chief of Police or designee to initiate the appropriate follow-up actions.
- c. Reports by staff shall be made in writing utilizing the chain-of-command or by sending information directly to the Chief of Police or designee and/or Internal Affairs Unit.
- d. Staff may report directly to the Chief of Police or designee and/or Internal Affairs whenever they feel following the chain of command would jeopardize the investigation. However staff may be asked to justify why the chain of command was superseded for the particular incident.
- e. Apart from reporting to designated supervisor or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation and other security and management decisions.
- f. Unless otherwise precluded by federal, state or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform the prisoner of the practitioner's duty to report and the limitations of confidentiality at the initiation of services.
- g. Regardless of any non-statutory confidentiality obligation (e.g. Privileged communication such as therapist- client, doctor patient, clergyman-penitent: etc.), all staff have an affirmative obligation to report any prisoner who has reported to them a sexual assault allegation. The staff member must report the relevant information,

including who, what, when, where, of the allegation, including when it is reported that it occurred at a facility other than the agency.

- h. If the alleged victim is under the age of 18 or considered a vulnerable adult under the state or local vulnerable person's statute, the agency shall report the allegation to the Morris County Prosecutor's office.
 - i. The agency shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports to the agency's Internal Affairs Unit.
 - j. The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of prisoners by contacting the Chief of Police, his designee, Internal Affairs or the PREA coordinator.
3. Reporting to other confinement facilities:
- a. Upon receiving an allegation that a prisoner/offender was sexually abused while confined at another facility, the Chief of Police or his designee will notify the director/warden or head of the facility or agency where the alleged abuse occurred.
 - b. Such notifications shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation.
 - c. Agency shall document that it has provided such notification.
 - d. All facilities contracted to house prisoners for the Morris Plains Police Department shall be PREA compliant and investigate all allegations per PREA standards.

XI. Investigations

- A. The internal investigator shall be trained appropriately.
 - 1. In addition to general training the internal investigator shall receive special training in conducting such Investigations in confinement settings.
 - 2. Special training shall include techniques for interviewing abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
 - 3. The agency shall maintain documentation that the investigators have completed the required specialized training in conducting sexual abuse investigations. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations.

- B. Agency staff members, contract employees, volunteers or any employees who receive information, regardless of its source, concerning sexual assault/rape or sexual misconduct, or who observe an incident of sexual assault/rape or sexual misconduct, are required to immediately report the information or incident directly to the Chief of Police and/or his designee and/or Internal Affairs for investigation.
- C. Appropriate security procedures will be followed, to include at a minimum:
 - 1. Separating perpetrator and victim;
 - 2. Isolating witnesses; and
 - 3. Securing the crime scene.
- D. The Chief of Police shall ensure that allegations of sexual abuse or sexual harassment are referred to Internal Affairs and the Morris County Prosecutor's Office to conduct criminal investigations.
 - 1. For custody staff:
 - a. All investigations involving custody staff shall follow procedures set forth by the Attorney General, Morris County Prosecutor's Office, and the Internal Affairs policy.
 - b. Internal Affairs will refer all possible criminal investigations involving custody staff to the Morris County Prosecutor's Office and wait to be informed by the Morris County Prosecutor's Office on how to proceed.
 - c. Administrative infraction documented and handled per policy
- E. Upon completion of the investigation (whether by Internal Affairs or the Morris County Prosecutor's Office) the prisoner shall be informed via written communication, whether the allegation/incident were sustained.

XII. Incident Reviews

- A. The agency will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, (whether conducted by an external agency or trained internal staff), including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- B. Such a review shall normally occur within thirty (30) days of the conclusion of the investigation.
- C. The review team shall:
 - 1. Consider whether the allegation or investigation indicated 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 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 the staffing levels in the area during different shifts.
 5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff: and
 6. Prepare a report of findings, including but not limited to determinations made above in this above section and any recommendations for improvement and submit such report to the Chief of Police and PREA compliance manager.
- D. This agency shall implement the recommendations for improvement, or shall document its reasons for not doing so.

XIII. Staff Sanctions

- A. Sexual misconduct is prohibited and will be punished. Sexual misconduct either prisoner/offender on offender, staff on prisoner/offender is prohibited regardless of whether either or both of the participants believed the act was consensual.
1. Violators are subject to administrative discipline, criminal sanctions or both
 2. All allegations of staff sexual misconduct with prisoners/offenders will be investigated and the Morris County Prosecutor's Office will be notified, all Attorney General's guidelines will be followed.
 3. This agency prohibits all sexual activity between prisoners/offenders. However, sexual activity between prisoners/offenders may not be deemed to constitute sexual abuse for the purpose of this policy and reporting of sustained PREA sexual abuse incidents if it is determined that the activity was not coerced.
- B. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Additionally staff may be subject to criminal sanctions.
- C. This agency shall not enter into any agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any prisoners pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

- D. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

XIV. Corrective Action for Contractors and Volunteers

- A. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and shall be reported to law enforcement agencies and to relevant licensing bodies, unless the activity was clearly not criminal.
- B. This agency shall take appropriate remedial measures and shall consider whether to prohibit further contact with prisoners/offenders in the case of any violation of agency sexual abuse harassment policies by a contractor or volunteer.

XV. Protection against retaliation

- A. This agency shall be charged with the responsibility to protect all prisoners/offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other prisoners/offenders or staff while they are under the care of the agency.
- B. Following a report of sexual abuse the agency will document and follow up with the treatment and conduct of prisoners/offenders or staff who reported the sexual abuse.
- C. This agency shall ensure that a facility contracted to house prisoners/offenders who are in custody of one such individual cooperating with an investigation and expresses fear of retaliation that the contracted facility is taking appropriate measure for such an individual's safety.
- D. This obligation shall be terminated should the allegation be determined to be unfounded.

XVI. Statistical Reporting

- A. Each incident of inappropriate sexual conduct shall be reported on an investigation report; each substantiated or verified incident of inappropriate sexual conduct shall also be reported on an investigative report. These reports shall be submitted in accordance with the appropriate procedures for the reporting of disciplinary violations and critical incidents.
- B. The PREA coordinator shall submit a sexual incident report for each investigated incident of sexual abuse or sexual harassment.
- C. All investigations, regardless of the outcome (substantiated, unsubstantiated, or unfounded) shall be reported through the sexual Incident report.
- D. The PREA coordinator shall maintain a record of all reports of inappropriate sexual conduct at the facility.

- E. The Chief of Police or their designee shall determine whether any sanctions are necessary at the facility to reduce the likelihood of future incidents.
- F. The PREA coordinator shall develop an agency wide report based on the sexual incident reports and internal affairs investigations. This report shall be completed annually and submitted to the Chief of Police for review.
- G. The coordinator shall be responsible for using this report to provide information required by the Prison Rape Elimination Act of 2003.

H. Program Evaluation

- A. The Chief of Police and the PREA Coordinator, as well as any other designated staff, shall conduct evaluations of the efforts of the facility to eliminate inappropriate sexual conduct and compliance with these administrative procedures.
- B. Program and procedural changes shall be made at the facility based upon the evaluation. A copy of the evaluation and description of any changes being made at the facility shall be submitted to the Chief of Police.
- C. The Chief of Police shall review the evaluation submitted and make a recommendation regarding any changes in the agency's administrative procedures. These recommendations shall be forwarded to the PREA coordinator for review.



Appendix A
Orientation Guide (English)
MORRIS PLAINS POLICE DEPARTMENT
PREVENTION OF SEXUAL ABUSE IN PRISON
ORIENTATION GUIDE



DETAINEES' NAME: _____ ARREST # _____

Policy

The Morris Plains Police Department has established a zero tolerance toward all forms of sexual abuse and sexual harassment and complies with the provisions as outlined in the Prison Rape Elimination Act of 2003.

Sexual abuse or sexual harassment between staff and detainees or detainees on detainees regardless of consensual status is strictly prohibited. All reports of sexual abuse, sexual harassment or retaliation because of such a report will be investigated.

Prevention / Intervention

You have the right to be safe from sexual abuse and sexual harassment while confined within the M.P.P.D

- No one has the right to make you perform a sexual act.
- You do not have to put up with sexual harassment, sexual abuse or being forced into having unwanted sexual contact with anyone.
- Do not believe anyone who says he or she will protect you or take care of you in exchange for sexual favors.
- Do not take gifts or favors from others. Sexual abuse is one way people are sometimes forced to pay off a debt.
- Pay attention to uncomfortable feelings about others. If you think something is dangerous, it probably is. If you think you are not safe, notify any staff member immediately.
- Do not flirt or talk to other detainees or staff about having sex. If someone asks you to do something sexual, say "no" and report it immediately.
- If you are being pushed, threatened or blackmailed into a sex act by another detainee or by staff you should report it immediately.

Self-Protection

What to do if you are abused:

- Get to a safe place;
- Report it as soon as possible, even if you don't have any evidence;
- Even if you want to clean up immediately after the assault, it is important to save the evidence;
- Once reported, staff will protect you from your abuser and will provide you with appropriate medical care.

Reporting Sexual Abuse / Sexual Harassment

How to report sexual abuse or sexual harassment:

- If you are a victim of sexual assault or you suspect someone else has been sexually abused or involved in sexual misconduct with a detainee or staff member, you need to report it immediately.
- You can report sexual abuse or sexual harassment:
 1. Immediately to an officer or any other staff member you feel comfortable reporting it to or;
 2. To the Office of Internal Affairs by completing an Internal Affairs Complaint Form.
- You may also report sexual abuse / sexual harassment to the Morris County Sexual Assault Center by calling the 24hr hotline at 973-829-0587.
- An administrative and criminal investigation will be conducted for all allegations of Sexual abuse and Sexual Harassment. Detainees are reminded that malicious or false reports will be prosecuted to the full extent of the law.
- No inmate will be punished for good faith reporting of a Sexual Assault or Sexual Harassment.

Treatment

- All detainees who are victims of sexual assault will be treated immediately at the appropriate medical facility.

I, _____ have received orientation and understand the contents
(Detainee's Name)

of the Prevention of Sexual Abuse in Prison Orientation Guide.

Inmate's Signature: _____ Date: _____

Original: Incident Case Jacket



Appendix B
Orientation Guide (Spanish)
MORRIS PLAINS POLICE DEPARTMENT
PREVENTION OF SEXUAL ABUSE IN PRISON
ORIENTATION GUIDE



INMATE'S NAME: _____ ARREST # _____

Poliza

La Morris Plains Police Department a establecido una poliza de **zero tolerancia** hace todas formas de abuso sexual y el acoso sexual que cumple con las provisiones como prescribe en el **Prison Rape Elimination Act of 2003**.

Esta estrictamente prohibido el Abuso sexual o el acoso sexual entre personal de la carcel y los presos, o, de preso a preso asi sea consentido. Todo reporte de abuso sexual, acoso sexual, o cualquier represalias por estos casos sera investigado.

Prevencion/ Intervencion

Usted tiene el derecho de estar a salvo del abuso sexual y el acoso sexual:

- Nadie tiene el derecho de forzarte a cometer un acto sexual.
- Usted no tiene que soportar el acoso sexual, abuso sexual, o ser forzado a tener contacto sexual no deseado con cualquier persona.
- Nunca creas a otro preso que te diga que el o ella te protegiera o te cuidara en la carcel a cambio de favores sexuales.
- No acepte regalos o favores de otras personas. El abuso sexual es una forma en que personas son forzadas a soportar para pagar una deuda.
- Ponga atencion de lo que usted sospeche de los demas. Si usted siente que usted peligre, es porque en verdad hay un peligro. Si sientes que estas en peligro, digale a cualquier personal de la carcel inmediatamente.
- No coquetear con otros presos y personal de la carcel. No hablar de tener sexo con otros presos y personal de la carcel. Si alguien te invita hacer algo sexual, diga que "No" y lo reporta de inmediato.
- Si estas presionado, amenazado, o chantajeado a cometer un acto sexual por un preso o personal de la carcel, deberias reportarlo inmediatamente.

Protegase

Que hacer si eres victima:

- Vaya a un lugar seguro
- Reportelo lo mas pronto posible, asi sea que no tenga evidencia;
- Aunque usted quiera limpiar de inmediato despues que suceda el asalto, es importante guardar la evidencia;
- No utilice el baño, no se cepille los dientes, no bañarse, o cambiar su ropa; y
- Una vez que lo reporte, el personal de la carcel te protegiera de tu asaltante y tendras atencion medica.

Reportando Abuso Sexual/ Acoso Sexual

Como reportar un abuso sexual o acoso sexual:

- Si eres victima de abuso sexual o sospechas que alguien a sido victimado de abuso sexual o involucrado en mala conducta sexual con personal de la carcel, tienes que reportarlo inmediatamente.
- Usted puede reportar abuso sexual o acoso sexual de la siguiente manera:
 1. Inmediatamente al policia, unas de las enfermeras, trabajadora social, al capellan, o a cualquier personal de la carcel.
 2. A la oficina de Asuntos Internos por completar un Inmate Request Form.
- Usted puede tambien reportar un caso de abuso sexual/ acoso sexual al Morris County Sexual Assault Center llamando al hotline 973-829-0587 las 24 horas del dia.
- Todo reporte de abuso sexual o acoso sexual sera investigado inmediatamente. La identidad de la victima, el preso reportando el abuso sexual, y cualquier testigo sera confidencial.
- Ningun preso sera castigado si reporta en buena fe un caso de abuso sexual o acoso sexual.

Tratamiento y Asesoramiento

Como recibir tratamiento y asesoramiento en caso de abuso sexual/ acoso sexual:

- Todo preso que a sido victima de abuso sexual recibira atencion medica inmediatamente en un centro medico apropiado.
- Asesoramiento para cualquier preso que a sido victima de abuso sexual o acoso sexual sera adquirido enviando un Request Slip al psicologo clinico.

Yo, _____ e recibido orientacion y entiendo el Guia para la Prevencion de Abuso Sexual en la Carcel

Firma _____ Fecha _____

Original: Incident Case Jacket