

## Prison Rape Elimination Act (PREA)

The Prison Rape Elimination Act (PREA) of 2003 is a federal law established to support the elimination and prevention of sexual assault and sexual misconduct in correctional systems. PREA addresses both inmate-to-inmate sexual assault and staff-to-inmate sexual assault. The Butler County Adult Detention Facility (BCDF) fully supports the guidelines set forth in this law and has ZERO-TOLERANCE for any and all incidents of sexual assault and sexual misconduct in accordance with the Prison Rape Elimination Act of 2003.

The BCDF implements its “Zero-Tolerance” policies through a facility-wide systematic process that begins when inmates are initially admitted into the facility. When inmates enter our intake area they are met with a comprehensive educational process where their rights to be free from sexual abuse and harassment are explained in detail to them. From there an assessment is conducted on every inmate to determine their individual risk of victimization or predation using an objective measurement tool based on specific risk factors. This tool is utilized to make an individualized determination of housing and program assignments for each inmate.

Throughout the facility, inmates are exposed to education concerning reporting options through the use of the inmate handbooks given to every inmate. In addition to this, there are posters displayed in every housing unit and a video played monthly with information in regards to sexual abuse prevention and information concerning victim advocacy.

Inmates at the facility are housed in living units called housing pods. Each housing pod is designed to create direct observation of all inmate corridors so as to minimize blind-spots. Video monitoring is utilized throughout the jail facility to enhance security and surveillance.

When it comes to sexual activity within the jail facility, BCDF policies and procedures are clear; ALL SEXUAL ACTIVITY IS PROHIBITED. Beyond those rules, forced or coerced sexual behavior is a criminal act that merits criminal prosecution.

It is the policy of the Butler County Detention Facility that ALL allegations of sexual harassment and sexual abuse are investigated. All allegations of sexual abuse and sexual harassment will be investigated promptly, thoroughly, and objectively, including third-party and anonymous reports. When the quality of evidence appears to support criminal prosecution the case will be forwarded to the County Attorney’s Office for possible prosecution.

All incidents are reported to the Facility Detective and an investigation is conducted to ensure the perpetrator faces the full consequences of the law. The BCDF ensures that all incidents of sexual assault are thoroughly investigated and referred for prosecution to the Butler County Attorney.

In accordance with PREA, all investigations are assigned one of three possible determinations:

**Substantiated** – an allegation which was investigated and determined to have occurred;

**Unfounded** – an allegation which was investigated and determined not to have occurred;

**Unsubstantiated** – an allegation which produced insufficient evidence to make a final determination of a substantiated or unfounded claim.

If you feel that your family member or friend has been the victim of sexual abuse at the hands of another inmate or if you have information concerning suspected incidents of employee sexual misconduct involving Butler County Adult Detention personnel, please submit a report to the Butler County Sheriff's Office or contact the Butler County Detention Facility Detective directly.

### **Butler County Adult Detention Facility PREA Definitions**

Â§115.6 Definitions related to Sexual Abuse

- Substantiated
- Unfounded
- Unsubstantiated
- Abuse (by inmate)
- Abuse (by staff)
- Harassment

**Substantiated** - An allegation that was investigated and determined to have occurred.

**Unfounded** - An allegation that was investigated and determined not to have occurred

**Unsubstantiated** - An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

### **Gender categories**

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

Intersex: A person whose 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.

### **Sexual victimization**

NONCONSENSUAL SEXUAL ACTS:

- Contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Contact between the penis and the vulva or the penis and the anus including penetration, however slight;

**OR**

- Contact between the mouth and the penis, vulva, or anus;

**OR**

- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument.

**ABUSIVE SEXUAL CONTACTS: (less severe)**

- Contact of any person without his or her consent, or of a person who is unable to consent or refuse;

**AND**

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person;

**EXCLUDE**

- incidents in which the contact was incidental to a physical altercation

**SEXUAL HARASSMENT BY ANOTHER INMATE:**

- 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 directed toward another.

**STAFF SEXUAL MISCONDUCT:**

- Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors).
- Sexual relationships of a romantic nature between staff and inmates are included in this definition.
- Consensual or nonconsensual sexual acts include: Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

**OR**

- Completed, attempted, threatened, or requested sexual acts;

**OR**

- Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**STAFF SEXUAL HARASSMENT:**

- Repeated verbal comments or gestures of a sexual nature to an offender to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude inmate family, friends, or other visitors). Include demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;

**OR**

- Repeated profane or obscene language or gestures.