

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 410.50.05	Page 1 of 4
	Original Effective Date: 05/17/21	New Effective Date: 05/29/24
	Supersedes: 410.50.05	Dated: 05/17/21
	Administrator's Approval: Sarah Cooper, Administrator – 04/30/24	
	Required Posting or Restricted: <input checked="" type="checkbox"/> PIOC <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted	
Chapter: 410 Prison Rape Elimination Act		
Subject: Staffing Plan		

POLICY

The Division of Adult Institutions shall ensure each facility develops, documents, and makes its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect PIOC from sexual abuse.

REFERENCES

42 U.S.C.A. §15601. Prison Rape Elimination Act of 2003.

28 C.F.R § Part 115, et seq. National Standards to Prevent, Detect and Respond to Prison Rape

Executive Directive 72 – Sexual Abuse and Sexual Harassment in Confinement (PREA)

DEFINITIONS, ACRONYMS AND FORMS

DOC – Department of Corrections

PIOC – Persons in Our Care

PCM – PREA Compliance Manager

PREA - Prison Rape Elimination Act

PREA Director - A designated upper-level, department-wide employee who has the authority to develop, implement, and oversee DOC efforts to comply with PREA standards in all of its facilities. PREA Director is synonymous with the title “PREA Coordinator” as referenced in *National Standards to Prevent, Detect, and Respond to Prison Rape*.

Sexual Abuse - As established in 28 CFR 115.6,

- A. Sexual abuse of PIOC by another PIOC 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:
1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 2. Contact between the mouth and the penis, vulva or anus;
 3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and

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4. 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.

B. Sexual abuse of PIOC by an employee includes any of the following acts, with or without consent of PIOC:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva or anus;
3. Contact between the mouth and any body part where the employee has the intent to abuse, arouse or gratify sexual desire;
4. 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 employee has the intent to abuse, arouse or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttock, that is unrelated to official duties or where the employee has the intent to abuse, arouse or gratify sexual desire;
6. Any attempt, threat or request by an employee to engage in the activities described in paragraphs (1)-(5) of this section;
7. Any display by an employee of his or her uncovered genitalia, buttocks or breast in the presence of PIOC; and/or
8. Voyeurism by an employee.

PROCEDURE

I. General Guidelines

- A. Each facility shall document a staffing plan which demonstrates the facility's strategic use of staffing patterns and video monitoring technology to prevent sexual abuse.
- B. A staffing plan guide may be obtained from the PREA Office.
- C. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration, at minimum:
 1. Generally accepted correctional practices.
 2. Any judicial, federal investigative and internal/external oversight agency findings of inadequacy.
 3. The facility's physical plant including blind-spots or areas where employees or PIOC may be isolated or at risk.
 4. The composition of PIOC population.
 5. The number and placement of security staff.
 6. Institution programs occurring on a particular shift.
 7. The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
 8. Applicable State or local laws, regulations, standards and other relevant factors.

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- D. The facility shall document (i.e. shift report, IR) and justify all deviations from the staffing plan in circumstances where the staffing plan is not complied with.
- E. The staffing plan and documented deviations shall be maintained by the facility's PCM for PREA auditing purposes.

II. Staffing Plan Review

- A. Whenever necessary, but not less than once per year, at the request of the PREA Office/Director, each facility shall assess, determine and document whether adjustments are needed for the facility:
 - 1. Staffing plan.
 - 2. Deployment of video monitoring systems and other monitoring technologies.
 - 3. Resources needed to ensure adherence to the staffing plan.
- B. The staffing plan shall be reviewed and signed by PREA Director.

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
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Chapter: 410 Prison Rape Elimination Act		
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Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS AND FORMS

FACILITY PROCEDURE

- I.
 - A.
 - B.
 - 1.
 - 2.
 - a.
 - b.
 - c.
 - 3.
 - C.

II.

III.

RESPONSIBILITY

I. Staff

II. PIOC

III. Other