

***The St. Clair County Sheriff's Office's continuing mission is to ensure the safety and welfare of staff, visitors and offenders by operating a facility and programs in a secure, humane environment which meets professional standards and constitutional requirements.***

## **St. Clair County Intervention Center**

### **PREA Frequently Asked Questions**

#### **What is PREA?**

- A. *PREA stands for the Prison Rape Elimination Act, which was signed into law by President Bush on Sept. 4, 2003. The final regulatory standards to implement PREA went into effect on August 20, 2012.*

#### **What is the purpose of PREA?**

- A. *PREA is intended to address the detection, prevention, reduction, and prosecution of sexual assault in all correctional facilities in the country.*

#### **To what facilities does PREA apply?**

- A. *PREA applies to all confinement facilities in the state. This includes all prisons, police lock-ups, juvenile facilities, immigration detention centers, court holding facilities, and community corrections facilities (home monitoring, probation, parole, half-way houses),*

#### **What constitutes staff sexual misconduct with offenders?**

- A. *Staff sexual misconduct with offenders is generally defined as any behavior or act of a sexual nature by:*
- *A correctional employee (sworn or civilian, managers, administrators, supervisors, line officers, supervisors of offenders on work release)*

- *A contractor*
- *A food service employee*
- *A maintenance worker*
- *A volunteer*
- *A medical or mental health staff member (clinical staff and counselors)*
- *A member of the Clergy*
- *Vendors*
- *Youth workers*
- *Teachers*

**What are the possible dispositions of PREA reports?**

- A. *There are three possible dispositions: substantiated, unsubstantiated and unfounded. Substantiated reports are those where an investigation determines that an incident did occur. Unsubstantiated reports are those where evidence is insufficient to make a final determination that an incident occurred. Unfounded reports are those where an investigation determines that an incident did not occur.*

**What does the federal law require of each state?**

- A. *Since the new regulations were published by the U.S. attorney general in August, 2012, all states are required to take a number of actions to prevent, detect, reduce, and respond to sexual abuse in confinement facilities. Among these are:*

- *Establishment of a zero-tolerance standard for sexual harassment and sexual assault.*
- *Collection and reporting data on prison sexual violence.*
- *Training and education of correctional staff, contractors, and volunteers about the nature of prison sexual violence, and how to prevent, detect, and respond to incidents of sexual assault.*
- *Thorough and appropriate risk assessment and screening of offenders to keep apart potential aggressors and potential victims.*
- *Disciplining and prosecution of corrections staff who perpetrate sexual abuse against an inmate.*
- *Holding corrections administrators accountable for the occurrence of prison sexual violence in their facilities.*

**What is the St. Clair County Sheriff's Office doing to implement PREA in St. Clair County?**

- A. *The department has implemented a zero-tolerance policy relating to sexual violence in custody, and recognizes offenders who are sexually harassed or abused as victims of a serious crime. The department immediately responds to allegations, fully investigates all reported incidents, pursues disciplinary actions, and refers those who perpetrate such conduct for investigation and prosecution.*

**Who leads the PREA effort within the St. Clair County Sheriff's Office?**

- A. *While all employees are responsible for ensuring compliance with PREA, the agency has two employees dedicated to the program: The PREA coordinator and the PREA investigator. The coordinator is responsible for monitoring the compliance with Federal law, and for ensuring that all confinement facilities in the state also comply with department sexual assault policies and procedures. The investigator is a sworn law enforcement officer who is responsible for the investigation of allegations of sexual harassment, sexual abuse, and sexual misconduct in all the facilities and programs under the authority of the department, which includes all contract facilities and programs.*

**How is the St. Clair County Sheriff's Office attempting to educate offenders and staff about PREA?**

- A. *In addition to implementing policies and procedures, the department requires every offender and every employee to attend regular training on jail sexual dynamics, and on ways to detect, prevent, and respond to incidents of sexual harassment, sexual assault, and inappropriate relationships between staff and offenders. With the publication of the new standards in 2012, the department began redesigning and delivering new training programs for all offenders and employees, to ensure compliance with federal law and state's zero-tolerance policies and procedures.*

**What happens if the St. Clair County Sheriff's Office doesn't comply with PREA requirements?**

A. *St. Clair County could face a 5 percent reduction in federal criminal justice funding for each year that the County is not in compliance.*

**Who determines whether a state is in compliance?**

A. *The governor certifies compliance to the U.S. Department of Justice, and the U.S. attorney general verifies state compliance with the PREA regulations require external audits on facilities and programs to ensure an independent assurance of compliance. Competent auditors, clear evidence and rigorous documentation are very important to the PREA process, to ensure that a state's certification is genuine and meaningful. In the event that a state is not in compliance in a given year, the governor must certify that 5 percent of the federal criminal justice funding will be allocated specifically to achieving PREA compliance.*

**What should someone do if they suspect a sexual assault has occurred in a correctional facility?**

A. *Anyone who suspects or has knowledge of any sexual harassment, sexual assault, or sexual misconduct in any juvenile or adult correctional facility should report it to a staff member, volunteer, supervisor, administrator, human resources official or the PREA unit. Inmates may file grievances, tell their case manager, or unit manager, or talk with a correctional officer or any staff member with whom they feel comfortable and trust. Anyone who receives a report of sexual abuse in any confinement setting must send it up the chain of command for investigation and disposition.*

**What is the penalty for not reporting a suspected sexual assault in a correctional facility?**

- A. *Disciplinary action, including termination, may face a department employee or volunteer who fails to report an allegation of sexual misconduct, or coerces or threatens another person to submit inaccurate, incomplete, or untruthful information with the intent to alter a report. The department takes very seriously its PREA responsibilities in order to ensure public safety, secure correctional facilities and a safe environment for all offenders.*

**For more information regarding PREA please click on the link below:**

<http://www.prearesourcecenter.org/>

**For any further questions, comments or concerns regarding PREA at the St. Clair County Intervention Center, they can be directed to:**

**Assessment Sergeant  
(810) 987-1719**

**or the**

**Housing Sergeant  
(810) 987-1717**