

North Carolina Department of Public Safety
Prisons
Policy Summary Sheet



Offender Sexual Abuse and Sexual Harassment

Chapter: F

Section: .3400

Current Review Date:

August 12, 2019

Reviewed By:

Prisons Security Accountability Section/PREA
Office

Next Review Due:

August 12, 2020

Current Revision Date:

August 12, 2019

Supersedes Revision Dated:

August 24, 2015

Current Revision Summary (if applicable):

All current changes are highlighted in yellow. General changes throughout policy include changing “inmate” to “offender.” Changed several form names “PREA Acknowledgement Form (OPA-T10) to “Form OPA-T10 PREA Acknowledgment” changed “OPA-I24 PREA Sexual Abuse and Harassment Retaliation Report (Offender/Juvenile)” to “Form OPA-I24 Retaliation Monitoring-Offender and Juvenile” changed “Form OPA-I22 PREA Sexual Abuse and Harassment Retaliation Report (staff)” to Form OPA-I22 Retaliation Monitoring-Staff” throughout policy. The term “segregated housing” has been changed to “restrictive housing” throughout policy. Other grammatical corrections made where necessary.

Specific Changes

.3401 Authority section has been removed from policy. Policy sections are renumbered as a result beginning with **.3401 Purpose** and continuing through **.3405 Procedures**.

.3403 Definitions

Page 2 (j) “Preliminary investigation” has been changed to “Preliminary Review.”

Page 3 (2) (E) “Note: A properly conducted routine (pat and frisk) search involving incidental contact with an offender’s genitals shall not be considered a form of sexual abuse.” This was added in order to provide clarity to the subsection (E).

.3405 Procedures

Page 6 (2) Annual Refresher has been amended with additional verbiage, “Annual Refresher Training and Information: All staff shall receive SAH 101 refresher training every 2 years and received SAH 201 refresher information during the alternate years” being added for clarification. Page 6 (b) (1) (A) (i) (II) “How to report” was changed to read “Applicable methods” to report incidents of sexual abuse and sexual harassment.

Page 7 (B) (II) “How to report” was amended to “Applicable methods.”

Page 9 (d) (2) (A) (iv) modified removing references to PREA toll free phone number and new language was added which reads, “Methods available to offenders for reporting incidents of sexual abuse or sexual harassment internally and to an external agency or entity.”

Page 12 (J-L) added to policy. New subsections added which provide clarity by stating:

- (J) If the offender indicates they were erroneously identified as lesbian, gay, bisexual, gender non-conforming, transgender or intersex during the completion of the MHSI, then the Case manager should update the screening information in accordance with current procedures.
- (K) The transgender or intersex offender, upon self-disclosure, may be housed temporarily in a single cell or bed with officer visibility until the FTARC convenes and determines permanent housing placement based on the offender’s concerns for safety, request for accommodations, screening information, and high risk status
- (L) Refer to policy TX I-13 Evaluation and Management of Transgender Offenders for addition compliance requirements not stated in this policy.

Page 14 (F) Added language “by the case manager” to provide clarity on who will do reassessment.

Page 14 (K-L) added to policy. New subsections added with provide clarity by stating:

- (K) Each facility shall ensure that staff interact professionally and respectfully toward transgender and intersex offenders.
- (L) Intentional misuse of gender pronouns and titles is prohibited. Transgender and intersex offenders shall be referred to by their preferred pronoun or a gender-neutral form of address. Unprofessional and derogatory references toward offenders are not acceptable under any circumstances.

Page 15 (C) (i) was added to policy providing information on alternative placements, stating,

- (i) Alternative placements can include, but are not limited to, the following temporary options:

- (I) Relocation to a different housing unit;
- (II) Placement in a cell or bed closer to the Corrections Officer's desk within the unit;
- (III) Any other housing area that the facility head or designee deems appropriate to separate from likely abusers.

Page 15 (D) (iii) was added and states "The other alternative means for separation that were explored" as additional information to be documented by facility.

Page 17 (f) (1) (A) (iv) (IV) removed references to PREA office and policy now reads, to "an external agency or entity..."

Page 22 (J) (i) changed "Form OPA-130 PREA Support Person Services" to "Form OPA-130 Support Services."

Page 24 (B) (i) added (PIR) as acronym for Post Incident Review. In (B) (iv) has additional language added "by the facility" to clarify who is to complete the PIR.

Page 25 (B) (vi) the language was amended by removing "provided to the DPS PREA Office" and adding "attached to the OPUS incident report."

Page 25 (iv) has been amended by changing "preliminary investigation" to "preliminary review."

Page 26 (vi) (II) has been added to policy and states, "Allegations involving staff shall be reported to the Office of Special Investigations in accordance with the DPS-SI-100 OSI Authority to Conduct Investigations policy."

Page 29 (B) (iv) has been changed removing "sent to the NC DPS PREA office" and adding "maintained for audit purposes."

Page 31 (4) (D) has additional language added at the beginning which states, "A mental health evaluation shall be conducted after a substantiated incident and the offender shall be offered treatment when deemed appropriate by mental health practitioners."

Page 31 (j) (2) removed "Offender Population Unified System" and used acronym "OPUS."

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Prisons Policy Coordinator 08/12/19
Date