

Prison Rape Elimination Act (PREA)

The Prison Rape Elimination Act of 2003 was enacted by Congress to address the problem of sexual assault of persons in the custody of U.S. correctional agencies. The Act applies to all public and private institutions that house adult and juvenile offenders and is also relevant to community-based agencies.

POLICY

The North Carolina Department of Public Safety is committed to and hereby adopts a standard of zero-tolerance of sexual abuse/assault of offenders by staff, other offenders, volunteers, contractual agents, or individuals having custody or responsibility for the safety, security, care, and/or treatment of offenders.

EMPLOYEE RESPONSIBILITIES

As an employee of the NC DPS you are responsible for the supervision of inmates and probationers and/or parolees. You are responsible for the safety and welfare of these individuals while they are under your supervision. It is your responsibility to do whatever is reasonable and necessary to reduce incidents of sexual assault and to respond appropriately when they do occur.

REPORTING

Each employee has a duty to report any and all violations of this policy. Reports are made immediately through the chain of command.

NC GENERAL STATUTE

14-27.7(a)

If a person having custody of a victim (offender) of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim, the person is guilty of a Class E felony. Consent is not a defense to a charge under this section.

What this means to correctional staff: committing a sex act with inmates or offenders is a crime punishable by law.

SANCTIONS

As a result, if an employee engages in sexual relations with an offender of the Department of Public Safety, the employee is subject to the department's disciplinary process as well as criminal prosecution.

