

BOYLE COUNTY DETENTION CENTER

Prison Rape Elimination Act

The Prison Rape Elimination Act (PREA) was signed into federal law in September 2003. The main purposes of this act are to establish a zero-tolerance standard for rapes in prison; make the prevention of prison rape a top priority; and to develop national standards for the detection, prevention, reduction, and punishment of prison rape.

The term "rape" means the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will; the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

This law is directed to all sexual acts relating to: inmate to inmate, inmate to staff, and staff to inmate.

Staff Sexual Misconduct

Sexual acts or sexual contacts between any staff person and an offender, even if the offender consents, initiates or pursues, are always prohibited and always illegal.

Sexual misconduct is:
Any sexual advance by staff members,
Requests for sexual favors by staff members,
Threats by staff for refusing sexual advances
Verbal or physical conduct of a sexual nature toward an offender by staff members, contract staff or volunteers of the Department of Corrections, and
Invasion of privacy beyond what is reasonably necessary for safety and security.

KRS 510.120 (1c)

A person is guilty of sexual abuse in the second degree when: Being an employee, contractor, vendor, or volunteer of the Department of Corrections, or a detention facility as defined in KRS 520.010, or of an entity under contract with either the department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, he subjects an offender who is incarcerated, supervised, evaluated, or treated by the Department of Corrections, the detention facility, or the contracting entity, to sexual contact.

Treatment Options for Assault Victims

Immediately report the assault to a staff member.

Medical attention will be given; do not shower, clean yourself, brush your teeth or change clothes for medical and prosecution reasons.

Separation from the assaultive inmate during the investigation will occur.

How inmates can protect themselves from becoming victims

Stay away from isolated areas such as closets, stairwells, and isolated/unoccupied restrooms.

Stay within eyesight of a correctional staff member whenever possible.

Be aware of your body language; avoid conversations involving sexual topics, family relationships, sexual experiences, financial status.

Don't get in debt. You may be expected to repay a debt with sex.

Avoid purchasing large amounts of canteen items or giving the impression you have money available to you.

You may be strong-armed or approached to pay for protections, etc.

Know that victims are selected by stronger inmates seeking out those that appear weaker (either physically or mentally) and are frequently similar to domestic violence situations.

Know that, as a victim, you are not at fault.

If YOU are a Sexual Predator and Assault Someone

...Sexual assaults will be investigated and are subject to prosecution in outside courts and by the institutional adjustment process.

...Your actions will have an impact on family, friends, and children. Visits for family and friends will be restricted.

...You will be classified as a sexual offender and be required to complete the Sex Offender Treatment Program and register as a sex offender prior to release.

...Your release date and amount of good time eligibility will be affected, thus increasing your sentence/stay.

Detainee Signature: _____

Staff Signature: _____

Date: _____

Date: _____