ELIMINATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT-PRISON RAPE ELIMINATION ACT (PREA) CONTRACTOR NOTICE

This Notice applies only to Contractors and their employees who have "Inmate Contact". Inmate Contact is defined as material and intentional contact, such as engaging in conversations, work, programs, religious worship, presentations, health care, recreation, education, or any other similar contact with inmates, whether supervised or unsupervised. Inmate Contact does not mean incidental contact such as walking through a hall by an inmate or simply seeing an inmate in the course of duties.

A. Contractor Requirements

In the performance of services under any contract with DOC, contractors shall comply with all federal and state laws and Department policies regarding sexual misconduct including, but not limited to:

Federal Law:

- Prison Rape Elimination Act of 2003 (PREA)

City & State Law, New York:

- City of New York, Mayoral Executive Order No. 16
- New York City Equal Employment Opportunity Commission Laws and Regulations
- New York State Division of Human Rights Laws and Regulations

DOC Policy:

- Directive 5011, Elimination of Sexual Abuse and Sexual Harassment.

Contractors must comply with the following:

1. The DOC has a zero tolerance policy toward all forms of sexual abuse and sexual harassment. Any contractor working for DOC shall not engage in sexual abuse or harassment of any inmate;
2. All contractors shall report any knowledge, suspicion or involvement in inmate sexual abuse or harassment. To report abuse or harassment, contractors shall call: 212-266-1900
3. Contractors shall familiarize themselves with the federal PREA law, relevant New York State and City laws and DOC policies regarding PREA and sexual misconduct. A copy of the DOC's policy is available upon request, and available online at www.nyc.gov/doc.
4. The DOC will provide PREA basic training to contractors based on the degree of contact they have with inmates, which is described in more detail in the sections below.
5. Contractor employees who will have Inmate Contact must submit to a criminal records background check prior to working on DOC premises.
6. Contractors who engage in sexual abuse or harassment or fail to conform to the DOC's zero tolerance policy are subject to any of the following remedies at the sole discretion of DOC:

    a. Removal from proximity to inmates;
    b. Removal from contract work on DOC premises;
    c. Contract termination;
    d. Possible referral of offenses for criminal prosecution.

B. Contractor Background Checks

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1. All contractor employees who will have Inmate Contact must undergo a criminal records background check and be cleared by DOC prior to having contact with inmates. This clearance must be repeated at least once every five years thereafter.

2. Contractors with incidental contact shall not be required to undergo a background check, but must have direct staff supervision at all times while working within any Departmental facility with inmates.

C. <u>Contractor Training</u>

1. The Department will ensure that all Contractor employees who have Inmate Contact have been trained on their responsibilities under DOC sexual abuse and sexual harassment prevention, detection, and response policies and procedures. Contractor employees must be trained prior to having Inmate Contact.

2. The level and type of training provided to Contractors shall be based on the services they provide and level of Inmate Contact as determined by DOC. Contractor shall make employees available for training as directed by DOC. The three levels of Inmate Contact are as follows:

   - High contact: Direct contact on a daily or regular basis or any unsupervised direct contact with inmates will require the contractor be provided a four (4) hour PREA employee training class.
   - Medium contact: Direct contact on a recurring basis, but with supervised interaction at all times, will require the contractor be provided a four (4) hour PREA training class.
   - Low contact: One-time or very infrequent contact with inmates that is always supervised will require the contractor to read the *Elimination of Sexual Abuse and Sexual Harassment Prison Rape Elimination Act (PREA) Training and Education Package* and sign the Acknowledgment Form.

D. <u>Employee Certifications</u>

Contractor shall ensure that any of its employees who will have Inmate Contact shall sign the attached Certification form prior to entering DOC property.

_____
Print Name

_____
Signature

_____/_____/_____
Date

ELIMINATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT-PRISON RAPE ELIMINATION ACT (PREA) CONTRACTOR CERTIFICATION

I acknowledge receipt and understanding of the Department of Correction's PREA policy and my responsibilities under the DOC's zero tolerance policy.

I hereby certify that I have not:

- Engaged in sexual misconduct in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 U.S.C. 1997;

- Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

- Been civilly or administratively adjudicated to have engaged in the activity described above.
- I understand I have a continuing affirmative duty to report any conviction or adjudication of a violation of any of the offenses listed above.

_____

Company Name

_____

Print Employee Name

_____

Employee Signature

_____/_____/_____

Date

ELIMINATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT-PRISON RAPE ELIMINATION ACT (PREA) TRAINING AND EDUCATION PACKAGE

PREA supports the elimination of sexual abuse in correctional settings. It covers more than prison and jail sexual abuse of inmates, but also includes retaliation for reporting and sexual harassment.

The New York City Department of Correction has a **zero-tolerance** policy toward all forms of sexual abuse and sexual harassment against any person confined in any of its facilities. The Department takes any allegation of sexual misconduct seriously and will respond to, investigate, and support the prosecution of any staff, vendor, contractor, service provider, or volunteer who engages in sexual misconduct within any of our facilities.

- **Zero tolerance** means that no sexual activity of any kind is permitted in a DOC facility. This includes forced or consensual activity between inmates and inmates, and staff/volunteers/contractors/service providers/vendors and inmates.
- All inmates have a right to be free from sexual abuse and harassment from other inmates, staff, volunteers, or contractors.
- Being in jail does not mean sexual abuse or harassment is a part of the punishment.
- Any sexual activity, ***even consensual,*** between a staff/volunteer/contractor/service provider/vendor and inmate is considered a ***violation*** of PREA and DOC's zero-tolerance policy and may lead to criminal prosecution.

The Department also has a zero-tolerance policy when it comes to retaliation.

- **Retaliation** occurs when an inmate, staff, or volunteer injures, harms, or intimidates a person who has reported sexual abuse and/or sexual harassment — or attempts to do so — in response to the report.
- Retaliation contributes to a "code of silence" by creating barriers to reporting through threats and intimidation.
- Each facility is required to protect inmates and staff members who report sexual abuse, sexual harassment, or cooperate with an investigation from retaliation.
- The PREA Compliance Manager (PCM) and Warden are responsible for the monitoring of retaliation. There is both a Warden and PCM assigned to each facility**.**
- No staff/volunteer/contractor/service provider/vendor may retaliate against any inmate or staff in any way if they report abuse or harassment and no staff/volunteer/contractor/service provider/vendor may be retaliated against for making a report.
- A code of silence is not acceptable. If it happens or you are told about it, report it.

ELIMINATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT-PRISON RAPE ELIMINATION ACT (PREA) TRAINING AND EDUCATION PACKAGE

By law, inmates cannot consent to sex while in a confinement setting with staff, volunteers, service providers, vendors, or contractors. This is a violation because of the **imbalance of power** that exists in confinement settings and the inability of inmates to have the freedom to walk away or stay away from others. Staff/volunteers/contractors/service providers/vendors can sit in more powerful positions to inmates, may have access to items or services the inmates want, and due to this, can coerce a relationship an inmate would not otherwise have entered on the outside. Inmates may attempt to engage in sexual relationships with you that they would not engage in on the outside. They might do this to gain comfort, items, create instability, or gain friendship. No one thinks they will ever be in a relationship, sexual or otherwise, with an inmate but it happens. Don't risk your position or your freedom. It's not worth it.

Understanding Inmates in Confinement Settings

- Inmates can be at risk for unhealthy relationships with authority figures, especially female inmates.
- Inmates can be considered "vulnerable" by past sexual and physical abuse/molestation, inability to communicate well (e.g., limited English language skills, intellectual or developmental disability), age and size, prior trauma or mental health issues and might be easily taken advantage of.
- Inmates may try to manipulate others to gain items, comfort, or leverage of some kind. They may intentionally try to flirt with, gain the trust of or seek your help bringing in contraband to cope with their current status as an inmate and lack of freedom.
- Inmates sometimes have difficulty adjusting to coercive, restrictive environments and seek out comfort and ways to manage their confinement through relationships or leveraging others.
- Inmates may question their own sexual identity/preference and may engage in relationships they would not on the outside.

Setting clear boundaries

- Realize that you may have a lot in common with an inmate and may even easily form a friendship.
- Be aware of that possibility and avoid developing a personal relationship.
- Be approachable and respectful and use professional communication only.
- Understand your own personal vulnerabilities and how they might affect your time with inmates.
- Role model respectful behavior with inmates and refer them to appropriate staff when needed.
- Follow your agency policy and ask staff for help if you aren't sure what to do in a particular situation.

ELIMINATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT-PRISON RAPE ELIMINATION ACT (PREA) TRAINING AND EDUCATION PACKAGE

Respectful communication with LGBTI (Lesbian, Gay, Bisexual, Transgender, Intersex) Inmates

As a DOC volunteer/vendor/contractor/service provider you do not have to change your own personal or religious views about LGBTI people, however, all inmates must be treated with respect, regardless of their sexual orientation or identity. Here are some definitions it will help to know:

Definitions:

Lesbian – Women attracted to women

Gay – Men attracted to men

Bisexual – People attracted to both sexes

Transgender – A person whose internal sense of being male or female does not match their gender at birth

Intersex – A person who has ambiguous chromosomal patterns or genitals; considered a disorder of sex development as a developing fetus

Pronoun Usage

- Transgender females *(persons who are anatomically male but who identify as female)* should be addressed as "she" and referred to as "her."
- Transgender males *(persons who are anatomically female but who identify as male)* should be addressed as "he" and referred to as "him."

Using appropriate pronouns and communicating professionally is a sign of respect. Intentionally referring to LGBTI inmates by derogatory names or pronouns can constitute sexual harassment and is a sign of disrespect. Everyone is responsible for ensuring that LGBTI inmates live in a safe, non-discriminatory and respectful environment within the facility.

Prevention and Detection of Sexual Abuse and Sexual Harassment

Prevention is the act or practice from stopping something bad from happening.

Detection is the act or process of discovering, finding, or noticing something.

Prevention Strategies

- Ensure respectful communication between you and the inmates and between yourself and staff.
- Daily remind yourself of the DOC's zero tolerance policy.
- Follow the DOC's reporting policy; if you see something or even have a suspicion, report it.

- Don't spend so much time alone with one inmate that an inappropriate relationship could develop or appears to others to be developing; be aware of how you spend your time.
- Professionalism is a cornerstone to a respectful culture. Keep it professional at all times; language, dress, and behavior should reflect modesty and be appropriate for a correctional setting. No profanity or name-calling is ever permitted.
- Understand inmates and their behaviors and realize they are different from those who are not confined for a variety of reasons; do not become "friends" with an inmate.

Detection Strategies

- Be observant of inmate behaviors and patterns and report to the facility if an inmate's behavior becomes uncharacteristic or demonstrates signs they are being abused or harassed.
- If you see something, say something. Even a small interaction or verbal/nonverbal message from an inmate that seems concerning should be reported.
- Take note of staff or other contractor/vendor/volunteers' behaviors should they become concerning to you and report it to the facility.

Potential Physical Signs of sexual Abuse

- Sexually transmitted infections and/or diseases
- Unexplained pregnancies for female inmates
- Stomach or abdominal pain
- Difficulty in walking and sitting
- Unexplained injuries

Psychological Signs of Sexual Abuse

- Acting out
- Anger
- Anxiety
- Depression
- Disbelief
- Difficulty concentrating
- Suicidal thoughts
- Numbness

ELIMINATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT-PRISON RAPE ELIMINATION ACT (PREA) TRAINING AND EDUCATION PACKAGE

If you are told about an allegation of sexual abuse, sexual harassment, and/or retaliation:

You must take any report from an inmate either verbally, in writing, anonymously, or from third parties. All verbal reports must be documented immediately. *This must be done even if you do not believe the inmate or if the allegation is against another volunteer/contractor/peer that you trust and work with*. Allow the Department's investigators to sort out the facts. **All allegations must be reported to the facility immediately.** If you are aware of a staff who neglects their responsibilities and sexual abuse occurs, you are also required to report that.

WAYS TO REPORT

- *Tell the Warden or Deputy Warden*
- *Tell the PREA Compliance Manager*
- *Call 311 (you don't have to give your name)*
- *Tell any supervisor, such as a Captain or Tour Commander*
- *Tell medical/mental health staff*
- *Tell a Chaplain*
- *Call the Investigations Division (ID) or Department of Investigations (DOI)*
- *Call any hotline number posted in the facility*
- ***Document who you reported it to and exactly when with date and time***

Special reporting for Youthful Inmates (under the age of 18)

If a youthful inmate reports physical or sexual abuse to you of any kind, you may ask the staff to call or you may call yourself the New York State Child Abuse Hotline at 1-800-342-3720. It must be reported; it's the law.

Investigations

Once you report an allegation it will be sent to the following: facility leadership, the PREA compliance manager of the facility, and ID or DOI (who both handle investigations).

You may be asked or later contacted for additional information. All allegations will be followed by a prompt, thorough and objective investigation.

Conclusion

We thank you for working in or volunteering your time in the Department's facility. Only by working together can we eliminate sexual abuse and sexual harassment of inmates. If you have any questions about this or your responsibilities, you may contact the Department's PREA office at any time.

ELIMINATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT-PRISON RAPE ELIMINATION ACT (PREA) TRAINING AND EDUCATION PACKAGE

Acknowledgement of Receipt

I hereby acknowledge receipt of the Elimination of Sexual Abuse and Sexual Harassment-Prison Rape Elimination Act (PREA) Training and Education. I understand that I will be held accountable for acting in accordance with the policy laid out in this package.

_____

Print Name

_____

Signature

_____/_____/_____

Date