



Benton County Sheriff's Office

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PREA (Prison Rape Elimination Act) & CUSTODIAL SEXUAL MISCONDUCT

What is PREA?

The federal Prison Rape Elimination Act (PREA) was signed into law September 2003 by President George W. Bush. Its main purpose is to protect the Eighth Amendment rights of Federal, State and local prisoners. PREA makes the prevention of sexual assault of incarcerated persons a top priority with national standards for the detection, prevention, reduction and punishment of sexual misconduct and sexual assaults in prisons and jails. It also increases accountability for administrators who fail to prevent, reduce and punish such misconduct.

What is a violation of PREA and how will the Sheriff's Office respond?

Sexual contact in any form between staff and inmates is a violation of PREA. This not only applies to inmates in custody but also to those who may be in transition between custody levels, such as in Drug Court, under treatment, in transitional housing and/or under Probation, Parole and Post Prison supervision. It also applies to same sex, as well as opposite sex, encounters. There is no such thing as consensual sex between staff and inmates.

Sexual assault/misconduct between inmates is also a PREA violation. The Benton County Sheriff's Office (BCSO) is committed to a zero tolerance standard for the sexual misconduct or sexual assault of inmates under its authority. The BCSO will aggressively respond, investigate and support the prosecution of such misconduct.

How does this apply to me as a professional visitor?

As a professional visitor (e.g. attorney, private investigator, counselor, children's services staff, educator, court staff, medical and mental health professional, etc.) you are in a position of authority and respect similar to a staff member. As such, you can be in violation of PREA and prosecuted for Custodial Sexual Misconduct if you have sexual contact with an inmate. This is a serious offense that can result in prosecution and punishment as a felony. Such punishment carries a substantial prison sentence and would likely endanger any professional license.

In addition to maintaining your own high standards of behavior, you also have an obligation to act and make notification if you think an inmate is being abused by staff, other inmates or other professional visitors. If you fail to report an incident, you may be found to have acted with deliberate indifference toward the victim's health and/or safety.

What do you do if an inmate comes to you as a victim, or with information about a victim?

Maintain your professionalism. Listen and write down the information, then report it to Jail staff. You may be asked to write a report and speak with an investigator. If you do not feel safe discussing this with staff on duty, you should contact our Jail Commander, Diana Rabago and/or Sheriff Scott Jackson. If you do not feel comfortable or safe discussing this with the Benton County Sheriff's Office, then you can contact the Benton County District Attorney's Office which is not under the authority of the Sheriff's Office.

You are being asked to review this material and sign this form to ensure that everyone who comes in contact with inmates under the authority of the BCSO are aware of PREA and its importance. Your service is greatly appreciated and this form is not meant to be accusatory or negative toward any profession. Please read and sign the following statement:

I, _____ have read the above form and understand my obligation to
PLEASE PRINT
adhere to the conditions of PREA. I also understand that if I have any further questions I will ask Jail staff or
Captain Diana Rabago, Jail Commander.

SIGNATURE _____ DATE _____

WITNESS SIGNATURE _____ DATE _____