



## Rhode Island Airport Police General Order – 25B

<b><i>Section:</i></b>	<b>Law Enforcement Operations</b>
<b><i>Article:</i></b>	<b>GO-25B</b>
<b><i>Title:</i></b>	<b>Detainee Sexual Abuse and Sexual Harassment</b>
<b><i>Special Instructions:</i></b>	

### I. PURPOSE

- A. The Rhode Island Airport Police are committed to maintaining and protecting the dignity and safety of all detainees in the custody of the Airport Police. The purpose of this policy is to outline the ways in which the Airport Police will prevent and respond to sexual harassment and sexual violence against detainees in conformity with the Prison Rape Elimination Act (PREA) and any applicable federal and state laws. Additionally, this will ensure the safety of both detainees and staff in Rhode Island Airport Corporation facilities.

### II. DEFINITIONS

- A. **DETAINEE** - any person detained in a lockup, regardless of adjudication status.
- B. **EMPLOYEE** - a person who works directly for the Rhode Island Airport Corporation (RIAC) as either a sworn RIAP employee or a civilian employee.
- C. **EXIGENT CIRCUMSTANCES** - any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.
- D. **GENDER NON-CONFORMING** - a person whose appearance or manner does not conform to traditional societal gender expectations.
- E. **INTERSEX** - a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- F. **JUVENILE** - any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
- G. **JUVENILE HOLDING AREA** - an area specifically designated for the holding of juvenile offenders, separated by sight and sound from other areas in which adult offenders are held.

- H. LOCKUP - a facility that contains holding cells, cell block or other secure enclosures that are primarily used for the temporary confinement of individuals who have recently been arrested, detained or are being transferred to or from a court, jail, prison or other agency and are in the custody of the Division of Sheriffs.
- I. PAT-DOWN SEARCH - a running of the hands over the clothed body of a detainee by an Employee to determine whether the individual possesses contraband.
- J. RHODE ISLAND AIRPORT CORPORATION - Will be referenced through this document as RIAC.
- K. RHODE ISLAND AIRPORT POLICE - Will be referenced throughout this document as RIAP.
- L. SIDA - Security Identification Display Area, an area within the airport that can only be accessed by individuals with proper identification and prior authorization and will be referenced throughout this document as SIDA.
- M. STRIP SEARCH - a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks or genitalia.
- N. SUBSTANTIATED ALLEGATION - an allegation that was investigated and determined to have occurred.
- O. TRANSGENDER - a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
- P. UNFOUNDED ALLEGATION - an allegation that was investigated and determined not to have occurred.
- Q. UNSUBSTANTIATED ALLEGATION - an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- R. CARNAL KNOWLEDGE - means contact between the penis and the vulva or the penis and the anus involving penetration, however slight.
- S. ORAL SODOMY - contact between the mouth and the penis, vulva, or anus.
- T. SEXUAL ABUSE:

1. Sexual abuse of a detainee by another detainee includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
  - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Contact between the mouth and the penis, vulva, or anus;
  - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
  - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
2. Sexual abuse of a detainee by an Employee includes any of the following acts, with or without consent of the detainee:
  - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Contact between the mouth and the penis, vulva, or anus;
  - c. Contact between the mouth and any body part where the Employee or contractor has the intent to abuse, arouse, or gratify sexual desire;
  - d. Any other intentional contact, either directly or through the clothing of, or with the genitalia, anus groin, breast, inner thigh or the buttocks, that is unrelated to official duties or where the Employee or contractor has the intent to abuse, arouse or gratify sexual desire;
  - e. Any attempt, threat, or request by an Employee to engage in the activities described in sections (a) – (d);
  - f. Any display by an Employee of his or her uncovered genitalia, buttocks, or breast in the presence of a detainee; and
  - g. Voyeurism by an Employee.

U. SEXUAL HARASSMENT:

1. Repeated and unwelcome sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee directed toward another;

2. Repeated verbal comments or gestures of a sexual nature to a detainee by an Employee or contractor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

V. VOYEURISM - an invasion of privacy of a detainee by an Employee or contractor for reasons unrelated to official duties, such as peering at a detainee who is using a toilet in his or her cell to perform bodily functions; requiring a detainee to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a detainee's naked body or of a detainee performing bodily functions.

### III. POLICY (PREA Standard 115.111)

A. The RIAP maintains a zero tolerance policy regarding sexual abuse and sexual harassment in its facilities. Every allegation of sexual abuse and harassment shall be thoroughly investigated and, where warranted, criminally prosecuted.

### IV. PROCEDURES

A. Prevention Planning (PREA Standards 115.111, 115.113-115.118)

#### 1. PREA Coordinator

- a. The RIAP shall have a PREA Coordinator who is given sufficient time and authority to develop, implement, and oversee efforts to comply with PREA standards for the RIAC. The Deputy Chief of the Airport Police shall serve as the PREA Coordinator.

#### 2. Supervision and Monitoring

- a. Adequate staffing levels for the RIAP are reviewed daily to make certain levels are maintained to ensure the safety of all detainees.
  - i. The physical layout of each facility and the prevalence of substantiated and unsubstantiated incidents of sexual abuse are all taken into consideration when reviewing staff levels.
  - ii. In circumstances where the staffing plan is not complied with, the RIAP shall document and justify all deviations from the plan.
  - iii. Whenever necessary, but no less frequently than once a year, the RAIP will assess, determine and document whether adjustments

are needed to the established staffing plan, the prevailing staffing patterns and the resources the RIAC has available to commit to ensure adequate staffing levels.

- b. Detainees are observed on video monitors by Employees of the RIAP.
  - i. The cameras used for the video monitoring system are automatically set to obscure all views of the toilets used by detainees so as not to allow cross-gender viewing.
  - ii. Whenever necessary, but no less frequently than once a year the RIAP will assess, determine and document whether adjustments are needed to the deployment of video monitoring systems and other monitoring technologies.
  - iii. A visual check of all detainees will be conducted every 30 minutes by an Employee of RIAP.
  - iv. An Employee will always be within 30 feet from the cellblock at all times.

### 3. Juveniles

- a. Juveniles shall be held separately from adult detainees.

### 4. Limits to Cross-Gender Viewing and Searches

- a. The RIAP shall not conduct cross-gender strip searches or cross-gender body cavity searches.
  - i. The RIAP shall not search or physically examine a transgender or intersex detainee for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined during conversations with the detainee, by reviewing medical records, or, if necessary by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
  - ii. The RIAC shall train Employees in how to conduct searches of transgender and intersex detainees in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.



- i. They follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions;
- ii. That the protocol shall be developmentally appropriate for youth, where applicable, and, as appropriate, shall be adapted from the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examination, Adults/ Adolescents," or similarly comprehensive and authoritative protocols developed after 2011. Employees who may have contact with detainees shall receive basic training regarding how to detect and respond to victims of sexual abuse;
- iii. All victims of sexual abuse are offered access to forensic medical examinations, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination will be performed by other qualified medical practitioners. The RIAP shall document its efforts to provide SAFEs or SANEs;
- iv. If the detainee is transported for a forensic examination to an outside hospital that offers victim advocacy services, the detainee shall be permitted to use such services to the extent available, consistent with security needs;
- v. Investigators have received training in conducting such investigations in confinement settings. Specialized training shall include:
  - 1) Techniques for interviewing sexual abuse victims;
  - 2) Proper use of Miranda and Garrity warnings;
  - 3) Sexual abuse evidence collection in confinement settings;
  - 4) The criteria and evidence required to substantiate a case for administrative action or prosecution referral; and
- vi. The RIAP will maintain documentation that Airport Police investigators have completed the required specialized training in conducting sexual abuse investigations.

2. Policies to Ensure Referrals of Allegations for Investigations

- a. The RIAP will ensure that an administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
- b. Allegations of sexual abuse or sexual harassment in its lockups will be investigated by the RIAP. Allegations involving RIAC Employees will be referred for investigation to the Rhode Island State Police, unless the allegation does not involve potentially criminal behavior.

C. Training and Education (PREA Standards 115.131-132)

1. Employee Training

- a. The RIAC shall train all Employees who may have contact with lockup detainees to be able to fulfill their responsibilities under RIAP sexual abuse prevention, detection, and response policies and procedures, including training on:
  - i. The RIAP's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment;
  - ii. The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable in lockup settings;
  - iii. The right of detainees and Employees to be free from retaliation for reporting sexual abuse or harassment;
  - iv. How to detect and respond to signs of threatened and actual abuse;
  - v. How to communicate effectively and professionally with all detainees; and
  - vi. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- b. All current Employees who may have contact with lockup detainees shall be trained within one year of the effective date of the PREA standards, and the RIAC shall provide annual refresher information to

all such Employees to ensure that they know the RIAP's sexual abuse and sexual harassment policies and procedures.

- c. The RIAP shall document, through Employee signature that Employees understand the training they have received.

2. Detainee, Contractor, and Inmate Worker Notification of RIAP's Zero-Tolerance Policy

- a. During the intake process, Employees shall notify all detainees of the RIAC's zero-tolerance policy regarding sexual abuse and sexual harassment.
- b. The RIAC shall ensure that, upon entering the lockup, contractors and any inmates who work in the lockup are informed of the RIAP's zero-tolerance policy regarding sexual abuse and sexual harassment.

- D. Screening for Risk of Sexual Victimization and Abusiveness (PREA Standard 115.141)

1. Screening for Risk of Victimization and Abusiveness

- a. In lockups that are not utilized to house detainees overnight, before placing any detainees together in a holding cell, the RIAP shall consider whether, based on the information before them, a detainee may be at high risk of being sexually abused and, when appropriate, shall take necessary steps to mitigate any such danger to the detainee.

- E. Reporting (PREA Standards 115.151, 115.154)

1. Detainee Reporting

- a. The RIAP will provide multiple ways for detainees to privately report sexual abuse and sexual harassment, retaliation by other detainees or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
  - i. A detainee may request to speak to a Shift Supervisor, who will then take the detainee out of the main cellblock to a secure area that is under videotape surveillance;

- ii. Detainees may have a citizen complaint form mailed, faxed, or e-mailed, or can make a phone call to the Airport Police Inspector. Citizen complaint forms will be made available at T.F. Green Website.
- b. The RIAP will accept reports made verbally, in writing, anonymously, and from third parties, and promptly document any verbal reports.
- c. Members of the RIAP are allowed to privately report sexual abuse and sexual harassment of detainees directly to a superior officer, up to and including the Chief.
  - i. Members may submit reports verbally or in writing on a personnel complaint reporting form.

## 2. Third-Party Reporting

- a. The RIAC offers information on its website at [www.pvdairport.com](http://www.pvdairport.com) that provides a method to receive third-party reports of sexual abuse and sexual harassment in its lockups. Information on how to report sexual abuse and sexual harassment on behalf of a detainee is included on the website.

## F. Official Response Following a Detainee Report (PREA Standards 115.161-165, 115.167)

### 1. Staff and RIAC Reporting Duties

- a. The RIAC requires all Employees to report immediately and according to Airport policy any knowledge, suspicion, or information regarding:
  - i. An incident of sexual abuse or sexual harassment that occurred in an Airport Police lockup;
  - ii. Retaliation against detainees or staff who reported such an incident; and
  - iii. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- b. Apart from reporting to designated supervisors, Employees shall not reveal any information related to a sexual abuse report to anyone other

than to the extent necessary to make treatment and investigation decisions.

- c. If the alleged victim is under the age of 18, the Airport Police shall report the allegation to the Department of Children Youth and Families consistent with mandatory reporting laws.
- d. If the alleged victim is either over the age of 60 or is over the age of 18 and has severe impairments, as defined within Chapter 11-5, or may be considered a vulnerable adult under Rhode Island General Laws, the Airport Police will comply with any mandatory reporting requirements.

## 2. Rhode Island Airport Police Protection Duties

- a. When the RIAP learns that a detainee is subject to a substantial risk of imminent sexual abuse, immediate action to protect the detainee will be taken.

## 3. Reporting to Other Confinement Facilities

- a. Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Officer-In-Charge that received the allegation shall notify the head of the facility or Officer-In-Charge of the agency where the alleged abuse occurred.
- b. The RIAP shall provide such notification as soon as possible, but no later than 72 hours after receiving the allegation.
- c. The RIAP will document that it provided such notification.

## 4. Staff First Responder Duties

- a. Upon learning of an allegation that a detainee has been sexually abused, the first RIAP Employee to respond to the report is required to:
  - i. Separate the alleged victim and abuser;
  - ii. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
  - iii. Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking,

drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence; and

- iv. Ensure that alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence.
- b. If the first responder is not a sworn RIAP Employee, the responder shall require that the alleged victim not take any actions that could destroy physical evidence and then immediately notify a sworn RIAP Employee.

#### 5. Coordinated Response

- a. The RIAP has a developed an institutional plan to coordinate actions taken in response to a lockup incident to sexual abuse, among Airport Police first responders, medical and mental health practitioners, investigators and Airport Corporation leadership.
- b. If a victim is transferred from the Airport Police lockup to a jail, prison, or medical facility, the RIAP shall, as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services, unless the victim requests otherwise.

#### 6. RIAC's Protection Against Retaliation

- a. The RIAP shall protect all detainees who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other detainees or RIAP Employees. The RIAP shall employ multiple protection measures, such as:
  - i. Housing changes or transfers for detainee victims or abusers; and
  - ii. Removal of alleged staff or detainee abusers from contact with victims.
- b. The RIAC shall protect all RIAP officers who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigation from retaliation by other Airport Corporation Employees in accordance with Airport Polices 3.05 Sexual Harassment Policy and 3.06 Workplace Violence.

- c. Shift Supervisors are designated to monitor retaliation.
- d. The RIAP will monitor the conduct and treatment of detainees or Employees who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. The RIAC will act promptly to remedy any such retaliation.
- e. If any other individual who cooperates with an investigation expresses a fear of retaliation, the RIAP will take appropriate measures to protect that individual against retaliation.
- f. The RIAP Department's obligation to monitor shall terminate if the RIAP Investigation determines that the allegation is unfounded.

G. Investigations (PREA Standards 115.171-172)

1. RIAC Administrative Investigations

- a. When the RIAC conducts an administrative investigation into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- b. Administrative investigations shall include an effort to determine whether the actions or failure to act by an RIAP Employee contributed to the abuse.
- c. Administrative investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- d. Substantiated allegations of conduct that appears to be criminal shall be referred to the Rhode Island State Police for investigation and possible prosecution.
- e. The RIAC shall retain all written reports for as long as the alleged abuser is incarcerated or employed by the Airport, plus five years.
- f. The departure of the alleged abuser or victim from the employment or control of the lockup or Airport shall not provide a basis for terminating an investigation.

- g. The RIAC will cooperate with the members of the Rhode Island State Police when a criminal investigation takes place, and shall remain informed about the progress of the investigation.

2. Evidentiary Standard for Administrative Investigations

- a. The RIAC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

H. Discipline (PREA Standards 115.176-178)

1. Disciplinary Sanctions for Airport Corporation Employees

- a. RIAC Employees shall be subject to disciplinary sanctions up to and including termination for violating the RIAC sexual abuse harassment policies.
- b. Termination shall be the presumptive disciplinary sanction for Employees who have engaged in sexual abuse.
- c. Disciplinary sanctions for violations of RIAC policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the Employee's disciplinary history, and the sanctions imposed for comparable offenses by others Employees with similar histories, and in accordance with the Collective Bargaining Agreement.

2. Referrals for Prosecution for Detainee-on-Detainee Sexual Abuse

- a. When there is probable cause to believe that a detainee sexually abused another detainee in an Airport Police lockup, the RIAP shall refer the matter to the Rhode Island Attorney General's Office.

I. Medical and Mental Care (PREA Standard 115.182)

- 1. Detainee victims of sexual abuse in lockups shall received timely, unimpeded access to emergency medical treatment.
- 2. Treatment services shall be provided to the victims without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

J. Data Collection and Review (PREA Standards 115.186-189)

1. Sexual Abuse Incident Reviews

- a. The RIAC shall conduct a sexual abuse incident review at the end of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- b. Such review shall ordinarily occur within thirty (30) days of the conclusion of the investigation.
- c. The review team shall include the Internal Affairs Investigator, the Senior Vice-President of Operations, and RIAC Legal Counsel.
- d. The review team shall:
  - i. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - ii. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status or perceived status; or gang affiliation; or was motivated or otherwise cause by other group dynamics at the lockup;
  - iii. Examine the area in the lockup where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - iv. Assess the adequacy of staffing levels in that area;
  - v. Assess whether monitoring technology should be deployed or augmented to supplement supervision by RIAP Employees; and
  - vi. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to (iv)(a)-(iv)(e) of this section, and any recommendations for improvement and submit such report to CEO and RIAP Chief of Police.

- e. The RIAP shall implement the recommendations for improvement, or shall document its reasons for not doing so.

## 2. Data Collection

- a. The RIAP shall collect accurate, uniform data for every allegation of sexual abuse at lockups under its direct control using the procedures outlined in this policy.
- b. The incident-based data collected shall include the data necessary to answer all questions from the most recent version of the *Local Jail Jurisdictions Survey of Sexual Violence* conducted by the Department of Justice, or any subsequent form developed by the Department of Justice and designated for lockups.
- c. The RIAP shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- d. Upon request, the RIAP shall provide all such data from the previous calendar year to the Department of Justice no later than June 30<sup>th</sup>.

## 3. Data Review for Corrective Action

- a. The RIAC will review data collected and aggregated pursuant to section (2) in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training, including:
  - i. Identifying problem areas;
  - ii. Taking corrective action on an ongoing basis; and
  - iii. Preparing an annual report of its findings and corrective actions for each lockup, as well as the RIAP as a whole.
- b. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the RIAP progress in addressing sexual abuse.
- c. The RIAP's report shall be approved by the Chief.

- d. The RIAC may redact specific material from the reports when publication would present a clear and specific threat to the safety of a lockup, but must indicate the nature of the material redacted.

#### 4. Data Storage, Publication and Destruction

- a. The RIAC shall ensure that data collected pursuant to section (2) are securely retained.
- b. The RIAC shall make all aggregated sexual abuse data from its lockups readily available to the public at least annually through its website.
- c. Before making all aggregated sexual abuse data publicly available, the RIAC will remove all personal identifiers.
- d. The RIAC will maintain sexual abuse data collected pursuant to section (2) for at least ten (10) years after the date of the initial collection, unless Federal, State or local law requires otherwise.

### V. PROVISIONS

#### A. Preservation of Ability to Protect Detainees from Contact with Abusers (PREA Standard 115.166)

The RIAC will not enter into any Collection Bargaining Agreement that limits its ability to protect detainees.

#### B. Audits (PREA Standards 115.193)

The RIAP does not utilize any of its lockups to house detainees overnight; therefore, the RIAC is not subject to audits



By Order Of:

Leo D. Messier  
Chief of Police  
Rhode Island Airport Police