

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 521

Short Title: DOC Sexual Assault.

(Public)

Sponsors: Senator Carpenter.

Referred to: Children & Human Resources.

March 26, 1997

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SEXUAL ASSAULT PROGRAM FOR INMATES AND
EMPLOYEES OF THE DEPARTMENT OF CORRECTION.

The General Assembly of North Carolina enacts:

Section 1. Article 2 of Chapter 148 of the General Statutes is amended by
adding a new section to read:

"§ 148-25.1. Sexual assault program for inmates and Department employees.

(a) The Department shall provide, as part of every inmate's orientation, a program on sexual assault, with a goal to complete that program within seven days of commitment to the Department of Correction. The program shall provide inmates with at least the following information:

- (1) An accurate presentation pertaining to sexual assault violence;
- (2) Information on preventing and reducing the risk of sexual assault;
- (3) Information on available counseling for victims of sexual assault; and
- (4) The procedure for victims of sexual assault to request counseling.

(b) The Department shall provide sexual assault counseling on-site at the prison unit to any prisoner requesting it. The counseling shall be provided by trained or experienced counselors through the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, in cooperation with the medical and chaplain staff of the Department. Counselors shall be granted reasonable access to Department of

1 Correction institutions and prisoners for the purpose of providing confidential sexual
2 assault counseling.

3 Unless the Director of the Division of Prisons finds a particular item to be unsuitable,
4 the Department shall allow the distribution of materials on sexual assault and rape trauma
5 syndrome developed or sponsored by community rape crisis centers or nonprofit
6 organizations with expertise in sexual assault. Any such material provided to a
7 correctional institution shall be made available to inmates in places where they may make
8 use of them privately and without attracting undue attention, such as in the library, law
9 library, medical clinic, recreation hall, mental health offices, and educational lobby areas.

10 The Department shall post notices of the availability of any community-based rape
11 crisis counselors who are willing to provide confidential counseling. Communications
12 between prisoners and rape crisis counselors are confidential. The Department shall
13 cooperate with community rape crisis centers seeking to identify and provide counseling
14 to former inmates who were the victims of sexual assault.

15 (c) The Department shall collect statistical data of all known, reported, or
16 suspected incidents of sexual aggression or sexually motivated violence occurring within
17 the State prison system. The Department shall compile this data on a quarterly and
18 annual basis.

19 (d) The Department shall develop and implement employee training on the
20 identification and prevention of sexual assault among inmates, in coordination with the
21 Department's employee basic training program. The training shall be conducted by the
22 Division of Mental Health, Developmental Disabilities, and Substance Abuse Services
23 and shall consist of at least two hours of training for each employee. The training shall be
24 provided to new employees at orientation and shall also be part of annual employee
25 training.

26 (e) The Department shall evaluate and classify each male prisoner with respect to
27 the probable risk of sexual assault. When feasible, incoming inmates shall be handled
28 separately until this classification is made. The classification shall be prominently
29 displayed in the inmate's confidential file, and the Department shall consider the
30 prisoner's classification when making housing assignments.

31 The Department shall also rate male prisoners as potential sexual assault offenders
32 based upon (i) criminal history; (ii) incidents occurring during confinement; and
33 (iii) reports of incidents that the Department determines to be credible. The Department
34 shall take the prisoners' potential for sexual assault into consideration when making
35 housing assignments.

36 The Department shall ensure that prisoners rated vulnerable or highly vulnerable to
37 sexual assault and prisoners rated as potential assaulters are not housed in the same cell
38 or room holding four or fewer inmates or placed in the showers at the same time, unless a
39 prisoner rated as vulnerable consents to such arrangements. Any exceptions to this policy
40 shall be reported to the Secretary within three days.

41 (f) The Department shall report annually to the Joint Legislative Commission on
42 Governmental Operations on:

- 1 (1) The percentage of inmate orientation programs on sexual assault
2 completed within seven days of commitment; and
3 (2) The Department's success in segregating prisoners rated vulnerable to
4 sexual assault from prisoners rated as potential assaulters."
5 Section 2. This act becomes effective July 1, 1997.