

# ERIE COUNTY SHERIFF'S OFFICE



## Pre-Employment PREA Questionnaire

28 CFR Prison Rape Elimination Act Section 115.17 Hiring & Promotion Decisions

---

APPLICANT'S NAME: \_\_\_\_\_

POSITION TITLE: \_\_\_\_\_

NAME OF INTERVIEWER: \_\_\_\_\_

DATE / TIME OF INTERVIEW: \_\_\_\_\_ / \_\_\_\_\_

---

### INSTRUCTIONS:

Pursuant to 28 CFR 115.17 the following questions must be asked of all applicants for initial appointment, promotional appointment, student, intern, contractor, vendor or volunteer appointment. Each applicant's case will be independently considered and evaluated based upon the totality of the applicant's verifiable accumulated information Eg: Background checks, references, prior work experience, prior work history, quality of interviews, psychological examinations, polygraph examinations, etc. and in relation to the duties and responsibilities of the position(s) for which the applicant seeks appointment.

---

### 28 CFR 115.17 Hiring and Promotion Decisions

- (a) The agency shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who -
  - (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
  - (2) Has 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
  - (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.
- (b) The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
- (c) Before hiring new employees who may have contact with inmates, the agency shall:
  - (1) Perform a criminal background records check; and
  - (2) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- (d) The agency shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.
- (e) The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.
- (f) The agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- (g) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

**By entering his/her initials next to the statements below, the candidate attests that the information the initials verify are true and correct.**

1. I understand that I have an affirmative duty to inform the Erie County Sheriff's Office if I engage or have engaged in sexual abuse of any kind, in any prison, lock up, community confinement facility, juvenile facility, mental health facility, any other institution, or in any detention or custodial setting or in the community.

Initial here: \_\_\_\_\_

2. Have you ever been the subject of an allegation(s) of sexual abuse?

YES

NO

Initial here: \_\_\_\_\_

3. Have you ever been the subject of a substantiated complaint of sexual abuse?

YES

NO

Initial here: \_\_\_\_\_

4. Have you ever been **convicted** of engaging or attempting to engage in any 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?

YES

NO

Initial here: \_\_\_\_\_

5. Are you currently or have you ever been listed in any sex offender registry, or have you ever been directed to register as a sex offender but failed to do so?

YES

NO

Initial here: \_\_\_\_\_

6. Have you ever engaged in or been accused of Sexual Harassment?

YES

NO

Initial here: \_\_\_\_\_

7. Have you ever engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile justice facility, halfway house, community re-entry facility, community residence, mental health facility, hospital or other facility in which neglected, mentally ill, disabled, handicapped, chronically ill persons reside or are provided skilled nursing, intermediate or long-term care or custodial, drug treatment or residential care, or against any person who is or was under community supervision such as parole or probation, supervised release, day reporting, detention or in police custody.

YES

NO

Initial here: \_\_\_\_\_

8. Have you provided any materially false information, or have you omitted or withheld any relevant information regarding any past misconduct which may serve as grounds for disqualification from appointment or promotion or for termination or forfeiture of my employment.

YES

NO

Initial here: \_\_\_\_\_

*(if the answer to any statement above is "YES", a separate investigation into the facts, circumstances and outcome of matters shall be required before a hiring or promotional decision can be made.)*

I \_\_\_\_\_ hereby certify that I have read and understand the foregoing document. I hereby certify that I was advised and understand my duty to answer all questions truthfully and that I have a duty to inform the Erie County Sheriff's Office, should any of the answers to the above questions change in the future. I understand and accept that any false information, material misrepresentation or omission regarding the types of misconduct described herein constitutes just cause and subjects me to immediate disqualification or termination.

\_\_\_\_\_  
Candidate's Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date