

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 04/05/2021	NUMBER 03.03.140
SUBJECT SEXUAL ABUSE AND SEXUAL HARASSMENT OF PRISONERS – PRISON RAPE ELIMINATION ACT (PREA)	SUPERSEDES 03.03.140 (04/24/2017); DOM 2021-7	
	AUTHORITY MCL 750.145m; MCL 750.520c; MCL 791.203; MCL 791.204; 42 USCA 15601 et. seq.; Prison Rape Elimination Act (PREA) of 2003	
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POLICY STATEMENT:

Pursuant to the Prison Rape Elimination Act of 2003 (PREA), this policy details the Department’s zero-tolerance standard toward all forms of sexual abuse and sexual harassment involving prisoners and outlines the Department’s approach to preventing, detecting, and responding to such conduct.

RELATED POLICIES:

- 01.01.140 Internal Affairs
- 02.03.100 Employee Discipline
- 02.06.111 Employment Screening
- 03.02.130 Prisoner/Parolee Grievances
- 03.03.105 Prisoner Discipline
- 03.03.110 Special Problem Offender Notice
- 03.03.130 Humane Treatment and Living Conditions for Prisoners
- 03.03.145 Youths in Prison
- 03.04.100 Health Services
- 03.04.105 Informed Consent to Medical Care
- 03.04.125 Medical Emergencies
- 04.04.100 Custody, Security, and Safety Systems (Exempt)
- 04.04.110 Search and Arrest in Correctional Facilities
- 04.05.120 Segregation Standards
- 04.06.184 Gender Dysphoria
- 05.03.118 Prisoner Mail
- 05.03.130 Prisoner Telephone Use

RELATED MANUALS:

- CFA Program Classification Manual
- PREA Manual
- Prisoner Guidebook
- Transportation Manual

POLICY:

DEFINITIONS

- A. Adult - A person who is 18 years of age or older.
- B. Bisexual - A sexual orientation that describes a person who is emotionally and sexually attracted to people of their own gender and people of other genders.
- C. Employee - For purposes of this policy, employee refers to Michigan Department of Corrections (MDOC) employees, contractors, and volunteers.
- D. Gay - A sexual orientation that describes a person who is emotionally and sexually attracted to people of their own gender. It can be used regardless of gender identity but is more commonly used to describe men.

- E. Gender Nonconforming - A person whose appearance or manner does not conform to traditional societal gender expectations.
- F. Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

Note: Intersex medical conditions are sometimes referred to as disorders of sex development.
- G. Lesbian - A sexual orientation that describes a woman who is emotionally and sexually attracted to other women.
- H. LGBTI - Lesbian, Gay, Bisexual, Transgender, Intersex.
- I. Prisoner - For purposes of this policy, "prisoner" includes any prisoner, parolee, probationer, trainee, detainee, or resident confined under the supervision of the MDOC.
- J. Substantiated Allegation - An allegation that was investigated and determined to have occurred.
- K. 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.
- L. Unfounded - An allegation that was investigated and determined not to have occurred (i.e., no evidence).
- M. 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.
- N. Voyeurism - An invasion of privacy of a prisoner by an employee for reasons unrelated to official duties, such as peering at a prisoner who is using a toilet in their cell to perform bodily functions; requiring a prisoner to expose their buttocks, genitals, or breasts; or taking images of all or part of a prisoner's naked body or of a prisoner performing bodily functions.
- O. Vulnerable Adult - A person age 18 or over who, because of age, developmental disability, mental illness, or physical disability requires supervision or personal care or lacks the personal and social skills required to live independently.
- P. Youth - A person who is under 18 years of age and who is incarcerated in an MDOC correctional facility.

DEFINITIONS SPECIFIC TO SEXUAL VICIMIZATION

- Q. Sexual abuse includes:
 - 1. Sexual abuse of a prisoner by another prisoner and
 - 2. Sexual abuse of a prisoner by an employee.
- R. Sexual abuse of a prisoner by another prisoner 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:

Nonconsensual Sexual Act:
 - 1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - 2. Contact between the mouth and the penis, vulva, or anus;
 - 3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

Abusive Sexual Contact:

4. 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.

S. Sexual abuse of a prisoner by an employee includes any of the following acts, with or without consent of the prisoner:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the employee has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the employee has the intent to abuse, arouse, or gratify sexual desire;
5. 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 has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by an employee to engage in the activities described in numbers 1 through 5 of this section;
7. Any display by an employee of their uncovered genitalia, buttocks, or breast in the presence of a prisoner and
8. Voyeurism by an employee.

T. Sexual Harassment includes:

1. Unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one prisoner directed toward another prisoner; and
2. Verbal comments or gestures of a sexual nature to a prisoner by an employee, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

GENERAL INFORMATION

U. PREA addresses prisoner-on-prisoner sexual abuse and sexual harassment, employee sexual abuse of prisoners, and employee sexual harassment of prisoners. The Department has zero tolerance for sexual abuse and sexual harassment of prisoners.

V. The PREA Manager, within the Budget and Operations Administration (BOA), oversees and coordinates the efforts of the MDOC to comply with Federal PREA standards, including assisting with the development and implementation of policy, and maintains a PREA Manual that shall be reviewed and updated as needed. The manual shall be consistent with PREA standards and outline methods

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consistent with maintaining PREA compliance.

- W. The PREA Manager shall have sufficient time and authority to develop, implement, and oversee the Department's efforts to comply with the PREA standards in all facilities, and shall ensure educational materials are available to meet the PREA standards.
- X. Each Warden shall take reasonable measures to eliminate prisoner access to secluded areas of the facility. This includes conducting rounds of such areas as set forth in PD 04.04.100 "Custody, Security, and Safety Systems (Exempt)."
- Y. Each Warden shall ensure the facility's physical plant layout enables prisoners to shower, perform bodily functions, and change clothing without nonmedical employees of the opposite gender viewing the prisoner's breasts, buttocks, or genitalia except in exigent circumstances or when such viewing is incidental to routine cell checks. Instances of cross-gender viewing in exigent circumstances shall be documented in writing to the Warden and retained for auditing purposes.
- Z. Wardens shall designate a PREA Coordinator at each facility under their supervision. The facility PREA Coordinator shall have sufficient time and authority to coordinate the facility's efforts to comply with the standards.
- AA. The facility PREA Coordinator shall be responsible for monitoring and providing assistance regarding all aspects of PREA compliance in areas such as training, education, reporting, documentation, and investigation of PREA-related allegations.
- BB. The facility PREA Coordinator shall ensure employees are assigned to monitor complaints of retaliation and attend incident-review team meetings. The PREA Coordinator shall track investigations, ensure AIM entries are made correctly, all forms related to investigations are completed, and relevant documents are submitted to the appropriate PREA Unit employees.
- CC. For facilities housing male offenders, female employees must announce their presence each time they enter a prisoner housing unit. Employees must knock on the most interior door and announce in a loud clear voice, "female(s) in the area" before entering.
- DD. For facilities housing female offenders, male employees must announce their presence each time they enter a prisoner housing unit. Employees must knock on the most interior door and announce in a loud clear voice, "male(s) in the area" before entering. Also, at facilities housing female offenders, employees shall follow procedures outlined in WHV OP 03.03.140 "Prohibited Sexual Conduct Involving Prisoners."

YOUTH

- EE. Employees assigned to work with youth shall follow any additional requirements outlined in PD 03.03.145 "Youths in Prison."

EMPLOYEE TRAINING

- FF. The Administrator of the Training and Recruitment Division, BOA, or designee, in coordination with the PREA Unit subject matter experts, shall ensure the following training is developed and available to staff regarding conduct prohibited by this policy:
 1. New Employee
 2. Inservice
 3. Contractor/Volunteer
 4. Basic Investigator Training
 5. Health Care employees and Mental Health Care PREA Training

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6. PREA Coordinator Training
7. PREA Risk Assessment Training
8. New Sergeant Training
9. New Supervisor Training
10. Specialized Female Offender Training
11. Specialized Youthful Offender Training
12. Other PREA-related training as needed

PRISONER EDUCATION

- GG. The PREA Manager is responsible for development and distribution of educational materials related to the education of prisoners regarding the Department's zero tolerance for sexual abuse and sexual harassment of prisoners, how to report conduct or threats prohibited by this policy, and prisoners' right to be free from retaliation for reporting or participating in a related investigation. Educational materials shall include information on treatment, advocacy, and counseling services available to all prisoners.
- HH. All prisoners shall receive comprehensive PREA education during intake and upon transfer to another facility within 30 days. Upon 72 hours of arrival at a facility, a prisoner shall receive educational material on zero tolerance, how to report, the name of the facility PREA Coordinator, the outside reporting agency, the victim advocate, and outside emotional support entity.
- II. Prisoner education shall be provided in formats accessible to all prisoners, including those with limited English proficiency, deaf, visually impaired, or otherwise disabled, as well as to prisoners who have limited reading skills.
- JJ. PREA Unit employees shall conduct training for prisoner PREA peer educators. Prisoner peer educators shall be effectively screened for appropriateness, be effectively trained in the requirements of the standard, utilize an effective prisoner education curriculum, and be effectively supervised by qualified employees. If adult prisoners provide prisoner education for youthful prisoners, the education shall occur outside the youthful prisoner housing unit and be supervised by MDOC employees at all times.

RISK ASSESSMENTS

- KK. All prisoners shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other prisoners or being sexually abusive toward other prisoners. The Department's computerized database risk assessment tools shall be used to determine a prisoner's risk. The assessment shall be completed using information contained in the prisoner's file and in computerized databases available to employees and gathered during face-to-face discussions with the prisoner. Prisoners shall be asked:
1. Questions relating to mental, physical, or developmental disabilities.
 2. Whether they are, or are perceived to be, gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
 3. Whether they have been previously victimized.
 4. What is their perception of being vulnerable.

Prisoners shall not be disciplined for refusing to answer or not disclosing complete information in

response to these questions. However, refusal to answer/disclose information shall be noted in the Department's computerized database.

LL. Results of the risk assessment shall be considered when making housing, bed, work, education, and program assignments with the goal of keeping separate those prisoners at high risk of being sexually victimized from those at high risk of being sexually abusive. Employees shall complete a PREA-Aggressor Risk Assessment-Prison and a PREA-Victim Risk Assessment-Prison in accordance with the PREA Risk Assessment Manual. Reasonable steps shall be taken to ensure the confidentiality of information obtained during the risk assessment process. Employees designated by the Warden shall complete both PREA Risk Assessments if any of the following occur:

1. Within 72 hours of a prisoner's arrival at a correctional facility, including intake.
2. Whenever warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that may increase the prisoner's risk of being sexually abused by other prisoners or being sexually abusive toward other prisoners.

MM. In addition to the PREA Risk Assessments required in Paragraphs KK and LL employees designated by the Warden shall complete a PREA-Risk Assessment Review-Prison:

1. No earlier than 14 days but no later than 30 calendar days of arrival, including intake (unless the prisoner transfers from the facility prior to 30 days).
2. When it has been 12 months since the last review.

The review shall consist of review of the most recent victim and aggressor risk assessments, including asking questions relating to mental, physical, or developmental disabilities, whether they are, or are perceived to be, gay, lesbian, bisexual, transgender, intersex, or gender nonconforming, previous victimization, or their own perception of vulnerability.

NN. If the assessment/review indicates a change in designation, the PREA overall designation shall be updated in the Department's computerized database. If a prisoner self-identifies as an LGBTI prisoner, the specific category they identify shall be documented to ensure their safety and necessary services.

OO. Results of risk assessments shall not be shared with prisoners. Information provided during the risk assessment shall be shared only with those who need to know for housing, bunking, and work assignment placement. Reasonable steps shall be taken to ensure the confidentiality of information obtained during the risk assessment process.

PROHIBITED CONDUCT AND SANCTIONS

PP. Prisoners are prohibited from having any sexual contact with another prisoner. A prisoner who willingly engages in such behavior is subject to discipline in accordance with PD 03.03.105 "Prisoner Discipline" and, as appropriate, reclassification to a higher security level, including segregation, in accordance with PD 05.01.130 "Prisoner Security Classification" and PD 04.05.120 "Segregation Standards." A Special Problem Offender Notice (SPON) shall be issued, as appropriate, as set forth in PD 03.03.110 "Special Problem Offender Notice." Probationers in SAI are subject to termination from that program and may be returned to the jurisdiction of the sentencing court.

QQ. It is a felony for employees to engage in sexual contact with a prisoner, as defined in MCL 750.520c.

RR. MDOC employees that engage in such conduct prohibited by this policy are subject to investigation and disciplinary action pursuant to PD 01.01.140 "Internal Affairs" and PD 02.03.100 "Employee Discipline." A contractual employee or volunteer who engages in such behavior shall be prohibited from providing services within any Department correctional facility. A parolee or a probationer shall not be required to receive services from a contractual employee or volunteer in the community known to have engaged in such conduct. If such contact is reported by a parolee or probationer, the supervising Agent shall ensure that the parolee or probationer is not required to have any further contact with the individual pending

investigation of the matter. The supervising Agent also shall immediately notify the Deputy Director of Field Operations Administration (FOA) or designee of the matter through the appropriate chain of command. The FOA Deputy Director or designee shall ensure a prompt investigation is conducted to verify whether the contractual employee or volunteer was found to have engaged in such conduct and, if verified, take appropriate action to ensure the individual no longer provides services to probationers or parolees.

- SS. All terminations for violations of agency sexual abuse or sexual harassment policies or work rules, or resignations by employees who would have been terminated if not for their resignation, shall be reported to (1) law enforcement agencies, unless the activity was clearly not criminal, and (2) any relevant licensing bodies.

REPORTING PROHIBITED CONDUCT

- TT. Employees shall immediately report in writing any knowledge, suspicion, information, or observation of conduct prohibited by this policy to the appropriate supervisor and the facility PREA Coordinator, regardless of the method of the report.

- UU. Reports can be made by employees or prisoners verbally or in writing regardless of when the incident was alleged to have occurred. Such reports may be made in any manner, including:

1. Privately to appropriate supervisory employees.
2. Through the MDOC Sexual Abuse Hotline.
3. By completing the Department's Sexual Abuse/Sexual Harassment Complaint form on the MDOC website.
4. By contacting the PREA Manager.
5. By contacting the Internal Affairs Section.
6. Through an external reporting agency (Corrections Ombudsman, Crimestoppers).
7. Anonymously.

The MDOC PREA Prisoner Discharge Information (CAJ-1039) form shall be included in the discharge packets to inform prisoners how to report sexual abuse/sexual harassment allegations after discharge. Upon completion of the form, staff shall sign the form and provide a copy to the prisoner. Prisoner signature of receipt on this form shall be retained in the discharge packet.

- VV. The MDOC has eliminated the administrative grievance procedure for addressing prisoner grievances regarding sexual abuse. If prisoners utilize the prisoner grievance system to report an allegation of sexual abuse, the facility Grievance Coordinator shall forward the sexual abuse allegation to the facility PREA Coordinator for further handling in accordance with this policy, and the sexual abuse grievance shall be removed from the grievance process. The prisoner shall be notified in writing that this has occurred.

- WW. Prisoners may utilize the prisoner grievance system in accordance with PD 03.02.130 "Prisoner/Parolee Grievances" to report allegations of sexual harassment or retaliation. However, because grievances require processing time and may not prompt immediate action, prisoners in need of immediate assistance should notify an employee.

- XX. Any allegations received directly in the PREA Section shall be forwarded to the facility where the conduct is alleged to have occurred. If an allegation received at a facility pertains to conduct at another facility (including county jails, another state prison, federal prison, or substance abuse program facility), the Warden shall provide email notification within 72 hours as follows:

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1. For allegations of sexual abuse within the MDOC - To the appropriate facility head. The appropriate facility head shall verify whether the allegation had been previously investigated. If not, they shall ensure the allegation is entered into the Department's computerized database and investigated in a timely manner. A courtesy copy shall be forwarded to the Department's PREA Manager.
2. For allegations of sexual abuse that occurred outside the MDOC - To the outside facility or local law enforcement agency where the incident was alleged to have occurred. When a PREA allegation is received by any MDOC office or location, other than a correctional facility, it shall be reported using the MDOC Online PREA Reporting Form on the MDOC website/PREA page. This includes any allegation received regarding sexual abuse and sexual harassment at a county jail, another state or federal prison, an MDOC facility, or a juvenile detention facility. If any documents related to the allegation are available, they must be scanned and e-mailed to the PREA Manager for review and follow-through.

If sexual harassment or sexual abuse is alleged at multiple locations in one complaint, the facility at which the prisoner is currently housed shall initiate the investigation, interview the prisoner, and conduct the investigation in coordination with investigatory employees from the named facilities.

MANDATORY REPORTING

- YY. The facility shall report any allegations of alleged victims under the age of 18 or who are considered a vulnerable adult under a state or local vulnerable persons statute to the extent the law requires such reporting. Allegations of sexual abuse by a prisoner under the age of 18, or by a vulnerable adult, shall be reported to the Michigan State Police (MSP).

HEALTH CARE AND MENTAL HEALTH

- ZZ. Prisoners who report that they have been the victim of a prisoner-on-prisoner sexual abuse or employee sexual abuse shall be referred to the Bureau of Health Care Services (BHCS) for examination, evidence collection, and treatment. They also shall be referred to BHCS mental health services for assessment, counseling, and other necessary mental health services consistent with the requirements set forth in PD 04.06.180 "Mental Health Services."
- AAA. Employees who are Health Care and Mental Health practitioners are required to report allegations of sexual abuse that occurred in an institutional setting, whether or not the institution is part of the Department. The prisoner shall be informed by the practitioner of their duty to report and that confidentiality is limited.
- BBB. Medical and mental health employees shall obtain informed consent from prisoners before reporting information about prior sexual victimization that did **not** occur in an institutional setting. A PREA Authorization for Release of Information Form (CAJ-1028) shall be used for this purpose. A copy of the CAJ-1028 shall be retained for auditing purposes.

INVESTIGATION OF SEXUAL ABUSE/SEXUAL HARASSMENT

- CCC. Investigations of sexual abuse/sexual harassment shall only be completed by employees who have received specialized investigator training as outlined in the PREA Manual. All investigations shall be conducted promptly, thoroughly, and objectively in accordance with the Sexual Abuse/Sexual Harassment Investigations portion of the PREA Manual.
- DDD. Unless a prisoner cannot be safely housed at the facility, employees shall work to avoid transferring prisoners if they are the alleged victim, perpetrator, or witness in a pending PREA related investigation. If a prisoner is transferred prior to the completion of an investigation, the facility shall document the rationale for the transfer.
- EEE. Wardens shall ensure that information on all allegations of prisoner-on-prisoner sexual abuse/sexual harassment, employee sexual abuse/sexual harassment, and employee overfamiliarity are entered into

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the MDOC computerized database at their respective facilities and investigated. In addition, information on the outcome of each investigation shall be entered. Information on allegations that do not result in sustained rule violations shall not be retained in an employee's Personnel file or used for any purpose not authorized by this or any other policy directive. Only the Deputy Director and their employees involved in employee disciplinary proceedings, including the Internal Affairs Section, the PREA Manager and their employees, and other employees specifically authorized by the Director or designee, shall have access to information in AM

FFF. In all investigations of employee sexual abuse/sexual harassment, investigators shall personally interview the complainant, the alleged victim if not the complainant, the alleged perpetrator, and sufficient witnesses to establish the facts. The investigation shall not be closed simply due to the resignation, transfer, or termination of the accused employee.

Prisoner on Prisoner Sexual Abuse

GGG. All reported allegations of prisoner-on-prisoner sexual abuse or threats of such behavior, whether reported verbally or in writing, shall be referred to the Warden or designee, or in FOA, to the Assistant Deputy Director (ADD) of the Office of Parole and Probation Services or designee, for investigation. The assigned investigator shall personally interview the alleged victim, the alleged perpetrator, and sufficient witnesses to establish the facts, unless otherwise directed by the investigating law enforcement agency. The investigation shall be coordinated as necessary with the Hearing Investigator if misconduct charges are issued. Investigators shall review prior complaints and reports of sexual abuse involving the same suspected perpetrator.

HHH. Any allegation(s) that appear to be criminal shall be referred to the MSP or other appropriate law enforcement agency to be criminally investigated and referred for prosecution. The Department investigation shall be coordinated as necessary with the investigating law enforcement agency to ensure the Department's efforts will not be an obstacle for prosecution and to remain informed of the status of the investigation. However, the Department investigation shall proceed in accordance with PD 01.01.140 "Internal Affairs" regardless of whether the referral results in criminal prosecution.

Employee Sexual Abuse/Harassment and Employee Overfamiliarity

III. All reported allegations of employee sexual abuse/sexual harassment or employee overfamiliarity, whether reported verbally or in writing, shall be referred for investigation as set forth in PD 02.03.100 "Employee Discipline" or PD 01.01.140 "Internal Affairs," as appropriate. Any allegation(s) that appear to be criminal shall be referred to the MSP or other appropriate law enforcement agency to be criminally investigated and referred for prosecution. The Department investigation shall be coordinated as necessary with the investigating law enforcement agency to ensure the Department's efforts will not be an obstacle for prosecution. However, the Department investigation shall proceed in accordance with PD 01.01.140 "Internal Affairs" and PD 02.03.100 "Employee Discipline" regardless of whether the referral results in criminal prosecution.

JJJ. The Warden shall ensure the alleged victim is notified in writing of the final disposition of an investigation involving allegations of sexual abuse. The PREA Prisoner Notification of Sexual Abuse Investigative Findings and Action Form (CAJ-1021) shall be used for this purpose once the final reviewer has made their determination of findings. The alleged victim shall sign for receipt of the notification. The CAJ-1021 shall be retained as part of the investigative packet.

KKK. If an investigation of employee sexual abuse/harassment determines the allegations are substantiated, the facility conducting the investigation shall inform the victim of the following using the CAJ-1021:

1. Any disciplinary action is taken. However, details of the discipline, including specific charges and sanctions shall not be provided;
2. The employee is no longer assigned within the prisoner's unit;

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3. The employee is no longer employed at the facility;
4. The Department learns the employee has been indicted on a charge related to sexual abuse within the facility, or;
5. The Department learns that the employee has been convicted on a charge related to sexual abuse within the facility.

LLL. If a prisoner alleges they were sexually abused by another prisoner, the Department shall subsequently inform the alleged victim of the following using the CAJ-1021:

1. The Department learns the alleged abuser has been indicted on a charge related to sexual abuse within the facility, or;
2. The Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

MMM. An incident-review meeting shall be conducted within 30 days of the completed investigation of sexual abuse, unless that investigation determined the allegation was unfounded. The meeting shall be documented using the Prison Rape Elimination Act (PREA) Sexual Abuse Incident Review (CAJ-1025).

NNN. For each investigation that substantiates an allegation of sexual abuse or sexual harassment of prisoners, the Warden shall ensure that a completed United States Department of Justice Survey on Sexual Victimization Form (SSV-IA) and all relevant documents are attached to the investigation packet and sent to the PREA Manager and appropriate PREA Analyst.

OOO. With approval of the Warden or designee, a prisoner may be charged with the misconduct of "Interference with the Administration of Rules" if after investigation allegations of employee sexual abuse/harassment are determined to be made in bad faith. The misconduct may be elevated to Class I with the approval of the CFA Deputy Director or designee. Hearings shall be conducted in accordance with PD 03.03.105 "Prisoner Discipline."

PPP. Retaliation for reporting or participating in an investigation is prohibited. Prisoners and employees who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations, are protected from retaliation for reporting the incident or participating in the investigation. Upon receiving an allegation of sexual abuse, designated employees shall initiate a PREA Sexual Abuse Retaliation Monitoring form (CAJ-1022) to be completed in accordance with the PREA Manual. Employees or prisoners who report sexual abuse, or a prisoner who is an alleged victim of sexual abuse, shall be monitored for retaliation for a period of at least 90 days, unless the investigation results in a finding of unfounded. If unfounded, retaliation monitoring may be discontinued, and the reason noted on the form.

CONFIDENTIALITY OF SEXUAL ABUSE OR SEXUAL HARASSMENT REPORTS AND INVESTIGATIONS

QQQ. Reasonable steps shall be taken to ensure the confidentiality of information obtained from reports of conduct prohibited by this policy and any resulting investigations. Persons interviewed as part of an investigation shall be specifically warned not to discuss the investigation with others. Employees that intentionally compromise this confidentiality shall be subject to discipline in accordance with PD 02.03.100 "Employee Discipline." Prisoners who intentionally compromise this confidentiality shall be subject to discipline in accordance with PD 03.03.105 "Prisoner Discipline." This does not preclude employees from discussing such matters with their attorneys or in accordance with this or any other policy directive, Civil Service Commission rules and regulations, or applicable collective bargaining unit agreements. This also does not preclude prisoners from discussing such matters with their attorneys, to seek treatment, or to ensure their own safety.

VICTIM ADVOCATES

RRR. The Department shall attempt to make available a qualified victim advocate for prisoner victims of sexual abuse from a rape crisis center or community-based organization that is not part of the criminal justice

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system. As requested by the victim, the advocate shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals in accordance with the PREA Manual.

SSS. The Department shall provide prisoner victims with mailing addresses and toll-free phone numbers to outside victim advocates for confidential emotional support services related to sexual abuse.

REPORTING REQUIREMENTS

TTT. The PREA Manager shall be responsible for analyzing and reporting statistical information and other data as required under the Act and for monitoring compliance with this policy.

PROCEDURES

UUU. If necessary, to implement the requirements set forth in this policy, the FOA Deputy Director and Wardens shall ensure that procedures are developed or updated.

AUDIT ELEMENTS

VVV. This policy directive will be audited by DOJ-certified auditors. No Department audit elements have been established for this policy directive.

APPROVED: HEW 03/26/2021