

14-2-DHS Sexual Abuse Prevention and Response

AUTHORITY: COMPANY POLICY
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APRIL 19, 2017) (**where applicable*)
FACILITY:
FACILITY SUPERSEDES DATE:
FACILITY EFFECTIVE DATE:

POLICY:

CoreCivic is committed to protecting detainees from personal abuse, corporal punishment, per policy provides CoreCivic detention facilities with procedures for complying with the Prison Rape Standards to Prevent Detect and Respond to Sexual Abuse and Assault in Confinement Facility Enforcement (ICE) Performance-Based National Detention Standards (PBNDS).

CoreCivic maintains a zero-tolerance policy for all forms of sexual abuse or assault. It is the Policy for all employees, contractors, and volunteers that is free from the threat of sexual abuse or assault. (SAAPI) Program that ensures effective procedures for preventing, reporting, responding to, in (115.11 (a)).

When it is learned that a detainee is subject to a substantial risk of imminent sexual abuse, immediately aggressively investigate all allegations, regardless of the source, and prosecute those who are provided a supportive and protective environment.

Sexual activity between detainees or employees/contractors/volunteers and detainees, regardless of criminal disciplinary sanctions. (**ACI 4-4281-6; 4-ALDF-4D-22-5**)

DEFINITIONS:

Bad Faith – Acting with a dishonest belief or purpose.

Civilian – A person who is not a paid CoreCivic employee. Such individuals may include visitors, contractors, and volunteers. This does not include detainee visitors.

Contractor – A person who provides services at the facility on a recurring basis pursuant to a contract. This includes the contractor's employees who manage and operate facility departments such as health and/or safety, food services, maintenance, medical professionals such as a psychiatrist or medical doctor, contract attorney, etc.

Detainee – Any person detained in an immigration detention facility or holding facility.

Direct Staff Supervision – Security staff in the same room with, and within reasonable hearing of, detainees.

Employee – A person employed by CoreCivic in an approved full-time or part-time position that is covered by this policy, a paid intern may be considered an employee.

Exigent Circumstances – Temporary unforeseen circumstance(s) that require immediate action by a person.

Facility Support Center (FSC) – CoreCivic's corporate headquarters where employees provide company's correction, detention, residential, and community corrections facilities.

FSC PREA Committee – A committee comprised of senior operations, legal, and mental health investigation, and prevention.

FSC Prevention of Sexual Assault (PSA) Coordinator – An upper-level management FSC employee efforts to comply with the PREA National Standards and the company's Sexual Abuse Response CoreCivic facilities ensuring coordination in the prevention, detection, intervention, investigation (b))

Gender Non-Conforming – A person whose appearance or manner does not conform to traditional

LGBTI – Lesbian, Gay (Homosexual), Bisexual, Transgender, and Intersex. This acronym will

Intersex – A person who has a sexual or reproductive anatomy or chromosomal pattern that different conditions are sometimes referred to as disorders of sex development.

PREA – The Prison Rape Elimination Act 42 USC 15601 et. seq.

Prevention of Sexual Assault (PSA) Compliance Manager – An Administrative Duty Officer-level for the facility's Sexual Abuse Response and Prevention Program. The PSA Compliance Manager PSA Coordinator.

PREA National Standards – Part 115 of Title 6 of the Code of Federal Regulations, the Prison Immigration Detention facilities.

PREA Staffing Plan – An approved plan for staffing the facility in accordance with PREA guidelines

Preponderance of the Evidence Standard – An evidentiary standard under which an allegation the allegation is more likely than not to be truthful or correct.

Qualified Health Care Professional (QHCP) – Includes physicians, physician assistants, nurse virtue of their education, credentials, and experience are permitted by law within the scope of their

Qualified Mental Health Professionals (QMHP) – Includes psychiatrists, psychologists, psychiatric education, credentials, and experience are permitted by law to evaluate and care for the mental

Rape Crisis Center – An entity that provides intervention and related assistance, such as the services

SAFE/SANE Provider – A Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse physician who provides comprehensive care, and timely collection of forensic evidence and testing

Detainee-on-Detainee Sexual Abuse and/or Assault – Sexual abuse of a detainee by another detainee force, coercion, or intimidation, or if the victim did not consent or was unable to consent or refuse

- Contact between the penis and the vagina or anus and, for purposes of this subpart
- Contact between the mouth and the penis, vagina or anus;
- Penetration, however slight, of the anal or genital opening of another person by a
- Touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly
- arouse or gratify the sexual desire of any person; or
- Threats, intimidation, or other actions or communications by one or more detainees

Staff-on-Detainee Sexual Abuse and/or Assault – Sexual abuse of a detainee by a staff member one or more staff members, volunteers, or contract personnel who, with or without the consent

- Contact between the penis and the vagina or anus and, for purposes of this subpa
- Contact between the mouth and the penis, vagina or anus;
- Penetration, however slight, of the anal or genital opening of another person by a staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify se
- Intentional touching of the genitalia, anus, groin, breast, inner thighs or buttocks, e the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratil
- Threats, intimidation, harassment, indecent, profane or abusive language, or other engage in a sexual act;
- Repeated verbal statements or comments of a sexual nature to a detainee;
- Any display of his or her uncovered genitalia, buttocks, or breast in the presence o
- Voyeurism, which is defined as the inappropriate visual surveillance of a detainee relating to official duties, the following are examples of voyeurism: staring at a detainee to expose his or her buttocks, genitals, or breasts; or taking images of a detainee's functions.

Sexual Abuse Response Team (SART) – A team comprised of four (4) or more individuals having assessment and support needs, and ensuring policy and procedures are carried out that ensure

Transgender – A person whose gender identity (i.e. internal sense of feeling male or female) is

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PROCEDURES:

A. A. PSA COMPLIANCE MANAGER

- A1. Each CoreCivic facility shall designate a Prevention of Sexual Assault Compliance Manager for the local Immigration and Customs Enforcement (ICE) Field Office and the ICE PSA authority to oversee facility efforts to comply with facility sexual abuse and assault prevention. The Compliance Manager is responsible for the following:
 - A1a. Assisting with the development of written policies and procedures for the Sexual Abuse Prevention Program; and

- A1b. Assisting with the development of initial and ongoing PREA training protocols;
- A1c. Serving as PREA liaison with other agencies;
- A1d. Coordinating the gathering of statistics and reports on allegations of sexual abuse or as
- A1e. Reviewing the results of investigations of sexual abuse and assist in conducting an and efforts; and
- A1f. Reviewing facility practices to ensure required levels of confidentiality are maintained.
- A2. CoreCivic shall designate an upper level, company-wide Prevention of Sexual Assault, implement, and oversee CoreCivic efforts to comply with PREA standards in all immigra

B. PREVENTION PROCEDURES

- B1. Confidentiality
 - B1a. All information concerning an event of detainee sexual abuse is to be treated as confidential and shall not reveal any information related to a report of sexual abuse to anyone other than management decisions. This information should never be shared with other detainees.
 - B1b. Appropriate controls shall be implemented within the facility regarding the dissemination of information and abusiveness in order to ensure that sensitive information is not exploited by employees.
- B2. Hiring and Promotion
 - B2a. To the extent permitted by law, CoreCivic will decline to hire or promote any individual, who has had direct contact with detainees, who:
 - B2a1. Has engaged in sexual abuse in a prison, jail, holding facility, community confinement
 - B2a2. Has been convicted of engaging or attempting to engage in sexual activity facilitated by force, coercion, or consent or was unable to consent or refuse; or
 - B2a3. Has been civilly or administratively adjudicated to have engaged in the activity as outlined in this policy.
 - B2b. To the extent permitted by law, CoreCivic may decline to hire or promote and may terminate an employee for the provision of materially false information (115.17 (e)).
 - B2c. All applicants, employees, and contractors who may have direct contact with detainees shall complete written applications or interviews for hiring or promotions, and in any interviews or written applications shall disclose any prior sexual abuse allegations (b)).
 - B2c1. The 14-2H-DHS Self-Declaration of Sexual Abuse form will be completed upon application.
 - B2c2. The 14-2H-DHS Self-Declaration of Sexual Abuse form shall also serve as verification of no sexual misconduct as described in this policy, and as outlined above in B2a1-3.
 - B2c3. The 14-2H-DHS Self-Declaration of Sexual Abuse form shall be signed annually by each employee and placed in the Department's file.
 - B2c4. The 14-2H-DHS Self-Declaration of Sexual Abuse form shall be signed annually by each employee and/or the Volunteer Services Coordinator's training file.
 - B2d. Before hiring new employees who may have contact with detainees, each CoreCivic facility shall further ensure that a criminal record check is completed before enlisting the services of a new employee.
 - B2e. Consistent with federal, state, and local law each CoreCivic facility shall make its best effort to ensure that all allegations of sexual abuse or any resignation during a pending investigation of an allegation shall be reported to the Questionnaire for Prior Institutional Employers form shall be used to obtain such prior employment history.

- B2f. CoreCivic shall ensure that criminal background records checks are completed at least contact with detainees (115.17 (c)).
- B2g. Unless prohibited by law, CoreCivic shall provide information on Substantiated allegations to an institutional employer for whom such employee has applied to work (115.17 (f)).
- B3. Staff Training
- B3a. Training on the facility's Sexual Abuse or Assault Prevention and Intervention Program annual refresher/in-service training thereafter. **(ACI 4-4084; ACI-4-4084-1; 4-ALDF-7B-** staff are able to fulfill their responsibilities under DHS standards, and shall include: (115
- B3a1. The facility's zero-tolerance policies for all forms of sexual abuse (115.31 (a) (1));
- B3a2. Definitions and examples of prohibited and illegal sexual behavior (115.31 (a) (3));
- B3a3. The right of detainees and staff to be free from sexual abuse, and from retaliation for reporting sexual abuse (115.31 (a) (4));
- B3a4. Instruction that sexual abuse and/or assault is never an acceptable consequence of detainee behavior (115.31 (a) (5));
- B3a5. Recognition of situations where sexual abuse and/or assault may occur (115.31 (a)(4));
- B3a6. How to avoid inappropriate relationships with detainees (115.31 (a)(6));
- B3a7. Working with vulnerable populations and addressing their potential vulnerability in the facility (115.31 (a)(7));
- B3a8. Recognition of the physical, behavioral and emotional signs of sexual abuse and/or assault (115.31 (a)(8));
- B3a9. The requirement to limit reporting of sexual abuse and assault to personnel with a need to know and for law enforcement/investigative purposes; (115.31 (a)(9))
- B3a10. The investigation process and how to ensure that evidence is not destroyed;
- B3a11. Prevention, recognition and appropriate response to allegations or suspicions of sexual abuse (115.31 (a)(10));
- B3a12. How to communicate effectively and professionally with detainees, including lesbian, gay, and transgender detainees (115.31 (a)(7))
- B3a13. Procedures for reporting knowledge or suspicion of sexual abuse and/or assault; (115.31 (a)(11))
- B3a14. Instruction on documentation and referral procedures of all allegations or suspicion of sexual abuse (115.31 (a)(12))
- B3b. Specialized Training
- B3b1. In addition to the general training provided to all employees, security staff shall receive training on sexual abuse and effective cross-agency coordination in the investigation process (115.34 (a)).
- B3b2. The facility shall provide specialized training on sexual abuse and effective cross-agency coordination in the investigation process (115.34 (a)).
- B3b3. The PSA Compliance Manager shall ensure that more than one (1) person at the facility trained investigator is available as a back-up during employee absences from work (e.g. vacancies).
- B3b4. In addition to the general training provided to all employees, all full and part-time Qualified Medical Personnel (QMP) working in the facility, shall receive specialized medical training as outlined below:
- How to detect and assess signs of sexual abuse;
 - How to preserve physical evidence of sexual abuse;
 - How to respond effectively and professionally to victims of sexual abuse;
 - How and to whom to report allegations of sexual abuse; and

- How to preserve physical evidence of sexual abuse. (115.35 (b))

B3c. Civilians/Contractors/Volunteers

B3c1. The facility shall ensure that all volunteers and other contractors who have contact with detainees shall be notified of the facility's abuse prevention, detection, intervention and response policies and procedures (115.32 (b))

B3c2. The level and type of training for volunteers and contractors will be based on the services they provide. All volunteers and contractors who have any contact with detainees shall be notified of the facility's policies and procedures (115.32 (b))

B3c3. Civilians/contractors/volunteers who have contact with detainees on a recurring basis shall be notified of the facility's policies and procedures at their assignment or task.

B3d. Training and Policy Acknowledgement Documentation

B3d1. Employees shall be required to confirm, by either electronic or manual signature, their understanding of the contents of this policy. The completed forms will be maintained in the employee's training file.

B3d2. Civilians/contractors/volunteers shall be required to confirm, by either electronic or manual signature, their understanding of the contents of this policy. The completed forms will be maintained in the civilian or contractor's file. (115.32 (c))

B3d3. Employees: The 14-2A-DHS Policy and Training Acknowledgement form shall be completed by each employee to confirm their understanding of the contents of this policy. The completed forms will be maintained in the employee's training file. The completed forms will be maintained by the facility Manager, Human Resources. A newly signed 14-2A-DHS Policy and Training Acknowledgement form may be required for future revisions of this policy as determined by the FSC General Counsel or designee.

B3d4. Civilians/Contractors/Volunteers: The 14-2A-DHS Policy and Training Acknowledgement form shall be completed by each civilian or contractor to confirm their understanding of the contents of this policy and shall be completed by each civilian or contractor. The completed forms will be maintained by the facility Manager, Human Resources. A newly signed 14-2A-DHS Policy and Training Acknowledgement form may be required for future revisions of this policy as determined by the FSC General Counsel or designee.

B3d5. Documentation confirming that investigators have completed the required specialized training shall be maintained in the investigator's training file in accordance with CoreCivic Policies 1-15 Record Retention and 4-2 Maintenance of Training Records.

C. SUPERVISION AND MONITORING

C1. The CoreCivic Facility Support Center (FSC) will develop, in coordination with the facility Manager, guidelines for the facility's detainee supervision needs, and shall review those guidelines at least annually to ensure they are appropriate for the facility's staffing levels and, where applicable, video monitoring, to ensure the facility is in compliance with the standards.

C2. In calculating staffing levels and determining the need for video monitoring, the following factors shall be considered:

C2a. Generally accepted detention and correctional practices;

C2b. Any judicial findings of inadequacy;

C2c. All components of the facility's physical plant;

C2d. The composition of the detainee population;

C2e. The prevalence of Substantiated and Unsubstantiated incidents of sexual abuse;

C2f. Recommendations of sexual abuse incident review reports; and

C2g. Any other relevant factors, including but not limited to the length of time detainees spend in the facility.

C3. Annual PREA Staffing Plan Assessment

C3a. Whenever necessary, but no less frequently than once each year, for each CoreCivic facility, the Facility Manager shall conduct an annual PREA Staffing Plan Assessment (PSA) in accordance with the standards (b)).

C3b. The Facility PSA Compliance Manager will complete the 14-2I-DHS Annual PREA Staffing Plan Assessment. Upon completion of the Facility Administrator's review, the 14-2I-DHS Annual PREA Staffing Plan Assessment shall be submitted to the FSC General Counsel or designee for review and approval.

- C3c. In consultation with the respective FSC Business Unit Vice President/designee, the FS adjustments are needed to:
 - C3c1. The staffing plan established pursuant to this section;
 - C3c2. The facility's deployment of video monitoring systems and other monitoring technology;
 - C3c3. The resources the facility has available to commit to ensure adherence to the staffing plan.
- C3d. Changes to staffing, policy/procedure, physical plant, approved capital expenditures, and other matters shall be approved by the President/designee.
- C4. Supervision
 - C4a. Staff, including supervisors, shall conduct frequent unannounced security inspections and rounds shall be documented in the applicable log (e.g. Administrative Duty Officer, post all shifts (to include night, as well as day) and in all areas where detainees are permitted).
 - C4b. Employees shall be prohibited from alerting other employees that supervisory rounds are being conducted as a function of the facility. (115.13 (d))

D. DETAINEE SCREENING, CLASSIFICATION AND REASSESSMENT

- D1. All detainees shall be screened upon arrival at the facility for potential risk of sexual victimization, sexual abuse or assault, taking necessary steps to mitigate any such danger. (**ACI 4-4281-2; 4-ALDF-4D-22-1**)
- D2. Each new detainee shall be kept separate from the general population until he/she has been screened.
- D3. The initial classification process and initial housing assignment should be completed within 72 hours of arrival. (**4-ALDF-4D-22-1**)
- D4. The facility shall consider, to the extent that the information is available, the following criteria:
 - D4a. Whether the detainee has a mental, physical, or developmental disability;
 - D4b. The age of the detainee;
 - D4c. The physical build and appearance of the detainee;
 - D4d. Whether the detainee has previously been incarcerated or detained;
 - D4e. The nature of the detainee's criminal history;
 - D4f. Whether the detainee has any convictions for sex offenses against an adult or child;
 - D4g. Whether the detainee has self-identified as gay, lesbian, bisexual, transgender, intersex, or otherwise;
 - D4h. Whether the detainee has self-identified as having previously experienced sexual victimization or sexual abuse;
 - D4i. The detainee's own concerns about his or her physical safety.
- D5. Detainees shall not be disciplined for refusing to answer, or for not disclosing complete information, in response to questions asked pursuant to section D.4. a., g., h., or i. (115.41 (f)).
- D6. The 14-2B-DHS Sexual Abuse Screening Tool or electronic OMS version will be utilized for screening.
- D7. The initial screening shall consider prior acts of sexual abuse or assault, prior conviction for sexual abuse or assault, as known to the facility, in assessing detainees for risk of being sexually abused.
- D8. The facility shall implement appropriate protections on responses to questions asked pursuant to section D.4. a., g., h., or i. to ensure that information is not exploited to the detainee's detriment by staff or other detainees. (115.41 (f)).
- D9. If screening indicates that a detainee has experienced prior sexual victimization or perpetration, the detainee shall be immediately referred to a qualified medical or mental health practitioner for medical and mental health evaluation. (**4-ALDF-4D-22-3; 4-ALDF-4D-22-4**)

- D9a. When a referral for *medical follow-up* is initiated, the detainee shall receive a health evaluation. (b))
- D9b. When a referral for *mental health follow-up* is initiated, the detainee shall receive a mental health evaluation. (115.81 (c))
- D10. Reassessment
- The facility shall reassess each detainee's risk of victimization or abusiveness between any other time when warranted based upon the receipt of additional, relevant information.
- D10a. The reassessment of the detainee's risk level of victimization or abusiveness will be conducted by the Facility Administrator.
- D10b. The 14-2B-DHS Sexual Abuse Screening Tool will be used for completing the re-assessment.
- D11. Completed 14-2B-DHS forms will be maintained in the detainee's central file or electronic file. Where applicable, the detainee's electronic medical records.
- D12. Following any investigation into an allegation of sexual abuse, the necessity of filing an allegation against an abuser will be evaluated, such that the victim and abuser or potential abuser are kept separate from each other and are not placed in the same facility.
- D13. The predatory detainee shall be reclassified in accordance with the applicable classification.

E. HOUSING AND PROGRAM ASSIGNMENTS

- E1. The facility shall use the information from the 14-2B-DHS Sexual Abuse Screening Tool for program and other activities. (115.42 (a))
- E2. Transgender and Gender Non-Conforming
- E2a. The decision whether to assign a transgender or intersex detainee to a male facility or a female facility. The Facility Administrator shall consult with his/her appropriate ICE Regional Coordinator in the event there are concerns with a placement.
- E2b. The facility should not base housing and program placement decisions for transgender or intersex detainees on the detainee's self-identification of his/her gender and self-assessment of safety needs. A detainee's self-identification of his/her gender and self-assessment of safety needs shall be based on individualized case-by-case determinations about how to ensure the safety of each detainee.
- E2c. Upon arrival at a facility, transgender/intersex detainees shall be temporarily housed in a protective custody unit for no more than seventy-two (72) hours (excluding weekends, holidays, and court dates). If the detainee's safety needs can be assessed (115.42 (b)).
- E2d. In deciding whether to house a transgender/intersex detainee in a male or female unit, the facility shall consider other housing and programming assignments for such detainees, the facility shall consider the assessment of safety needs. The facility shall consult a medical or mental health professional for advice.
- E2e. Placement and programming assignments for each transgender or intersex detainee shall be based on the safety needs of the detainee. (115.42 (b))
- E3. Restricted Housing
- E3a. Use of Administrative Segregation to protect detainees at high risk for sexual abuse and victimization. If a detainee has been made to provide appropriate housing and shall be made for the least amount of time. (115.42 (b))
- E3b. Detainees considered at risk for sexual victimization shall be placed in the least restrictive housing available. If the least restrictive housing is not available at the facility, the facility will consult with the ICE Field Office Director to determine the appropriate housing.

assigned to Administrative Segregation for protective custody only until an alternative m assignment shall not ordinarily exceed a period of thirty (30) days. (115.43 (b))

- E3c. Staff shall document detailing reasons for placement of an individual in Administrative (a))
- E3d. If involuntary segregated housing is warranted as outlined above in E3b., the facility wi
- E3d1. A supervisory staff member shall conduct a review within seventy-two (72) hours of the warranted; and
- E3d2. A supervisory staff member shall conduct, at a minimum, and identical review after the week thereafter for the first thirty (30) days and every ten (10) days thereafter. (115.43
- E3e. Facilities shall notify the appropriate ICE Field Office Director no later than seventy-two been placed in segregation on the basis of a vulnerability to sexual abuse or assault. (1
- E3f. Detainees placed in segregated housing for this purpose shall have access to program to programs, privileges, education, or work opportunities is restricted, the facility shall dc
- E3f1. The opportunities that have been limited;
- E3f2. The duration of the limitation; and
- E3f3. The reasons for such limitations. (115.43 (c))

F. DETAINEE ORIENTATION AND EDUCATION

- F1. During the intake process, all detainees shall be notified of the facility zero tolerance po (orally and in writing) about the facility's SAAP Program. Such information shall include
- F1a. The facility's zero tolerance policy for all forms of sexual abuse or assault; (115.33 (a))
- F1b. Prevention and intervention strategies; (115.33 (a) (1))
- F1c. Definitions and examples of detainee-on-detainee sexual abuse and assault, staff-on-c
- F1d. Explanation of methods for reporting sexual abuse or assault, including one or more sta DHS/Office of Inspector General (OIG) and the ICE/Office of Professional Responsibility
- F1e. Information about self-protection and indicators of sexual abuse and assault (115.33 (a
- F1f. Prohibition against retaliation, including an explanation that reporting an assault shall n and
- F1g. The right of a detainee who has been subjected to sexual abuse to receive treatment a
- F2. The facility shall post on all housing unit bulletin boards the following notices: (115.33 (l
- F2a. The DHS-prescribed sexual abuse and assault awareness notice;
- F2b. The name of the facility PSA Compliance Manager; and
- F2c. Information about local organization(s) that can assist detainees who have been victim numbers (toll-free hotline numbers where available). If no such local organizations exist, organizations.

AT THIS FACILITY, INFORMATION ABOUT THE FOLLOWING LOCAL ORGANIZAT

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- F3. The facility shall make available and distribute the DHS-prescribed "Sexual Assault Aw

- F4. During intake and/or orientation, detainees shall be shown the CoreCivic Video "PREA shown in both English and Spanish. Detainees must sign and acknowledge that they have read and understood the video. (115.15 (b))
- F5. Information about reporting sexual abuse shall be included in the detainee handbook. (115.15 (b))
- F6. The facility shall maintain documentation of detainee participation in educational sessions. (115.15 (b))

G. LIMITS TO CROSS GENDER VIEWING AND SEARCHES

G1. Cross Gender Searches

- G1a. Whenever operationally feasible, staff conducting a search must be of the same gender as the detainee. (115.15 (b))
- G1b. Pat searches of male detainees by female staff shall not be conducted unless, after reasonable suspicion search is required, or, in exigent circumstances. (115.15 (b))
- G1c. Pat searches of female detainees by male staff shall not be conducted unless in exigent circumstances. (115.15 (b))
- C1d. All cross-gender pat searches of detainees will be documented in a log book including the date, time, location, and names of staff and detainees. (115.15 (b))
- C1e. Strip searches of detainees by staff of the opposite gender shall not be conducted except in exigent circumstances. (115.15 (b))
- C1f. Staff shall not conduct strip searches of juveniles. All such body cavity searches of juveniles shall be conducted by a medical professional. (115.15 (b))
- C1g. An officer of the same gender as the detainee shall perform strip searches. In the case of a medical professional, a staff member of the same gender as the detainee shall be present to observe a strip search performed by an officer of the opposite gender. When a medical professional is not available, a staff member of the same gender as the detainee, staff shall document the reasons for the search in the detainee's detention file. (115.15 (b))
- C1h. Body cavity searches will only be conducted by a medical professional and take place in a private area. Staff of the opposite gender, other than a designated qualified observer, shall not be present. (115.15 (b))
- G1i. All strip searches and visual body cavity searches shall be documented. If a strip search is conducted, a Notice to Administration (NTA) (refer to CoreCivic Policy 5-1 Incident Reporting). (115.15 (b))

G2. Cross Gender Viewing

- G2a. Detainees shall be able to shower, perform bodily functions, and change clothing without being viewed by staff of the opposite gender, or when such viewing is incidental to routine cell checks or is otherwise appropriate in circumstances. (115.15 (g))
- G2b. The facility shall post notices/rules that prohibit detainees from disrobing or being undressed in dormitory sleeping units, may be monitored by either gender. (115.15 (g))
- G2c. Cameras that capture areas in which detainees are likely to be undressed or toileting, shall be monitored by medical staff or officers or nonmedical administrators of the same gender as the detainees viewed through the cameras. (115.15 (g))
- G2d. Employees of the opposite gender must announce their presence when entering an area where detainees are changing clothing. (115.15 (g))
- G2e. Suicide Watch
 - Cross gender staff may only be assigned to a suicide watch, including constant observation on suicide watch to avoid exposing himself or herself to non-medical cross gender staff. (115.15 (g))
- G2e1. Same gender correctional staff or medical staff may be substituted to observe the periodic strip searches of detainees changing clothes. (115.15 (g))

- G2e2. A shower with a partial curtain, or other privacy shields, may be provided or, if the suite or cell must be digitally obscured. Any privacy accommodations must be implemented and privacy standards apply whether the viewing occurs in a cell or elsewhere.
- G3. Transgender Searches and Viewing
- G3a. The facility shall not search or physically examine a transgender or intersex detainee for genital status is unknown, it may be determined during conversations with the detainee, part of a broader medical examination conducted in private by a medical practitioner. (115.15 (f))
- G3b. The gender of the staff member searching a transgender or intersex detainee will depend on the concerns of the facility. Under most circumstances, this will be a case-by-case determination after consideration of the gender expression of the detainee.
- G3c. Transgender Pat Searches and Strip Searches
- There are three (3) options for pat searches and strip searches of transgender or intersex detainees:
- G3c1. Pat searches and strip searches conducted only by medical staff;
- G3c2. Asking detainees identified as transgender or intersex to identify the gender of staff with whom they wish to be searched; and
- G3c3. Pat searches and strip searches conducted in accordance with the detainee's gender identity.
- G3d. Whenever possible, transgender detainees shall be permitted to choose the gender of staff member who searches them.
- G3e. Pat searches and strip searches of transgender detainees may be conducted by any staff member trained in pat and strip searches; such searches must be logged.
- G3f. Detainees shall not be permitted to spontaneously change their transgender or intersex status. These individuals shall immediately be referred back to the SART.
- G3g. All searches of transgender and intersex detainees shall be conducted in a professional manner consistent with security needs and policy, including officer safety. (115.15 (f))
- G3g1. Requiring two (2) staff to search transgender detainees would be more intrusive than requiring one (1) staff member to search transgender detainees.
- G3g2. It is not acceptable to have a male staff member search one half of the body of a detainee.
- G3g3. Searches of breasts shall be conducted using the back of the hand.
- G3g4. Requests for transgender detainees to remove appearance related items such as prosthetics shall be granted if consistent with requirements for the removal of similar items for other non-transgender detainees.
- G3g5. Strip searches shall be made in a manner designed to ensure as much privacy to the detainee as possible, considering the characteristics of a transgender/intersex detainee to adjust conditions to their needs.
- G3h. Transgender and intersex detainees shall be given the opportunity to shower separately from other detainees.
- G3h1. The degree of separation required is dependent on the layout of the facility, and may be achieved by physical separation or by time-phasing or scheduling (e.g. allowing a detainee to shower before or after other detainees).
- G3h2. The number of separate showers per day and the time of day for showering separately shall be determined by the facility.
- G3h3. Staff shall use discretion in determining whether or not to temporarily grant requests for separate showers as transgender or intersex, and have further review pending.

H. TRANSPORTATION

- H1. Detainees identified as being "at risk" for sexual victimization shall be transported in accordance with the following guidelines:

- H2. Transportation staff shall seat each detainee in accordance with written procedures from Policy 9-18 Transportation and Offsite Post Operations), with particular attention to detainee safety.

I. UPGRADES TO FACILITIES AND TECHNOLOGIES

- I1. When designing or acquiring any new facility and in planning any substantial expansion, design, acquisition, expansion, or modification on the company's ability to protect detainee safety, the facility shall complete a PREA Physical Plant Considerations form. (115.18 (a))
- I2. When installing or updating a video monitoring system, electronic surveillance system, or other technology, the facility shall consider the ability to protect detainees from sexual abuse. Such considerations shall be documented. (115.18 (b))

J. ACCOMMODATING DETAINEES WITH DISABILITIES OR LIMITED ENGLISH PROFICIENCY

J1. Detainees with Disabilities

- J1a. The facility shall ensure that detainees with disabilities (including, but not limited to, deaf or those who have intellectual, psychiatric, or speech disabilities) have an equal opportunity to detect, and respond to sexual abuse. (115.16 (a) and 115.33 (b)) **(4-ALDF-6B-02; ACI)**
- J1b. When necessary to ensure effective communication with detainees who are deaf or have disabilities, limited reading skills, or who are blind or have low vision, the facility shall attempt to provide the following:
- J1b1. Access to in-person, telephonic, or video interpretive services that enable effective, accurate communication; necessary specialized vocabulary;
- J1b2. Access to written materials related to sexual abuse in formats or through methods that are accessible;
- J1b3. Auxiliary aids such as readers, materials in Braille (if available), audio recordings, telecommunication devices for deaf persons (TTYs), interpreters, and note-takers.

J2. Detainees with Limited English Proficiency (LEP)

- J2a. The facility will provide detainees who are LEP with language assistance, including bilingual staff, to ensure them with meaningful access to its programs and activities. (115.33 (b))
- J2b. Oral interpretation or assistance shall be provided to any detainee who speaks another language.
- J2c. Interpretation services shall be provided by someone other than another detainee, unless the facility and ICE determine that such interpretation is appropriate and consistent with the facility's policies. Detainees who witnessed the alleged abuse, and detainees who have a significant role in the allegations of sexual abuse. (115.16 (c))
- J2d. Detainees with LEP will be provided in-person or telephonic interpretation services. The facility shall ensure that the service is provided at no cost to the detainee.
- J2e. Where practicable, provisions for written translation of materials related to sexual abuse shall be provided to detainees with LEP. Oral interpretation or assistance shall be provided to any detainee who speaks an illiterate language.
- J2f. Information provided to detainees will be available in both English and Spanish, including the following:
- J2f1. Written information provided to detainees at intake and orientation;
- J2f2. PREA information posted on housing unit bulletin boards; and
- J2f3. Informational videos.

K. REPORTING PROCEDURES

K1. Detainee Reporting

Detainees shall be encouraged to immediately report pressure, threats, or incidents of employees for reporting sexual abuse and staff neglect, or, violation of responsibilities to

- K2. The facility shall provide instructions on how detainees may contact their consular officer be confidential, and if desired, anonymous. (115.51 (a))
- K3. Detainees who are victims of sexual abuse have the option to privately report an incident to an ICE officer by using any of the following methods: (115.51 (a) and (c)) **(ACI 4-4281-7; 4-ALL)**
 - K3a. Submitting a request to meet with Health Services staff and/or reporting to a Health Services staff member;
 - K3b. Calling the facility twenty-four (24) hour toll-free notification telephone number;
 - K3c. Verbally telling any employee, including the facility Chaplain;
 - K3d. Forwarding a letter (including anonymously), sealed and marked "confidential", to the Facility Director;
 - K3e. Calling or writing someone outside the facility who can notify facility staff;
 - K3f. Forwarding a letter to the CoreCivic FSC PSA Coordinator at the following address:
10 Burton Hills Boulevard
Nashville TN 37215
- K4. ICE has established the following reporting methods:
 - K4a. Directly report to the US Department of Homeland Security (DHS) Office of the Inspector General (OIG) at 1-866-860-8603 (this number also has an option to report outside of ICE). The phone number and location are available to all detainees. (115.51 (b))
 - K4b. Contact the ICE Detention and Reporting Information Line (DRIL) toll-free telephone number at 1-866-860-8603.
 - K4c. Tell an ICE/Enforcement and Removal Operations (ERO) staff member who visits the facility.
 - K4d. Write a letter reporting the sexual misconduct to the ICE officer in charge, ICE Assistant Secretary for Detention and Reporting, or the ICE Assistant Secretary for Professional Responsibility, and use the special mail procedures.
 - K4e. File a written formal request or emergency grievance to ICE.
 - K4f. Contact the ICE Office of Professional Responsibility (OPR) Joint Intake Center (JIC) to file a grievance.
DHS Office of Inspector General
Attention: Office of Investigations Hotline
245 Murray Drive, SW
Building 410/Mail Stop 0305
Washington DC 20528
- K5. Formal Grievances filed by detainees involving allegations of an immediate threat to a detainee's health or safety from the grievance process and will be forwarded immediately to the facility investigator.
 - K5a. Detainees will be permitted to file a formal grievance related to sexual abuse at any time.
 - (a)
 - K5b. To prepare a grievance a detainee may obtain assistance from another detainee, the facility staff, or the facility investigator. (115.52 (f)).
 - K5c. The facility shall not impose a time limit on when a detainee may submit a grievance related to sexual abuse.
 - K5d. Facility staff shall bring medical emergencies to the immediate attention of proper medical personnel.
 - K5e. The facility shall issue a decision on the grievance within five (5) days of receipt and shall provide a copy of the decision to the detainee. (115.52 (e)).

K5f. The facility shall send all grievances related to sexual abuse and the facility's decisions the end of the grievance process (115.52 (e))

K6. Anonymous Reporting

Detainees shall have at least one way to report sexual abuse to a public or private immediately forward detainee reports of sexual abuse and assault to facility officials, all

AT THIS FACILITY, DETAINEES MAY ANONYMOUSLY REPORT ABUSE THROUGH

DHS OFFICE OF THE INSPECTOR GENERAL (OIG) TOLL-FREE HOTLINE NUMBER 1-800-323-8603. (THIS NUMBER ALSO PROVIDES AN OPTION TO REPORT OUTSIDE OF ICE.)

K7. Employee Reporting Duties

K7a. Staff members who become aware of alleged sexual abuse shall immediately follow the Abuse Response Team (SART), and section M. Response Procedures (115.61 (b)).

K7b. The facility shall require all staff to report immediately any knowledge, suspicion, or information of retaliation against detainees or staff who reported or participated in an investigation about have contributed to an incident or retaliation. (115.61 (a))

K7c. Employees shall take all allegations of sexual abuse and assault seriously, including verbal credible. Staff shall promptly document any verbal reports.

K7d. **When it is learned that a detainee is subject to a substantial risk of imminent sex**

K7e. Employees having contact with the alleged victim should behave in a manner that is sensitive

K7f. Employees are required to immediately report any knowledge, suspicion, or information in accordance with this policy, whether or not the area is under CoreCivic management authority

K7g. Employees who fail to report allegations may be subject to disciplinary action.

K7h. Apart from reporting to designated supervisors or officials, employees shall not reveal the extent necessary, and as specified in this policy, to make treatment, investigation, and corrective

K7i. Employees may privately report sexual abuse and assault of detainees by forwarding a written (a))

K7j. Reports of Sexual Abuse may also be reported to the CoreCivic Ethics Hotline at www.corecivic.com/ethics.

K7k. At the initiation of providing medical care, both medical and mental health professionals shall maintain confidentiality. (115.61 (c))

K7l. Medical and mental health practitioners shall obtain informed consent from the detainee in an institutional setting, unless the detainee is under the age of eighteen (18) (115.81 (c))

K7m. If the alleged victim is under the age of eighteen (18) or considered a vulnerable adult is reported to the designated state or local services agency under applicable mandatory reporting

K8. Third Party Reporting

The facility shall establish a method to receive third-party reports of sexual abuse and assault

AT THIS FACILITY, THIRD PARTY REPORTS OF SEXUAL ABUSE MAY BE MADE THROUGH

a. DHS OFFICE OF THE INSPECTOR GENERAL (OIG) TOLL-FREE HOTLINE NUMBER AT 1-800-323-8603;

- b. OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR) JOINT INTAKE CENTER (JIC) TOLL-FREE HOTLINE NUMBER 1-877-246-8253 or E-MAIL joint.intake@dhs.gov; AND
- c. CALL THE CORECIVIC TWENTY-FOUR (24) HOUR ETHICS LINE: 1-866-757-4448, OR VISIT www.CoreCivic.ethicspoint.com.

L. COORDINATED RESPONSE AND SEXUAL ABUSE RESPONSE TEAM

L1. Each CoreCivic facility will establish a Sexual Abuse Response Team (SART) to identify SART shall include the following multi-disciplinary team (115.65) (a) (b)):

- L1a. PSA Compliance Manager;
- L1b. Medical representative;
- L1c. Security representative;
- L1d. Mental health representative; and
- L1e. Victim Services Coordinator.

NOTE: The medical and/or mental health professional may serve as the facility's Victim security.

L2. The SART responsibilities shall include, but are not limited to, the following:

- L2a. Responding to reported incidents of sexual abuse and assault;
- L2b. Responding to victim assessment and support needs;
- L2c. Ensuring policy and procedures are enforced to enhance detainee safety; and
- L2d. Participating in the development of practices and/or procedures that encourage prevent DHS PREA Standards. (115.65 (b))

L3. SART Member Responsibilities

L3a. The PSA Compliance Manager will:

- L3a1. Review the facility's response to sexual abuse and assault allegations, with the Facility victim needs are addressed;
- L3a2. Ensure appropriate incident reports are completed in accordance with CoreCivic Policy
- L3a3. Serve as a primary liaison with local law enforcement or delegate this responsibility to
- L3a4. Ensure that thirty/sixty/ninety (30/60/90) day monitoring is conducted by the designated
- L3a5. Ensure that medical and mental health referrals are completed.

L3b. The medical representative will:

- L3b1. Ensure that the facility's medical staff respond appropriately in medically stabilizing an indicated; and
- L3b2. Address any ongoing medical care needs following the incident.

L3c. The security representative will:

- L3c1. Ensure detainee safety needs are addressed, including separating the alleged victim a
- L3c2. Ensure employee responses to reports of sexual abuse and assault are timely and con

L3d. The mental health representative will:

- L3d1. Ensure the alleged victim is assessed;

- L3d2. Ensure mental health needs are addressed according to policy and local procedure; and
- L3d3. Ensure follow-up evaluations have been conducted
- L3e. The Victim Services Coordinator will:
 - L3e1. Attempt to obtain the services of a victim advocate from a rape crisis center to assist the victim (or a victim advocate). A victim advocate can be requested at any time following an allegation of sexual abuse.
 - L3e2. In the absence of a victim advocate, provide detainees with confidential emotional support services. If such services are requested, the Victim Services Coordinator must receive documented training in crisis intervention.
 - L3e3. Ensure that detainees are aware they may access additional victim resources through the Victim Services Coordinator.
 - L3e4. Ensure that alleged victims are informed of their rights to care and protection from further abuse.
 - L3e5. If a victim of sexual abuse and assault is transferred between facilities, the sending facility shall ensure the victim's potential need for medical or social services. (115.65 (c))

M. INCIDENT RESPONSE

- M1. Upon learning of an allegation that a detainee was sexually abused, the first security staff member shall ensure the alleged victim and perpetrator are separated and that the alleged victim is kept safe, to the greatest extent possible, preserve and protect any crime scene until appropriate steps can be taken.
- M2. Alleged victims shall be immediately escorted to the Health Services Department. (115.64 (a)(1))
- M3. If medically indicated, or necessary for the collection of evidence as determined by law enforcement, a Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE). If a SAFE or SANE is not available, facility medical practitioners shall transport the detainee to the local medical facility.
- M4. If the abuse occurred within a time period that still allows for the collection of physical evidence, staff shall ensure that the alleged victim does not take any actions that could destroy physical evidence including as appropriate washing, brushing teeth, smoking, drinking or eating. (115.64 (a)(3))
- M5. When the alleged perpetrator is a detainee, he/she shall be removed from the general population. If the abuse occurred within a time period that still allows for the collection of physical evidence, the alleged perpetrator shall not take any actions that could destroy physical evidence including as appropriate washing, brushing teeth, smoking, drinking or eating. (115.64 (a)(3))
- M6. If the first staff responder is not a security staff member, the responder shall be required to ensure the alleged victim is kept safe, preserve and protect any physical evidence, and notify security staff. (115.64 (b))
- M7. Responding staff shall notify the highest ranking authority on site. The PSA Compliance Officer shall be immediately notified of the allegation by the highest ranking authority.
- M8. While in the Health Services Department, a brief statement shall be obtained from the alleged victim regarding the location and time of the incident, staff shall ensure that any crime scene is preserved.
- M8a. Sealing access to the immediate area of the scene, if possible;
- M8b. Photographing the scene and visible evidence at the scene (e.g. tissue or blood); and
- M8c. Securing any available recorded video footage of the affected area.
- M9. All allegations of sexual abuse shall be promptly reported to a law enforcement agency if the allegation does not involve potentially criminal behavior. (115.22 (d)) The highest ranking authority shall ensure the allegation is reported to the appropriate law enforcement agency.

AT THIS FACILITY, THE FOLLOWING LAW ENFORCEMENT AGENCIES ARE NOTIFIED:

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- M9a. The individual notifying the law enforcement agency shall request guidance from that agency on the scene and coordinating an investigation. The referral to law enforcement shall be documented.
- M9b. Investigations shall not be initiated by the facility investigator or other facility staff until law enforcement (i.e. law enforcement) will handle the investigation.
- M9c. The alleged perpetrator shall be removed from the general population pending the investigation of the victim until completion of the investigation.
- M9d. Video recordings of the alleged crime scene made at the known time of the incident shall be preserved.
- M9e. Employees, contractors, or volunteers suspected of being the alleged perpetrator of sexual abuse shall be removed from the facility pending the outcome of the investigation.
- M10. ICE Notifications
 - M10a. When a detainee, of the facility in which an alleged detainee victim is housed, is alleged to have been sexually abused, the incident is promptly reported to the Joint Intake Center, the ICE Office of Professional Responsibility, the appropriate ICE Field Office Director/designee. (115.22 (e))
 - M10b. When a staff member, contractor, or volunteer is alleged to be the perpetrator of detainee sexual abuse, the incident is promptly reported to the Joint Intake Center, the ICE Office of Professional Responsibility or the DHS Office of Professional Responsibility, the appropriate ICE Field Office Director/designee, and to any local government entity or contractor that owns or operates the facility.
- M11. Protection Against Retaliation
 - M11a. Staff, contractors, volunteers, and detainees shall not retaliate against any person, including a victim, for reporting an investigation into an allegation of sexual abuse, or for participating in sexual abuse as a victim.
 - M11b. For at least ninety (90) days following a report of sexual abuse, the facility shall monitor the victim, staff, and shall act promptly to remedy any such retaliation. Items the facility should monitor include: negative performance reviews, or reassignments of staff. The facility shall continue such monitoring as needed.
 - M11c. The PSA Compliance Manager shall ensure that thirty/sixty/ninety (30/60/90) day retaliation monitoring is implemented to protect against potential retaliation against detainees or employees. The monitoring shall be documented. Monitoring is documented on the 14-2D DHS PREA Retaliation Monitoring Form.
- M12. Post Allegation Protective Custody
 - M12a. The facility shall take care to place detainee victims of sexual abuse in a supportive environment.
 - M12b. Detainee victims shall not be held for longer than five (5) days in any type of administrative segregation pending the outcome of the investigation of the alleged sexual abuse of the detainee.
 - M12c. A detainee victim who is in protective custody after having been subjected to sexual abuse shall be monitored for retaliation. Assessment taking into consideration any increased vulnerability of the detainee as a result of the sexual abuse.
- M13. Reporting to Other Confinement Facilities
 - M13a. Upon receiving an allegation that a detainee currently at the facility was sexually abused (by a staff member, contractor, or volunteer) the following actions shall be taken:
 - M13a1. The Facility Administrator of the facility that received the allegation shall contact the Facility Administrator of the facility where the alleged abuse took place as soon as possible, but no later than seventy-two (72) hours.
 - M13a2. A copy of the statement of the detainee shall be forwarded to the appropriate official at the facility where the alleged abuse took place.
 - M13a3. The facility shall document that it has provided such notification through the 5-1B Notice of Allegation.
 - M13b. Upon receiving notification from another agency or another facility (e.g. state, federal, local, or tribal) that a detainee was sexually abused while at that facility, the facility shall document the incident/allegation of sexual abuse that occurred while the subject was a detainee at that facility.

M13b1. The facility shall record the name of the agency making the contact, and any information was conducted. A detainee statement should be requested.

M13b2. If the allegation was reported and investigated in accordance with CoreCivic policy and the allegation, the name and title of the person reporting the information, and that the all investigation and notification need not occur.

M13b3. If the allegation was not reported and/or not investigated, facility staff shall initiate report shall be reported through the 5-1 Incident Reporting Database (IRD).

M13b4. Notification shall be made to the ICE Field Office Director/designee. (115.63 (d))

M14. Incident Review

M14a. A preliminary review of the incident and the response shall be conducted telephonically reportable PREA incidents of Employee-on-Detainee Sexual Abuse and Detainee-on-Detainee Sexual Abuse review will be scheduled by the FSC Administrative Assistant, Facility Operations, respectively.

M14b. **Employee-on-Detainee Sexual Abuse** – Required Participants

- Managing Director/designee;
- FSC PSA Coordinator/designee;
- Facility Administrator;
- Facility PSA Compliance Manager; and
- Facility Investigator.

M14c. **Detainee-on-Detainee Sexual Abuse** – Required Participants

- Managing Director/designee (optional);
- FSC PSA Coordinator/designee;
- Facility Administrator;
- Facility PSA Compliance Manager; and
- Facility Investigator.

M14d. Optional participants for review calls would be any staff identified by the Facility Administrator as essential to complete the review, and any FSC PREA Committee Members.

M14e. **Review Protocol** – At a minimum, the review shall include:

- Discussion of the incident, and whether the incident response meets applicable standards;
- Appropriate categorization of the incident report;
- Completion of required notifications;
- A request for law enforcement involvement (if appropriate);
- Whether employee actions or failures to act contributed to the sexual abuse;
- Initial discussion as to whether the incident is Substantiated, Unsubstantiated, or Not Discernible.

N. HEALTH CARE AND MENTAL HEALTH SERVICES

N1. Procedures

N1a. Detainee victims of sexual abuse and assault shall have timely, unimpeded access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with **4-ALDF-4D-22-6M)**

N1b. Transportation of an alleged victim for emergency care, or other services provided off-site, shall be provided to the victimized detainee.

- N1c. The facility shall offer medical and mental health evaluation and, as appropriate, treatment for victims of sexual abuse while in immigration detention. 115.83 (a) **(4-ALDF-4D-22-4)**
- N1d. The facility shall provide victims with medical and mental health services consistent with the facility's policies. (115.83 (b))
- N1e. The evaluation and treatment of such victims shall include, as appropriate, follow-up services following their transfer to, or placement in, other facilities, or their release from custody.
- N1f. Detainee victims of sexually abusive vaginal penetration by a male abuser while incarcerated for sexual abuse, the victim shall receive timely and comprehensive information about lawful and available medical services. (115.83 (d)) **(ACI 4-4406M; 4-ALDF-4D-22-6M)**
- N1g. Detainee victims of sexual abuse while detained shall be offered tests for sexually transmitted infections. **4-ALDF-4D-22-6M)**
- N1h. The facility shall attempt to conduct a mental health evaluation of all known Detainee-offenders and offer treatment when deemed appropriate by mental health practitioners. (115.83 (g)) **(4-ALDF-4D-22-6M)**
- N1i. All treatment services, both emergency and ongoing, shall be provided to the victim with the victim's cooperation with any investigation arising out of the incident. The facility shall provide such services at a minimum community level of care. (115.82 (b) and 115.83 (f))
- N2. Victim Advocates and Access to Outside Confidential Support Services
- N2a. CoreCivic shall maintain, or attempt to enter into, Memorandums of Understanding (MOUs) with national organizations that provide legal advocacy and confidential support services. If MOUs are not available, with national organizations that provide legal advocacy and confidential support services, developing or attempting to enter into an MOU, the facility shall contact the CoreCivic Facility's legal counsel for documentation showing attempts to enter into such agreements.
- N2b. Each facility shall establish, in writing, procedures to include outside agencies in the facility's policies. (115.53 (b))
- N2c. Detainees shall be provided access to outside victim advocates for emotional support services. The facility shall include addresses and telephone numbers, including toll-free hotline numbers where available, information shall be included in the facility's Detainee Handbook. The facility shall enable victims to contact outside agencies, in as confidential a manner as possible. (115.53 (c))

AT THIS FACILITY, THE FOLLOWING COMMUNITY AGENCIES PROVIDE CONFIDENTIAL SUPPORT SERVICES:

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- N2d. The facility shall require that agencies providing confidential support services inform detainees of the extent to which reports of abuse will be forwarded to authorities in the community.
- N2e. As requested by the victim, the presence of his or her outside or internal victim advocate during a forensic exam, shall be allowed for support during a forensic exam and investigation.

O. ADMINISTRATIVE AND CRIMINAL INVESTIGATIONS

The Facility Administrator shall ensure that an administrative investigation and a referral for prosecution be completed for all allegations of sexual abuse or assault. Criminal investigations shall be conducted by law enforcement agencies. All investigations into alleged sexual abuse must be conducted by qualified personnel.

- O1. Administrative Investigations/Facility Responsibilities
- O1a. Upon conclusion of a criminal investigation where the allegation was Substantiated, an administrative investigation where the allegation was Unsubstantiated, the facility shall review any available information to determine if an administrative investigation is necessary or appropriate (115.71 (b)).

- O1b. Administrative investigations shall be conducted after consultation with the appropriate entity.
- O1c. Administrative investigations will include:
 - O1c1. Preservation of direct and circumstantial evidence, including any available physical and
 - O1c2. Interviewing alleged victims, suspected perpetrators, and witnesses; (115.71 (c) (1) (ii))
 - O1c3. Reviewing prior complaints and reports of sexual abuse and assault involving the susp
 - O1c4. Assessment of the credibility of an alleged victim, suspect, or witness, without regard to any detainee who alleges sexual abuse and assault to submit to a polygraph; (115.71 (c
 - O1c5. An effort to determine whether actions or failures to act at the facility contributed to the
 - O1c6. Documentation of each investigation by written report, which shall include a description assessment and investigation facts and findings; and (115.71 (c) (1) (vi))
 - O1c7. Retention of all reports and referrals of allegations for as long as the alleged perpetrator (b) 115.71 (c) (1) (vii))
- O1d. When an administrative investigation is undertaken, the facility shall impose no standard allegations of sexual abuse and assault are Substantiated (115.72)).
- O1e. The departure of the alleged perpetrator or victim from the employment or control of the
- O1f. When outside agencies conduct investigations of sexual abuse and assault, the facility about the progress of the investigation. (115.71 (f))

O2. Responsibilities in Criminal Investigations

- O2a. The facility shall attempt to enter into a written Memorandum of Understanding (MOU) responsibilities of both the facility and the investigating entity in performing sexual abuse

AT THIS FACILITY, THE FOLLOWING LAW ENFORCEMENT AGENCY CONDUCTS

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- O2b. The facility investigator, as delegated by the PSA Compliance Manager and/or Facility and prosecutors to develop a clear understanding of the investigative guidelines and procedure incident.
- O2c. Discussions with ICE and local law enforcement should articulate a delineation of roles and sequence administrative and criminal investigations, to ensure that the criminal investigation (c) (2)).
- O2d. Facility employees will assist the local law enforcement by preserving the integrity of the technique, and/or lack of credibility.
- O2e. Procedures contained in this policy on the conduct of administrative investigations and
- O3. Responsibilities of the Investigating Entity/Forensic Medical Exams

Investigations conducted by a facility employee for allegations of sexual abuse and assault Part 115.21, Evidence Protocol and Forensic Medical Examinations. If the facility is not the Memorandum of Understanding that the responsible outside agency or entity (i.e. requirements. (115.21 (e))

- O3a. The investigating entity shall follow a uniform evidence protocol that maximizes the potential criminal prosecutions. (115.21 (a))

O3b. The protocol shall be developmentally appropriate for youth where applicable, and, as edition of the Department of Justice's Office on Violence Against Women publication, "A after 2011. (115.21 (a))

O3c. The investigating entity shall offer all victims of sexual abuse and assault access to forensic medical examination at no financial cost, where evidentiary or medically appropriate and only with the detainee's consent. If SAFEs or SANEs cannot be made available, the examination can be performed in a secure location. The entity shall document its efforts to provide SAFEs or SANEs. (115.21 (c)) **(ACI 4-4406M; 4-ALDF-4**

AT THIS FACILITY, DETAINEES ARE TRANSPORTED TO THE FOLLOWING LOCATION:

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O3d. The investigating entity shall attempt to make available to the victim a victim advocate that is part of a governmental unit as long as the center is not part of the criminal justice system. If a victim advocate is not available, the entity shall attempt to provide confidentiality as a non-governmental entity that provides similar victim services. (115.21 (d))

AT THIS FACILITY, VICTIM ADVOCACY SERVICES ARE PROVIDED BY THE FOLLOWING:

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O3e. If the agency listed above in section N3d. is not available to provide victim advocacy services, the entity shall attempt to provide victim advocacy services through a community-based organization, or a qualified investigating entity staff member, to provide support and information to the victim. (115.21 (d))

O3f. As requested by the victim, either the victim advocate, a qualified investigating entity staff member, or a community-based organization shall accompany and support the victim through the forensic medical examination process and provide information, intervention, information, and referrals. (115.21 (d))

O4. Incident Classification

O4a. Following completion of the investigation, the allegation will be classified as follows:

O4a1. **Substantiated** – An incident shall be classified as substantiated if the results of the investigation indicate that the allegation occurred.

O4a2. **Unsubstantiated** – An incident shall be classified as unsubstantiated if the results of the investigation indicate that the allegation did not occur or the results of the determination of whether or not the allegation occurred.

O4a3. **Unfounded** – An incident shall be classified as unfounded if the results of the investigation indicate that the allegation did not occur.

O4b. The Facility Administrator will determine the appropriate classification of the incident and the results of the investigation (Incident Reporting) is completed and maintained with the incident packet.

O5. Reporting to Detainees

O5a. Following an investigation into a detainee's allegation that he/she suffered sexual abuse and any responsive action taken. If the facility did not conduct the investigation, the relevant entity in order to inform the detainee. (115.73)

O5b. All detainee notifications or attempted notifications shall be documented on the 14-2E Incident Reporting Form, Detainee Allegation Status Notification verifying that such notification has been received by the detainee and placed in the detainee's file.

P. DISCIPLINARY SANCTIONS

P1. Detainee Discipline

P1a. In addition to the forms of sexual abuse and/or assault defined in the Definitions section, any form of sexual contact between detainees is prohibited and subject to disciplinary sanctions. However, staff shall not be disciplined if they have involved coercion by either person involved.

- P1b. Detainees shall be subjected to disciplinary sanctions pursuant to a formal disciplinary in sexual abuse or assault (115.78 (a)).
- P1c. Sanctions shall be commensurate with the nature and circumstances of the abuse comparable offenses by other detainees with similar histories. (115.78 (b))
- P1d. If a detainee is mentally disabled or mentally ill, but competent, the disciplinary process contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- P1e. Because the burden of proof is substantially easier to prove in a detainee's disciplinary even though law enforcement officials decline to prosecute.
- P1f. A detainee may be disciplined for sexual conduct with an employee only upon a finding of sexual abuse or assault.
- P1g. Deliberate False Allegations

Detainees who deliberately allege false claims of sexual abuse can be disciplined. For based upon a reasonable belief that the alleged conduct occurred shall not constitute evidence sufficient to substantiate the allegation. (115.78(f)) The Facility Administrator accusation may be referred for prosecution.

P2. Employee Discipline

- P2a. Staff suspected of perpetrating sexual abuse shall be removed from all duties requiring direct contact with detainees.
- P2b. Employees shall be subject to disciplinary sanctions up to and including termination for disciplinary sanction for staff who have engaged in, attempted, or threatened to engage in sexual abuse or assault.
- P2c. Disciplinary sanctions for violations of CoreCivic policies relating to sexual abuse (other than sexual abuse or assault) shall be based on the nature and circumstances of the acts committed, the employee's disciplinary history, and the staff's disciplinary history. (115.76 (a)) **(ACI 4-4281-6; 4-ALDF-4D-22-5)**
- P2d. All terminations for violations of CoreCivic sexual abuse policies, or resignations by employees, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and the facility shall make reasonable efforts to report such information to the appropriate law enforcement agency.
- P2e. The facility shall also report all such incidents of Substantiated abuse, removals, or resignations, whether the activity was criminal, and shall make reasonable efforts to report such information to the appropriate law enforcement agency.

P3. Civilians/Contractors/Volunteers

- P3a. Contractors and civilians suspected of perpetrating sexual abuse shall be removed from the facility. (115.66 and 115.77 (b)) **(ACI 4-4281-6; 4-ALDF-4D-22-5)**
- P3b. Any contractor or volunteer who has engaged in sexual abuse or assault shall be prohibited from further contact with detainees by the facility, and shall consider whether to prohibit further contact with detainees by contractor or volunteer who has violated other provisions within these standards. (115.77 (c))
- P3c. Incidents of Substantiated sexual abuse by a contractor or volunteer shall be reported to the appropriate law enforcement agency. (a))
- P3d. The facility shall report such incidents to the ICE Field Office Director/designee regarding such incidents to any relevant licensing bodies, to the extent known. (115.77 (a))

Q. SEXUAL ABUSE INCIDENT REVIEWS, DATA COLLECTION AND AUDITS

Q1. Incident Review Procedures

- Q1a. The Facility Administrator will ensure that a post investigation review of a sexual abuse incident is conducted, and, where the allegation was not determined to be Unfounded, prepare a written report of the findings.

- Q1b. In addition to the Facility Administrator, the incident review team shall include upper-level investigators, and medical or mental health practitioners. The review team shall:
 - Q1b1. Consider whether the allegation or investigation indicates a need to change policy or procedure;
 - Q1b2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity status; or gang affiliation; or was motivated or otherwise caused by other group dynamic;
 - Q1b3. Examine the area in the facility where the incident allegedly occurred to assess whether the incident could have been prevented.
- Q1c. All findings and recommendations for improvement will be documented on the 14-2F-D and forwarded to the Facility Administrator, the facility PSA Compliance Manager, and the Facility Administrator.
- Q1d. The facility shall implement the recommendations for improvement or shall document reasons why not. The facility shall be forwarded to the FSC PSA Coordinator and the ICE Prevention of Sexual Assault Coordinator.
- Q1e. Each facility shall conduct an annual review of the all sexual abuse investigations and prevention and response efforts. If the facility has not had any reports of sexual abuse in the past year, the facility shall report. The results and findings of the annual review shall be provided to the Facility Administrator and the local ICE Field Office. (115.86 (c))
- Q2. Data Collection
 - Q2a. All case records associated with claims of sexual abuse, including incident reports, investigation, counseling evaluation findings, and recommendations for post-release treatment and/or supervision. (115.87 (a)) **(ACI-4-4281-8; 4-ALDF-4D-22-8)**
 - Q2b. The Facility Administrator shall maintain files, chronologically and in a secure location, minimum information:
 - Q2b1. The victim(s) and assailant(s) of a sexual assault;
 - Q2b2. The date, time, location, and nature of the incident;
 - Q2b3. The demographic background of the victim and the perpetrator (including citizenship, age, race, ethnicity, gender, transgender, intersex, or gender nonconforming);
 - Q2b4. Detailed reporting timeline, including the names of the individual who reported the incident, the date the report was received, and steps taken to communicate the report up the chain of command;
 - Q2b5. Any injuries sustained by the victim;
 - Q2b6. All formal and/or informal action taken, including all post-report follow-up response taken (e.g., medical examination, mental health counseling, etc.);
 - Q2b7. All reports;
 - Q2b8. Medical forms or other relevant medical information;
 - Q2b9. Supporting memos and videotapes, if any;
 - Q2b10. Any sanctions imposed on the perpetrator; and
 - Q2b11. Any other evidentiary materials pertaining to the allegation.
 - Q2c. The Facility Administrator shall maintain a listing of the names of sexual abuse victims and the names of the sexual assault incidents occurring within the facility. This list shall be maintained in the IRD as required by the facility and maintained on a need-to-know basis; access shall be limited to those staff involved in the investigation and enforcement sensitive documents or evidence be stored at the facility.
 - Q2d. On an ongoing basis, the facility PSA Compliance Manager and Facility Administrator shall maintain communication regarding sexual abuse incidents and response.

Q2e. On an annual basis, CoreCivic shall aggregate the incident-based sexual abuse data. (1) Substantiated, Unsubstantiated, or Unfounded, or for which investigation is ongoing and (d))

- The date, time, location, and nature of the incident;
- The demographic background of the victim and perpetrator (including citizenship, race, ethnicity, sexual orientation, gender identity, including but not limited to, bisexual, transgender, intersex or gender nonconforming);
- The reporting timeline for the incident (including the name of the individual who reported the incident);
- Any injuries sustained by the victim;
- Post-report follow-up responses and action taken by the facility (e.g. medical treatment, counseling, etc.); and
- Any sanctions imposed on the perpetrator. (115.87 (d))

Q2f. The CoreCivic FSC PSA Coordinator shall review all aggregated sexual abuse data in the facility's prevention, detection, and response policies, practices, and training, to include identifying and addressing the root causes of sexual abuse. (1) (2)).

Q2g. CoreCivic shall prepare an annual report of findings and corrective actions for each facility. The report shall include the current year's data and corrective actions with those from prior years and shall provide a comparison of the current year's data to the prior years' data. (a) (3) (115.88 (b))

Q2h. The CoreCivic Annual PREA Report shall be approved by the company Chief Correctional Officer. (115.88 (c))

Q2i. The Annual PREA Report containing all aggregated sexual abuse data shall be made available to the public. If making aggregated sexual abuse data publicly available, CoreCivic shall remove all personally identifiable information. If the release of information would present a clear and specific threat to the safety and security of a facility, CoreCivic shall not release the information. (115.89 (b) (115.89 (c))

Q2j. Upon request, CoreCivic will provide all data described in this section from the previous calendar year, (115. 87 (e)) or an alternative date provided and approved by ICE.

Q2k. Data collected for this purpose shall be securely stored and retained in accordance with the facility's information security policy. (115.87 (f))

Q2l. Any requests for information from an outside agency or entity (excluding the contracting agency) shall be reviewed by the FSC General Counsel or designee and the FSC Senior Director, or their designees, and approved by the requesting entity.

Q3. Audits

Q3a. The FSC Quality Assurance Department shall conduct an annual audit of all CoreCivic facilities to ensure compliance with Standards, federal law and related standards.

Q3b. During the three (3) year period starting on July 6, 2015, and during each three (3) year period thereafter, each facility shall be audited at least once.

Q3c. The facility shall cooperate with all DHS audits of the facility's compliance with sexual abuse prevention, detection, and response standards.

Q3c1. Making available relevant documents, records, and other information as requested (including during the onsite audit);

Q3c2. Permitting auditors access to all areas of the facility;

Q3c3. Permitting detainees to have private interviews with auditors, and to send confidential communications to family members;

Q3c4. Making available space suitable for interviews of detainees and staff.

REVIEW:

This policy will be reviewed annually by the Senior Director, PREA Compliance and Programs,
This policy is subject to the review and approval of Immigration and Customs Enforcement (ICE)

APPLICABILITY:

CoreCivic ICE-Contracted Safety Facilities

APPENDICES:

14-2AA [Preventing Sexual Abuse and Misconduct](#) (English)
14-2AA [Preventing Sexual Abuse and Misconduct](#) (Spanish)
5-1CC-DHS [PREA 5-1 IRD Incident Reporting Definitions](#)
ICE Office of the Inspector General Hotline Poster

ATTACHMENTS:

14-2A-DHS [CoreCivic PREA Training and/or Policy Acknowledgment](#)
14-2B-DHS [Sexual Abuse Screening Tool](#)
14-2C [Sexual Abuse Incident Check Sheet](#)
14-2D [PREA Retaliation Monitoring Report \(30-60-90\)](#)
14-2E [Inmate Allegation Status Notification](#)
14-2F-DHS [Sexual Abuse Incident Review Report](#)
14-2H-DHS [Self-Declaration of Sexual Abuse-Harassment](#)
14-2I-DHS [Annual PREA Staffing Plan Assessment](#)
3-20-2B [PREA Questionnaire for Prior Institutional Employers](#)
5-1B [Notice to Administration \(NTA\)](#)
5-1E [Prison Rape Elimination Act \(PREA\) Reporting](#)
7-1B [PREA Physical Plant Considerations](#)

REFERENCES:

CoreCivic Policy 1-15 Retention of Records
CoreCivic Policy 4-2 Maintenance of Training Records
CoreCivic Policy 5-1 Incident Reporting
CoreCivic Policy 9-18 Transportation and Offsite Post Operations
Prison Rape Elimination Act (PREA) of 2003
PREA National Standards – Title 6 of the Code of Federal Regulations, Part 115
Department of Homeland Security (DHS) Standards to Prevent, Detect, and Respond to Sexual Abuse (March 7, 2014)
ICE 2011 Performance-Based National Detention Standard (PBNDS) 2.11 Sexual Abuse and Harassment
Bureau of Justice Statistics (BJS) Survey of Sexual Violence (SSV)
American Correctional Association (ACA) Standards, Adult Correctional Institutions (ACI) and Juvenile Correctional Institutions (JCI)
ACI 4-4084 and 4084-1
ACI 4-4277
ACI 4-4281-1 through 8
ACI 4-4406M
4-ALDF-2A-29
4-ALDF-4D-22-1 through 8

4-ALDF-6B-02
4-ALDF-7B-08
4-ALDF-7B-10 and 10-1

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