

## 14-2 DHS Sexual Abuse Prevention and Response in Immigration Detention Facilities

<b>AUTHORITY:</b>	<b>COMPANY POLICY</b>
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<b>FACILITY:</b>	<b>SOUTH TEXAS FAMILY RESIDENTIAL CENTER</b>
<b>FACILITY SUPERSEDES DATE:</b>	
<b>FACILITY EFFECTIVE DATE:</b>	<b>JANUARY 19, 2024</b>

### **POLICY:**

CoreCivic is committed to protecting detainees from sexual abuse. The CoreCivic *14-2-DHS Sexual Abuse Prevention and Response* in Immigration Detention Facilities policy provides CoreCivic operated facilities with procedures for complying with the Prison Rape Elimination Act (PREA) of 2003, Department of Homeland Security (DHS) Standards to Prevent Detect and Respond to Sexual Abuse and Assault in Confinement Facilities (79 Fed. Reg. 13100 March 7, 2014), and the Immigration and Customs Enforcement (ICE) Performance-Based National Detention Standards (PBNDS). This policy is subject to the review and approval of Immigration and Customs Enforcement.

CoreCivic maintains a **zero-tolerance policy** for all forms of sexual abuse. This includes incidents of detainee on detainee sexual abuse as well staff on detainee sexual abuse. It is the Policy of CoreCivic to provide a safe and secure environment for all detainees and that is free from the threat of sexual abuse. CoreCivic provides a Sexual Abuse and Assault Prevention and Intervention (SAAPI) Program that ensures effective procedures for preventing, reporting, responding to, investigation, and tracking incidents or allegations of sexual abuse or assault.

When it is learned that a detainee is subject to a substantial risk of imminent sexual abuse, immediate action shall be taken to protect the detainee. It is CoreCivic policy to aggressively investigate all allegations, regardless of the source, and prosecute those who are involved in incidents of sexual abuse. Alleged detainee victims of sexual abuse shall be provided a supportive and protective environment.

Sexual activity between employees/contractors/volunteers and detainees, regardless of consensual status, is strictly prohibited and is subject to administrative and criminal disciplinary sanctions. **(4-ALDF-4D-22-5)**

### **DEFINITIONS:**

Agency- Immigration and Customs Enforcement (ICE)

Contractor – A person who provides services at the facility on a recurring basis pursuant to a contractual agreement with the agency or facility. Such individuals may include the contractor's employees who manage and operate facility departments such as health and/or food services, construction workers who are temporarily working on projects within the facility, medical professionals such as a psychiatrist or medical doctor, contract attorneys, or consultants such as a professional librarian.

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

Employee – A person employed by CoreCivic in an approved full-time or part-time position that is designated as such in the authorized staffing pattern. For the purposes of this policy, a paid intern may be considered an employee.

ERO- Enforcement Removal Operations

Exigent Circumstances – Temporary and unforeseen circumstance(s) that require immediate action in order to combat a threat to the security or order of a facility or security of any person.

Facility-A, building that was built or retrofitted for the purpose of detaining individuals and is routinely used by the agency to detain individuals in its custody. References to requirements placed on facilities extend to the entity responsible for the direct operation of the facility.

Facility Support Center (FSC) – CoreCivic corporate headquarters where employees provide support, direction and oversight in the management and operation of the company's correction, detention, residential, and community corrections facilities.

FSC Prevention of Sexual Assault (PSA) Coordinator – An upper-level management FSC employee designated to develop, implement, and oversee CoreCivic companywide efforts to comply with the PREA National Standards and the company's Sexual Abuse Response and Prevention Program. He/she must provide supervisory oversight to all CoreCivic facilities ensuring coordination in the prevention, detection, intervention, investigation, and discipline/prosecution of sexual abuse as specified in this policy. **(115.11 (b))**

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

Immigration Detention Facility- A confinement facility operated by or pursuant to contract with U.S. Immigration and Customs Enforcement (ICE) that routinely holds persons for over 24 hours pending resolution or completion of immigration removal operations or processes, including facilities that are operated by ICE, facilities that provide detention services under a contract awarded by ICE, and facilities used by ICE pursuant to an Intergovernmental Service Agreement.

Intersex – A person who has a sexual or reproductive anatomy or chromosomal pattern that does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

LGBTI – Lesbian, Gay, Bisexual, Transgender, and Intersex.

Pat-down search- For the purposes of this Policy a pat-down search means a sliding or patting of the hands over the clothed body of a detainee by staff to determine whether the individual possesses contraband.

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

Prevention of Sexual Assault (PSA) Compliance Manager – An Administrative Duty Officer-level manager appointed by the Facility Administrator who maintains responsibility for the facility's Sexual Abuse Response and Prevention Program. The PSA Compliance Manager serves as the facility point of contact for the ICE local Field Office and ICE PSA Coordinator **(115.11 (d))**

PREA Standards – Part 115 of Title 6 of the Code of Federal Regulations, the Prison Rape Elimination Act National Standards, including Subpart A, Standards for Immigration Detention facilities.

Preponderance of the Evidence Standard – An evidentiary standard under which an allegation is deemed Substantiated if the weight of the available evidence indicates that the allegation is more likely than not to be truthful or correct.

Qualified Health Care Professional (QHCP) – Includes physicians, physician assistants, nurse practitioners, nurses, dentists, mental health professionals, and others who, by virtue of their education, credentials, and experience are permitted by law within the scope of their professional practice to evaluate and care for patients.

Qualified Mental Health Professionals (QMHP) – Includes psychiatrists, psychologists, psychiatric social workers, psychiatric nurses and others who, by virtue of their education, credentials, and experience are permitted by law to evaluate and care for the mental health needs of patients.

SAAPI- Sexual Abuse and Assault Prevention and Intervention

SAFE/SANE Provider – A Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) is a specially trained registered nurse, physician assistant, or physician who provides comprehensive care, and timely collection of forensic evidence and testimony in sexual assault cases.

Detainee-on-Detainee Sexual Abuse and/or Assault – Sexual abuse of a detainee by another detainee includes any of the following acts by one or more detainees who, by force, coercion, or intimidation, or if the victim did not consent or was unable to consent or refuse, engages in or attempts to engage in:

1. Contact between the penis and the vagina or anus and, for purposes of this subparagraph, contact

- involving the penis upon penetration, however slight;
2. Contact between the mouth and the penis, vagina or anus;
  3. Penetration, however slight, of the anal or genital opening of another person by a hand or finger or by any object;
  4. Touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person; or
  5. Threats, intimidation, or other actions or communications by one or more detainees aimed at coercing or pressuring another detainee to engage in a sexual act.

Staff-on-Detainee Sexual Abuse and/or Assault – Sexual abuse of a detainee by a staff member, contractor, or volunteer includes any of the following acts, if engaged in by one or more staff members, volunteers, or contract personnel who, with or without the consent of the detainee, engages in or attempts to engage in:

1. Contact between the penis and the vagina or anus and, for purposes of this subparagraph, contact involving the penis upon penetration, however slight;
2. Contact between the mouth and the penis, vagina or anus;
3. Penetration, however slight, of the anal or genital opening of another person by a hand or finger or by any object that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Intentional touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Threats, intimidation, harassment, indecent, profane or abusive language, or other communications aimed at coercing or pressuring a detainee to engage in a sexual act;
6. Repeated verbal statements or comments of a sexual nature to a detainee;
7. Any display of his or her uncovered genitalia, buttocks, or breast in the presence of a detainee, or;
8. Voyeurism, which is defined as the inappropriate visual surveillance of a detainee for reasons unrelated to official duties. Where not conducted for reasons relating to official duties, the following are examples of voyeurism: staring at a detainee who is using a toilet in his or her cell to perform bodily functions; requiring a detainee to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a detainee's naked body or of a detainee performing bodily functions.

Staff-For the purposes of this Policy, staff means employees or contractors of the facility, including any employees or contractors of any entity that operates within the facility.

Strip search- For the purposes of this policy means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Substantiated allegation- An allegation that was investigated and determined to have occurred.

Sexual Abuse/Assault Response and Review Team (SART) – A team comprised of four (4) or more individuals selected by the Warden/Facility Administrator having a primary role in responding to reported incidents of sexual abuse, victim assessment and support needs. For the purposes of this Policy, SART may also refer to the Sexual Abuse Review Team with the primary role of reviewing incidents of sexual abuse, and ensuring that policy and procedures are implemented that enhance detainee safety.

Transgender – A person whose gender identity (i.e. internal sense of feeling male or female) is different from the person's sex at birth.

Transgender Classification and Care Committee (TCCC) - A multidisciplinary team comprised of facility and ICE staff with the primary responsibility of developing an Individualized Detention Plan for each Transgender and Intersex detainee. The team shall include, at a minimum, representatives from medical, mental health,

classification, and security. Other participants may be designated by the Facility Administrator/designee and/or ICE ERO

Unfounded allegation- An allegation that was investigated and determined not to have occurred.

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.

Visual Body Cavity Search- A visual body-cavity search is a visual inspection for contraband or any other foreign item, in a body cavity of a detainee.

Volunteer - An individual who donates time and effort on a recurring basis to enhance, the activities and programs of the agency or facility.

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#### PROCEDURES:

##### A. ZERO TOLERANCE POLICY AND PSA COMPLIANCE MANAGER

1. CoreCivic Policy 14-2 DHS Sexual Abuse Prevention and Response mandates **zero-tolerance** toward all forms of sexual abuse. This policy outlines the facility approach to preventing, detecting and responding to such conduct. Facility employees, contractors and volunteers are required to sign the 14-2J, DHS CoreCivic Zero Tolerance Policy Acknowledgment Form to acknowledge the CoreCivic Zero Tolerance Policy. **(115.11 (a) (c))**
2. This facility has a designated Prevention of Sexual Assault (PSA) Compliance Manager who serves as the facility point-of-contact for the local Immigration and the Customs Enforcement (ICE) Field Office and the ICE Prevention of Sexual Assault (PSA) Coordinator **(115.11 (b) (d))**.
3. The facility PSA Compliance Manager shall have sufficient time and authority to oversee facility efforts to comply with facility sexual abuse and assault prevention and intervention policies and procedures **(115.11 (d))**. The PSA Compliance Manager is responsible for the following:
  - a. Assisting with the development of written policies and procedures for the Sexual Abuse and Assault Prevention and Intervention (SAAPI) Program, and with keeping them current;
  - b. Assisting with the development of initial and ongoing SAAPI training protocols;
  - c. Serving as SAAPI liaison with other agencies;

- d. Coordinating the gathering of statistics and reports on allegations of sexual abuse or assault;
  - e. Reviewing the results of investigations of sexual abuse and assist in conducting an annual review of all investigations to assess and improve prevention and response efforts; and
  - f. Reviewing facility practices to ensure required levels of confidentiality are maintained.
4. CoreCivic has designated an upper level, company-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee CoreCivic efforts to comply with SAAPI standards in all immigration detention facilities **(115.11 (b))**.

## **B. DETAINEE SUPERVISION AND MONITORING**

1. In coordination with the facility, the CoreCivic Facility Support Center (FSC) has developed comprehensive detainee supervision guidelines to determine and meet the facility detainee supervision needs. Guidelines are located in the policies, procedures and post orders, for operating and maintaining the facility. These are contained in a manual that is accessible to all employees and the contracting agency. This manual is reviewed at least annually and updated as necessary. **(115.13 (b))**
2. To protect detainees against sexual abuse, this facility ensures sufficient supervision of detainees through appropriate staffing levels and, where applicable, video monitoring. In calculating staffing levels and determining the need for video monitoring, the following factors are taken into consideration: **(115.13 (a) (115.13 (c))**
  - a. Generally accepted detention and correctional practices;
  - b. Any judicial findings of inadequacy;
  - c. All components of the facility's physical plant;
  - d. The composition of the detainee population;
  - e. The prevalence of Substantiated and Unsubstantiated incidents of sexual abuse;
  - f. Recommendations of sexual abuse incident review reports; and
  - g. Any other relevant factors, including but not limited to the length of time detainees spend in agency custody.
3. Whenever necessary, but no less frequently than once each year, a SAAPI Staffing Plan Assessment shall be reviewed for each facility. The Facility PSA Compliance Manager shall complete the 14-2I, DHS Annual PREA Staffing Plan Assessment and forward it to the Warden/Facility Administrator for review. Upon completion of the Facility Administrator's review, the 14-2I-DHS Annual PREA Staffing Plan Assessment shall be forwarded to the CoreCivic FSC PREA Coordinator. **(115.13 (b))**
4. The FSC PSA Coordinator shall assess, determine, and document whether adjustments are needed to:
  - a. The staffing plan established pursuant to this section;
  - b. The facility's deployment of video monitoring systems and other monitoring technologies; and
  - c. The resources the facility has available to commit to ensure adherence to the staffing plan.
5. Staff, including supervisors, shall conduct frequent unannounced security inspection rounds to identify and deter sexual abuse of detainees. Rounds shall occur with varying frequency. This practice shall be implemented for night shifts as well as day shifts. and in all areas of the facility where detainees are permitted. The occurrence of such rounds shall be documented. **(115.13 (d))**

6. Employess are prohibited from alerting oher employees that inspection rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. **(115.13 (d))**

### C. LIMITS TO CROSS GENDER VIEWING AND SEARCHES

1. Searches of detainees may be necessary to ensure the safety of staff, visitors and detainees; to detect and secure evidence of criminal activity and to confiscate contraband. **(115.15 (a)).**
  - a. Cross-gender pat searches of male detainees (female staff on male detainee) shall not be conducted unless, after reasonable diligence, staff of the same gender are not available at the time the pat-down search is required, or, in exigent circumstances. **(115.15 (b))**
  - b. Cross-gender pat searches of female detainees (male staff on female detainee) shall not be conducted unless in exigent circumstances. **(115.15 (c))**
  - c. Cross-gender strip searches or cross-gender visual body cavity searches shall not be conducted except in exigent circumstances.
  - d. A staff member of the same gender as the detainee shall perform strip searches. Any cross-gender strip searches or visual body cavity searches of detainees by staff of the opposite gender shall not be conducted except in exigent circumstances. **(115.15 (e))**
  - e. In the event of strip search or visual body search under exigent circumstances, a staff member of the same gender as the detainee shall be present to observe the strip search performed by the officer of the opposite gender. Should this occur, staff shall document the reasons for the opposite gender search in any logs used to record searches and in the detainee's detention file
  - f. Visual body cavity searches shall not be conducted on juveniles. **(115.15 (e))**
  - g. Any cross-gender pat searches, cross gender strip search, or cross gender visual body cavity search shall be documented in a log for that purpose and shall be documented in a *5-1B Notice to Administration* including details of the exigent circumstances. **(115.15 (d)) (f)**
  - h. CoreCivic medical practitioners do not conduct strip searches, physical body cavity searches and/or non-medically related visual body cavity searches. **(115.15 (e))**
2. Detainees shall be able to shower, perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine cell checks or is otherwise appropriate in connection with a medical examination or monitored bowel movement. **(115.15 (g))**
  - a. Staff of the opposite gender must announce their presence when entering an area where detainees are likely to be showering, performing bodily functions, or changing clothing. **(115.15 (g))**
  - b. The facility shall post notices/rules that advise detainees against disrobing or being unclothed in common areas. Cameras focused on common areas, including dormitory sleeping units, may be monitored by either gender.
  - c. Cameras that capture areas in which detainees are likely to be undressed or toileting, such as showers, bathrooms, or inside cells, should only be monitored by officers or nonmedical administrators of the same gender as the detainees viewed through the camera. These areas may be digitally obscured if possible and monitored by either gender.



3. Suicide Watch

Cross gender staff may be assigned to a suicide watch, including constant observation, provided that the facility has procedures in place that enable the detainee on suicide watch to avoid exposing himself or herself to non-medical cross gender staff.

- a. Same gender correctional staff or medical staff shall be substituted to observe the periods of time when the detainee is showering, performing bodily functions, or changing clothes.
- b. A shower with a partial curtain, or other privacy shields, may be provided, or, if the suicide watch is being conducted via live video monitoring, an appropriate portion of the cell must be digitally obscured. Any privacy accommodations must be implemented in a way that does not pose a safety risk for the individual on suicide watch. The privacy standards apply whether the viewing occurs in a cell or elsewhere.

4. Body Scanners

A search utilizing body scanning equipment shall only be conducted by a staff member of the same gender or gender identity as the individual being scanned. During a body scan, staff of the opposite gender shall not view the body scanner monitor or printed image.

5. Transgender Searches and Viewing

The facility shall not search or physically examine a transgender or intersex detainee for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined during conversations with the detainee, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. **(115.15 (i))**

**AT THIS FACILITY, TRANSGENDER AND/OR INTERSEX RESIDENTS ARE PROCESSED AS FOLLOWS:**

**IMMIGRATION AND CUSTOMS ENFORCEMENT DOES NOT PLACE RESIDENTS WHO ARE IDENTIFIED AS TRANSGENDER OR INTERSEX AT THE SOUTH TEXAS FAMILY RESIDENTIAL CENTER. THE RESIDENT WILL REMAIN IN THE INTAKE AREA UNTIL TRANSFERRED TO ANOTHER FACILITY BY ICE/ERO.**

6. The gender of the staff member searching a transgender or intersex detainee shall depend on the specific needs of the individual detainee and on the operational concerns of the facility. Under most circumstances, this shall be a case-by-case determination which may change over the course of incarceration, and should take into consideration the gender expression of the detainee. **(115.15 (g))**

- a. Options for pat searches and strip searches of transgender or intersex detainees include 1) asking detainees identified as transgender or intersex to identify the gender of staff with whom they would feel most comfortable conducting the pat search and/or strip search; or 2) Pat searches and strip searches conducted in accordance with the detainee's gender identity.
- b. "Dual searches" where staff of two different genders search different parts of a detainee's body shall not be conducted.
- c. Pat searches and strip searches of transgender detainees may be conducted by any staff based upon exigent circumstances. Details of the exigent circumstances must be logged.
- d. Detainees shall not be permitted to spontaneously change their transgender or intersex status, and/or gender identity to avoid being pat searched or strip searched. These individuals shall immediately be referred back to the facility multi-disciplinary Transgender Classification and Care Committee (TCCC) for individualized detention plan review.

- e. All searches of transgender and intersex detainees shall be managed in accordance with CoreCivic Policy 14-9 DHS Management of Transgender and Intersex Detainees in Immigration Facilities.
7. Transgender and intersex detainees shall be given the opportunity to shower separately from other detainees. **(115.15 (g))**
  - a. The degree of separation required is dependent on the layout of the facility, and may be accomplished either through physical separation (e.g. separate shower stalls) or by time-phasing and/or scheduling (e.g. allowing a detainee to shower before or after others).
  - b. The number of separate showers per day and the time of day for showering separately may be limited due to institutional need.
8. Training

Security staff shall be trained in proper procedures for conducting pat-down searches, including cross gender pat-down searches and searches of transgender and intersex detainees. All pat-down searches shall be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs and agency policy. This shall include consideration of officer safety. In addition to general training on detainee searches received during Pre-Service training, facility security staff are required to acknowledge and sign the ICE publication *Best Practices for Cross-Gender, Transgender, and Intersex Searches* as part of the facility Pre-service and In-Service Refresher Training **(115.15 (j))**.

#### **D. ACCOMMODATING DETAINEES WITH DISABILITIES OR LIMITED ENGLISH PROFICIENCY**

1. Detainees With Disabilities

The facility shall ensure that detainees with disabilities or Limited English Proficiency (LEP) have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse. **(115.16 (a) and 115.33 (b)) (4-ALDF-6B-02;**
2. When necessary to ensure effective communication with detainees who are deaf, hard of hearing, or have speech disabilities, the facility shall provide access to written materials and options such as telephone handset amplifiers, telephones compatible with hearing aids, or telecommunications devices for deaf persons (TTYs). The facility shall provide access to the video sign language Interpreter services through the Language Line or other provider **(115.16 (a) (b))**
3. For detainees who have intellectual and/or psychiatric disabilities, are cognitively impaired, or have limited reading skills, the facility shall offer in person oral presentations of SAAPI material at intake and orientation. This same accommodation shall be offered to blind detainees or detainees with low vision and speech disabilities **(115.16 (a) (b))**
4. Detainees with Limited English Proficiency (LEP)

The facility shall provide detainees who are LEP with language assistance, including bilingual staff or professional telephonic interpretation services, to provide them with meaningful access to programs and activities. **(115.33 (b))**
5. Interpretation services shall be provided by someone other than another detainee, unless the detainee expresses a preference for another detainee to provide interpretation and ICE determines that such interpretation is appropriate and consistent with DHS policy. The provision of interpreter services by minors, alleged abusers, detainees who witnessed the alleged abuse and detainees who have a significant relationship with the alleged abuser is not authorized in matters relating to allegations of sexual abuse. **(115.16 (c))**
6. Provisions for written translation of materials related to sexual abuse shall be made for any significant segments of the population with LEP. These include the ICE Detainee Handbook and DHS Sexual Assault Awareness Information Pamphlet



7. Oral interpretation or assistance shall be provided to any detainee who speaks a language in which written material has not been translated or who is illiterate.

#### **E. HIRING AND PROMOTION**

1. To the extent permitted by law, CoreCivic shall decline to hire or promote any individual, and decline to enlist the services of any contractor or volunteer, who may have contact with detainees, who: **(115.17 (a))**
  - a. Has engaged in sexual abuse in a prison, jail, holding facility, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
  - b. Has been convicted of engaging or attempting to engage in sexual activity facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
  - c. Has been civilly or administratively adjudicated to have engaged in the activity as outlined above in (a) and (b) of this section.
2. To the extent permitted by law, CoreCivic may decline to hire or promote and may terminate employment based on material omissions regarding such misconduct, or the provision of materially false information **(115.17 (e))**.
3. All applicants, employees, and contractors who may have direct contact with detainees shall be asked about previous misconduct, as outlined above in section E.1, and shall document this on the CoreCivic 14-2H-DHS Self-Declaration of Sexual Abuse Form. **(115.17 (b))**. The 14-2H DHS shall be utilized as follows;
  - a. Completion upon application for employment. The CoreCivic online application form section that requires disclosure of misconduct as described in E.1 may be utilized in lieu of the 14-2H DHS form for new applicants.
  - b. Completion as part of the promotional interview process.
  - c. Signed annually by each employee and contractor, to serve as verification of an employee's fulfillment of his/her continuing affirmative duty to disclose any sexual misconduct as described in this policy, and as outlined above in E1.
4. Before hiring new employees or enlisting the services of any contractor who may have contact with detainees, each CoreCivic operated immigration facility shall, through ICE, require a criminal history records background check. Subsequent criminal background records checks shall be at least every five (5) years for current employees and contractors who may have contact with detainees **(115.17 (c)) (115.17 (d))**.
5. Consistent with federal, state, and local law each CoreCivic facility shall make its best effort to contact all prior institutional employers for information on Substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse as defined by this policy. The *3-20-2B PREA Questionnaire for Prior Institutional Employers* form shall be used to obtain such prior employment information unless an ICE/DHS form is required for this purpose, or this information is obtained by ICE as part of the hiring process **(115.17 (b))**.
6. Unless prohibited by law, CoreCivic facilities shall provide information on Substantiated allegations of sexual abuse involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work **(115.17 (f))**.

#### **F. UPGRADES TO FACILITIES AND TECHNOLOGIES**

1. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, CoreCivic shall consider the effect of the design, acquisition, expansion, or modification on the company's ability to protect detainees from sexual abuse. Such considerations shall be documented on the 7-1B, PREA Physical Plant Considerations form, and the 7-1A Application for Alteration/Addition. **(115.18 (a))**

2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, CoreCivic shall consider how such technology may enhance the ability to protect detainees from sexual abuse. Such considerations shall be documented on the 7-1B PREA Physical Plant Considerations form, and the 7-1A Application for Alteration/Addition. **(115.18 (b))**

#### **G. STAFF TRAINING**

1. Training on the facility Sexual Abuse or Assault Prevention and Intervention Program shall be included in training for all new employees and contractors and shall also be included in annual refresher/in-service training thereafter. Employee training shall ensure that facility staff are able to fulfill their responsibilities under DHS standards, and shall include: **(115.31 (a) (b); 4-ALDF-7B-08; 4-ALDF-7B-10; 4-ALDF-7B-10-1)**
  - a. The agency and facility zero-tolerance policies for all forms of sexual abuse **(115.31 (a) (1))**;
  - b. The right of detainees and staff to be free from sexual abuse, and from retaliation for reporting sexual abuse **(115.31 (a)(2))**;
  - c. Definitions and examples of prohibited and illegal sexual behavior **(115.31 (a) (3))**;
  - d. Recognition of situations where sexual abuse and/or assault may occur **(115.31 (a)(4))**;
  - e. Recognition of the physical, behavioral and emotional signs of sexual abuse and/or assault and ways to prevent and respond to such occurrences; **(115.31 (a)(5))**;
  - f. How to avoid inappropriate relationships with detainees **(115.31 (a)(6))**;
  - g. How to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming detainees; **(115.31 (a)(7))**
  - h. Procedures for reporting knowledge or suspicion of sexual abuse and/or assault; **(115.31 (a)(8))** and
  - i. The requirement to limit reporting of sexual abuse and assault to personnel with a need-to-know in order to make decisions concerning the detainee-victim's welfare, and for law enforcement/investigative purposes. **(115.31 (a)(9))**
2. The 14-2A-DHS, Training Acknowledgement form shall be completed by each employee serving as verification and understanding of the contents of training. The completed forms shall be maintained by the facility Learning Development Manager. Where available, electronic signature and records may be utilized to document on-line provision of training in lieu of the 14-2A Form **(115.31 (c))**.
3. In addition to the general training provided to all employees and contractors, the facility shall provide specialized training on sexual abuse to facility investigators who conduct investigations into allegations of sexual abuse at immigration detention facilities. **(115.34 (a))**. This training shall cover,
  - a. Interviewing sexual abuse and assault victims,
  - b. Sexual abuse and assault evidence collection in confinement settings,
  - c. The criteria and evidence required for administrative action or prosecutorial referral, and
  - d. Effective cross-agency coordination in the investigation process
4. The facility PSA Compliance Manager shall ensure that more than one (1) person at the facility receives training as a sexual abuse investigator. This shall ensure that a trained investigator is available as a back-up during employee absences from work (e.g. leave, paid time off, sickness, offsite training, etc.) or as result of investigator vacancies.

5. In addition to the general training provided to all employees and contractors, all full and part-time Qualified Health Care Professionals and Qualified Mental Health Professionals, who work in the facility, shall receive specialized medical training as outlined below **(115.35 (a) (b))**
  - a. How to detect and assess signs of sexual abuse;
  - b. How to preserve physical evidence of sexual abuse;
  - c. How to respond effectively and professionally to victims of sexual abuse;
  - d. How and to whom to report allegations of sexual abuse; and
  - e. How to preserve physical evidence of sexual abuse.
6. Documentation confirming that Investigators and Qualified Health Care and Mental Health Care Professionals have completed the required specialized training in conducting sexual abuse investigations shall be maintained in the employee/contractor training file. The 14-2A1 Specialized Training Acknowledgment form shall be utilized to document this training. Where available, electronic signature and records may be utilized to document on-line provision of training in lieu of the 14-2A1. **(115.34 (b))**
7. Contractors/Volunteers

The facility shall ensure that all contractors and volunteers who have contact with detainees have been trained on their responsibilities under the facility's sexual abuse prevention, detection, intervention and response policies and procedures **(115.32 (a))**.
8. The level and type of training provided to volunteers and contractors shall be based on the services they provide and the level of contact they have with inmates/detainees. All volunteers and contractors who have contact with detainees shall acknowledge the CoreCivic zero-tolerance policy regarding sexual abuse and information on how to report such incidents by signing the 14-2J, DHS CoreCivic Zero Tolerance Policy Acknowledgment form **(115.32 (b))**
  - a. Contractors with recurring detainee contact, including, but not limited to, medical, mental health, education, and food service contractors, shall receive the same SAAPI training required of all CoreCivic employees. These contractors shall be required to sign the 14-2A DHS SAAPI Training Acknowledgment and the 14-2J, DHS CoreCivic Zero Tolerance Policy Acknowledgment forms.
  - b. Contractors who may have limited non-recurring contact with detainees, including but not limited to, vendors, service providers, and construction personnel are required to sign the 14-2J, DHS CoreCivic Zero Tolerance Policy Acknowledgment form that provides basic training on the zero-tolerance policy and incident reporting. The 14-2K, DHS PREA Overview: Training for Contractors and Volunteers may be required should their duties develop into recurring contact with detainees.
  - c. Volunteers, who shall have recurring contact with detainees, shall complete the 14-2J, DHS CoreCivic Zero Tolerance Policy Acknowledgment form and Civic PREA training provided in the 14-2K, DHS PREA Overview: Training for Contractors and Volunteers administered by the facility Chaplain or Volunteer Coordinator/designee.
  - d. The signed documentation confirming that each Volunteer or Contractor understands the training that he/she has received shall be kept in the volunteer or contractor's file by either the Learning Development Manager, facility Volunteer Coordinator or other staff designated by the Warden/Facility Administrator or PREA Compliance Manager. **(115.32 (c))**
  - e. Documentation confirming that staff have completed training shall be maintained in accordance with CoreCivic Policies 1-15 Record Retention and 4-2 Maintenance of Training Records.

## H. DETAINEE EDUCATION

1. During the intake process, all detainees shall be notified of the facility zero tolerance policy on sexual abuse and assault. Detainees shall be provided with information about the facility's SAAP Program. Such information shall include, at a minimum: **(4-ALDF-2A-29)**
  - a. The facility's zero tolerance policy for all forms of sexual abuse or assault; **(115.33 (a))**
  - b. Prevention and intervention strategies; **(115.33 (a) (1))**
  - c. Definitions and examples of detainee-on-detainee sexual abuse and assault, staff-on-detainee sexual abuse and assault and coercive sexual activity; **(115.33 (a) (2))**
  - d. Explanation of methods for reporting sexual abuse or assault, including one or more staff members other than an immediate point-of-contact line officers (e.g., facility mental health, DHS Inspector General, or ICE Joint Intake Center). **(115.33 (a) (3))**
  - e. Information about self-protection and indicators of sexual abuse and assault **(115.33 (a) (4))**;
  - f. Prohibition against retaliation, including an explanation that reporting an assault shall not negatively impact the detainee's immigration proceedings **(115.33 (a) (5))**; and
  - g. The right of a detainee who has been subjected to sexual abuse to receive treatment and counseling. **(115.33 (a) (6))**
2. Intake education shall be provided in formats accessible to all detainees, including those who are Limited English Proficient (LEP), hearing impaired, visually impaired, or otherwise disabled, or who have limited reading skill as outlined in section D of this policy. **(115.33 (b) (115.16 (a) (b))**
3. The DHS Sexual Assault Awareness Information pamphlet **(115.33 (e))** and the ICE Detainee National Handbook shall be provided at intake in written translations published on the ICE website to detainees identified as speaking and reading those languages. **(115.33 (f))**
4. Where translated versions of the DHS Sexual Assault Awareness Information pamphlet and the ICE Detainee National Handbook are not available, the Sexual Assault Awareness Information pamphlet shall be read and explained to detainees at intake through use of the Language Line. This shall be documented. **(115.33 (b)) (115.16 (a) (b))**
5. Orientation Video

Pursuant to PBNDS 2.1.V.F the facility is required to produce an orientation video that is to include information on the facility Sexual Abuse and Assault Prevention and Intervention Program, including (at a minimum):

  - a. Self-protection;
  - b. Prevention and intervention;
  - c. Reporting sexual abuse or assault; and
  - d. Treatment and counseling.
6. The facility shall ensure the availability of an interpreter for a detainee who does not speak the language(s) used in orientation video. If in-person translators are not available, the facility shall read a transcript of the SAAP portion of the video to the detainee through use of the Language Line or other provider. If the information contained in the orientation video is covered in other resources read to the detainee (i.e., the Sexual Assault Awareness Pamphlet) and those resources are made equally available to all detainees, then the facility orientation video transcript is not required as part of the orientation program. **(115.16 (a) (b)) 115.33 (a) (b)**
7. The facility shall maintain documentation of detainee participation in the intake process education and orientation. Detainees shall sign the 14-2G DHS Detainee Education Acknowledgment for the receipt of the ICE Detainee Handbook, Sexual Assault Awareness Pamphlet, video transcript and any other information provided by the facility. **(115.33 (c))**
8. The facility shall post on all housing unit bulletin boards the following notices:

- a. The DHS-prescribed sexual abuse and assault awareness notice (Sexual Abuse and Assault Awareness Pamphlet) **115.33 (d) (1)**
- b. The name of the facility PSA Compliance Manager; **(115.33 (d) (2))**
- c. Information about local organization(s) that can assist detainees who have been victims of sexual abuse or assault, including mailing addresses and telephone numbers (toll-free hotline numbers where available). **(115.33 (d) (3))**

**AT THIS FACILITY, INFORMATION ABOUT THE FOLLOWING LOCAL ORGANIZATIONS IS POSTED IN THE HOUSING AREAS:**

The Rape Crisis Center of San Antonio no longer provides advocacy services over the phone.

**I. DETAINEE SCREENING, CLASSIFICATION AND REASSESSMENT**

1. Detainees shall be screened upon arrival at the facility for potential risk of sexual victimization or sexually abusive behavior and shall be housed to prevent sexual abuse or assault, taking necessary steps to mitigate any such danger. **(4-ALDF-4D-22-1) (115.41 (a))**
2. A new detainee shall be kept separate from the general population until he/she has been classified and housed accordingly. **(115.41 (a))**
3. The initial classification process and initial housing assignment should be completed within twelve (12) hours of the detainee's admission to the facility. **(115.41 (b));(4-ALDF-4D-22-1)**
4. The facility shall consider, to the extent that the information is available, the following criteria to assess detainees for risk of sexual victimization: **(115.41 (c))**
  - a. Whether the detainee has a mental, physical, or developmental disability;
  - b. The age of the detainee;
  - c. The physical build and appearance of the detainee;
  - d. Whether the detainee has previously been incarcerated or detained
  - e. The nature of the detainee's criminal history;
  - f. Whether the detainee has any convictions for sex offenses against an adult or child;
  - g. Whether the detainee has self-identified as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
  - h. Whether the detainee has self-identified as having previously experienced sexual victimization;
  - i. The detainee's own concerns about his or her physical safety.
5. The initial screening shall consider prior acts of sexual abuse or assault, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse or assault, as known to the facility, in assessing detainees for risk of being sexually abusive. **(115.41 (d))**
6. Detainees shall not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked pursuant to items listed above in section I .4. a., g., h., or i. **(115.41 (f))**
7. The 14-2B DHS, Sexual Abuse Screening Tool or electronic version shall be utilized to complete the initial screening.
8. All initial screening at Intake and all subsequent re-assessments shall be conducted face to face with the detainee

9. Interpreters or Language Line assistance shall be used during the assessments and reassessments for all detainees who are identified as LEP. The use of the language line and the language spoken shall be documented.
10. The facility shall implement appropriate protections on responses to questions asked pursuant to this screening, limiting dissemination, and ensuring that sensitive information is not exploited to the detainee's detriment by staff or other detainees. **(115.41 (g))**
11. If screening from the 14-2B, DHS Screening Tool indicates that a detainee has experienced prior sexual victimization or perpetrated sexual abuse, staff shall, as appropriate, ensure that the detainee is immediately referred to a qualified medical or mental health practitioner for medical and/or mental health follow-up as appropriate. **(115.81 (a)) 4-ALDF-4D-22-3; 4-ALDF-4D-22-4)**
  - a. When a referral for medical follow-up is initiated, the detainee shall receive a health evaluation no later than two (2) working days from the date of assessment. **(115.81 (b))**
  - b. When a referral for mental health follow-up is initiated, the detainee shall receive a mental health evaluation no later than seventy-two (72) hours after the referral. **(115.81 (c))**
  - c. Referrals pursuant to a. and b. shall be documented utilizing e-mail or through use of the CoreCivic 14-2 L SA-API Medical and Mental Health Referral for follow-Up
12. Reassessment

The facility shall reassess each detainee's risk of victimization or abusiveness between sixty (60) and ninety (90) days from the date of the initial assessment, and at any other time when warranted based upon the receipt of additional, relevant information or following an incident of abuse or victimization. **(115.41 (e))**
13. Completed 14-2B DHS forms shall be maintained in the detainee central file or electronic records, with a copy forwarded to the detainee's medical record and/or, where applicable, the detainee's electronic medical records.

## J. HOUSING AND PROGRAM ASSIGNMENTS

1. The facility shall use the information obtained from the *14-2B-DHS Sexual Abuse Screening Tool* to inform assignment of detainees to housing on housing, recreation, voluntary work, and other activities. The facility shall make individualized determinations to ensure the safety of each detainee **(115.42 (a))**.
2. As noted in section I2 of this policy, each new arrival shall be kept separate from the general population until he/she has been classified and housed accordingly. **(115.41 (a))**
3. Transgender Intersex Detainees

All housing and program placements of transgender and intersex detainees shall be managed in accordance with CoreCivic Policy 14-9 DHS Management of Transgender and Intersex Detainees in Immigration Facilities. The decision whether to assign a transgender or intersex detainee to a male facility or a female facility shall be made by ICE prior to the detainee's arrival at a CoreCivic facility. The Warden/Facility Administrator shall consult with his/her appropriate ICE representative, CoreCivic Managing Director, and the CoreCivic FSC PSA Coordinator in the event there are concerns with a placement.

  - a. Placement of a transgender or intersex detainee shall be consistent with the safety and security considerations of the facility. **(115.42 (b))**
  - b. Housing and program placement decisions for transgender or intersex detainees shall not be based solely on the identity documents or physical anatomy of the detainee. A detainee's self-identification of his/her gender and self-assessment of safety needs shall be taken into consideration. **(115.42 (b)) (4-ALDF-6B-02)**
  - c. Upon arrival at a facility, transgender/intersex detainees shall be temporarily housed in a location away from the general population (to include a medical unit or protective custody)



unit) for no more than seventy-two (72) hours (excluding weekends, holidays, and exigent circumstances) until classification, housing, and other needs can be assessed.

- d. The facility shall make individualized case-by-case determinations about how to ensure the safety of each transgender or intersex detainee. The facility shall establish a Transgender Classification and Care Committee (TCCC) to prepare an assessment and individualized treatment plan. **(115.42 (b))**
  - e. The facility shall consult with medical and/or mental health professionals as soon as practicable on the assessment of Transgender/Intersex detainees **(115.42 (b))**
  - f. The TCCC shall meet within 72 hours following the arrival of any transgender or Intersex detainee and follow the TCCC procedures provided in CoreCivic Policy 14-9 DHS Management of Transgender and Intersex Detainees in Immigration Facilities.
  - g. Placement and programming assignments for each transgender or intersex detainee shall be reassessed at least twice each year to review whether any threats to safety were experienced by the detainee. Form 14-9B, TCCC Individualized Detention Plan (IDP) Classification Assessment shall be used for this assessment **(115.42 (b))**
4. Protective Custody

Placement of a detainee in administrative segregation on the basis of vulnerability to sexual abuse and assault shall be restricted to those instances where reasonable efforts have been made to provide appropriate housing and shall be made for the least amount of time practicable, and when no other viable housing options exist, as a last resort. **(115.43 (a)) (115.42 (b))**

- a. Use of administrative segregation by facilities to protect detainees vulnerable to sexual abuse or assault shall be restricted to those instances where reasonable efforts have been made to provide appropriate housing and shall be made for the least amount of time practicable, and when no other viable housing options exist, as a last resort **(115.43 (a))**
- b. Detainees vulnerable to sexual abuse may be assigned to administrative segregation for their protection only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of thirty (30) days. **(115.43 (b))**
- c. Detainees vulnerable to sexual abuse placed in administrative segregation for protective custody shall have access to programs, privileges, education, and work opportunities to the extent possible. If access to programs, visitation, counsel education, and other services are available to the general population to maximum the extent possible and the reasons for such limitations. **(115.43 (c))**
- d. A supervisory staff member shall conduct a review within seventy-two (72) hours of the detainee's placement in segregation to determine whether restrictive housing is still warranted; **(115.43 (d)(1))**. An identical review shall be conducted after the detainee has spent seven (7) days in administrative segregation, and every week thereafter for the first thirty (30) days and every ten (10) days thereafter. **(115.43 (d)(2))**
- e. Facilities shall notify the appropriate ICE Field Office Director no later than seventy-two (72) hours after the initial placement into administrative segregation whenever a detainee has been placed in administrative segregation on the basis of a vulnerability to sexual abuse or assault. **(115.43 (e))**
- f. The ICE Field Office Director shall review the placement and consider: **(115.43 (f))**
  - i. Whether continued placement in administrative segregation is warranted;
  - ii. Whether any alternatives are available and appropriate, such as placing the detainee in a less restrictive housing option at another facility or other appropriate custodial options; and
  - iii. Whether the placement is only as a last resort when no other viable housing options exist.

4. Juvenile and Family Detainees
  - a. Juveniles shall be detained in the least restrictive setting appropriate to the juvenile's age and special needs, provided that such setting is consistent with the need to protect the juvenile's well-being and that of others, as well as with any other laws, regulations, or legal requirements. **(115.14 (a))**
  - b. The facility shall hold juveniles apart from adult detainees, minimizing sight, sound, and physical contact, unless the juvenile is in the presence of an adult member of the family unit, and provided there are no safety or security concerns with the arrangement. **(115.14 (b))**

**AT THIS FACILITY JUVENILES ARE HOUSED AS FOLLOWS:**

STFRC does not house juvenile for family units.

- c. In determining the existence of a family unit for detention purposes, the facility shall work with ICE to obtain reliable evidence of a family relationship **(115.14 (c))**
- d. The facility shall provide priority attention to unaccompanied children as defined by 6 U.S.C. 279(g)(2), including transfer to a Department of Health and Human Services Office of Refugee Resettlement facility within 72 hours, except in exceptional circumstances, in accordance with 8 U.S.C. 1232(b) (3). **(115.14 (d))**
- e. If a juvenile who is an unaccompanied child has been convicted as an adult of a crime related to sexual abuse, the agency shall provide the facility and the Department of Health and Human Services Office of Refugee Resettlement with the releasable information regarding the conviction(s) to ensure the appropriate placement of the alien in a Department of Health and Human Services Office of Refugee Resettlement facility. **(115.14 (e))**

**K. REPORTING PROCEDURES**

1. Detainee Reporting
 

Detainees at this facility shall be provided with multiple ways to privately and anonymously report pressure, threats, or incidents of sexual abuse, as well as possible retaliation by other detainees or employees for reporting sexual abuse and staff neglect, or violation of responsibilities that may have contributed to such incidents. **(115.51 (a))**
2. The facility shall provide instructions on how detainees may contact their consular official, the DHS Office of the Inspector General, and the DHS Detention Reporting and Information Line (DRIL). Reporting shall be confidential, and anonymous if desired. **(115.51 (a))**
3. Detainees who are victims of sexual abuse have the option to privately report an incident to a designated employee other than an immediate point-of-contact line officer by using any of the following methods: **(115.51 (a) (c)) 4-ALDF-4D-22-7)**
  - a. Verbally telling any employee,
  - b. Submitting a request to meet with Health Services staff and/or reporting to a Health Services staff member during sick call;
  - c. Calling the posted facility internal SA-API (PREA) reporting line number.
  - d. Forwarding a letter (including anonymously), sealed and marked "confidential", to the facility SA-API Compliance Manager, Warden/Administrator, Investigator or any other employee;
  - e. Calling or writing someone outside the facility who can notify facility staff.
4. ICE has established the following reporting methods for Detainees:

- a. Reporting to an ICE/Enforcement and Removal Operations (ERO) staff member who visits the facility.
- b. Writing a letter reporting the sexual abuse to the ICE officer in charge, ICE Assistant Field Office Director (AFOD), or ICE Field Office Director (FOD) using special mail procedures to ensure confidentiality
- c. Filing a written formal request or emergency grievance to ICE.
- d. Calling the ICE Detention and Reporting and Information Line (DRIL) toll free at 1-888-351-4024 or 9116#
- e. Reporting to the US Department of Homeland Security (DHS) Office of the Inspector General (OIG) toll-free telephone number at 1-800-323-8603 (or 518#). Callers may remain anonymous by request. Detainee reports of sexual abuse and assault shall be forwarded to agency officials for investigation. **(115.51 (b))**
- f. Writing to the ICE Office of Inspector General (OIG)
 

DHS Office of Inspector General  
Attention: Office of Investigations Hotline  
245 Murray Lane, SW  
Building 410/Mail Stop 0305  
Washington DC 20528
- g. Writing to the posted contact information for a local Law Enforcement agency. **(115.51 (b))**:

**AT THIS FACILITY, DETAINEES MAY WRITE TO THE FOLLOWING LOCAL LAW ENFORCEMENT AGENCY AND REMAIN ANONYMOUS BY REQUEST (115.51 (b))**

Dilley Police Department, 115 E. Miller Street, Dilley, TX. 78017
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#### 5. Detainee Grievances

Formal Grievances filed by detainees involving allegations of sexual abuse that present an immediate threat to a detainee's health, safety, or welfare, shall be removed from the grievance process and shall be forwarded immediately to the Facility investigator or Administrative Duty Officer **(115.52 (c))**

- a. Detainees shall be permitted to file a formal grievance related to sexual abuse at any time during, after, or in lieu of lodging an informal grievance or complaint. **(115.52 (a))**
- b. The facility shall not impose a time limit on when a detainee may submit a grievance regarding an allegation of sexual abuse. **(115.52 (b))**.
- c. Facility staff shall bring medical emergencies to the immediate attention of proper medical personnel for further assessment. **(115.52 (d))**
- d. The facility shall issue a decision on the grievance within five (5) days of receipt and shall respond to an appeal of the grievance decision within thirty (30) days **(115.52 (e))**.
- e. To prepare a grievance a detainee may obtain assistance from another detainee, the housing officer or other facility staff, family members, or legal representatives. **(115.52 (f))**
- f. The facility shall send all grievances related to sexual abuse and the facility's decisions with respect to such grievances to the appropriate ICE Field Office Director at the end of the grievance process. **(115.52 (e))**

#### 4. Third Party Reporting

The third-party reports of sexual abuse and assault may be made by contacting the following: **(115.54)**

- a. ICE Detention and Reporting and Information Line (DRIL) at 1-888-351-4024
- b. ICE Joint Intake Center (JIC) toll-free hotline number 1-877-246-8253 or e-mail [joint.intake@dhs.gov](mailto:joint.intake@dhs.gov)
- c. CoreCivic Ethics Line at [www.CoreCivic.com/EthicsLine](http://www.CoreCivic.com/EthicsLine) or 1-800-461-9330.

#### 5. Staff Reporting Duties

Staff, including contractors and volunteers, are required to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse that occurred in the facility, retaliation against detainees or staff who reported or participated in an investigation about such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident of retaliation. **(115.61 (a))**

- a. Staff shall take all allegations of sexual abuse and assault seriously, including written, verbal, anonymous and third-party reports, and treat them as if the allegation is credible. All verbal reports shall be promptly documented. **(115.61 (b))**
- b. When it is learned that a detainee is subject to a substantial risk of imminent sexual abuse, immediate action shall be taken to protect the detainee. Staff members who become aware of alleged sexual abuse shall immediately follow the reporting requirements set forth in section L. Coordinated Response/Sexual Abuse Response Team (SART) and section Response Procedures. **(115.61 (b)) (115.62).**
- c. Where there is no substantial risk of imminent sexual abuse, reports of allegations of sexual abuse shall be immediately forwarded to the staff person's immediate supervisor, the facility Investigator, facility PSA Compliance Manager or facility ADO. Staff who fail to report allegations may be subject to disciplinary action **(115.61 (b))**.
- d. Apart from reporting to designated supervisors or facility officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, and as specified in this policy, to make treatment, investigation, and other security and management decisions. **(115.61 (c))**
- e. Staff may privately report the sexual abuse of detainees outside of their chain of command by forwarding a letter, sealed and marked "Confidential", to the Warden or facility PSA Compliance Manager.
- f. Reports of Sexual Abuse may also be reported to the CoreCivic Ethics Line at [www.CoreCivic.com/EthicsLine](http://www.CoreCivic.com/EthicsLine) or 1-800-461-9330.
- g. At the initiation of providing medical care, both medical and mental health professionals shall inform detainees of their professional duty to report and the limitations of confidentiality. **(115.61 (c))**
- h. Medical and mental health practitioners shall obtain informed consent from the detainee before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the detainee is under the age of eighteen (18). **(115.81 (e))**.
- i. If the alleged victim is under the age of eighteen (18) or considered a vulnerable adult under a state or local vulnerable person's statute, the allegation shall be reported to the designated state or local services agency under applicable mandatory reporting laws. The facility may request that local law enforcement make this report. **(115.61 (d))**

#### L. COORDINATED RESPONSE AND SEXUAL ABUSE RESPONSE TEAM (SART)

1. This Policy section shall serve as the written institutional plan to coordinate actions taken by first responders, medical and mental health practitioners, investigators and facility leadership in response to incidents of sexual abuse. Incidents where there is no allegation of physical contact or risk of imminent threat of sexual contact may not require the same range of coordinated response. **(115.65 (a))**.
2. The facility has established a Sexual Abuse Response Team (SART) to identify roles and provide a coordinated response. The SART shall be designated by the Facility Warden/Administrator and may include, but is not limited to the following: **(115.65 (b))**:
  - a. The PSA Compliance Manager is responsible for the overall facility response to sexual abuse and assault allegations and ensuring that policies are implemented effectively, and victim needs are addressed. During an incident response, the PSA Compliance Manager is responsible for ensuring that appropriate incident reports are completed and that all appropriate notifications are made.
  - b. The Facility Investigator serves as the primary liaison with local law enforcement and shall ensure that the crime scene is protected.
  - c. The Medical Representative shall ensure that the facility medical staff respond appropriately in medically stabilizing an alleged victim before assessment by a community medical provider. In addition, the medical representative shall address any ongoing medical care needs following the incident.
  - d. The Security Representative is responsible for ensuring detainee safety needs are addressed, including separating the alleged victim and perpetrator; and that employee responses to reports of sexual abuse and assault are timely and consistent with policy.
  - e. The Mental Health Representative shall ensure that the alleged victim is assessed, mental health needs are addressed according to policy and local procedure, and that follow-up evaluations have been conducted
  - f. The Victim Services Coordinator shall assist in obtaining the services of a victim advocate from a rape crisis center to accompany the alleged victim through a forensic medical exam and investigatory interviews. In the absence of an outside victim advocate, a Victim Services Coordinator may serve as a victim advocate provided he or she has received documented training in crisis intervention and forensic examination issues.
    - i. The Victim Services Coordinator shall ensure that detainees are aware that they may access additional victim resources through community agencies.
    - ii. A medical and/or mental health professional may serve as the facility's Victim Services Coordinator. The Victim Services Coordinator may not be a member of security.
3. First Responders and Incident Response

Upon learning of an allegation that a detainee was sexually abused, the first security staff member to respond to the report, or his or her supervisor, shall ensure that the alleged victim and perpetrator are separated and that the alleged victim is kept safe, and has no contact with the alleged perpetrator. The responder shall, to the greatest extent possible, preserve and protect any crime scene until appropriate steps can be taken to collect evidence. **(115.64 (a) (1) (2))**

- a. Alleged victims shall be immediately escorted to the Health Services Department. The Health Services Department is responsible for medical stabilization and assessment of the victim until transported to an outside medical provider if determined necessary for medical treatment. Health Services Staff shall follow the protocols in CoreCivic Policy 13-79 Sexual Assault Response. For allegations that do not involve physical contact there is no requirement to escort a detainee victim to Health Services for evaluation

- b. If the alleged sexual abuse occurred within a time period that still allows for the collection of physical evidence, employees shall, request that the alleged victim not take any actions that could destroy physical evidence including as appropriate washing, brushing teeth, showering, changing clothing without medical supervision, urinating, defecating, smoking, drinking or eating. **(115.64 (a)(3))**
  - c. When the alleged abuser is a detainee, he/she shall be removed from the general population or otherwise separated and held in a medical unit in the event evidence collection is required. If the abuse occurred within a time period that still allows for the collection of physical evidence, responders shall, ensure that the alleged perpetrator not take any actions that could destroy physical evidence including as appropriate washing, brushing teeth, showering, changing clothing without medical supervision, urinating, defecating, smoking, drinking or eating. **(115.64 (a)(4))**
  - d. While in the Health Services Department, the alleged victim may be questioned in order to identify the alleged abuser, whether there are witnesses, the location of the crime scene, and the extent of an injuries. The alleged victim shall not be disciplined for refusing to make a statement.
  - e. Based upon the alleged victim's statement regarding the location and time of the incident, staff shall ensure that any crime scene is preserved. These actions include, but are not limited to sealing access to the immediate area of the scene, photographing the scene and visible evidence at the scene (e.g. tissue or blood); and securing any available recorded video footage of the affected area.
  - f. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and notify security staff. **(115.64 (b))**
  - g. Responding staff shall notify the highest ranking authority on site. The PSA Compliance Manager, Facility Administrator and/or Administrative Duty Officer (ADO) shall be immediately notified of the allegation by the highest ranking authority.
  - h. The facility PSA Compliance Manager or designee shall ensure that the incident is promptly entered into the CoreCivic 5-1 Incident Reporting Database
  - i. If a victim of sexual abuse is transferred from this facility to a facility covered by DHS SA-API Standards, the sending facility shall, as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services. **(115.65 (c))**
  - j. If a victim of sexual abuse is transferred from this facility to a facility not covered by DHS SA-API Standards, the sending facility shall, as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services, unless the victim requests otherwise. **(115.65 (d))**
4. Law Enforcement Notification
- All allegations of sexual abuse that are potentially criminal in nature shall be promptly reported to a law enforcement agency with the legal authority to conduct criminal investigations. The notification of law enforcement shall be documented. **(115.22 (d) (e))**

**AT THIS FACILITY, THE FOLLOWING LAW ENFORCEMENT AGENCY IS NOTIFIED:**

- **DILLEY, TEXAS POLICE DEPARTMENT:**
- **ICE/ERO ON-SITE ASSISTANT FIELD OFFICE DIRECTOR WHO WILL NOTIFY THE ICE FIELD OFFICE DIRECTOR;**
- **DHS OFFICE OF INSPECTOR GENERAL:**
- **ICE OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR); AND**



• **JOINT INTAKE CENTER (JIC).**

- a. The facility shall request through Memorandum of Understanding (MOU) that the responsible outside local law enforcement agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. **(115.21 (a) (e))**
- b. The individual from the facility making the notification to law enforcement shall ascertain whether that agency shall be requesting a forensic medical exam.

5. **SAFE/SANE Exams**

If medically indicated or necessary for the collection of evidence as determined by law enforcement, forensic medical examinations shall be performed by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) if available. If a SAFE or SANE provider is not available, the examination may be performed by other qualified medical practitioners. **(115.21 (c)) 4-ALDF-4D-22-6M)**

**AT THIS FACILITY, SAFE/SANE EXAMS ARE PROVIDED BY THE FOLLOWING:**

**METHODIST HEALTHCARE SYSTEM SAN ANTONIO, METHODIST HOSPITAL**

- a. As requested by the victim, either a victim advocate from a rape crisis center, a qualified facility staff member, or a qualified community-based organization staff member, 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. Advocates provided by the hospital conducting the forensic exams may be utilized. **(115.21 (d))**

**AT THIS FACILITY, VICTIM ADVOCACY SERVICES DURING SAFE/SANE EXAMS ARE PROVIDED BY THE FOLLOWING:**

**METHODIST HEALTHCARE SYSTEM SAN ANTONIO, METHODIST HOSPITAL**

- b. Forensic medical exams shall be provided at no cost to the detainee and only with the detainee's consent. **(115.21 (c))**

1. **Notifications to ICE for Detainee on Detainee Sexual Abuse Allegations**

When a detainee, of the facility in which an alleged detainee victim is housed is alleged to be the perpetrator of detainee sexual abuse, the facility shall ensure that the incident is promptly reported to the Joint Intake Center, the ICE Office of Professional Responsibility or the DHS Office of Inspector General, as well as the appropriate ICE Field Office Director/designee. **(115.22 (d) (e))**

6. **Notifications to ICE for Employee on Detainee Sexual Abuse Allegations**

When a staff member, contractor, or volunteer is alleged to be the perpetrator of detainee sexual abuse, the facility shall ensure that the incident is promptly reported to the Joint Intake Center, the ICE Office of Professional Responsibility (or the DHS Office of Inspector General), as well as to the appropriate ICE Field Office Director, and to the local government entity or contractor that owns or operates the facility. **(115.22 (f))**

**UPON RECEIPT OF ALLEGATIONS OF SEXUAL ABUSE, THE PROTOCOL FOR NOTIFICATIONS TO ICE IS AS FOLLOWS:**

NOTIFICATION WILL BE SENT TO THE SDDO, COR, JFMD, AFOD AND JOINT.INTAKE@DHS.GOV

7. Where delegated to the facility by the ICE Field Office, the facility shall complete the ICE SAAP I Assessment Worksheet to assess whether a detainee's allegation meets the criteria to reported as a SAAP I allegation.
8. Reporting to Other Confinement Facilities
  - a. Upon receiving an allegation that a detainee currently at the facility was sexually abused while housed at another facility (state, federal, local, or other private operator) the following actions shall be taken:
    - i. The Warden/Facility Administrator of the facility that received the allegation shall contact the Warden/Facility Administrator or appropriate headquarters office of the facility where the alleged abuse took place as soon as possible, but no later than seventy-two (72) hours after receiving the allegation. **(115.63 (a)(b))**
    - ii. A copy of the statement of the detainee shall be forwarded to the appropriate official at the location where the incident was reported to have occurred.
    - iii. The facility shall document that it has provided such notification through the 5-1B Notice to Administration (NTA). **(115.63 (c))**
  - b. Upon receiving notification from another agency or another facility (state, federal, local, or other private operator) that a detainee currently at their facility reported an incident/allegation of sexual abuse that occurred while the subject was a detainee at this CoreCivic facility, the following actions shall be taken:
    - i. The facility shall record the name of the agency making the contact, and any information (names, dates, time) that may assist in determining whether an investigation was conducted. A detainee statement should be requested.
    - ii. If the allegation was reported and investigated in accordance with CoreCivic policy and/or referred for criminal investigation, if appropriate, the facility shall document the allegation, the name and title of the person reporting the information, and that the allegation has already been addressed. Under this circumstance, further investigation and notification need not occur
    - iii. If the allegation was not reported and/or not investigated, facility staff shall initiate reporting and investigation procedures in accordance with this policy. The incident shall be reported through the 5-1 Incident Reporting Database (IRD).
    - iv. Notification shall be made to the ICE Field Office Director/designee. **(115.63 (d))**

#### **M. HEALTH CARE AND MENTAL HEALTH SERVICES**

1. Detainee victims of sexual abuse and assault shall have timely, unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. **(115.82 (a)) 4-ALDF-4D-22-6M)**
2. Transportation of an alleged victim for emergency care, or other services provided offsite, shall be arranged in a manner that takes into account the special needs of victimized detainee.
3. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all detainees who have been victimized by sexual abuse while in immigration detention. **(115.83 (a)) (4-ALDF-4D-22-4)**
4. The facility shall provide victims with medical and mental health services consistent with the community level of care. **(115.83 (c))**
5. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. **(115.83 (b)) (4-ALDF-4D-22-4)**

6. Detainee victims of sexually abusive vaginal penetration by a male abuser while incarcerated shall be offered pregnancy tests. If pregnancy results from an instance of sexual abuse, the victim shall receive timely and comprehensive information about lawful pregnancy-related medical services and timely access to all lawful pregnancy-related medical services. **(115.83 (d)) 4-ALDF-4D-22-6M)**
7. Detainee victims of sexual abuse while detained shall be offered tests for sexually transmitted infections as medically appropriate. **(115.83 (e)) 4-ALDF-4D-22-6M)**
8. All treatment services, both emergency and ongoing, shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. The facility shall provide such victims with medical and mental health services consistent with the community level of care. **(115.82 (b) 115.83 (f))**
9. The facility shall attempt to conduct a mental health evaluation of all known Detainee-on-Detainee abusers within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. **(115.83 (g)) (4-ALDF-4D-22-3; 4-ALDF-4D-22-6M)**
10. **Victim Advocates and Access to Outside Confidential Support Services**  
 CoreCivic shall maintain, or attempt to enter into, Memorandums of Understanding (MOU) or other agreements with community service providers, or, if local providers are not available, with national organizations that provide legal advocacy and confidential emotional support for immigrant victims of crimes. **(115.53 (a))(b)**
  - a. Detainees shall be provided access to outside victim advocates for emotional support services related to sexual abuse through mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations. The facility shall enable reasonable communication between detainees and these organizations and agencies, in as confidential a manner as possible. **(115.53 (c))**

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

<b>THE RAPE CRISIS CENTER, 4606 CENTERVIEW STE. 200, SAN ANTONIO, TX 78228</b>
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- b. All Memorandum of Understanding must be reviewed and approved by the CoreCivic FSC Legal Department. CoreCivic shall maintain copies of agreements or documentation showing attempts to enter into such agreements.
- c. The facility shall require through the MOU that agencies providing confidential support services inform detainees, prior to rendering services, of the extent to which communications shall be monitored and the extent to which reports of abuse shall be forwarded to authorities in accordance with mandatory reporting laws. **(115.53 (d))**
- d. Telephone calls to outside victim advocate agencies such as a rape crisis center shall be confidential and shall not be monitored or recorded. Outgoing mail to and from approved outside victim advocate agencies shall not be opened and read.

**N. ADMINISTRATIVE AND CRIMINAL INVESTIGATION PROTOCOLS**

1. The Warden/Facility Administrator shall ensure that an administrative investigation and/or a criminal investigation, if potentially criminal behavior is involved, are completed for all allegations of sexual abuse. Criminal investigations are referred to a law enforcement agency with legal authority to conduct criminal investigations. **(115.22 (a) (d) 4-ALDF-4D-22-2)**
2. Facility Responsibility in Criminal Investigations

CoreCivic investigators are not authorized to conduct criminal investigations. Immediately following notification of an incident or upon receiving an allegation of sexual abuse that may involve potentially criminal behavior, facility staff shall notify local law enforcement. **(115.71 (a))**

- a. In addition to notification to local law enforcement and in accordance with section L 6 and L 7 of this Policy, the facility shall make a concurrent notification to ICE on all allegations of sexual abuse. **(115.22 (f) (g))**.
- b. The facility shall not initiate an administrative investigation until such time as the responsible law enforcement agency declines to pursue a criminal investigation to ensure that the criminal investigation is not compromised. **(115.71 (b) (c) (2))**
- c. Facility employees may assist local law enforcement by preserving the integrity of the evidence so that cases are not lost based on lack of evidence, improper technique, and/or lack of credibility.
- d. The facility shall attempt to enter into a written Memorandum of Understanding (MOU) with the outside investigating agency outlining the roles and responsibilities of both the facility and the investigating entity in performing sexual abuse investigations.

**AT THIS FACILITY, THE FOLLOWING LAW ENFORCEMENT AGENCY CONDUCTS CRIMINAL INVESTIGATIONS:**

<b>DILLEY POLICE DEPARTMENT, TEXAS STATE TROOPERS</b>
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- e. When outside agencies conduct investigations of sexual abuse and assault, the facility shall cooperate with outside investigators and endeavor to remain informed about the progress of the investigation. The facility investigator shall document contacts with the agency conducting the criminal investigation. **(115.71 (f))**
3. Facility Responsibility in Administrative Investigations

Administrative investigations shall be coordinated with the appropriate investigative office within ICE/DHS, the local ICE AFOD/designee, and the responsible criminal investigative entity. **(115.71 (b) (d) (115.71 (g))**

- a. Upon conclusion of a criminal investigation where the allegation was substantiated, CoreCivic facility investigators shall conduct an administrative investigation. **(115.71 (b))**.
  - b. Upon conclusion of a criminal investigation where the allegation was Unsubstantiated, facility investigators shall review any available completed criminal investigation reports to determine whether an administrative investigation is necessary or appropriate **(115.71 (b))**.
4. Investigation Procedures

Administrative investigations into alleged sexual abuse shall be prompt, thorough, and objective and conducted by qualified investigators. Administrative Investigations shall include the following **(115.71 (c))**:

- a. Preservation of direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; **(115.71 (c) (1) (i))**
- b. Interviewing alleged victims, suspected perpetrators, and witnesses; **(115.71 (c) (1) (ii))**
- c. Reviewing prior complaints and reports of sexual abuse and assault involving the suspected perpetrator; **(115.71 (c) (1) (iii))**;

- d. Assessment of the credibility of an alleged victim, suspect, or witness, without regard to the individual's status as detainee, staff, or employee, and without requiring any detainee who alleges sexual abuse and assault to submit to a polygraph; **(115.71 (c) (1) (iv))**
  - e. An effort to determine whether actions or failures to act at the facility contributed to the abuse; **(115.71 (c) (1) (v))**
  - f. Documentation of each investigation by written report, which shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessment and investigation facts and findings; and **(115.71 (c) (1) (vi))**
  - g. Retention of all reports and referrals of allegations for as long as the alleged perpetrator is detained or employed by the agency or facility, plus five (5) years. **(115.22 (b) 115.71 (c) (1) (vii))**
5. The departure of the alleged perpetrator or victim from the employment or control of the facility shall not provide a basis for terminating an investigation **(115.71 (e))**.
  6. When an administrative investigation is undertaken, the facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse and assault are Substantiated. **(115.72))**
  7. CoreCivic shall post this policy containing investigation protocols on the CoreCivic Web site. The protocols shall be available to the public. **(115.22 (c))**
  8. The Warden/Facility Administrator shall consult with facility investigators and determine the appropriate classification of the incident. The 5-1E PREA Reporting form shall be completed and maintained with the incident packet. Following completion of an investigation, the allegation shall be classified as follows:
    - a. Substantiated  
An incident shall be classified as substantiated if the results of the investigation determine that the allegation did occur.
    - b. Unsubstantiated  
An incident shall be classified as unsubstantiated if the results of the investigation determine that the evidence was insufficient to make a final determination of whether or not the allegation occurred.
    - c. Unfounded  
An incident shall be classified as unfounded if the results of the investigation determine the allegation did not occur.
9. Reporting to Detainees  

The facility shall, when the detainee is still in immigration detention, or where otherwise feasible, following an investigation into a detainee's allegation of sexual abuse, notify the detainee as to the result of the investigation and any responsive action taken. **(115.73)**

    - a. If the facility did not conduct the investigation, the relevant information shall be requested from the outside investigating agency or entity in order to inform the detainee. **(115.73)**
    - b. All detainee notifications or attempted notifications shall be documented on the 14-2E Detainee Allegation Status Notification. The detainee shall sign the 14-2E, Detainee Allegation Status Notification verifying that such notification has been received. The signed 14-2E shall be filed in the detainee's file and facility investigation file.

## **O. POST INCIDENT PROCEDURES**

1. Protection Against Retaliation

Staff, contractors, volunteers, and detainees shall not retaliate against any person, including a detainee, who reports, complains about, or participates in an investigation into an allegation of sexual abuse, or for participating in sexual abuse as a result of force, coercion, threats, or fear of force. **(115.67 (a))**

- a. The facility shall employ multiple protection measures, such as housing changes, removal of alleged staff or detainee abusers from contact with victims, and emotional support services for detainees or staff who fear retaliation for reporting sexual abuse or for cooperating with investigations. **(115.67 (b))**
- b. Staff, contractors, and volunteers suspected of perpetrating sexual abuses shall be removed from all duties requiring detainee contact pending the outcome of an investigation. **(115.66)**
- c. Immediately following receipt of a report of sexual abuse and then for at least ninety (90) days following, the facility shall monitor to see if there are facts that may suggest possible retaliation by detainees or staff, and shall act promptly to remedy any such retaliation. The facility shall continue such monitoring beyond ninety (90) days if the initial monitoring indicates continuing need. **(115.67 (c))**
- d. Items the facility should monitor for detainees include disciplinary reports, housing or program or work changes. **(115.67 (c)).**
- e. For staff, items to monitor include disciplinary reports, negative performance reviews, or reassignments. **(115.67 (c)).**
- f. The PSA Compliance Manager shall ensure that thirty/sixty/ninety (30/60/90) is documented on the 14-2D, DHS PREA Retaliation Monitoring Report form.
- g. The facility obligation to monitor retaliation for staff and inmates/detainees shall terminate if the facility determines that the allegation is unfounded

## 2. Post Allegation Protective Custody

The facility shall place detainee victims of sexual abuse in a supportive environment that represents the least restrictive housing option possible. **(115.68 (a))**

- a. Detainee victims shall not be held for longer than five (5) days in any type of administrative segregation, except in unusual circumstances or at the request of the detainee. **(115.68 (b))**
- b. A detainee victim who is in protective custody after having been subjected to sexual abuse shall not be returned to the general population until completion of a re-assessment taking into consideration any increased vulnerability of the detainee as a result of the sexual abuse/ **(115.68 (c))**

## 3. 72 Hour Incident Review

A preliminary review of the incident and the response shall be conducted telephonically within seventy-two (72) hours (excluding weekends and holidays) following reportable SA-API incidents of Employee-on-Detainee Sexual Abuse and Detainee-on-Detainee Sexual Abuse. Upon receipt of the electronic 5-1 Incident Report, the review shall be scheduled by the FSC Administrative Assistant, Facility Operations, responsible for the facility.

- a. Required Participants on the call include the FSC PSA Coordinator/designee, Warden/Facility Administrator; Facility PSA Compliance Manager; and the Facility Investigator.
- b. Optional participants for review calls would be the Managing Director/designee and any staff identified by the Warden/Facility Administrator if their participation is necessary to



- provide specialized information essential to complete the review. This would include Medical and Mental Health Staff.
- c. 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; and
  - Initial discussion as to whether the incident is Substantiated, Unsubstantiated, Unfounded, or shall remain pending.
4. Detainee Discipline- Detainees shall be subjected to disciplinary sanctions pursuant to a formal disciplinary process following an administrative or criminal finding that the detainee engaged in sexual abuse. **(115.78 (a))**
- a. Because the burden of proof is substantially easier to prove in a detainee's disciplinary case than in a criminal prosecution, a detainee may be institutionally disciplined even though law enforcement officials decline to prosecute.
- b. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the detainee's disciplinary history, and the sanctions imposed for comparable offenses by other detainees with similar histories. **(115.78 (b))**
- c. The facility shall have a disciplinary system with progressive levels of appeals, reviews, procedures, and documentation requirements. **(115.78 (c))**
- d. If a detainee is mentally disabled or mentally ill, but competent, the disciplinary process shall consider whether the detainee's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. **(115.78 (d))**
- e. A detainee may be disciplined for sexual conduct with staff only upon a finding that the staff member did not consent to such contact. **(115.78 (e))**
- f. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. Detainees who deliberately allege false claims of sexual abuse may be disciplined. **(115.78(f))**
- g. In addition to the forms of sexual abuse contained in the Definition section of this policy, all other sexual conduct, including consensual sexual conduct, between detainees is prohibited and subject to disciplinary sanctions.
5. Staff Discipline
- Staff suspected of perpetrating sexual abuse shall be removed from all duties requiring detainee contact pending the outcome of an investigation. The Warden/Facility Administrator shall determine, on a case-by-case basis, whether or not placement of a staff member on administrative leave is warranted. This determination shall take into account the gravity and credibility of the allegations. **(115.66)**
- a. Employees shall be subject to disciplinary sanctions up to and including termination for violating CoreCivic sexual abuse policies. CoreCivic facility employees are not in the Federal Service. Removal from their position within CoreCivic and termination is the presumptive disciplinary sanction for staff who have engaged in, attempted, or threatened to engage in sexual abuse, as defined in this Policy under the definitions of sexual abuse

of a detainee by a staff member, contractor, or volunteer, paragraphs (1)-(4) and (7)-(8). **(115.76 (a)(b)) 4-ALDF-4D-22-5)**

- b. Disciplinary sanctions for violations of CoreCivic policies relating to sexual abuse (other than actually engaging in sexual abuse as defined above in 5 (a) shall be commensurate with the nature and circumstances of the acts committed, the employee's disciplinary history, and the sanctions imposed for comparable offenses by other employees with similar histories. **(115.76 (a)) 4-ALDF-4D-22-5)**
- c. All terminations for violations of CoreCivic sexual abuse policies, or resignations by employees who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies, to the extent known. **(115.76 (c) (d))**

6. Contractor and Volunteer Corrective Action

Contractors and volunteers suspected of perpetrating sexual abuse shall be removed from all duties requiring detainee contact pending the outcome of an investigation. **(115.66) ( 115.77 (b)) (4-ALDF-4D-22-5)**

- a. Following an investigation, substantiated allegations of sexual abuse by any contractor or volunteer shall result in prohibition from contact with detainees.
- b. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with detainees by contractors or volunteers who have not engaged in sexual abuse or assault, but have violated other provisions within these standards. **(115.77 (c))**
- c. Incidents of Substantiated sexual abuse by a contractor or volunteer shall be reported to law enforcement agencies, unless the activity was clearly not criminal. **(115.77 (a))**
- d. The facility shall make reasonable efforts to report substantiated incidents of sexual abuse by contractors and/or volunteers to any relevant licensing bodies, to the extent known. **(115.77 (a))**

**P. SEXUAL ABUSE INCIDENT REVIEWS,**

- 1. The Warden/Facility Administrator shall ensure that a post investigation review of a sexual abuse incident is conducted at the conclusion of every sexual abuse investigation. A written report of the review shall be prepared within thirty (30) days of the conclusion of the investigation. **(115.86 (a))**
- 2. The Incident Review team shall include the Facility PSA Compliance Manager, supervisors, investigators, and medical or mental health practitioners as assigned by the Warden/Facility Administrator.
- 3. The review team shall:
  - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; **(115.86 (a))**
  - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; LGBTI and/or Gender Non-Conforming identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; and **(115.86 (b))**
  - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- 4. The facility shall implement the recommendations for improvement or shall document reasons for not doing so. **(115.86 (a))**

5. All findings and recommendations for improvement shall be documented on the ICE Sexual Abuse or Assault Incident Review Form. Completed review forms shall be forwarded to the Warden/Facility Administrator for review, and the facility PSA Compliance Manager. The Report shall be forwarded to the ICE PSA Coordinator through the local ICE Field Office. **(115.86 (a))**
6. Each facility shall conduct an annual review of the all sexual abuse investigations and resulting incident reviews to assess and improve sexual abuse intervention, prevention and response efforts. If the facility has not had any reports of sexual abuse during the annual reporting period, then the facility shall prepare a negative report. The annual reporting period shall be determined by ICE. Facilities shall utilize the ICE Annual Sexual Abuse and Assault Report form. Completed forms shall be provided to the Facility Administrator, FSC PSA Coordinator, and the ICE PSA Coordinator through the local ICE Field Office. **(115.86 (c))**

## **Q. Data Collection**

1. All case records associated with claims of sexual abuse, including incident reports, investigative reports, detainee information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be retained in accordance with CoreCivic Policy 1-15 Retention of Records. **(115.87 (a)) 4-ALDF-4D-22-8)**
2. The facility Investigator or other individual designated by the Warden/Facility Administrator shall maintain incident investigation files chronologically and in a secure location. The files shall include the following minimum information: **(115.87(a))**
  - a. Incident Reports;
  - b. Investigative Reports;
  - c. Detainee Information;
  - d. Case Disposition;
  - e. Medical and counseling evaluation findings;
  - f. Recommendation for post release treatment if necessary; and
  - g. Counseling records.
3. On an ongoing basis, the facility PSA Compliance Manager shall work with the ICE PSA Coordinator to share data regarding sexual abuse incidents and response. This data may be utilized by the ICE PREA Coordinator for reports to ICE leadership. **(115.87 (b)).**
4. On an annual basis, CoreCivic shall provide aggregated incident-based sexual abuse data to the ICE PSA Coordinator including the number of reported sexual abuse allegations determined to be Substantiated, Unsubstantiated, or Unfounded, or for which investigation is Pending. For each incident found to be Substantiated, the following information shall be provided: **(115.87 (d) (1)-(6))**
  - a. The date, time, location, and nature of the incident;
  - b. The demographic background of the victim and perpetrator (including citizenship, age, gender, and whether either has self-identified as gay, lesbian, bisexual, transgender, intersex or gender nonconforming);
  - c. The reporting timeline for the incident (including the name of the individual who reported the incident and the date and time the report was received);
  - d. Any injuries sustained by the victim;
  - e. Post-report follow-up responses and action taken by the facility (e.g. housing placement/custody classification, medical examination, mental health counseling, etc.); and
  - f. Any sanctions imposed on the perpetrator

5. The CoreCivic FSC PSA Coordinator shall review all aggregated sexual abuse data in order to assess and improve the effectiveness of the CoreCivic sexual abuse prevention, detection, and response policies, practices, and training, to include identifying problem areas and taking corrective action on an ongoing basis. **(115.88 (a) (1) (2))**.
6. CoreCivic shall prepare an annual report of findings and corrective actions for each facility, as well as CoreCivic as a whole. The report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of CoreCivic progress in addressing sexual abuse. **(115.88 (a) (3) (115.88 (b))**
7. The CoreCivic Annual PREA Report shall be approved by the company Chief Operating Officer **(115.88 (c))**.
8. The CoreCivic Annual PREA Report containing all aggregated sexual abuse data shall be made available to the public at least annually through the CoreCivic website. Before making aggregated sexual abuse data publicly available, CoreCivic shall remove all personal identifiers. Specific material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of a facility, however, the nature of the material redacted must be indicated. **(115.88 (c) (115.89 (b) (115.89 (c))**
9. Upon request, CoreCivic shall provide all data described in this section from the previous calendar year to the Office for Civil Rights and Civil Liberties no later than June 30, or an alternative date provided and approved by ICE. **(115. 87 (e))**
10. On an annual basis, CoreCivic shall provide such information as requested by the Department of Justice to complete the Bureau of Justice Statistics (BJS) Survey of Sexual Violence (SSV).
11. Data collected for this purpose shall be securely stored and retained for at least 10 years after the date of initial collection in accordance with CoreCivic Policy 1-15 Retention of Records. **(115.89 (a))**
12. Any requests for information from an outside agency or entity (excluding the contracting governmental agency) regarding incidents of sexual abuse shall be forwarded to and reviewed by the FSC General Counsel or designee and the FSC Senior Director, PREA Programs and Compliance, prior to sending the response to the requesting entity.

**REVIEW:**

This policy shall be reviewed annually by the Senior Director, PREA Compliance and Programs, and the Vice President, Core Services, or qualified designee. This policy is subject to the review and approval of Immigration and Customs Enforcement (ICE).

**APPLICABILITY:**

CoreCivic operated Immigration and Detention Facilities

**APPENDICES:**

ICE Sexual Abuse and Assault Awareness

**ATTACHMENTS:**

3-20-2B	PREA Questionnaire for Prior Institutional Employers
5-1B	Notice to Administration (NTA)
7-1B	PREA Physical Plant Considerations
14-2A DHS	PREA Training Acknowledgment
14-2A1 DHS	PREA Specialized Training Acknowledgment (NEW)
14-2B DHS	Sexual Abuse Screening Tool
14-2C DHS	Sexual Abuse Incident Check Sheet
14-2D DHS	Retaliation Monitoring Report (30/60/90)

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14-2E DHS	Detainee Allegation Status Notification
14-2G DHS	Detainee Education Acknowledgement (NEW)
14-2H DHS	Self-Declaration of Sexual Abuse/Sexual Harassment
14-2I DHS	Annual Staffing Plan Assessment
14-2J DHS	Zero Tolerance Policy Acknowledgment (NEW)
14-2K DHS	Training for Contractors and Volunteers (NEW)
14-2L DHS	Medical and Mental Health Referral for Follow-Up (NEW)

ICE SAAPI Assessment Worksheet

ICE Sexual Assault Incident Review Form (Replaces 14-2F DHS)

DHS Cross Gender Training Acknowledgment

ICE Annual Report Form

**REFERENCES:**

CoreCivic Policy 1-15 Retention of Records

CoreCivic Policy 4-2 Maintenance of Training Records

CoreCivic Policy 5-1 Incident Reporting

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 and Assault in Confinement Facilities (Federal Register 79, 13100, March 7, 2014) Subpart A-Standards for Immigration Detention Facilities Coverage

ICE 2011 Performance-Based National Detention Standard (PBNDS) 2.11 Sexual Abuse and Assault Prevention and Intervention, Revised December 2016

Bureau of Justice Statistics (BJS) Survey of Sexual Victimization (SSV)

American Correctional Association Adult Local Detention Facilities (ALDF) Standards:

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