


STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT:	PAGE <u>1</u> of <u>11</u>
Prison Rape Elimination	NUMBER: 79-ISA-01
RULE/CODE REFERENCE: Public Law 108-79/Prison Rape Elimination Act	SUPERSEDES: 79-ISA-01 dated 11/05/14
RELATED ACA STANDARDS: 4-4281-1 thru 4-4281-5; 4-4281-7; 4-4406	EFFECTIVE DATE: July 24, 2015
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to provide required Prison Rape Elimination Act definitions, to establish the Department of Rehabilitation and Correction's zero tolerance stance against prison sexual misconduct, and to provide guidance in prevention and tracking techniques for sexual misconduct directed toward inmate victims by staff persons or other inmates.

III. APPLICABILITY

This policy applies to all inmates, persons employed by the Department of Rehabilitation and Correction, volunteers, and independent contractors.

IV. DEFINITIONS

Abuser - A high risk inmate who has been found guilty of committing one or more instances of sexual abuse in an institutional setting.

Agency PREA Coordinator – The staff member designated by the Director to oversee the agency efforts to comply with PREA standards in all facilities. The Agency PREA Coordinator shall be the Operation Support Center liaison for the Institutional Operational Compliance Managers.

Institutional PREA Operational Compliance Manager – The staff person designated by the Managing Officer at each facility to coordinate the institution's efforts to comply with PREA standards.

Indecent Exposure – Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.

LGBTI – An acronym for a group of sexual minorities including lesbian, gay, bisexual, transgender, and intersex individuals.

PREA Risk Assessment System – A computer system designed to assist the institutions assessing risk of sexual abuse for an individual inmate and to assist in tracking and sharing information about PREA Classifications and LGBTI inmates. The electronic PREA Risk Assessment forms shall be utilized until the automated system becomes available.

PREA Classifications – For purposes of tracking risk of sexual abuse, all inmates shall be designated as either an Abuser, Victim, Potential Abuser, Potential Victim, or No Classification based upon screening results from the PREA Risk Assessment System.

PREA Accommodation Strategy (PAS) - A strategy plan prepared by the Unit Management Chief or in their absence, the Acting Unit Management Chief for an inmate's housing, bed, work, education and program assignments based upon the PREA Classification determined by the PREA Risk Assessment System, the needs of the individual inmate, the structure/security level of the facility, and the correctional judgment of the staff member.

PREA Accommodation Strategy Team (PAST) – A team, consisting of the Institution Operational Compliance Manager, Unit Management Chief, medical and mental health staff, and other staff as necessary, established to complete a PREA Accommodation Strategy in accordance with Department Policy 79-ISA-04, PREA Risk Assessments and Accommodation Strategies, for all transgender and intersex inmates. The team shall be chaired by the Institution Operational Compliance Manager.

Recent Sexual Abuse - Oral sexual abuse that has occurred within 24 hours; vaginal or anal abuse that has occurred within 96 hours.

Sexual Abuse - Any behavior or act of a sexual nature, or any attempt, threat or request for same, directed toward an inmate by an employee, contractor, or volunteer, which may include one or more of: 1) Sexual Conduct, 2) Sexual Contact, 3) Voyeurism, or, 4) Indecent Exposure; OR Any behavior or act of a sexual nature if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse, directed toward an inmate by another inmate which may include one or more of: (1) Sexual Conduct or (2) Sexual Contact.

Sexual Contact - Any touching of an erogenous zone of another including without limitation the thigh, genitals, buttocks, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual Conduct – Vaginal intercourse between a male and female, anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without relation to official duties, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual Harassment – (1) Repeated and unwelcome sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate toward another, OR (2) repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Sexual Misconduct - Any behavior or act of a sexual nature directed toward an inmate by an employee, contractor, or volunteer or other inmate which may be Sexual Harassment, Sexual Abuse or a combination of both as defined in this policy.

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

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.

Victim – A high risk inmate who has been the victim of sexual abuse in an institutional setting, which has been confirmed by disciplinary records of the abuser and/or inmate on inmate assault records

Victim Support Person - A designated employee that has been specially trained to support a victim of sexual misconduct which may include: (1) Accompanying the victim to the hospital; (2) Supporting the victim through the forensic medical examination and investigatory interview; and/or (3) Providing emotional support, crisis intervention information, and referrals.

Voyeurism – An invasion of privacy of an inmate by a staff member, contractor, or volunteer for reasons unrelated to official duties such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of any inmate performing bodily functions.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to provide a safe, humane, and appropriately secure environment, free from the threat of sexual misconduct for all inmates by maintaining a program of prevention, detection, response, investigation and tracking. The Department shall maintain a zero tolerance for sexual misconduct in its institutions and in any facilities with which it contracts for the confinement of inmates. Sexual misconduct among inmates and by staff towards inmates is strictly prohibited. All allegations of sexual misconduct and/or sexual harassment shall be administratively and/or criminally investigated.

VI. PROCEDURES

A. Zero Tolerance

1. Based on the elements of this policy all institutions shall develop a local policy in accordance with Appendix A outlining their procedures for preventing, detecting, and responding to sexual misconduct.
2. In accordance with Department Policy 31-SEM-02, Employee Standards of Conduct, all staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual misconduct policies. Terminations for violations of agency sexual misconduct policy, or resignations by staff that would have been terminated if not for

their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and also reported to any relevant licensing bodies.

3. In accordance with Department Policy 71-SOC-01, Recruitment, Training, and Supervision of Volunteers, and Department Policy 39-TRN-12, Contractor Orientation, any contractor or volunteer who engages in sexual misconduct is prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and also to relevant licensing bodies. The facility shall take appropriate remedial measures and terminate the contract or volunteer arrangement with independent contractors or volunteers or shall demand that the offending employee of a contractor be excluded from providing services under the contract. The facility may hire or contract with an individual who would otherwise be prevented from such employment or contracting only if the Director: (1) determines that the individual does not pose a safety threat, based on considerations such as the length of time that has passed since the activity, the evidence of rehabilitation on the part of the individual, or other relevant factors, and documents all relevant factors and rationale leading to the safety threat determination; (2) considers the individual to be important to the success of a specialized inmate rehabilitative program; and (3) does not permit the individual to have contact with inmates without staff supervision (e.g., circumstances where an individual would have the opportunity to potentially sexually abuse an inmate, due to the ability to privately interact with, or to supervise, inmates).
4. In accordance with Department Policy 56-DSC-01, Inmate Disciplinary Process, and Administrative Rule 5120-9-06, Inmate Rules of Conduct, inmates shall be subject to disciplinary sanctions following an administrative and/or criminal finding that the inmate engaged in inmate-on-inmate sexual misconduct.
5. Criminal background checks shall be conducted on all employees and contractors every five years or a system shall be in place for otherwise capturing such information, when available. All employees and contractors shall complete a PREA Background Check Authorization (DRC1422) prior to the initial five year background check.
6. All employees who may have contact with inmates shall complete a Prison Rape Elimination Act Annual Acknowledgement form (DRC1214). The Operational Compliance Manager shall ensure the acknowledgement is completed by all employees by December 31st of each year and forwarded to the Personnel Office. It is the responsibility of the Operational Compliance Manager to ensure that any positive responses on the form (DRC1214) are also forwarded to Legal Services for review. The Personnel Office shall maintain the documents in the employee's personnel file. The following procedure must be adhered to for unionized employees:
 - a. The questions on the DRC1214 shall be asked of the employee by the Institution Investigator, Operational Compliance Manager or other exempt employee designated by the Managing Officer (hereinafter referred to as the exempt designee).
 - b. The exempt designee must ask the employee if they would like the questions read to them or if they prefer to read the form themselves and answer each question.
 - c. The questions shall be asked (or read) in a confidential manner in a private setting.

- d. Unionized employees shall be afforded the opportunity of having a union representative present when the questions are asked; however, they may choose to forgo the presence of a union representative.
- e. An Acknowledgement and Waiver of Right to Representation (DRC1311) shall be used to document the presence or the waiver of the presence of a union representative when the questions are asked.
- f. Union employees shall be provided Garrity upon request and a (DRC2588) form shall be completed by the exempt designee, the unionized employee, and the employee representative.

Healthcare staff shall not be utilized for this process as it is unrelated to healthcare and further prohibited by Department Policy 68-MED-09, Medical Legal Issues, which prohibits the collection of forensic information by healthcare staff.

7. All new or renewed contracts for the confinement of Department inmates must include a provision that the contractor will adopt and comply with PREA standards. In addition, any new contract or contract renewal shall provide for contract monitoring to ensure that the contractor is complying with PREA standards.

B. Staffing Issues

1. In accordance with Department Policy 23-BUD-01, Staffing Requirements, and the PREA Staffing Plan (DRC1189) each institution shall develop, document, and make its best efforts to comply with a staffing plan that provides for adequate levels of staff and, where applicable, video monitoring, to protect inmates against sexual misconduct. In calculating staffing levels and determining the need for video monitoring, the institutions shall consider:
 - a. Generally accepted correctional practices;
 - b. Any judicial, federal investigative and internal/external oversight agency findings of inadequacy;
 - c. The facility's physical plant including blind-spots or areas where staff or inmates may be isolated;
 - d. The composition of the inmate population;
 - e. The number and placement of supervisory staff;
 - f. Institution programs occurring on a particular shift;
 - g. The prevalence of substantiated and unsubstantiated incidents of sexual abuse;
 - h. Applicable State or local laws, regulations, standards or any other relevant factors.
2. If circumstances arise where the staffing plan is not complied with, the Managing Officer's designees must document and justify all deviations on the staffing plan referenced in section B.1.
3. At least annually, the facility, in consultation with the Agency PREA Coordinator, shall assess the staffing plan, the facility's deployment of video monitoring technologies, and the facility resources to determine if adjustments are needed. The appropriate Regional Director and a representative from the Office of Administration shall also attend the assessment meeting. This assessment shall be documented on the PREA Staffing Plan

(DRC1189). Copies of the PREA Staffing Plan shall be forwarded to the Agency PREA Coordinator, facility Managing Officer, appropriate Regional Director and the representative from the Office of Administration.

C. Employee Training

1. All new employees shall receive instruction related to the prevention, detection, response, and investigation of sexual misconduct during New Employee Orientation (NEO) training at the Corrections Training Academy. This training shall include, but not be limited to, the following:
 - a. Department policies that address the agency's zero-tolerance for sexual misconduct;
 - b. The employee's responsibilities regarding sexual misconduct prevention, detection, reporting, and response policies and procedures;
 - c. The inmate's right to be free from sexual misconduct;
 - d. The inmate's and employee's right to be free from retaliation for reporting sexual misconduct;
 - e. The dynamics of sexual misconduct in confinement and the common reactions of sexual misconduct victims;
 - f. How to avoid inappropriate relationships with inmates;
 - g. Effective and professional communication with inmates including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
 - h. How to comply with relevant laws for mandatory reporting of sexual abuse to outside authorities.
 - i. How to detect and respond to signs of threatened and actual sexual abuse.
2. Each institution shall provide training on sexual misconduct annually during staff in-service. Such training shall be tailored to the gender of the inmates at that facility.
3. All security staff shall be trained on how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates to ensure professionalism and to utilize the least intrusive manner possible consistent with security needs.
4. Employees who transfer to an institution that houses inmates of a different gender shall receive training tailored to that gender of inmates as part of their orientation training as mandated in Department Policy 39-TRN-10, Employee Orientation Training.
5. Prior to conducting a PREA investigation, all investigators shall receive specialized training which shall include, but not be limited to, conducting investigations in confinement settings, interviewing techniques for sexual abuse victims, proper use of Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. This training shall be documented on the PREA Training Session Report (DRC1680). The training may be received through the National Institution of Corrections (NIC). Completion of the training shall be documented with a certificate of completion.
6. All Routine Volunteers, Special Event Volunteers (as defined by policy 71-SOC-01), Long Term Contractors and Non-Escorted Contractors (as defined by policy 39-TRN-12)

who have contact with inmates shall be notified of the Department's zero-tolerance regarding sexual misconduct and how to report such incidents. All volunteers and contractors shall also be trained on their responsibilities regarding sexual misconduct prevention, detection, and response. The level and type of training shall be based on the services they provide and the level of contact they have with inmates. All training shall be documented on the PREA Contractor/Volunteer/Intern Training Acknowledgment Form (DRC1173) and PREA Training Session Report (DRC1680).

7. The Bureau of Behavioral Health Services shall provide or coordinate training to assure that each institution employs or has access to the services of a mental health professional who has a scope of practice, training and/or experience in trauma counseling.
8. Specialized training shall be offered periodically through the Operation Support Center to employees designated as victim support persons including, but not limited to, victim services coordinators and chaplains. Each institution shall have at least one trained victim support person. Only employees that voluntarily agree to act as a victim support person shall be utilized in that capacity.
9. All full and part-time medical and mental health staff and contractors shall receive specialized training to include, but not be limited to:
 - a. How to detect and assess signs of sexual misconduct;
 - b. How to preserve physical evidence of sexual abuse;
 - c. How to respond effectively and professionally to victims of sexual misconduct; and
 - d. How and to whom to report allegations or suspicions of sexual misconduct.
10. Additional and specialized training may be offered to appropriate employees at individual institutions or through the Corrections Training Academy or the Operation Support Center.
11. The Superintendent of the Corrections Training Academy shall approve all lesson plans or materials utilized for orientation, in-service or contractor training on inmate sexual misconduct.

D. Inmate Education

1. Oral and written information shall be given to all inmates upon their arrival at a reception center which explains the agency's zero-tolerance policy regarding sexual misconduct and must include:
 - a. Prevention;
 - b. Self-protection;
 - c. Reporting;
 - d. Treatment and counseling.
2. Within 30 calendar days of arrival at a reception center, all inmates shall be provided comprehensive education either in person or through video regarding their rights to be free from sexual misconduct. This education must also include their right to be free from

retaliation for reporting such incidents and must include the agency policies and procedures for responding to such incidents.

3. Oral information on sexual misconduct shall be given to all inmates upon arrival at their parent institutions. Written information shall be provided in the inmate handbook or as a supplement to the inmate handbook. This information shall include the topics cited in paragraph (D)(1).
4. Documentation of inmate participation in the orientation and education sessions listed in the above sections shall be maintained on the Orientation Acknowledgement Checklists (DRC4141).
5. The Institution Operational Compliance Manager shall ensure that information is continuously and readily available using materials such as posters, handbooks, etc. At a minimum, the inmate reporting posters identifying the hotline numbers and the local rape crisis center posters (if available) shall be posted in all housing units, restricted housing units, receiving and discharge department, Medical, Mental Health and the library. Posters for third party reporting (family and friends) shall be posted in all visitation areas and front entry buildings.
6. All materials provided to inmates on the subject of sexual misconduct and any lesson plans used during inmate orientation on this topic shall be approved by the Agency PREA Coordinator.
7. Staff shall make appropriate provisions for inmates not fluent in English, those with low literacy levels, and those with disabilities that hinder their ability to understand the information in the manner provided pursuant to paragraphs (D(1) through (3)). In accordance with Department Policy 64-DMC-02, Inmates with Disabilities, the Agency PREA Coordinator shall ensure that all inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the Department's efforts to prevent, detect, and respond to sexual misconduct. An inmate interpreter, inmate reader, or other inmate assistant shall not be used except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegations.

E. Prevention

1. As set forth in Department Policy 79-ISA-04, PREA Risk Assessments and Accommodation Strategies, all inmates shall be screened and assessed upon admission to the Department and for all subsequent intra-system transfers for their risk of being a victim of sexual abuse or their likelihood of committing sexual abuse. All other inmates that have not been screened shall be assessed during their annual security review. As a result of these screenings, inmates shall be assigned a PREA Classification. The Unit Management Chief or in their absence, the Acting Unit Management Chief, shall make appropriate housing assignments based upon PREA Classifications by using a PREA Accommodation Strategy. The PREA Accommodation Strategy Team (PAST) shall make appropriate housing assignments for transgender and intersex inmates.

2. All institutions must ensure that inmates are able to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia except in exigent circumstances or when such viewing is incidental to routine cell checks, which includes viewing via video camera.
3. Opposite Gender Announcements
 - a. All staff members of the opposite-gender whether assigned to the unit or not shall make the following announcement upon their arrival in a housing unit: “Male/Female in housing unit.” If at any time the staff member leaves and returns to the housing unit the preceding announcement shall be repeated. The announcement is only required when an opposite-gender staff enters a housing unit where there is not already another opposite-gender staff present. The Institution shall determine how to make staff aware that an opposite-gender staff is already in the housing unit. If opposite gender staff remain in the unit during shift change, the announcement shall always be made at the beginning of each shift.
 - b. All inmate health service departments, Frazer Health Center and Franklin Medical Center Zone A shall only announce once at the beginning of each shift. No additional announcements shall be required as the inmate handbook shall inform inmates that opposite gender medical staff are in these units at all times.
 - c. Once the facility installs the PREA buzzer at the entrances of each housing unit that, when pushed, makes a unique audible sound, the verbal announcement of opposite gender staff will no longer be necessary. It will be replaced with the activation of the audible sound, which must have the ability to be heard at the farthest point within the housing unit. The only exceptions will be from 10:00pm to 8:00am at which time the verbal announcement shall be made instead of the use of the PREA buzzer.
4. The Institution Operational Compliance Manager and the victim support person shall compile mailing addresses and telephone numbers including toll-free hotline numbers of local, State, or national victim advocacy or rape crisis organizations. This information shall be provided to the unit staff for communication to the inmates. Inmates must be notified that telephone calls are not confidential.
5. The Agency PREA Coordinator, with the assistance of staff from the Office of Victim Services, shall attempt to identify rape crisis centers that can provide victim advocate services. All efforts to secure services from rape crisis centers shall be documented. In addition, the Agency PREA Coordinator, with the assistance from the Office of Victim Services, shall maintain or attempt to enter into memoranda of understandings or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. Calls made by the inmates to community service providers may be subject to monitoring. Community service providers shall follow mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law.

If a victim advocate from a rape crisis center is not available to provide victim advocate services, the institution shall make available to provide these services a victim support person. The victim support person supports a victim of sexual misconduct which may include (1) accompanying the victim to the hospital; (2) supporting the victim through the forensic medical examination and investigatory interview; and/or (3) providing emotional support, crisis intervention, information and referrals. The Department is responsible for providing victim advocacy/support to a victim of sexual misconduct. This is not the responsibility of the Ohio State Highway Patrol.

6. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse. This consideration must be documented in written form and forwarded to the Agency PREA Coordinator and appropriate Regional Director.
7. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse. This consideration must be documented in written form and forwarded to the Agency PREA Coordinator and appropriate Regional Director.

F. Data Collection and Monitoring

1. The institutional investigators shall report allegations of sexual misconduct that they investigated on their monthly reports, along with the dispositions of same. This information shall also be provided to the Bureau of Research for compilation and analysis.
2. The institutional investigators shall ensure that all fields in the automated reporting module (when the system becomes available) or the Investigation Packet as provided by the Agency PREA Coordinator are accurately completed. This data shall be aggregated at least annually.
3. The Agency PREA Coordinator and other staff as designated by the Director shall review the aggregated data detailed in section F.2. for the purposes of:
 - a. Identifying problem areas;
 - b. Taking corrective action on an ongoing basis; and
 - c. Preparing an annual report of the agency's findings and corrective actions for each facility and for the agency as a whole.
4. The report identified in section F.3.c. shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual misconduct. The report shall be approved by the Director and posted on the Department internet site. Any information redacted from the report due to a clear and specific threat to the safety and security of the facility must indicate the reason for redaction.

5. The Agency PREA Coordinator/designee must ensure that all aggregated sexual misconduct data received from private facilities with which it contracts is readily available to the public at least annually through the Department internet site.
6. All personal identifiers must be removed from publicly available data referenced in sections F.4. and F.5.
7. When any inmate is found guilty by the RIB of Rules 11 or 12, Sexual Misconduct, information related to the case shall be entered into DOTS Portal Inmate Assault Report by the staff person designated by the Managing Officer. This will generate a visual alert on certain highly used DOTS Portal screens, identifying the Abuser and the Victim. These visual identifiers shall be used in conjunction with assigned PREA Classifications from the PREA assessment system to track verified Abusers and Victims.
8. All case records associated with allegations of sexual misconduct or retaliation including incident reports, investigation reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be securely retained in accordance with the DRC Records Retention Schedule.

Attachments:

Institution Zero Tolerance Local Policy Template

Appendix A

Related Department Forms:

PREA Contractor/Volunteer/Intern Training Acknowledgment Form	DRC1173
PREA Staffing Plan	DRC1189
Prison Rape Elimination Act, Annual Acknowledgement	DRC1214
PREA Training Session Report	DRC1680
DRC Training Session Report	DRC1792
Orientation Acknowledgement Checklists	DRC4141
PREA Background Check Authorization	DRC1422
Authority for Release of Information	DRC1404

APPENDIX A
Institution Zero Tolerance Local Policy

INSERT LOCAL POLICY HEADER

I. Authority

This policy is issued in compliance with Ohio Revised Code 5120.38 which delegates to the Managing Officer the authority to manage all aspects of the institution.

II. Purpose

The purpose of this policy is to establish the facility's procedures for preventing, detecting, and responding to sexual misconduct. This plan shall be used as a supplement to Department Policy 79-ISA-01, Prison Rape Elimination.

III. Applicability

This policy applies to all persons employed by the Department of Rehabilitation and Correction, inmates, volunteers, and independent contractors.

IV. Definitions

Insert any necessary definitions of prohibited behaviors regarding sexual misconduct. Also include PREA compliance manager definition. Ensure all definitions are consistent the Department ISA policy series.

V. Policy

It is the policy of the (*Facility Name*) to implement the agency's zero-tolerance policy of preventing, detecting, and responding to sexual misconduct.

VI. Procedures

A. Sexual Misconduct Prevention Procedures

(Facility name) will implement the agency's zero tolerance toward sexual misconduct prevention as outlined below: List how your facility will implement PREA standards for sexual misconduct prevention i.e. education of inmates, pamphlets, town hall sessions, education of staff, meetings, training, etc. Include how the facility will communicate the plan to inmates and staff. Refer to Department Policy 79-ISA-01, Prison Rape Elimination, for the agency's zero tolerance approach; however, do not copy the exact language. Be specific and detailed in your local policy.

B. Sexual Misconduct Detection Procedures

(Facility name) will implement the agency's zero tolerance toward sexual misconduct detection procedures as outlined below: List how your facility will implement PREA standards for sexual misconduct detection. How will you educate inmates on being safe and staying out of questionable situations? How will the facility educate staff on awareness and signs of inmates that are possibly involved in sexual misconduct i.e victim and/or predatory inmates? How will the facility communicate the plan to inmates and staff? Be specific and detailed in your local policy.

C. Responding to Report of Sexual Misconduct

(Facility name) will implement the agency's zero tolerance toward sexual misconduct response as outlined below: List how your facility will implement PREA standards for responding to a report of sexual misconduct. What is the responsibility of shift, victim support person, mental health, medical and external factors if there are any? How will facility communicate the plan to inmates and staff? Refer to Department Policy 79-ISA-02 – Prison Sexual Misconduct Reporting, Response, Investigation, and Prevention of Retaliation, for the agency's zero tolerance approach to responding to a report of sexual misconduct; however, do not copy the exact language. Be specific and detailed in your local policy.

DRC Policy Variance Request

Variance to Department Policy: 79-ISA-01		Section(s): IV. Definitions
Policy Name: Prison Rape Elimination		
Managing Officer Submitting the Request: Charlotte E. Owens on Behalf of Andrew Albright, Chief, BAPOC		
Request Applicable to the Following Facilities: All		
Date of Request: Aug 19, 2015	Length of Requested Variance: Until Next Policy Revision	Effective Date of Variance: 8-26-15

Please provide a full explanation of the requested variance including the justification for the request. Please be specific as to exactly what sections and language are being revised. (Attach additional sheets if necessary):

The definition of Victim Support Person will change to reflect support being provided to victims of sexual abuse instead of sexual misconduct.

The new definition shall read as follows:

Victim Support Person- A designated employee that has been specially trained to support a victim of sexual abuse which may include: (1) Accompanying the victim to the hospital; (2) Supporting the victim through the forensic medical examination and investigatory interview; and/or (3) Providing emotional support, crisis intervention information, and referrals.

Comments:

Recommended
 Not Recommended

Central Office Policy Review Chairperson:

Date: 8-19-15

Comments:

Recommended
 Not Recommended

Managing Director, Deputy Director, or Regional Director:

Date:

8-20-15

Decision/Comments:

Approved
 Disapproved

Director:

Date: 8/25/15

Expiration of Variance:

next policy revision