



State of Indiana
Indiana Department of Correction

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8/1/2016	31	02-01-115

**POLICY AND ADMINISTRATIVE
PROCEDURE**
Manual of Policies and Procedures

Title
SEXUAL ABUSE PREVENTION

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5(a)(8)	00-01-103 02-01-107	ACA Standards:
IC 11-8-2-9	00-02-301 02-04-101	ACI: 4-4281-1 thru 4-4281-8
IC 11-10-1-1 <i>et seq.</i>	00-04-201 03-01-101	JTS: 3-JTS-3D-06-1 thru 3- JTS-3D-10
IC 11-10-2-1 <i>et seq.</i>	01-02-101 03-02-101	CO: 2-CO-3C-01, 2-CO-4F-01
IC 11-10-3-1 <i>et seq.</i>	01-03-103 03-02-103	ALDF: 3-ADLF-3E-08, 3- ALDF-4B-02-1, 3-ALDF-4F-03
IC 11-11-6-1	01-04-101 03-02-104	
IC 16-21-8-1.5	01-04-104 03-03-101	
IC 35-42-4-1	01-04-106 04-03-103	
IC 35-42-4-2	01-05-101	
IC 35-42-4-8		
IC 35-44.1	HCSD 2.30 (Adult)	
IC 35-45-4-5	HCSD 2.30 (Juvenile)	
	Health Services Sexual Assault Manual	
United States Department of Justice National Standards to Prevent, Detect, and Respond to Prison Rape Final Rule		

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish guidance for staff and offenders regarding the prevention of sexual assaults and those actions to be taken in cases of alleged sexual conduct by staff or offenders, including the establishment of a coordinated, multi-disciplinary team to respond to incidents of sexual abuse to ensure victims receive the medical and support services needed and that investigators obtain evidence to substantiate allegations and hold perpetrators accountable.

II. POLICY STATEMENT:

It is the policy of the Indiana Department of Correction to provide a safe and secure environment for all staff, volunteers, contractual staff, visitors, official

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visitors and offenders and to maintain a program for the prevention of sexual abuse and sexual harassment in any facility operated by the Department or with which the Department contracts. The Department of Correction is committed to zero (0) tolerance for all forms of sexual abuse and sexual harassment between staff, volunteers, contractors, contractual staff, visitors, or official visitors and offenders whether committed by staff, volunteers, contractual staff, visitors, or other offenders. Sexual activity between staff, volunteers, contractual staff, visitors, or official visitors, and offenders, regardless whether consensual or not, is strictly prohibited. In cases where sexual abuse and sexual harassment has been alleged, a thorough investigation shall be conducted. In those cases where it appears that sexual abuse and sexual harassment has taken place, prompt intervention shall be provided and all appropriate disciplinary actions shall be taken, including the possibility of criminal prosecution.

In accordance with Policy and Administrative Procedure 04-03-103, "Indiana Department of Correction Information and Standards of Conduct," all staff, contractual staff, and volunteers have an affirmative duty to report all allegations or knowledge of sexual abuse, sexual harassment, or sexual activity that takes place within the jurisdiction of the Department of Correction. Upon substantiation of any allegations of sexual abuse and sexual harassment, appropriate disciplinary action will be taken against staff, contractual staff, volunteers, or offenders, including possible criminal prosecution.

III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are provided:

- A. **ABUSIVE SEXUAL CONTACT:** Non-penetrative contact of a sexual nature by an offender against another offender without his or her consent, or of an offender who is unable to consent or refuse which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any offender. (Does not include kicking, punching, or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit or contact is incidental to an altercation.)
- B. **CRITICAL INCIDENT:** Any event that seriously disrupts the routine operation of a facility such as those situations involving, battery on staff or offenders, abusive sexual contact, staff sexual harassment, etc. Also, those situations which are defined as serious, significant or highly sensitive are considered critical incidents.

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- C. **ENDANGERED/VULNERABLE ADULT:** An individual who is
1. At least eighteen (18) years of age;
 2. Incapable by reason of mental illness, mental retardation, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and,
 3. Harmed, or threatened with harm as a result of neglect, battery; or exploitation of the individual's personal services or property
- D. **EXECUTIVE DIRECTOR of PREA:** The staff person appointed by the Commissioner to oversee facility sexual assault prevention programs, sexual assault reporting and Department compliance with national standards.
- E. **GENDER IDENTITY:** A person's internal, deeply felt sense of being male or female regardless of the person's sex at birth.
- F. **INTERN:** An individual who is enrolled in a higher educational institution and who may receive academic credit for assisting in a facility's program.
- G. **INTERSEX:** A condition usually present at birth that involves reproductive, genetic, or sexual anatomy that does not seem to fit the typical definitions of female or male.
- H. **NONCONSENSUAL SEXUAL ACT:** Contact of a sexual nature by an offender against another offender without his or her consent, or an offender unable to consent or refuse including: contact between the penis and the vulva or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vulva or anus; or, penetration of the anal or genital opening of another offender by a hand, finger or other object. (Does not include kicking, punching, or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.)
- I. **OFFENDER:** An adult or juvenile person committed to a department of correction (federal, state, or local) and housed or supervised in a facility either operated by the department of correction or with which the department of correction has a contract, including an adult or juvenile under parole supervision; under probation supervision following a

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commitment to a department of correction; in a minimum security assignment, including an assignment to a community transition program.

- J. **OFFICIAL VISITOR:** Any visitor who is visiting an offender in regards to providing an official service for the benefit of the offender or the community, such as attorneys, law enforcement, parole/probation officers, representatives of government agencies, elected officials, etc.
- K. **PREA AGGRESSOR LIKELY:** An offender identified by staff as having a history of sexually assaultive behavior or is determined to be likely to use aggression, coercion, force or familiarity with the prison environment in order to manipulate/control a potential victim.
- L. **PREA COMPLIANCE MANAGER:** The staff person designated by the Superintendent to oversee the sexual assault prevention program at the facility, sexual assault reporting and facility compliance with national standards and Department Policy.
- M. **PREA VICTIM LIKELY:** An offender identified by staff who may need special services due to being a victim of sexual assault or misconduct or who is potentially susceptible to becoming a victim of sexual assault or misconduct while in a correctional setting.
- N. **RESTRICTIVE STATUS HOUSING:** A form of housing for offenders whose continued presence in the general population would pose a serious threat to life, property, self, staff, other offenders, or to the security or orderly operation of a correctional facility. This definition does not include protective custody.
- O. **SEXUAL ABUSE:** Sexual abuse of an offender by another offender or staff member includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse: Abusive Sexual Contact, Non-Consensual Sexual Act and Staff Sexual Misconduct.
- P. **SEXUAL ASSAULT FORENSIC EXAMINER (SAFE):** Specially trained physician from the community qualified and certified to perform forensic examinations of sexual assault victims to ensure proper victim care and proper collection of any evidence of the assault.
- Q. **SEXUAL ASSAULT NURSE EXAMINERS (SANE):** Specially trained medical personnel from the community qualified and certified to perform

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forensic examinations of sexual assault victims to ensure proper victim care and proper collection of any evidence of the assault.

- R. **SEXUAL ASSAULT RESPONSE TEAM (SART):** A multi-disciplinary team developed to provide services to victims of sexual assault in conjunction with victim advocates, forensic examiners and prosecutors to aid in successful prosecution of perpetrators.
- S. **SEXUAL CONTACT:** Contact between persons that includes any of the following:
 - 1. Touching of the intimate parts of one person to any part of another person whether clothed or unclothed; or,
 - 2. Any touching by any part of one person or with any object or device of the intimate parts of another person or any parts of the body that may result in sexual arousal or gratification for either party.
- T. **STAFF MEMBER/EMPLOYEE:** Any and all persons employed by the Department, including contractors and volunteers.
- U. **SEXUAL HARRASSMENT:**
 - 1. Verbal statements or comments of a sexual nature to an offender by an employee, volunteer, contractor, official visitor, or Department representative or statements including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing; or obscene language or gestures.
 - 2. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another.
- V. **STAFF/VOLUNTEER/CONTRACTOR SEXUAL MISCONDUCT:** Sexual abuse of an offender by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the offender:
 - 1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - 2. Contact between the mouth and the penis, vulva, or anus;
 - 3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

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4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this definition;
 7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an offender, and
 8. Voyeurism by a staff member, contractor, or volunteer of a sexual nature unrelated to official duties.
- W. **SUBSTANTIATED:** An allegation that was investigated and determined to have occurred based on a preponderance of the evidence.
- X. **TRANSGENDER:** A term describing persons whose gender identity and/or expression do not conform to the gender roles assigned to them at birth. The Diagnostic and Statistical Manual of Mental Disorders (DSM) refers to this condition as, "Gender Dysphoria."
- Y. **UNFOUNDED:** An allegation that was investigated and determined not to have occurred.
- Z. **UNSUBSTANTIATED:** An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- AA. **VOLUNTEER:** An individual giving his/her time to Department facilities without compensation.
- BB. **VOYEURISM:** Knowingly or intentionally peeping (any looking of a clandestine, surreptitious, prying, or secretive nature) into an area where an occupant of the area can reasonably be expected to disrobe, including baths; showers; and locker rooms without the consent of the other person(s).

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CC. YOUTHFUL OFFENDER: Any offender under the age of eighteen (18) years who has been sentenced as an adult for a crime and committed to the Department.

IV. ZERO (0) TOLERANCE FOR SEXUAL ABUSE AND SEXUAL HARASSMENT:

The Department of Correction shall maintain a position of zero (0) tolerance for all forms of sexual abuse and sexual harassment by staff, volunteers, contractors, or offenders against offenders. Sexual abuse and sexual harassment includes: abusive sexual contact against another offender; nonconsensual sexual acts against another offender; staff/volunteer /offender/contractor sexual harassment; and, staff/volunteer/contractor sexual misconduct. This zero (0) tolerance of sexual abuse and sexual harassment applies to all Department facilities and all facilities and programs providing services to offenders committed to the Department.

The Department shall ensure that all agencies and organizations that house offenders committed to the Department, including county jails, group homes, private contractors, etc. are made aware of the Department’s position. During inspections of county jails, county juvenile detention facilities, group homes, community corrections facilities or any facility holding Department offenders, the Executive Liaison for Sheriff and County Jail Operations or Director of Program Review/ACA Accreditation or designee shall ensure that the facility being inspected has a mechanism in place to address allegations of sexual abuse and sexual harassment. Also, when contracts are prepared with agencies and organizations to house offenders for the Department, a provision shall be included to ensure that the agency/organization maintains zero (0) tolerance for sexual abuse and sexual harassment and has a mechanism in place to address allegations of sexual abuse and sexual harassment.

The Department shall share information with these agencies and organizations regarding the Department’s program to prevent sexual abuse and sexual harassment.

V. STAFF ORIENTATION AND TRAINING:

As a part of the new employee orientation training and annual in-service training, all staff shall receive training in the following:

A. The Agency’s zero-tolerance policy for sexual abuse and sexual harassment;

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- B. How staff fulfills their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- C. Offenders' right to be free from sexual abuse and sexual harassment;
- D. The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- E. The dynamics of sexual abuse and sexual harassment in confinement;
- F. The common reactions of sexual abuse and sexual harassment victims;
- G. How to detect and respond to signs of threatened and actual sexual abuse;
- H. How to avoid inappropriate relationships with offenders;
- I. How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders;
- J. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and,
- K. Relevant laws regarding the applicable age of consent.

This training shall include an explanation of inappropriate contact with offenders as described in Policy and Administrative Procedure 04-03-103, "Information and Standards of Conduct for Departmental Staff," and the prohibitions against sexual contact with offenders as stated in the Indiana Code (IC 35-44.1). As a part of this training, staff shall be provided with a brochure created to assist staff in identifying incidents of sexual abuse and sexual harassment. All training shall be tailored to the gender of the offender population at a given facility.

Staff shall be advised that any form of sexual activity between staff and offenders, whether consensual or not, is prohibited and that staff who are found to have engaged in any form of sexual abuse and sexual harassment against offenders shall be subject to the appropriate disciplinary action, up to and including termination from employment and criminal prosecution.

The Department shall oversee the development of posters that shall be placed in prominent locations within the facilities displaying various methods of reporting sexual abuse and sexual harassment. These posters shall be placed in locations in the facilities where they can be seen by staff, visitors, and offenders and be written in both English and Spanish.

VI. VOLUNTEERS, INTERNS AND CONTRACTUAL STAFF

All volunteers, interns and contractual staff who have contact with offenders shall be provided the same information as staff in regard to sexual abuse and sexual harassment prevention, detection, and reporting. The agency shall not enlist the

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services of any volunteer, intern, or contractor, who may have contact with offenders, who:

- A. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
- B. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or,
- C. Has been civilly or administratively adjudicated to have engaged in the activity described in A and B of this section.

Volunteers, interns, and contractual staff shall be advised that any form of sexual abuse and sexual harassment with an offender, whether consensual or not, is strictly prohibited and that any volunteer, intern, or contractual staff found to have engaged in such conduct shall be removed from the facility, not allowed to return and may be subject to criminal prosecution. Information about substantiated cases of sexual abuse shall be forwarded to the appropriate licensing body for review where applicable. Training in the detection and response to sexual behavior shall be made a part of the volunteer, intern and contractor orientation training and annual in-service training. Each volunteer, intern, or contractor having regular contact with offenders shall be provided with a copy of the brochure provided to staff regarding sexual behavior and receive the same information and training materials that are provided to staff.

VII. OFFENDER EDUCATION PROGRAM:

All offenders housed in the Department shall receive as a part of the orientation to a facility an educational segment regarding sexual abuse and sexual harassment prevention.

The offender shall be provided with verbal and written information regarding:

- A. the Department’s zero tolerance of any sexual abuse and sexual harassment;
- B. self-protection;
- C. reporting sexual abuse and sexual harassment; and,
- D. treatment and counseling available to offenders who are victims of sexual abuse.

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The presentation of this information shall be in a manner that is easily understandable to the offenders. Staff shall determine if an offender is in need of accommodations by reviewing the offender's mental health, education and classification records in addition to interviewing the offender. Offenders with English language proficiency issues or disabilities (i.e. hearing or visual impairment, mental health or learning disabilities) shall be provided assistance to ensure effective communication of the Department's Sexual Abuse Prevention policy and procedures for reporting abusive sexual behavior. This may involve staff reading the policy and procedure to the offender or utilizing an interpreter. Offenders shall not be used as interpreters or readers unless there would be an extended delay in obtaining an effective interpreter that could compromise the offender's safety, the performance of first responders, or the investigation of the offender's allegations.

As a part of this educational program, the offenders shall be advised that any offender who engages in any type of sexual abuse and/or sexual harassment shall be charged in accordance with the appropriate disciplinary code or code of conduct. Additionally, the offenders shall be advised that all such cases shall be referred to the Indiana State Police for criminal prosecution and to Child Protective Services as appropriate.

As a part of the offender's orientation, the offender shall be given a brochure created by the Department advising the offender of the potential dangers of sexual abuse and sexual harassment and the Department's zero (0) tolerance for such behavior. Additionally, staff at the facility shall supplement the information in the brochure by providing information specific to the operation of the facility. This information shall also be included in the facility's orientation information given to the offender. Staff shall address any questions the offenders might ask regarding sexual abuse and sexual harassment.

Additionally, it shall be noted in each offender's record that the offender received the brochure and was made aware of all appropriate information regarding the Department's Zero Tolerance for all sexual abuse and sexual harassment, including how to report it and how to obtain treatment if he/she becomes a victim. The offender shall sign an acknowledgement form indicating that this information was provided and understood. The acknowledgement form shall be filed in the offender's facility packet. (This shall be filed in Section 3 of the adult facility packets and Section 4 of the juvenile facility packets.) This offender education program shall be completed within seven (7) days of intake or transfer.

VIII. PREA COMPLIANCE MANAGER:

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The Superintendent shall designate a staff person to serve as the PREA Compliance Manager. The staff person designated to serve in this capacity should be a staff person in a supervisory position who has been trained in sexual assault crisis issues and has the knowledge, skills and abilities to implement and evaluate the facility's Sexual Assault Prevention Program.

The duties of the PREA Compliance Manager shall include:

- A. Ensuring that training in the sexual assault prevention program is provided to all new staff during the new employee orientation training and annually thereafter;
- B. Monitoring the need for new SART members to attend SART training and coordinating with other facilities in the region to provide the training;
- C. Ensuring that the facility has a program for the evaluation, treatment and counseling of offender victims and sexual aggressors;
- D. Assisting in the identification and utilization of community resources available for the provision or development of emotional support services for offenders through victim advocates and forensic exams by SANEs or SAFEs;
- E. Completing Sexual Incident Reports for sexual incidents occurring in the facility (including unsubstantiated or unfounded allegations and substantiated incidents). This information can be found through the use of the facility incident reports and any other source deemed appropriate. The **SEXUAL INCIDENT REPORT** is to be initiated within 30 days of the initial report of sexual abuse or sexual harassment being made and can be accessed via the Department intranet at:

<http://myshare.in.gov/Pages/IDOC.aspx>;

- F. Updating offender's PREA Aggressor Likely flags and PREA Victim Likely flags in OIS based upon the review and recommendation of the facility PREA Committee;
- G. Serving as Chairperson of the Facility PREA Committee; and,
- H. Managing and preparing the facility for PREA audits by providing required documentation, making staff and offenders available for interview, providing a facility tour, and completing a corrective action plan when applicable.

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IX. FACILITY PREA COMMITTEE:

The Superintendent of each facility shall establish a facility PREA Committee. This committee shall be comprised of upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. The PREA Compliance Manager shall serve as the Chairperson.

The purpose of the facility PREA Committee is to establish a facility specific program, in conjunction with the Department's program, to facilitate the prevention of sexual assaults in the facility and Department. The committee shall also ensure that the facility's procedures for addressing allegations of sexual abuse and sexual harassment by staff or offenders are in accordance with this and all other applicable policies and administrative procedures. In conjunction with the Health Services staff at the facility, the committee shall ensure that adequate medical and mental health services is available to those persons who are victims of sexual abuse.

The facility PREA Committee shall meet on a monthly basis. The Chairperson or designee shall be responsible for scheduling the meetings and notifying the committee members of all meetings. Additionally, the Chairperson shall ensure that minutes of each meeting are taken and that these minutes are distributed to the Superintendent and the Executive Director of PREA.

A focus of the monthly meeting shall be the review of PREA Aggressor Likely flags and PREA Victim Likely flags in OIS. The Committee shall review and discuss any recommended changes in Aggressor/Victim flag status that have been prompted by an incident or an offender's annual classification review.

The facility PREA Committee shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Such review shall ordinarily occur within thirty (30) days of the conclusion of the investigation. The review by the facility PREA Committee shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex

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identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;

3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff;
6. Prepare a report of its findings and any recommendations for improvement and submit the report to the Superintendent and Executive Director of PREA; and,
7. The facility shall implement the recommendations for improvement or document its reasons for not doing so.

The facility shall employ multiple protection measures, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offenders or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

For at least ninety (90) days or three consecutive facility PREA Committee Meetings following an allegation of sexual abuse and/or sexual harassment, the facility PREA Committee shall monitor and document the conduct and treatment of offenders or staff who have reported sexual abuse and/or sexual harassment to see if there are any changes that may suggest possible retaliation by offenders and staff, and shall act promptly to remedy any such retaliation. Items the facility PREA Committee shall monitor include any offender Reports of Conduct, housing or program changes, or negative performance reviews or reassignments of staff. Such monitoring may exceed ninety (90) days based on the information gathered during the initial monitoring period. In the case of offenders, the monitoring shall also include periodic status checks. Other individuals cooperating with an investigation who express fear of retaliation shall be monitored as well. A facility's obligation to monitor shall terminate if the facility determines that the allegation is unfounded.

X. SEXUAL ASSAULT RESPONSE TEAM (SART):

A. ESTABLISHMENT OF A FACILITY SART:

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The Superintendent at each facility shall establish a Sexual Assault Response Team (SART) and a written facility plan in a Facility Directive to coordinate actions taken in response to an incident of sexual assault, among staff first responders, medical and mental health practitioners, investigators, and facility executive staff. A SART provides a coordinated, efficient, and supportive response to victims of sexual assault. The members of the SART shall provide a full range of comprehensive services to sexual assault victims who have made the decision to report a sexual assault. Persons assigned to the facility's SART shall receive specialized training in providing comprehensive services to victims of sexual assault.

The Superintendent shall ensure that there is an alternate for every first responder member of the SART who is also qualified to fulfill the team member's role when he or she is unavailable. SART members are to be scheduled so that members are available at all times.

Arrangements shall be made to ensure that SART members who must interact with the sexual assault victim are able to communicate directly, through interpretive technology, or through offender interpreters during exigent circumstances, with offenders who have limited English proficiency, are deaf, or speech impaired. Accommodations shall be made to convey all written information verbally to offenders with limited reading skills or who are sight-impaired.

B. GOALS AND OBJECTIVES OF THE FACILITY SART:

The goals and objectives of the facility SART are:

- Meet the needs of the victim with crisis intervention and support services.
- Arrange a comprehensive forensic examination for sexual abuse victims, without financial cost, where evidentiary or medically appropriate.
- Provide a joint, effective, and sensitive approach to victims of sexual assault.
- Document and preserve forensic evidence for potential prosecution.
- Conduct investigations of the crime from notification through prosecution.

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C. MEMBERS OF SART AND THEIR RESPONSIBILITIES:

The members of the SART and their respective duties include, but are not limited to:

1. Staff Designated as First Responders

First Responders are to ensure that the victim is removed from the area and receives prompt medical intervention. They must ensure that the location of assault and any evidence collected, in coordination with Investigations and Intelligence Investigators is preserved and that the evidence chain of custody is handled properly if the scene cannot remain secured due to facility safety concerns. They must inform the victim not to take any actions that could destroy physical evidence before an investigator or other member of the SART arrives. If the report is made within the ninety-six (96) hour time frame, staff shall ensure that the alleged victim and alleged abuser do not take any action(s) that could destroy physical evidence, including, as appropriate; washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. They will also arrange for the removal of any suspected perpetrator. Each custody shift is to have two (2) on-duty staff persons identified and trained as first responders. If the first responder is a non-custody staff, the responder shall request the alleged victim and alleged perpetrator not take any actions that could destroy physical evidence and notify custody staff as soon as possible.

2. Investigations and Intelligence Investigators

Investigations and Intelligence Investigators are to investigate and report the facts of the case. The Investigators shall consider the immediate safety of the victim. They shall arrange and conduct victim, suspect and witness interviews and perform all other duties normally associated with their respective duties. They shall also notify the State Police liaison of the assault to request assistance, if needed, and consult with local prosecutors if there is a potential criminal violation. The Investigators may not be on grounds when the initial report is made and shall be utilized on an on-call basis. All investigators shall receive training in conducting sexual abuse investigations in a confinement setting and attend SART training

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prior to completing investigations of sexual abuse/assaults. This training shall be documented in the employee’s training records.

3. Medical Staff

Medical first responders shall provide care and treatment as outlined in the Sexual Assault Manual. Medical Staff shall respond to provide immediate care and evaluate the victim for life threatening injuries. Should a victim refuse or decline medical treatment the victim shall sign State Form 9262, “Refusal and Release of Responsibility for Medical, Surgical, Psychiatric and Other Treatment,” which shall be documented in the offender medical file. Medical staff can aid in the preservation of evidence by instructing both the alleged victim and alleged abuser not to take any actions that could destroy physical evidence and assisting with the arrangement of a forensic exam by a SANE at a local hospital at no cost to the offender/student whether they name an abuser or cooperate with the investigation. The Sexual Assault Nurse Examiner (SANE) is to provide the forensic exam component of the SART. Non-Facility SANE personnel will take a medical history, perform the physical assessment of the victim, collect, document and initiate the preservation of physical evidence found on the victim and his/her personal effects. They will provide information on Health Services matters; document the examination and, if called upon, present expert testimony in court. Identification of SANE professionals in the local community shall be arranged by the PREA Compliance Manager and the medical contractor. Only qualified SANE professionals shall be utilized to conduct the forensic sexual assault examination.

4. PREA Compliance Manager

The PREA Compliance Manager shall be informed of the sexual abuse report by the Shift Supervisor. The PREA Compliance Manager shall assist the Shift Supervisor in coordinating the response and notifying the Superintendent. The PREA Compliance Manager shall ensure all PREA requirements are followed in response to a report of sexual abuse. The PREA Compliance Manager shall ensure the victim is offered access to a victim advocate or SART member to accompany him/her to the forensic exam. The PREA Compliance Manager shall also manage the facility SART, ensuring training is completed as needed and an appropriate number of first responders are assigned to each shift.

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SART members shall be included in the monthly PREA Committee meetings whenever possible.

D. TRAINING:

All SART members shall be provided with specialized training for the treatment and investigation of sexual assault victims. The process for the initial training and recertification of Department staff shall be established by the Division of Staff Development and Training. Staff persons are not required to complete the course on an annual basis. Once the staff person has successfully completed the training and received certification, the certification shall remain in effect until such time as the staff person leaves the team. Additional training may be conducted as necessary based upon changes in the law or procedures for SART members.

XI. OFFENDER INTAKE INTO THE DEPARTMENT:

Within twenty-four (24) hours of an offender’s admission to a Department intake unit, staff shall assess an offender through interviews and reviews of the offender’s record to attempt to determine whether the offender may be a potential sexual aggressor or a potential sexual abuse victim. This assessment shall use the appropriate Sexual Violence Assessment Tool. The results of this assessment shall be considered confidential and filed in the offender’s facility packet accordingly. The facility shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this assessment in order to ensure that sensitive information is not exploited to the offender’s detriment by staff or other offenders. The facility shall use information from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. The facility shall make individualized determinations about how to ensure the safety of each offender.

Staff shall not discuss an offender’s PREA flag status with an offender at any time. If the assessment indicates that an offender has experienced prior sexual victimization or previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the offender is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

Based upon this assessment, the offender shall be placed in the appropriate housing; however no facility shall place lesbian, gay, bisexual, transgender or

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intersex offenders in dedicated units solely on the basis of such identification or status. If staff determines that an offender is a potential aggressor or potential victim, the offender’s record shall be appropriately flagged in the offender information system and/or juvenile data system.

When the offender is classified at the intake unit, staff shall take into consideration any flags indicating the offender is a potential aggressor or victim of sexual abuse. An offender’s refusal to provide information to assist with establishing the aggressor/victim likelihood on the SVAT shall not result in disciplinary actions against the offender. An offender determined to be either a potential sexual aggressor or an offender at risk for sexual victimization shall be identified, monitored, and counseled. The determination that an offender is a potential aggressor or a potential victim shall be changed only by the PREA Compliance Manager, at the recommendation of the facility PREA Committee or the Superintendent.

Offenders identified as Intersex or Transgender shall receive an initial placement and programming assessment with subsequent reassessments conducted every six (6) months. In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the agency shall consider, on a case-by-case basis, whether a placement would ensure the offender’s health and safety; and whether the placement would present management or security problems. Serious consideration shall be given to such an offender’s own views with respect to his or her own safety. Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders.

XII. TRANSFER ASSESSMENT:

Within twenty-four (24) hours of an offender transfer to another facility, staff making housing assignment decisions at the receiving facility shall review the offender’s PREA flag status to determine whether the offender may be a potential aggressor or a potential victim in determining initial housing assignment, in accordance with Policy and Administrative Procedure 01-04-101, “Adult Offender Classification.” Within seventy-two (72) hours of arrival at a facility, intake staff shall ensure a new SVAT is completed based on information from the interview with the offender and the offender’s record. The SVAT Questionnaire shall be used to conduct the offender interview. Within thirty (30) days of the offender’s transfer, staff shall reassess the offender’s risk of victimization or abusiveness considering any additional information received by the facility since the intake assessment and complete a new SVAT if needed. This review shall be documented in the 30 Day Review section on the bottom of the SVAT form. An offender’s risk level shall be reassessed at any time when warranted due to a

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referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender’s risk of sexual victimization or abusiveness.

If the offender record indicates that the offender has not been assessed in the past twelve (12) months (or at intake, if a previous parole/probation/etc. return), staff shall ensure that an assessment is conducted during the offender’s admission and orientation processing at the facility. This assessment shall include a review of the offender’s record, an application of the appropriate Sexual Violence Assessment Tool, and an interview with the offender to determine whether the offender is a “likely PREA aggressor” or a “likely PREA victim.” The staff conducting this assessment shall notify the PREA Compliance Manager of any offenders arriving at the facility who receive a score on the Sexual Violence Assessment Tool that indicates a status of a “likely PREA aggressor” or “likely PREA victim.” All “likely PREA aggressor” and “likely PREA victim” flags shall be reviewed at each offender’s annual classification review. No flags shall be altered prior to the annual review unless a qualifying incident occurs that would likely change the offender’s status or the Facility PREA Committee recommends a change in an offender’s flag status.

Offenders at high risk for sexual victimization shall not be placed in involuntary restrictive status housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. Any such determination shall clearly document the basis for the facility’s concern for the offender’s safety; and the reason why no alternative means of separation can be made. Such assignment shall not ordinarily exceed a period of thirty (30) days (for juvenile offenders this assignment shall be reviewed every twenty-four [24] hours). Any assignment exceeding thirty (30) days shall be clearly documented providing justification for such placement. Any adult offender placed in restrictive status housing, for this purpose, shall have access to programs, privileges, education, and work assignments to the extent possible. Any youth placed in separation shall have access to daily large-muscle exercise and any legally required educational programming or special education services. Should any such programs be restricted, the facility shall document the opportunities that have been limited, the duration, the limitation, and the reasons for such limitations.

The PREA Compliance Manager and PREA Committee shall review the record and history of those offenders receiving a Sexual Violence Assessment Tool (SVAT) flag of Potential Aggressor or flag of Potential Victim as a recommended override by staff completing the assessment. The committee shall then reach a consensus on the PREA flag status of those offenders in question. Offenders identified as a “likely PREA aggressor” may be considered for housing in Administrative Restrictive Status Housing. Offenders who are identified as a

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‘likely PREA aggressor’ shall not be housed in the same cell as or in a bed adjacent to offenders who are identified as a ‘likely PREA victim.’ Offenders who have been identified as a “likely PREA victim” shall not be housed in the same cell as, or in a bed adjacent, to an offender identified as a “likely PREA aggressor” and may be housed in Protective Custody or other assignment that reduces the likelihood of sexual victimization. PREA flags shall be reviewed for all work and program assignments in accordance with the appropriate Policy and Administrative Procedure 01-04-101, “Adult Offender Classification,” or Policy and Administrative Procedure 03-02-104, “Juvenile Classification and Comprehensive Case Management.” Facilities shall ensure that all Department procedures regarding the evaluation and assessment of cell/dormitory assignments are followed, such as the evaluation for placing offenders in two (2) or more person cells/living areas.

A youthful offender shall not be placed in a housing unit in which the youthful offender will have sight, sound, or physical contact with any adult offender through the use of a shared dayroom or other common space, shower area, or sleeping quarters. In areas outside the housing unit, facilities shall maintain sight and sound separation between youthful offenders or provide direct supervision when youthful offenders have sight, sound, or physical contact.

XIII. FACILITY PREVENTION ACTIVITY:

Intermediate-level or higher-level supervisors shall conduct and document unannounced rounds to identify and deter staff sexual misconduct and sexual harassment on all shifts. Staff shall be prohibited from alerting other staff members that these supervisory rounds are occurring.

The PREA Compliance Manager and other staff designated by the Superintendent shall tour the facility at least quarterly to locate and identify areas that may require additional electronic or staff monitoring in order to prevent sexual abuse. The PREA Compliance Manager shall make a list of these locations and present the list to the Superintendent along with facility PREA Committee recommendations as to how to address these locations. The Superintendent and other designated staff shall review the report submitted by the PREA Compliance Manager and take any appropriate actions to reduce the possibility of sexual conduct in these locations.

Each facility shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect offenders against sexual abuse.

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In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:

1. Generally accepted detention and correctional practices;
2. Any judicial findings of inadequacy;
3. Any findings of inadequacy from Federal investigative agencies;
4. Any findings of inadequacy from internal or external oversight bodies;
5. All components of the facility's physical plant (including "blind-spots" or areas where staff or offenders may be isolated);
6. The composition of the offender population;
7. The number and placement of supervisory staff;
8. Institution programs occurring on a particular shift;
9. Any applicable Federal, State or local laws, regulations, or standards;
10. The prevalence of substantiated and unsubstantiated incidents of sexual conduct;
11. Staffing ratios of 1:8 during waking hours and 1:16 during sleeping hours, except during limited and discrete exigent circumstances, which shall be fully documented (**Division of Youth Services Facilities Only**); and,
12. Any other relevant factors.

The staffing plan shall be completed and submitted to the Executive Director of PREA annually, no later than January 31 of each year. In circumstances where the staffing plan is not fully maintained, the facility shall document and justify all deviations from the plan on a shift report or shift roster.

Whenever necessary, but no less frequently than once each year, each facility shall assess, determine, and document whether adjustments are needed to:

1. The facility staffing plan;
2. The facility's deployment of video monitoring systems and other monitoring technologies; and,

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3. The resources the facility has available to commit to ensure adherence to the staffing plan.

The PREA Compliance Manager and the facility PREA Committee shall review any reports of sexual abuse received at the facility. These reports shall be reviewed in an attempt to determine whether the facility can/should take action to prevent future sexual abuse. The PREA Compliance Manager shall advise the Superintendent of any findings from the review of these reports. The Superintendent shall take appropriate actions necessary to prevent future sexual abuse from happening in the same location or manner.

When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department shall consider the effect of the design, acquisition, expansion, or modification upon the Department's ability to protect offenders from sexual abuse and sexual harassment.

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department shall consider how such technology may enhance its ability to protect offenders from sexual abuse.

XIV. LIMITS TO CROSS-GENDER VIEWING AND SEARCHES:

No facility shall conduct cross-gender strip searches or cross-gender visual body cavity searches except in emergency circumstances or when performed by medical personnel. All cross-gender strip searches conducted during emergency circumstances shall be thoroughly documented and provide justification for the search.

All offenders shall be afforded the ability to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in emergency circumstances or when such viewing is incidental to routine security rounds and cell checks.

All staff of the opposite gender (female staff in a male facility or male staff in a female facility) shall announce their presence when entering an offender housing unit or bathroom area. Custody staff may announce their presence to the offender population in the housing unit in which they are assigned, at the beginning of their duty shift. This announcement must be clear and done so in a manner that ensures all offenders in the unit were given reasonable notice of opposite gender staff being present.

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Opposite gender video surveillance monitoring of offenders who are confined to restrictive status housing or Protective Custody, or are in an area where offenders can be observed in a state of undress, other than incidental viewing or viewing for purposes of an investigation shall be prohibited. Offenders who are placed on constant observation status by Mental Health staff shall be provided constant visual supervision by a person of the same gender.

Staff shall not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. If the offender's genital status is unknown, it shall be determined during conversations with the offender by reviewing, with proper access and authorization, medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a qualified medical practitioner.

XV. REPORTING OF SEXUAL ABUSE:

Offenders who have been the victims of abusive sexual contact, non-consensual sexual act, staff sexual misconduct, or staff/offender sexual harassment shall be encouraged to report these situations. Staff shall ensure that offenders are aware of the manner in which reports can be made. The facility shall provide multiple internal ways for an offender to privately report sexual abuse and sexual harassment, retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Staff shall accept reports made verbally, in writing, anonymously, from third parties, and shall promptly document any verbal reports. Offenders shall be permitted to make these reports to any staff person or to an outside organization that has been arranged through a Community Partnership Agreement or another State agency, remaining anonymous if requested. Offenders shall have access to the outside organization through a toll free hotline, offender email system, or mailing address. If the offender is not comfortable with making the report to the immediate point of contact line staff, the offender shall be allowed to make the report to a staff person with whom he/she is comfortable in speaking about the allegations. All reports of sexual abuse and sexual harassment shall be documented in an Incident Report prior to the end of the shift.

Any staff person, volunteer, or contractor that has reason to believe that sexual abuse or sexual harassment has occurred, whether or not it occurred in a Department facility, has a duty to immediately report this information to the Shift Supervisor on duty, PREA Compliance Manager, facility executive staff or the Executive Director of PREA. Staff shall immediately report retaliation against an offender or staff for reporting an incident of sexual abuse or sexual harassment and any staff neglect or violation of duty to report that may have contributed to an incident of retaliation. Staff reporting sexual abuse and sexual harassment shall

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be afforded the opportunity to privately report such information to the Shift Supervisor, Investigations and Intelligence Investigator, PREA Compliance Manager, or the Executive Director of PREA via the IDOC Sexual Assault Hotline. The Shift Supervisor shall notify the Superintendent, Investigations and Intelligence, PREA Compliance Manager, a member of the facility PREA Committee, or other designee. Third party reports by family, friends, and other members of the public can be made electronically by submitting an email to IDOCPREA@idoc.in.gov or telephoning (toll free) the IDOC Sexual Assault Hotline at (877) 385-5877. This contact information shall be posted in visiting rooms and on the Department’s website.

Upon receipt of a report of sexual abuse, staff shall ensure that the Superintendent is notified immediately. Additionally, when staff learns that an offender is subject to a substantial risk of imminent sexual abuse, staff shall take immediate action to protect the offender. This may include placing the offender in Protective Custody, Administrative Restrictive Status housing, or any other appropriate action. Apart from reporting to designated supervisors, staff shall not reveal any information related to a sexual abuse or sexual harassment report to anyone other than to the PREA Compliance Manager or staff involved with investigating the alleged incident. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the sexual abuse and/or sexual harassment; and shall be documented in a Sexual Incident Report that includes a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Staff shall report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, to the facility’s designated investigators. Upon receipt of a report of sexual abuse or sexual harassment, the Superintendent and/or the PREA Compliance Manager shall ensure that the facility’s Investigations and Intelligence Investigator is contacted immediately so that an investigation may be started. An investigation shall be conducted on all reports of sexual abuse and sexual harassment. If there are questions or concerns regarding conducting an investigation, staff may contact the Office of Intelligence and Investigations in Central Office or the Executive Director of PREA.

Additionally, if the alleged sexual abuse involves an offender under eighteen (18) or an endangered/vulnerable adult, the incident shall be reported to the Child Protective Services as required in the administrative procedures for Policy 03-02-103, “The Reporting, Investigation and Disposition of Child Abuse and Neglect.” or by contacting the Adult Protective Services at Indiana Family and Social Service Administration (FSSA).

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When a Superintendent or designee receives an allegation that an offender was sexually abused at another facility, the Superintendent or designee receiving the allegation shall notify the head of the facility where the alleged abuse occurred within seventy-two (72) hours of receiving the allegation and document he/she has provided such information. The Superintendent that receives such notification shall ensure that the allegation is investigated in accordance with this Policy and Administrative Procedure.

XVI. INVESTIGATION OF SEXUAL ABUSE:

All allegations of sexual abuse and sexual harassment shall be investigated even when the alleged perpetrator or alleged victim have left the Department’s employment, or are no longer under Department authority.

When a staff person receives a report from an offender of sexual abuse and/or sexual harassment or threatened sexual abuse, the staff person shall report it to the Shift Supervisor. The staff person shall complete a REPORT OF INCIDENT providing as much detail as possible. The Shift Supervisor shall ensure that the alleged victim and perpetrator are physically separated. This separation may take place by placing one of the parties in Administrative Restrictive Status Housing or Protective Custody. The Shift Supervisor shall inform the designated staff member on duty in the following areas: Superintendent, Investigations and Intelligence, Medical, and Mental Health.

If the alleged incident occurred within ninety-six (96) hours of the report, staff shall ensure that appropriate actions are taken to preserve as much evidence as possible (e.g., if the sexual conduct involves intercourse, the alleged victim shall be instructed not to shower or otherwise clean him/herself, drink, use the toilet, brush his/her teeth, remove clothing, etc.). If the alleged perpetrator is known, staff shall require him/her to follow the same actions as with the alleged victim in order to preserve any possible evidence of any sexual abuse. Mental Health staff or staff trained in victim support shall be contacted to meet with the alleged victim.

When the Superintendent or designee receives a report of sexual abuse and/or sexual harassment, the Superintendent or designee shall order that an investigation be conducted. Sexual abuse reports shall be investigated by the facility’s Investigations and Intelligence staff. Sexual harassment reports shall be investigated by staff designated by the Superintendent to conduct administrative investigations. Staff conducting either sexual abuse or sexual harassment investigations shall be trained in conducting sexual abuse investigations in a confinement setting, preserving evidence, maintaining chain-of-custody, and staff and offender sexual misconduct.

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The facility’s Investigations and Intelligence Investigators shall conduct the investigation of the incident. In the event that the Investigator is to interview an offender, an additional staff member, uninvolved in the case, shall be present during interviews, in order for one of the staff members to be of the same gender as the subject of the interview. A staff person acting as a non-participant observer shall be reminded of the confidential nature of the investigation and shall be informed to not discuss the investigation with others. The names and titles of the individuals present at the offender interview shall be documented and maintained on file in the Investigator’s office. If the Indiana State Police is contacted for assistance, the facility’s Investigations and Intelligence staff shall work in conjunction with the Indiana State Police investigator. Staff shall ensure that any crime scene or evidence collected is maintained in accordance with the administrative procedure for Policy 00-01-103, “The Operation of the Office of the Investigations and Intelligence.”

The Superintendent is responsible for ensuring that First Responders and Investigators under his/her control follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for Department disciplinary and criminal proceedings.

Following an investigation into an offender’s allegation that he or she suffered sexual abuse or sexual harassment by another offender or staff in a Department facility, the PREA Compliance Manager shall inform the offender in writing as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If the facility did not conduct the investigation, the PREA Compliance Manager shall request the relevant information from the investigative agency or facility in order to inform the offender.

Following an offender’s allegation that he or she has been sexually abused by another offender, the facility shall subsequently inform the alleged victim whenever:

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

Following an offender’s allegation that a staff member has committed sexual abuse, the facility shall subsequently inform the offender whenever:

- (1) The staff member is no longer posted within the offender’s unit;

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- (2) The staff member is no longer employed at the facility;
- (3) The facility learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or,
- (4) The facility learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications shall be documented.

Following any substantiated investigation involving staff-on-offender sexual misconduct or staff-on-offender sexual harassment, staff shall review the involved offender's current classification and determine if a transfer to another facility is warranted. If it is determined that a transfer is warranted, the sending facility shall notify the receiving facility of the reason for the transfer, in accordance with this policy and administrative procedure.

All staff terminations for violations of the Department's sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement and to any relevant licensing bodies, unless the activity was clearly not criminal.

Any staff member, contractor or, volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of Department sexual conduct or sexual harassment policies by a staff member, contractor, or volunteer.

Reports of investigations of alleged sexual abuse and sexual harassment shall be maintained for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years.

XVII. MEDICAL AND MENTAL HEALTH SERVICES:

If an allegation is of sexual abuse, the victim shall be referred to the facility's Health Services staff for examination in accordance with Health Services Directive (HCSD and JHCSD) 2.30, "Sexual Assault," and the Health Services Sexual Assault Manual. Victims of sexual abuse shall receive timely, unimpeded access to quality medical and mental health services free of charge following an incident of sexual abuse, whether or not they name an abuser or cooperate with

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the investigation. The evaluation and treatment of victims shall include, as appropriate, follow-up services, treatment plans, and, when clinically indicated, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. The facility shall provide victims with medical and mental health services consistent with the community level of care.

If no qualified medical or mental health staff persons are on duty at the time a report of recent sexual abuse is made, first responders shall take preliminary steps to protect the victim and shall immediately notify the shift supervisor. On-call medical or mental health staff shall be contacted and apprised of the report.

Victims of sexual abuse shall be provided counseling by Health Services staff in a sensitive, culturally competent, and easily understood manner regarding transmission, testing and treatment methods (including prophylactic treatment), and the risks associated with sexually transmitted infection (STI) treatment. Medical personnel shall offer and encourage testing for HIV and viral hepatitis six (6) to eight (8) weeks following the sexual abuse. Female offenders that are victims of sexual abuse shall be offered a pregnancy test when appropriate.

Following an investigation substantiating an incident of offender-on-offender sexual abuse and/or if during risk screening it is determined an offender committed offender-on-offender sexual abuse, even if at another facility; mental health staff shall conduct a mental health evaluation of the known offender abuser within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate.

If medical personnel detect signs of potential sexual abuse during a routine medical or dental examination, they are required to discuss their concerns with the offender and report their suspicions of all incidents of offender sexual assaults that occur in the Department with Investigations and Intelligence staff. Offenders can refuse to report incidents that occurred prior to their incarceration in the Department. Offender refusals to report should be signed by the victim and documented in the offender's medical file. Medical and mental health practitioners shall obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

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Victims have the right to refuse medical and/or mental Health Services, after receiving counseling about the potential value of the services they would receive and information about confidentiality. Should the offender refuse or decline medical treatment the offender shall sign a State Form 9262, "Refusal and Release of Responsibility for Medical, Surgical, Psychiatric and Other Treatment," which shall be documented in the offender's Health Services record. In juvenile cases, all instances of Refusal of Treatment related to sexual assault shall be reported to the Superintendent.

Each facility shall establish a written agreement or contract with a qualified, independent forensic health services professional who is not employed by the facility to perform forensic medical examinations of sexual abuse victims. As a part of the written agreement, any Health Services personnel who examines an offender is to be trained and shall use appropriate safety precautions to take when treating an offender.

XVIII. VICTIM SUPPORT:

When an offender reports to staff that he/she has been a victim of sexual abuse, staff shall promptly offer the offender protection from the alleged perpetrator and advise that an investigation will be conducted. The alleged victim shall be referred to the facility Mental Health staff for evaluation and counseling, as needed. If determined appropriate, the alleged victim shall be offered counseling and support services, such as psychological services, chaplaincy services, counseling, group therapy, etc. Should the victim refuse or decline such services the victim shall sign a "Refusal of Treatment" form which shall be documented in the offender case file. In juvenile cases, all instances of Refusal of Treatment related to sexual assault shall be reported to the Superintendent.

The Facility PREA Committee shall review the alleged victim's PREA Victim Likely flag status and determine if a change in the flag's status is necessary. The PREA Compliance Manager shall change the victim's flag status if deemed appropriate.

Additionally, staff shall review the alleged victim's housing and work assignments to determine whether he/she should be offered another assignment within the facility or should be considered for transfer to another facility. If the offender is transferred from one facility to another, the PREA Compliance Manager of the sending facility shall notify the PREA Compliance Manager of the receiving facility as soon as possible and explain the circumstances of the alleged sexual abuse.

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The PREA Compliance Manager and other appropriate staff shall work with community resources to ensure that adequate victim advocacy support services are available to victims of sexual assault. If requested by the victim of sexual assault, the PREA Compliance Manager shall work with the facility Release Coordinator to help arrange victim counseling or treatment in the community upon the offender’s release.

Each facility shall ensure that adequate emotional support services related to sexual abuse are available to victims of sexual abuse immediately following a reported incident and during their transition from incarceration to the community. Facilities without adequate mental health services available shall establish procedures for contacting larger facilities in their vicinity to provide such services as needed.

Additionally, offender victims of sexual abuse shall be provided access to outside victim advocates and/or Mental Health professionals for support services related to sexual abuse, whether or not they report the abuse. The Department shall make arrangements for these services through agreements with the victim advocate. The contact information for community victim advocates shall be posted throughout the facility and provided in PREA education materials. Offenders shall be informed of the extent to which any calls and correspondence will be subject to monitoring for mandatory reporting purposes where applicable. Counselors from victim advocacy groups shall be allowed access to the offender as a special visit arranged through the PREA Compliance Manager in accordance with procedures in Policy and Administrative Procedure 02-01-102, “Offender Visitation.” The reason for this visit shall be kept confidential and limited to the coordinator. The facility shall also provide offenders with reasonable and confidential access to their attorney’s or other legal representation and reasonable access to parents or legal guardians.

XIX. STATISTICAL REPORTING:

All reports of Nonconsensual Sexual Acts, Abusive Sexual Contact, Staff Sexual Misconduct and Sexual Harassment as defined in this policy and administrative procedure shall be reported on a SEXUAL INCIDENT REPORT. The PREA Compliance Manager shall submit a SEXUAL INCIDENT REPORT for each allegation that is a PREA related incident via the Sexual Incident Reporting System at:

<http://myshare.in.gov/Pages/IDOC.aspx>.

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All investigations, regardless of outcome (substantiated, unsubstantiated, or unfounded), shall be reported through the SEXUAL INCIDENT REPORT. All incident reports, investigation reports, or written statements shall be attached to the SEXUAL INCIDENT REPORT.

The SEXUAL INCIDENT REPORT shall be filed in the confidential section of the offender facility packet. It shall not be released to offenders or the public, unless court-ordered.

The PREA Compliance Manager shall maintain a record of all reports of sexual abuse at the facility. Aggregate data regarding SEXUAL INCIDENT REPORTS can also be requested from the Division of Research and Technology. Each individual SEXUAL INCIDENT REPORT shall be discussed at the next facility PREA Committee meeting. The Committee shall determine whether any actions are necessary at the facility to reduce the likelihood of future incidents.

The Executive Director of PREA shall develop a Department-wide report based upon the Sexual Incident Reports provided by the facilities. This report shall be completed by the federally mandated date and presented to the Department's Executive Staff for review and ensure the report is made readily available to the public through the Department website, ensuring all personal identifiers are redacted.

The Executive Director of PREA shall maintain sexual abuse data for ten years after collection. SEXUAL INCIDENT REPORTS and investigation reports shall be retained for five years beyond the abusers incarceration or employment.

XX. PROGRAM EVALUATION:

Annually, the Superintendent and the PREA Compliance Manager, as well as any other designated staff, shall conduct an evaluation of the efforts of the facility to eliminate sexual abuse and ensure compliance with this policy and administrative procedure. This evaluation shall include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the facility's progress in addressing sexual abuse. Program and procedural changes shall be made at the facility based upon this evaluation. A copy of the evaluation and a description of any changes being made at the facility shall be submitted to the appropriate Executive Director of PREA, the Adult Regional Directors, or Executive Director of Youth Services.

The Regional Directors or Executive Director of Youth Services shall review the evaluations submitted by the facilities and make a recommendation regarding any

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changes in the Department's policy and administrative procedures. These recommendations shall be forwarded to the Department Policy Manager who shall compile the recommendations and present them to the Executive Staff for review and approval.

XXI. APPLICABILITY:

This policy and administrative procedure is applicable to all Department facilities, staff, volunteers, contractual staff, and agencies and organizations housing offenders on behalf of the Department.

signature on file
Bruce Lemmon
Commissioner

Date