



SHAWNEE COUNTY DEPARTMENT OF CORRECTIONS

POLICIES AND PROCEDURES

Institutional Operations
Section D: Inmate Rights

Approved By: 
Brian Cole, Director

Policy No.: IO-D-01 Title: Sexual Abuse/Assault/Harassment Prevention and Intervention

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General Use Employees Read Only Forms/Appendices

POLICY:

The Shawnee County Department of Corrections is committed to providing a safe and secure environment for all inmates, which includes a zero-tolerance policy for sexual abuse, assaults, and sexual harassment. Forced and/or pressured sexual interaction by other inmates or employees are among the most serious threats to inmate safety and facility order. Victims of forced and/or pressured sexual acts may suffer severe physical and psychological harm and could be infected with a life-threatening disease. A comprehensive Sexual Abuse/Assault/Harassment Prevention and Intervention policy shall be implemented and include information on prevention, prompt intervention, and discipline/prosecution of suspects. The policy shall be in accordance with applicable standards and laws, including the Prison Rape Elimination Act of 2003.

DEFINITIONS:

ADC: For the purpose of this policy, this term shall be used to identify the Shawnee County Adult Detention Center (ADC) and the Shawnee County Corrections Annex (Annex).

Employee-on-Inmate Sexual Abuse/Assault (Staff Sexual Misconduct): An employee, volunteer, contract worker, official visitor, or other agency representative engaging in any behavior or act of a sexual nature directed toward an inmate. Sexual relationships of a romantic nature between an employee and an inmate are included. Consensual or nonconsensual sexual acts include: intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Employee-on-Inmate Sexual Harassment: Repeated verbal statements, comments, or gestures of a sexual nature to an inmate by an employee, volunteer, contract worker, official visitor, or other agency representative (excludes inmate family, friends, or other visitors). This includes: demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

Inmate: For the purpose of this policy, this term is used to define any person housed in the ADC, the Annex, or the Shawnee County Juvenile Detention Center (JDC).

Inmate-on-Inmate Sexual Abuse/Assault (Abusive Sexual Contact): Sexual contact of any inmate without his/her consent, or of an inmate who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any inmate. This shall exclude incidents in which the contact was incidental to a physical altercation.

Inmate-on-Inmate Sexual Abuse/Assault (Nonconsensual Sexual Acts): Sexual contact of any inmate without his/her consent, or of an inmate who is unable to consent or refuse; and contact between the penis and the vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another inmate, however slight, by the hand, finger, object, or other instrument.

Inmate-on-Inmate Sexual Harassment: 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 directed toward another inmate.

JDC: For the purpose of this policy, this term shall be used to identify the Shawnee County Juvenile Detention Center.

Sexual Abuse/Assault Prevention/Intervention Coordinator (SAPC): A person designated by the Director as having overall responsibility for ensuring all elements of the Sexual Abuse/Assault/Harassment Prevention and Intervention policy are met in a coordinated fashion.

PROCEDURES:

I. Program Coordination

- A. The Director shall designate an employee as the SAPC to oversee, coordinate, and ensure all elements of the Sexual Abuse/Assault/Harassment Prevention and Intervention policy are being followed and maintained.
- B. The SAPC shall be responsible for ensuring the following elements are developed and implemented, including but not limited to:
 1. Education and training for employees and inmates;
 2. A system that safeguards, assesses, treats, and manages sexually abused/assaulted/harassed inmates; and
 3. A system for investigating, disciplining, and/or prosecuting perpetrators of sexual abuse/assault/harassment.
- C. The SAPC shall be responsible for ensuring the following services are made available to an inmate who claims to be the victim of sexual abuse/assault/harassment, which may include but not be limited to:
 1. Medical services;
 2. Mental health services; and
 3. Protective custody.
- D. The SAPC shall be responsible for tracking the following:
 1. The victim(s) and suspect(s) of sexual abuse/assault/harassment;
 2. Crime characteristics; and
 3. Formal and/or informal actions taken.

- E. The SAPC shall hold bi-yearly meetings to discuss staffing plans and to determine if changes or adjustments need to be made to meet Sexual Abuse/Assault/Harassment Prevention and Intervention needs.

II. Prevention of Sexual Abuse/Assault/Harassment

- A. Each employee shall be responsible for being alert to signs of potential situations in which sexual abuse/assault/harassment might occur.
- B. During the initial inmate classification process, a booking officer shall use the Sexual Abuse/Assault/Harassment Screening Tool (IO-D-01 Form 1) and review any additional inmate information to determine if there is any indication of, potential for, or history of sexual abuse, assault, or victimization either as a victim or perpetrator.
- C. Within thirty (30) days of the inmate's arrival, a classification officer shall conduct a 30-day reassessment using the Sexual Abuse/Assault/Harassment Screening Tool (IO-D-01 Form 1) to determine any change in the inmate's classification.
- D. A Special Assessment shall be conducted using the Sexual Abuse/Assault/Harassment Screening Tool (IO-D-01 Form 1) to determine an inmate's risk of sexual victimization or abusiveness when a referral, request, incident of sexual abuse/assault/harassment occurs, or additional information of a sexual nature is received.
- E. If an inmate answers "Yes" to any question in Section I during a 30-day reassessment screening or a special assessment screening, the screening officer shall also document when the incident occurred that resulted in that answer.
 - 1. If it is determined that the incident occurred while the inmate was detained in this facility, the incident shall be addressed according to this policy.
- F. When an Initial Screening, 30-Day Reassessment, or a Special Assessment is conducted, the screening officer shall immediately notify a supervisor when:
 - 1. The inmate answers "Yes" to at least one (1) of the questions in Section I;
 - 2. The inmate answers "Yes" to three (3) or more questions in Section II; or
 - 3. The screening officer has reason to believe through his/her observations or other information that the inmate may need to be referred to medical staff and/or mental health staff for further evaluation and screening.
- G. If the screening indicates there is a risk or potential for sexual abuse, assault, or victimization, the supervisor shall assist in determining the inmate's appropriate housing location.
- H. The supervisor shall notify an on-duty medical staff and/or mental health staff by telephone that the inmate needs further screening and evaluation.
 - 1. The supervisor making the notification shall document the name of the medical and/or mental health staff he/she notified as well as the date and time the notification was made on the screening tool.
 - 2. Medical staff and/or mental health staff shall ensure that the inmate is offered a follow-up meeting to occur within fourteen (14) days.
- I. Anytime a Sexual Abuse/Assault/Harassment Screening Tool is conducted, the completed screening tool shall be forwarded to the Classification Division to be placed in the inmate's master file.
 - 1. A copy of the completed screening tool shall be forwarded to medical staff or mental health staff to be scanned into the inmate's electronic healthcare record.
- J. If it is determined after screening or after meeting with medical staff and/or mental health staff that an inmate is at risk for sexual abuse, assault, or victimization, an alert for this risk shall be entered into the inmate management computer system.

1. Medical staff, mental health staff, or their designee shall ensure the alert is entered into the inmate management computer system.
- K. An inmate shall not be disciplined for refusing to answer or not disclosing complete information regarding the following questions during the screening process:
1. If the inmate has a mental, physical, or developmental disability;
 2. The inmate's gender or perceived gender identity;
 3. If the inmate has experienced prior sexual victimization; and/or
 4. The inmate's own perceived vulnerability.
- L. Any information regarding sexual abuse or victimization of the inmate that occurred in an institutional setting shall be strictly limited to medical staff, mental health staff, and other staff as deemed necessary to determine appropriate treatment and management plans for the inmate while incarcerated.
1. Medical and mental health personnel shall obtain informed consent from the inmate before reporting information regarding prior victimization that did not occur in an institutional setting.
 - a. Informed consent is not necessary if the inmate is a juvenile.
- M. An inmate that has been determined to be at high risk for sexual victimization or abusiveness shall only be involuntarily segregated as a last resort when it has been decided that other alternatives to keep the inmate and/or other inmates safe do not exist.
1. The inmate's involuntary segregation status shall be reevaluated within twenty-four (24) hours or as soon as possible thereafter and the decision from the reevaluation shall be documented.
 2. If the inmate remains involuntarily segregated, he/she shall be allowed the following:
 - a. At least one (1) hour of large muscle exercise daily;
 - b. Educational programming;
 - c. Access to programs and work opportunities, if possible; and
 - d. Daily visits from medical staff and/or mental health staff.
 - e. If the inmate is restricted from participation in any of these activities, the reason(s) and duration of the restriction shall be documented.
- N. If an inmate is determined to be transgender, intersex, or if the inmate's genital status is unknown, staff shall follow the procedures in the department's Management of Transgender Inmates policy, IS-B-03.

III. Employee Training

- A. Each employee, volunteer, and contract worker shall be informed of the department's zero tolerance policy and right for inmates to be free from sexual abuse, sexual assault, and sexual harassment.
1. Each employee, volunteer, and contract worker shall be informed that any knowledge regarding any sexual abuse, sexual assault, or sexual harassment shall be immediately reported to a supervisor.
 - a. The information pertaining to the sexual abuse/assault/harassment shall be kept strictly confidential and only discussed if directed to do so within an investigation.
 2. Each employee, volunteer, and contract worker shall be informed that any employee-on-inmate sexual abuse/assault/harassment shall not be tolerated.
 - a. An employee, volunteer, or contract worker found guilty of employee-on-inmate sexual abuse/assault/harassment shall be disciplined up to and including dismissal and possible prosecution.

- B. Each employee that has direct contact with inmates shall receive training on the following:
 - 1. Recognizing the physical, behavioral, and emotional signs and common reactions of sexual abuse/assault/harassment victims;
 - 2. How to detect and respond to signs of threatened and actual sexual abuse;
 - 3. Prevention, recognition, and response to allegations of sexual abuse/assault/harassment involving inmates with mental or physical disabilities;
 - 4. Recognizing situations where sexual abuse/assault/harassment may occur;
 - 5. Understanding the identification and referral process when an alleged sexual abuse/assault/harassment occurs;
 - 6. Understanding how to preserve evidence and ensure it is not destroyed;
 - 7. Having a basic understanding of sexual abuse/assault/harassment prevention techniques;
 - 8. Understanding that employees and inmates who report alleged sexual abuse/assault/harassment have the right to be free from retaliation;
 - 9. Understanding that sexual abuse/assault/harassment is not an acceptable consequence of detention;
 - 10. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
 - 11. Relevant laws regarding the applicable age of consent.
- C. Each employee shall receive training in how to conduct cross-gender patdowns and searches of transgender and intersex inmates in a professional manner and in the least intrusive manner that meets department safety and security needs.
- D. Each employee shall receive training on sexual abuse/assault/harassment within his/her first year of employment.
 - 1. This training shall occur during the employee's initial orientation process and more in-depth training shall be provided during the employee's Basic Corrections Officer Academy.
- E. Each employee shall receive annual training on sexual abuse/assault/harassment, which shall include a review of the department's policy and the employee's responsibility in preventing sexual abuse/assault/harassment and/or reporting such an event.
- F. Each medical and mental health employee shall receive training in the following:
 - 1. How to detect and assess signs of sexual abuse/assault/harassment;
 - 2. How to preserve physical evidence of sexual abuse;
 - 3. How to respond effectively and professionally to victims of sexual abuse/assault/harassment; and
 - 4. How and to whom to report allegations of sexual abuse/assault/harassment.

IV. Inmate Education

- A. The Property Officer (for an ADC inmate) or the Booking Officer (for a JDC inmate) shall ensure each new admission is provided with a Sexual Assault Education and Awareness pamphlet (IO-D-01 Form 2) and that the following is explained to the inmate:
 - 1. The facility's zero-tolerance policy regarding sexual abuse/assault/harassment; and
 - 2. How to report allegations of sexual abuse/assault/harassment.

- B. The module officer or other designated employee shall provide additional information on prevention and intervention of sexual abuse/assault/harassment to each inmate within ten (10) days of admission to the facility.
 - 1. This information shall be provided to the inmate orally, in writing, and by video in the languages spoken by the majority of the inmate population.
 - a. If necessary, language translation services shall be utilized to relay the information to an inmate.
 - 2. The video shall be presented to the inmate population on a regular basis throughout the week.
 - a. Each inmate shall acknowledge he/she has received information on prevention and intervention of sexual abuse/assault/harassment when logging onto the module kiosk system.
 - b. The module officer shall document on his/her module Post Log (IO-A-05 Form 13) when the video is shown.
- C. If necessary, the information shall be adapted for inmates who are visually impaired, hearing impaired, mentally impaired, otherwise disabled, or have limited reading skills.
- D. Inmate orientation shall include the following information:
 - 1. The right to be free from sexual abuse/assault/harassment;
 - 2. The right to be free from retaliation for reporting sexual abuse/assault/harassment;
 - 3. The agency's policies and procedures in response to sexual abuse/assault/harassment;
 - 4. How an inmate can protect and prevent himself/herself from becoming a victim while incarcerated;
 - 5. Treatment and counseling options available to a victim of sexual abuse/assault/harassment;
 - 6. Methods of reporting incidents of sexual abuse/assault/harassment, including the option to report sexual abuse/assault/harassment to any employee of the department or to an entity outside of the department; and
 - a. Any outside entity who receives a report of sexual abuse/assault/harassment shall agree to follow established procedures for forwarding the report to the department.
 - 7. Information on services and programs for sexually abusive/assaultive or aggressive inmates.
- E. The facility shall provide PREA information on a continuous and readily available basis through postings in the living units and other inmate areas in the facility.

V. Reporting of Sexual Abuse/Assault/Harassment

- A. An inmate shall be encouraged to immediately report any knowledge or incidents of sexual abuse/assault/harassment involving himself/herself or any other inmate or department employee.
- B. An inmate may report incidents of sexual abuse/assault/harassment by using any of the following methods:
 - 1. Submitting an Inmate Request to Staff Form (IO-D-02 Form 1) to any department employee or volunteer;
 - 2. Submitting an Inmate Grievance Form (IO-D-02 Form 2) per the procedures outlined in the ADC's Inmate Rights policy, IO-D-02, and the JDC's Juvenile Rights policy, IO-D-02;
 - 3. Calling the facility's twenty-four (24) hour toll-free notification number;
 - 4. Verbally telling a department employee or volunteer; or
 - 5. Calling or writing a letter to someone outside the facility who can notify department staff.

- C. An inmate filing a grievance shall not be required to use any informal grievance procedure or to attempt to resolve an alleged incident of sexual abuse/assault/harassment with staff.
 - 1. The department shall issue a final decision on any portion of the grievance that alleges sexual abuse/assault/harassment within ninety (90) days of submittal.
 - a. Time spent by the inmate to prepare the grievance shall not be included.
 - 2. The department may extend the response time up to seventy (70) additional days if necessary to make an appropriate decision.
 - a. The inmate filing the grievance shall be notified in writing of any such extension and provided a date by which the decision will be made.
 - 3. Failure to issue a final decision within the allotted timeframe for reply may be considered as a denial at that level by the grievant.
- D. If an emergency grievance is received alleging that an inmate is subject to a substantial risk of imminent sexual abuse/assault/harassment, the department shall:
 - 1. Ensure that the grievance is forwarded to the Division Manager of Operations or higher authority so that immediate corrective action can be initiated;
 - 2. Provide an initial response within forty-eight (48) hours; and
 - 3. Issue a final decision usually within five (5) calendar days.
 - a. The initial response and final decision shall document the department's determination whether the inmate is in substantial risk of sexual abuse/assault/harassment and the action taken in response to the emergency grievance.
- E. Third parties, including other inmates, employees, family members, attorneys, and outside advocates, shall be permitted to assist an inmate in filing reports of, or seek action to remedy allegations of, sexual abuse/assault/harassment on behalf of the inmate.
 - 1. If a third party files such an allegation or report on behalf of an inmate, the department may request the alleged victim to agree to have the report filed on his/her behalf.
 - a. If the parent or legal guardian files a grievance on behalf of a juvenile, the grievance shall not rely on the agreement of the juvenile to process the grievance on his/her behalf.
 - 2. The alleged victim may also be required to personally pursue additional steps in the process.
 - 3. If the inmate declines to have the report filed on his/her behalf, the inmate's decision to decline shall be documented.
- F. Any inmate(s) and/or employee(s) who reports an incident of sexual abuse/assault/harassment or cooperates with an investigation relating to alleged sexual abuse/assault/harassment shall be protected from retaliation by other inmates and/or employees.
 - 1. Any known or suspected retaliation shall be immediately reported to the SAPC or Intelligence and Investigation (I&I) Division.
- G. The conduct and treatment of an inmate(s) and/or an employee(s) shall be monitored for at least ninety (90) days, or longer if necessary, following a report of sexual abuse/assault/harassment to see if there are indications that suggest retaliation by inmates and/or employees, such as:
 - 1. Inmate disciplinary reports;
 - 2. Housing or program changes;
 - 3. Negative performance evaluations; or
 - 4. Reassignments of employees.

- H. If possible retaliation conditions exist, the department shall act immediately to cease or remedy the retaliation.
- I. Monitoring of inmates for possible retaliation shall also include periodic status checks.
- J. If an allegation is reported that an inmate was sexually abused while confined in another agency, the Director or his/her designee shall notify the department head or other appropriate office of the agency where the alleged abuse occurred and notify the appropriate investigative office.
 - 1. Notification shall occur within seventy-two (72) hours of receiving the allegation.
 - a. The employee reporting the allegation shall document that the notification was completed on an Officer's Report (IO-A-05 Form 14).

VI. Victim Identification

- A. An employee may learn that an inmate has been sexually abused/assaulted/harassed while being detained by one of the following ways:
 - 1. An employee discovers an abuse/assault/harassment in progress;
 - 2. The inmate victim reports the abuse/assault/harassment to an employee;
 - 3. An abuse/assault/harassment is reported to an employee by another inmate; or
 - 4. There is medical evidence, which indicates an abuse/assault has occurred.

VII. Employee's Responsibility

- A. Each employee shall have zero tolerance for inmate sexual abuse/assault/harassment.
- B. All employees shall ensure that inmates are able to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing his/her breasts, buttocks, or genitalia, except when such viewing is incidental during routine health and well being checks.
 - 1. During a facility emergency, opposite gender viewing may also be required in order to account for all inmates' whereabouts and safety.
- C. An employee of the opposite gender must announce his/her presence when entering an inmate housing unit.
- D. An employee shall immediately notify a supervisor of the following:
 - 1. Any knowledge, suspicion, or information he/she receives regarding an incident of sexual abuse/assault/harassment that occurred in this facility or any other;
 - 2. Retaliation occurs against inmates or staff who report such an incident; and
 - 3. Any employee neglect or violation of responsibilities may have contributed to an incident or retaliation.
- E. An employee shall treat any alleged claim of inmate sexual abuse/assault/harassment seriously.
- F. An employee shall immediately identify an alleged inmate sexual abuse/assault victim and remove him/her from the area and prohibit all contact with other inmates.
 - 1. An employee shall be sensitive, supportive, and non-judgmental when dealing with a sexual abuse/assault victim and shall never assume that an allegation is false without investigation.
 - 2. An employee shall attempt to identify the alleged suspect(s), remove him/her from the immediate area, and prohibit all contact with other inmates until given further directions by a supervisor.
 - a. If the alleged suspect is an employee of the department, the informed employee shall immediately notify a supervisor of the alleged suspect's name.
 - 3. The site of the alleged assault and property at the site shall be secured to preserve evidence.

4. For evidence preservation purposes, no employee shall allow an abused/assaulted inmate to shower, wash, drink, eat, defecate, or change any clothing until cleared to do so by the shift supervisor.
- G. If an employee discovers an inmate is a victim of sexual harassment or an inmate reports an incident of alleged sexual harassment, the employee shall immediately notify a supervisor.
- H. The employee shall complete a detailed, written report regarding the alleged sexual abuse/assault/harassment and submit the report to his/her supervisor by the end of the shift.
 1. The report shall include but not be limited to the following applicable information:
 - a. The inmate victim's name;
 - b. The alleged suspect's name;
 - c. The date and time of incident;
 - d. The location of the incident;
 - e. Details regarding how the employee was informed of the alleged abuse/assault/harassment; and
 - f. Any details the alleged victim provided regarding the incident.
 2. The employee shall not discuss any details of the alleged sexual abuse/assault/harassment with anyone unless directed to do so to assist in order to assist in treatment, investigation, and other security management decisions.

VIII. Supervisor's Responsibility

- A. A supervisor that has been informed of an alleged sexual abuse/assault shall:
 1. Initiate a Sexual Abuse/Assault Intervention Protocol Form (IO-D-01 Form 3) to assist in ensuring all of the proper steps are taken with the alleged victim and the alleged suspect;
 2. Immediately contact the Division Manager of Operations, Deputy Director over Intelligence and Investigation (I & I), Deputy Director of Operations, and the Director;
 - a. The Director shall give authorization to call for an investigation by an outside agency.
 - b. If the alleged victim is a juvenile, the incident shall be immediately reported to the Kansas Department for Children and Families (DCF) in accordance with the procedures established in the department's Child Abuse and Neglect policy, JDC IO-D-04.
 3. Notify medical personnel of the alleged sexual abuse/assault and direct an employee to immediately escort the victim to medical;
 4. Notify mental health personnel immediately about the alleged sexual abuse/assault;
 5. Attempt to get a brief statement about the abuse/assault from the inmate;
 - a. The supervisor shall be understanding and responsive if the inmate is in shock and unable to give much detail about the abuse/assault.
 6. Assign the alleged victim to protective custody or other secure area of the facility following medical evaluation and/or treatment;
 - a. The supervisor shall ensure a Suicide Risk Screening Form is completed by mental health staff or medical staff on the alleged victim and the alleged suspect prior to determining each inmate's housing assignment.
 7. Ensure the alleged suspect(s) and alleged victim are separated by housing units; and
 - a. If the alleged suspect of the sexual abuse/assault is an on-duty employee of the department, the supervisor shall immediately remove the on-duty employee from having any contact with inmates or other employees until further investigation.

8. Ensure the alleged site of the assault and property at the site remains undisturbed.
- B. A supervisor that has been informed of an alleged sexual harassment shall:
1. Immediately contact the Division Manager of Operations, Deputy Director over Intelligence and Investigation (I & I), Deputy Director of Operations, and the Director;
 - a. The Director shall give authorization to call for an investigation by an outside agency.
 - b. If the alleged victim is a juvenile, the incident shall be immediately reported to the Kansas Department for Children and Families (DCF) in accordance with the procedures established in the department's Child Abuse and Neglect policy, JDC IO-D-04.
 2. Notify mental health personnel immediately about the alleged sexual harassment.
 3. Attempt to get a brief statement about the sexual harassment from the inmate; and
 4. Ensure the alleged suspect does not have contact with the alleged victim.
 - a. If the alleged suspect of the sexual harassment is an on-duty employee of the department, the supervisor shall immediately remove the on-duty employee from having any contact with the alleged victim until further investigation.
- C. A supervisor shall ensure any employee that has information pertaining to the alleged sexual abuse/assault/harassment completes a written report and submits it to the supervisor before the end of his/her shift.
1. The supervisor shall direct each employee that has information pertaining to the alleged sexual abuse/assault/harassment to keep the information confidential and only discuss the information if directed to do so to assist in an investigation.
- D. A supervisor shall notify the SAPC in writing prior to the end of his/her shift of the following:
1. The name of the alleged victim(s) and suspect(s) of sexual abuse/assault/harassment; and
 2. Time and date of alleged sexual abuse/assault/harassment.
 3. The SAPC shall follow-up with the Division Manager of Operations, Deputy Director over I & I, or a Deputy Director to receive any additional needed information regarding the alleged sexual abuse/assault/harassment.

IX. Medical Personnel's Responsibility

- A. Facility medical personnel shall be prohibited from conducting forensic medical examinations of inmates.
1. The department shall develop and maintain a Memorandum of Understanding with the designated hospital to perform forensic examinations.
 2. Facility medical personnel shall provide necessary care, treatment, and other special needs to any inmate regardless of the reason for injury or illness.
- B. Facility medical personnel shall assist correctional employees in initial assessment of an alleged sexual abuse/assault victim to assist in determining if the alleged victim's claim is valid, if correctional employees request the assistance.
- C. An inmate that has been sexually abused/assaulted shall be offered access to a forensic medical examination at no cost to the inmate.
1. If the inmate elects to have the forensic examination performed, the Shift Supervisor shall contact the Director or his/her designee for authorization to proceed to the emergency room for examination.
 2. The forensic examination shall be conducted by a Sexual Assault Forensic Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANE), if possible.

- a. If no SAFE or SANE is available, another qualified medical person may conduct the examination.
 - b. The effort to provide a SAFE or SANE to conduct the examination shall be documented.
- D. Medical personnel shall inform the sexual abuse/assault victim of his/her rights under Federal or State law.
- E. If available, the department shall provide an advocate to the victim to accompany and support the victim throughout the examination and investigation of the alleged abuse/assault.
- F. Medical personnel shall inform the alleged victim of his/her duty to report and the limitations of confidentiality, unless otherwise precluded by Federal, State, or local law.
- G. Medical personnel shall continue to monitor and follow-up with the alleged victim once he/she has been assessed and treated.
1. Medical personnel shall continue to monitor the inmate's physical health and coordinate any additional follow-up treatment or services, such as crisis intervention counseling.
 2. Medical personnel shall dispense any necessary medication as prescribed, which shall include but not be limited to emergency contraception provided by the hospital that treated the inmate.
 3. Medical personnel shall provide routine follow-up examinations, as needed.
 4. Medical personnel shall provide any necessary follow-up to STI and/or HIV testing and provide STI treatment as necessary.
- H. Follow-up treatments, exams, and medications resulting from the sexual abuse/assault/harassment incident shall be provided at no cost to the victim and be consistent with the community level of care.

X. Intelligence and Investigation Division's Responsibility

- A. An alleged victim of sexual abuse/assault/harassment shall never be required to submit to a polygraph exam as a condition for the I & I Division to conduct an investigation into the claims.
- B. The I & I Division shall ensure evidence in an alleged abuse/assault/harassment is not disturbed until the Director has determined whether the situation warrants investigation by an outside agency.
1. If the victim is a juvenile or considered to be a vulnerable adult, the Director or his/her designee shall report the alleged sexual abuse/assault/harassment to the appropriate law enforcement agency once it is determined that a credible basis of a threat exists.
 - a. If the victim is a juvenile, the alleged sexual abuse/assault/harassment shall be reported to the Kansas Department for Children and Families (DCF) and his/her case worker, if applicable.
 - b. If the juvenile court system retains jurisdiction over the juvenile, the juvenile's attorney or other legal representative shall be notified within fourteen (14) days of the allegation.
 - c. If the victim is a vulnerable adult, the alleged sexual abuse/assault/harassment shall be reported to the Kansas Department for Aging and Disability Services (KDADS).
 2. If the victim is not a juvenile or considered a vulnerable adult but the Director determines that the situation warrants investigation by an outside agency, the other agency shall direct the investigation and I & I personnel shall assist.
 - a. Any outside agency that conducts investigations of sexual abuse/assault/harassment in jails or prisons shall have in place a policy governing the conduct of such investigations.
 3. If the situation does not warrant an outside investigation, the I & I Division shall collect evidence from the alleged crime scene, including but not limited to:
 - a. Inmate's blankets;
 - b. Inmate's mattress covers;

- c. Inmate's clothing;
 - d. Inmate's washcloth, if applicable; and
 - e. Inmate's towel.
- C. The I & I Division shall use standard evidence collection procedures, which shall include photographs.
- D. The I & I Division shall ensure medical personnel preserves any medical indications of sexual abuse/assault, if present.
- 1. Any indications of sexual abuse/assault shall be photographed and documented in writing.
 - 2. A written summary of all medical evidence and findings shall be completed and maintained in the inmate's medical record.
 - a. Copies of the written summary shall be provided to the appropriate law enforcement agency upon the direction of the I & I Division, a Deputy Director, or the Director.
- E. The I & I Division shall review the background of an alleged victim and the circumstances surrounding the alleged sexual abuse/assault/harassment without jeopardizing the inmate's safety, identity, and privacy.
- F. The I & I Division shall conduct necessary compelled interviews of the alleged victim, alleged suspect, and/or any witnesses only after consulting with the local prosecutors to determine whether compelled interviews may prevent subsequent criminal prosecution.
- 1. Any inmate that has, or may have, information regarding an alleged sexual abuse/assault/harassment shall be isolated, whenever possible, pending further investigation.
- G. The I & I Division shall ensure the Classification Division is notified of the participants in the alleged sexual abuse/assault/harassment.
- 1. The Classification Division shall enter an alert into each participant's jacket on the inmate management computer system to avoid housing the participants together in the same module.
- H. The I & I Division shall report the incident to the appropriate law enforcement agency as instructed by the Director or his/her designee.
- I. Any criminal investigation into an alleged sexual abuse/assault/harassment shall be documented in a written report.
- 1. The report shall contain a thorough description of physical, testimonial, and documentary evidence.
 - a. Copies of documentary evidence shall be attached when possible.
- J. If an employee resigns or is terminated as the result of violating the department's zero tolerance policy for sexual abuse/assault/harassment, the I & I Division shall report the incident to local law enforcement and to any relevant licensing agency, unless the incident was clearly not criminal.

XI. Mental Health Personnel's Responsibility

- A. A mental health employee shall be notified immediately after the initial report of an allegation of sexual abuse or sexual assault of an inmate.
- B. If the inmate is an alleged victim of sexual harassment, a mental health employee shall be made available to speak with the inmate as soon as possible.
- 1. If a mental health employee is not on duty, notify mental health personnel via electronic mail to speak with the inmate.
- C. A mental health employee shall complete a mental health assessment on the alleged victim within twenty-four (24) hours or the next business day of an alleged sexual abuse/assault/harassment.

1. The results of the initial mental health evaluation shall be summarized in writing within one week of the evaluation and filed in the appropriate inmate's treatment record.
- D. A mental health employee shall be required to inform the alleged victim of his/her duty to report and the limitations of confidentiality, unless otherwise precluded by Federal, State, or local law.
- E. A mental health employee shall attempt to conduct an evaluation of all known inmate-on-inmate abusers within sixty (60) days of learning about the abuse history.
- F. A mental health employee shall recommend any necessary treatment and/or counseling for an alleged victim of sexual abuse/assault/harassment.
 1. A mental health employee shall continue to monitor and follow-up with an alleged victim after the initial mental health evaluation.
 2. A mental health employee shall conduct post-crisis counseling and arrange for psychiatric care, if necessary.
 - a. Mental health employees shall watch for reaction stages and continue to monitor and provide support to the alleged victim as needed during critical stages.
 3. Additional psychological or psychiatric treatment shall be provided to the alleged victim as needed and only with the victim's full consent and cooperation.
 4. A mental health employee shall assist the agency's SAPC with arranging for an advocate from a rape crisis center to be available to provide services to any inmate who is a sexual abuse/assault/harassment victim.
 - a. A qualified mental health person shall document any efforts to secure services from a rape crisis center.
 - b. In the event that an advocate from a rape crisis center is not available, these services shall be sought from another community-based organization.
 5. A mental health employee shall provide the alleged victim access to outside support services including mailing addresses and telephone numbers.
 - a. Immigrant service agencies shall be made available for Immigration Customs Enforcement (ICE) detainees.
 - b. The alleged victim shall be informed that the communications may be monitored and/or recorded and any reports of sexual abuse/assault/harassment shall be forwarded to the appropriate law enforcement agency.
- G. A mental health employee shall document all treatment and evaluation sessions in the victim's treatment record to ensure continuity of care.
 1. If at any time a victim refuses a treatment or evaluation session, the victim shall be asked to sign a statement acknowledging he/she refused.
- H. If a victim is released from custody during the course of treatment, a mental health employee shall advise the victim of community mental health resources in his/her area.
- I. Any mental health services provided to the victim shall be consistent with the community level of care.
- J. The mental health services provider shall attempt to enter into agreements with community providers for confidential emotional support services related to sexual abuse for inmates who request the services.
 1. Copies of the agreements or documentation showing attempts to enter into agreements with community providers shall be maintained by the mental health services provider.

XII. Administration's Responsibility

- A. Prevention of inmate sexual abuse/assault/harassment shall be a priority within the department.
- B. The department shall ensure that any facility or agency contracted to hold or detain Shawnee County inmates is compliant with PREA standards.
 - 1. The contract shall provide the ability for contract monitoring to ensure the contracted facilities or agencies are compliant with PREA standards.
- C. The Director or his/her designee shall notify the parents/guardians if the alleged victim is a juvenile unless the facility has documentation showing that the parents/guardians should not be notified.
- D. The Deputy Director over Special Services or his/her designee shall decide the best housing assignment for an alleged victim of sexual abuse/assault/harassment.
 - 1. The decision shall be made if continued detention within the ADC or JDC is appropriate for the victim's mental health.
- E. The Deputy Director of Operations shall ensure that proper discipline is imposed for an inmate who is suspected of sexual abuse/assault/harassment.
 - 1. If an incident of employee-on-inmate sexual abuse/assault/harassment occurs, the inmate shall only be disciplined if it is determined that the employee did not consent to the contact.
 - 2. If an incident of employee-on-inmate sexual abuse/assault/harassment occurs, the Deputy Director over that employee's division shall ensure proper discipline is imposed for the employee.
- F. The Deputy Director of Operations shall complete the Notice of Department PREA Findings form (IO-D-01 Form 4) to inform the victim of the following information regarding the investigation into his/her allegation of sexual abuse/assault/harassment:
 - 1. If the allegation was found to be substantiated, unsubstantiated, or unfounded;
 - 2. If the alleged abuser has been indicted on charges related to sexual abuse within the facility; and
 - 3. If the alleged abuser is convicted of charges related to sexual abuse within the facility.
- G. If the alleged abuser is a staff member, the victim shall also be informed when:
 - 1. The staff member is no longer posted in the victim's living unit; and
 - 2. The staff member is no longer employed at the facility.
- H. At the conclusion of every sexual abuse/assault/harassment investigation, the Director or his/her designee shall appoint a Critical Incident Review Team to review the incident in accordance with department policy IO-B-13, Critical Incidents, unless the allegation was determined to be unfounded.
 - 1. The Director or his/her designee shall ensure the team consists of the following:
 - a. A member of upper administration;
 - b. A Shift Supervisor(s);
 - c. An I&I Unit Supervisor or designee; and
 - d. A member of medical or mental health staff.
 - 2. The review shall ordinarily be conducted within thirty (30) days after the investigation is completed.
- I. The Critical Incident Review Team shall:
 - 1. Determine if policy, procedure, or practice need to be addressed to prevent, detect, or respond more effectively to sexual abuse;

2. Consider whether the incident or allegation was motivated by the perpetrator or victim's race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or caused by other group dynamics at the facility;
 3. Examine the area in the facility where the alleged incident occurred to determine if physical barriers in the area may enable abuse;
 4. Assess the adequacy of staffing levels in the area during each shift; and
 5. Assess whether video surveillance equipment should be installed or changed to enhance supervision by employees.
- J. The findings and any recommendations for improvement made by the Critical Incident Review Team shall be compiled into a report and submitted to the Director and the PREA compliance coordinator.

XIII. Disciplinary Sanctions

- A. Pursuant to the guidelines of the ADC's Inmate Disciplinary Process policy, IO-D-03, or the JDC's Juvenile Disciplinary Process policy, IO-D-03, an inmate shall be subject to disciplinary sanctions if the findings show that he/she engaged in inmate-on-inmate sexual abuse/assault/harassment.
- B. The following items shall be taken into consideration when imposing sanctions for an inmate-on-inmate sexual abuse/assault/harassment:
 1. The circumstances of the abuse/assault/harassment committed;
 2. The inmate's disciplinary history;
 3. The sanctions imposed for comparable offenses by other inmates with a similar history; and
 4. Whether the inmate has a mental illness that may have contributed to his/her behavior.
- C. The department shall only impose disciplinary sanctions on an inmate for sexual abuse/assault/harassment towards a staff member if it is determined that the staff member did not consent to the inmate's actions.

XIV. Data Collection and Retention

- A. A schedule shall be established regarding the retention of all case records associated with claims of sexual abuse/assault/harassment, including:
 1. Incident reports;
 2. Incident reviews;
 3. Investigative reports;
 4. Inmate information;
 5. Case disposition;
 6. Medical and counseling evaluation findings; and
 7. Recommendations for post-release treatment and/or counseling.
- B. The department shall collect accurate, uniform data for every allegation of sexual abuse/assault/harassment using a standardized instrument and set of definitions.
 1. The department shall also obtain incident-based, aggregated data from any private facility contracted for confinement of its inmates.
 2. The data collected shall be sufficient enough to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- C. Data collected from these documents shall be maintained in a secure location and reviewed as needed.

1. At least annually, the data shall be compiled into a document that can be shared with contracted facilities who may request confinement of its inmates.
 2. If the facility identifies any problem areas or other issues that exist upon a review of the compiled data, corrective action shall be taken to address the deficiencies.
- D. If requested, the department shall provide all data from the previous calendar year to the Department of Justice by the designated deadline.
- E. The facility shall produce an annual report, which is approved by the Director, based on the data collected and reviewed from sexual abuse/assault/harassment incidents.
1. The annual report shall include the current year's data and the corrective actions for that year.
 2. The annual report shall include a comparison of the current year's information with the data and corrective action information from prior years, providing an assessment of the department's progress in addressing sexual abuse/assault/harassment.
 3. The report shall be made available to the public through the county website or via hard copy if requested.
 - a. The department shall ensure no personal identifying factors are made available to the public.
 - b. Information that may pose a clear and specific threat to the safety and security of the facility may be redacted, but the nature of the redacted information must be indicated.

REPORTS REQUIRED

None

APPENDICES

IO-D-01 Form 1
IO-D-01 Form 2
IO-D-01 Form 3
IO-D-01 Form 4

NOTE: The procedures set forth herein are intended to establish directives and guidelines for employees, inmates and those entities who are contractually bound to adhere to them. They are not intended to establish state-created liberty interests for employees, inmates, or an independent duty owed by the Shawnee County Department of Corrections to employees, inmates, or third parties. This policy is not intended to establish or create new constitutional rights or enlarge or expand existing constitutional rights or duties.

Shawnee County Department of Corrections
Sexual Abuse/Assault/Harassment Screening Tool

Inmate Name/Global Subject #: _____ Date: _____

Check One: Initial Screening 30-Day Reassessment Special Assessment

Section I:

Question	Yes, when?	No
Have you been the victim of sexual abuse or unwelcome sexual activity while incarcerated?		
Do you have a previous conviction of sexual abuse/assault/harassment in a prison or jail?		
Have you received a disciplinary sanction for violence or sexual abuse/assault/harassment while incarcerated in a prison or jail?		
Do you have a current or prior conviction of sexual abuse, a violent offense, or sexual offense of a child or adult?		
Have you in the past two (2) years been influenced/forced to engage in sexual activity or labor in exchange for money, shelter, medical care, or daily necessities?		
Have you in the past two (2) years influenced/forced someone to engage in sexual activity or labor in exchange for money, shelter, medical care, or daily necessities?		

If the inmate answers "yes" to any of the questions in Section I., the inmate shall be referred to medical and/or mental health staff for further evaluation and screening.

Section II:

Question	Yes	No
Have you ever been approached by another inmate for sexual activity while incarcerated?		
Have you ever been threatened with sexual abuse/assault/harassment by another inmate while incarcerated?		
Do you feel that you are vulnerable or unable to defend yourself while incarcerated?		
Have you been the victim of property theft in the last three (3) months?		
Have you ever been sexually active with another inmate while incarcerated?		
Is your sexual orientation or status lesbian, gay (homosexual), bisexual, transgender, intersex, or gender non-conforming?		
Do you believe you are perceived to be lesbian, gay (homosexual), bisexual, transgender, intersex, or gender non-conforming by others?		

If the inmate answers "yes" to three (3) or more of the questions in Section II., the inmate shall be referred to medical and/or mental health staff for further evaluation and screening.

Observations/File Review	Yes	No
Inmate appears to be physically, developmentally, or mentally disabled or disoriented.		
Inmate has a small build or appears to be vulnerable.		
Inmate appears to be introverted and/or naïve.		
Inmate shows unusual interest or focus on a specific inmate in the facility.		
Inmate appears to be effeminate.		
Inmate has current or past charges of a sexual nature.		
Inmate is a first time offender.		
Inmate's criminal history is exclusively nonviolent.		
The screener believes the inmate's age puts him/her at risk of sexual victimization. (Very young/elderly)		
Inmate is being detained solely for civil immigration purposes.		
Other reasons exist to believe inmate is at risk of sexual victimization. If yes, explain below.		

Regardless of the answers in Sections I. and II., if the screener believes his/her observation of the inmate or review of the file warrants additional evaluation and screening, the inmate shall be referred to medical and/or mental health staff for further evaluation.

Comments: _____

Additional evaluation and screening warranted? Yes No

Signature of Screening Officer: _____ Date: _____

Signature of Supervisor/Reviewer: _____ Date: _____

Name of Medical/Mental Health Staff Notified: _____ Date & Time: _____

Corizon only: This form has been scanned into the electronic healthcare record. Date: _____

Zero Tolerance

The Shawnee County Department of Corrections has a zero tolerance policy towards sexual assaults and sexual harassment on inmates by other inmates and by staff. Should you experience or witness a sexual assault or threat of one or sexual harassment, **please report it to a staff member or volunteer immediately.** We will manage your situation as confidentially as possible and protect you from further abuse/harassment.

Additionally, your case may be referred to the District Attorney's Office for the prosecution of the offender.

Your protection is our number one priority.

If You Are Convicted of Sexual Assault

- If you are sentenced to prison, you will likely be required to complete an 18-month sex offender program to acquire any goodtime.
- You will be placed on the sex offender registry, which is a public record.
- You may have restrictions of where you can work and live once you are released from custody.
- You will be required to notify the Kansas Bureau of Investigation of your address.
- You must notify the Kansas Bureau of Investigation anytime you change your address.
- You will be placed on stricter supervision by a Parole Officer.

Shawnee County
Department of Corrections

***Sexual Assault
and Harassment
Education and
Awareness***



Keeping Safe

You may help avoid an assault or harassment by keeping the following safety guidelines in mind:

- If a situation makes you uncomfortable, trust your instincts and leave.
- Don't be afraid to say "NO" or "STOP IT NOW".
- Walk and stand with confidence. Many rapists choose victims who look like they won't fight back or are emotionally weak.
- Avoid talking about sex and casual nudity. This may be considered a come on or make another inmate believe you have an interest in a sexual relationship.
- Do not accept commissary items or other gifts from other inmates. Placing yourself in debt to another inmate can lead to the expectation of sexual favors for repayment.
- Avoid secluded areas. Position yourself in plain view of staff members.
- **If you are being pressured for sex, report it to a staff member immediately.**

What To Do If You Are Sexually Assaulted

If the attack just happened:

Get to a safe place and **REPORT IT TO A STAFF MEMBER IMMEDIATELY**. If you wait, it will be more difficult to investigate and/or prosecute the attack criminally.

You need to request medical attention immediately. You may not realize you have been seriously injured or have been exposed to a sexually transmitted disease.

Do not shower, brush your teeth, use the restroom, or change clothes or bedding. Doing so may destroy valuable evidence.

Should you observe an attack, you need to report it to staff immediately.

The department has full time mental health staff to assist you. Additionally, we have a Chaplain and several Chaplain assistants. Do not hesitate to seek their support and guidance. They are available upon request.

A sexual assault can be very traumatic on an individual. Should you or someone you know feel like hurting himself/herself after an assault or any other time while incarcerated, please notify a staff member or volunteer immediately.

Facts For The Inmate That Is Accused of Sexually Assaulting Other Inmates

You will be placed on Administrative Segregation and isolated pending the outcome of an investigation. If you are found guilty of the offense, you will be placed in disciplinary segregation for the amount of time issued to you. Your freedom of movement and privileges will be strictly limited while there. The case will more than likely be referred to the District Attorney's office for prosecution as a **felony crime**. If you are found guilty, the amount of **prison time** you have to serve for the crime will depend on the court system.

Sexually transmitted diseases, including HIV, are more concentrated in correctional environments. Sexual activity in jail increases your risk of being exposed to a sexually transmitted disease.

If you are having trouble controlling your actions, please request assistance from the mental health staff. They can help you with controlling your anger or reducing the stress you are feeling.

Remember, the Shawnee County Department of Corrections has a zero tolerance policy towards sexual assault. You will be held accountable for your actions and may be criminally prosecuted.

**Shawnee County Department of Corrections
Sexual Abuse/Assault Intervention Protocol Form**

Reporting Officer's Name(s): _____ Date _____ Time _____

Alleged Victim's Name(s): _____

Alleged Suspect's Name(s): _____

List Name(s) of Any Witnesses: _____

Name of Supervisor Notified: _____ Date _____ Time _____

Operations Division Manager Notified? Yes No Date _____ Time _____

I & I Division Manager Notified? Yes No Date _____ Time _____

Deputy Director Notified? Yes No Date _____ Time _____

Director Notified? Yes No Date _____ Time _____

Director Authorized Law Enforcement Notification? Yes No Date _____ Time _____

Law Enforcement Notified? Yes No Date _____ Time _____

Agency Notified: _____ Person Notified: _____

.....
Area Secured? Yes No Date _____ Time _____

Location of Area Secured/Occurred _____

Medical Personnel Notified? Yes No Date _____ Time _____

Name of Medical Personnel Notified _____

Victim(s) Offered Medical Assistance? Yes No Date _____ Time _____

Victim(s) Accepted Medical Assistance? Yes No Date _____ Time _____

Director Authorized Transport to Hospital for Exam? Yes No Date _____ Time _____

Victim(s) Transported to the Hospital? Yes No Date _____ Time _____

Victim(s) Returned from Hospital Date _____ Time _____

Statement Received from Victim(s)? Yes No (Attach) Date _____ Time _____

Did Victim(s) Shower? Yes No Did Suspect Shower? Yes No

Did Victim(s) Change Clothing? Yes No Did Suspect(s) Change Clothing? Yes No

Mental Health Personnel Notified? Yes No Date _____ Time _____

Name of Mental Health Personnel Notified _____

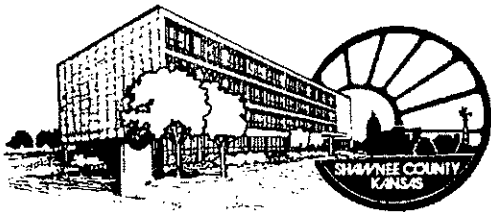
The alleged victim and suspect shall be immediately separated. The alleged victim shall be placed on protective custody. The alleged victim and alleged suspect shall be screened for suicide risk factors and placed on the appropriate status. The alleged suspect shall be isolated from contact with any inmates.

Victim's New Housing Assignment _____ Suspect's New Housing Assignment _____

List all Documents Attached _____

Signature of Reporting Supervisor

Date



Shawnee County
Department of Corrections
501 SE 8TH Street – Topeka, Kansas 66607 – (785) 291-5000

Brian W. Cole, Director

Adult Detention Facility – 501 SE 8th – Topeka, Kansas 66607 – (785) 251-5000 – FAX (785) 233-4924
Youth Detention Facility – 401 SE 8th – Topeka, Kansas 66607 – (785) 251-7700 – FAX (785) 291-4963

NOTICE OF DEPARTMENT PREA FINDINGS

Case # _____ Finding: _____

Victim Name: _____ Suspect Name: _____

Summary of Allegation

Basis of Decision

Law Enforcement Referral? Yes No If Yes, Date: _____

Status of Alleged Suspect (Except When Allegations Are Unfounded)

Suspect is Inmate

Suspect is Employee

- No Longer Housed in Same Module
- No Longer Detained in Facility
- Indicted or Charged
- Convicted
- Other: _____

- No Longer Posted in Same Module
- No Longer Employed in Facility
- Indicted or Charged
- Convicted
- Other: _____

Signature: _____

Date: _____

Category of Allegation	Definition Under Prison Rape Elimination Act (PREA)
Inmate-On-Inmate Sexual Violence	<p>Nonconsensual Sexual Acts: Contact of any person without his or her consent, or of a person who is unable to consent or refuse; AND contact between the penis and the vagina or the penis and the anus including penetration, however slight; OR contact between the mouth and the penis, vagina, or anus; OR penetration of the anal or genital opening of another person by a hand, finger, or other object. Abusive Sexual Contacts: Contact of any person without his or her consent, or of a person who is unable to consent or refuse; AND intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. Exclude incidents in which the intent of the sexual contact is to harm or debilitate rather than to sexually exploit. Sexual Harassment: 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 directed toward another.</p>
Staff Sexual Misconduct	<p>Staff Sexual Misconduct includes any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor, or agency representative (exclude inmate family, friends, or other visitors). Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts including: Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; OR completed, attempted, threatened, or requested sexual acts; OR occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.</p>
Staff Sexual Harassment	<p>Staff Sexual Harassment includes repeated verbal statements or comments of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude inmate family, friends, or other visitors). Demeaning references to gender or derogatory comments about body or clothing; OR repeated profane or obscene language or gestures.</p>

Finding Type	Definition Under Prison Rape Elimination Act (PREA) or Other Authority
Substantiated	An allegation that was investigated and determined to have occurred.
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.
Unfounded	An allegation that was investigated and determined not to have occurred.