

Sixth Judicial District Department of Correctional Services

**PREVENTION OF SEXUAL MISCONDUCT
- AN OVERVIEW FOR OFFENDERS -**

DEFINITION OF SEXUAL MISCONDUCT – Conduct of a sexual nature by staff that is directed toward offenders under the care, custody and supervision of the department. Sexual misconduct with offenders includes acts or attempt to commit acts of sexual contact, sexual abuse, invasion of privacy, intimacy, or behavior for personal sexual gratification. This includes, but is not limited to acts or attempts to commit such acts as:

1. Having sexual contact and/or sexual intercourse with an offender which is in violation of DOC policy. It is also a criminal offense for staff to engage in sexual contact and/or sexual intercourse with an offender.
2. Requiring or allowing an offender to engage in sexual contact, sexual intercourse, or other sexual conduct for any reason (e.g., the sexual gratification of a staff member).
3. Any action designed for sexual gratification of and by an offender or staff such as masturbating in front of an offender.
4. Making obscene or sexual advances, gestures, comments or exposing one's self, to an offender or being receptive to any such advances, gestures, or comments made by an offender toward a staff member.
5. Touching of self in a sexually provocative way to solicit a response from an offender.
6. Viewing offenders in a manner which is not related to normal job duties and interfering with an offender's personal business without a reasonable need to do so for the immediate safety and security of the offender, employee, or others within the institution. This includes, but is not limited to, excessive staring.
7. Initiating any form or type of communication of a sexual nature with an offender.
8. Receiving any form or type of communication of a sexual nature from an offender and failing to report the communication immediately as designated by facility and department policy.
9. Influencing or making promises regarding, but not limited to, an offender's safety, custody, supervision status, privacy, housing, privileges, work assignment, or program status in exchange for sexual favors or because an offender refused to submit to a sexual advance. This includes an exchange of anything of value between staff and an offender. For example: excusing violations of supervision agreements or receiving gifts in exchange for sexual favors.

DUTIES OF OFFENDERS

Offenders will provide complete cooperation and will not interfere with the official process of investigating sexual misconduct. This includes failure to report or attempts to cover up an incident of sexual misconduct, allegation or statement that a party or a witness knew could not have been true, or any form of failure to cooperate with an investigation or inquiry. Failure to cooperate, failure to report, or purposeful, malicious false statements may result in corrective action being taken including discipline.

WHAT TO DO IF I AM ASSAULTED?

If the sexual activity was recent you will be asked to consent to a sexual assault exam. Your consent is needed for this exam. Even though you may want to clean up after the assault, it is important that you advise staff immediately, or as soon as practical, and be seen by medical staff before you shower, wash, drink, change clothing, or use the bathroom. Medical staff will examine you for injuries which may or may not be obvious to you. A medical professional may perform a pelvic and/or rectal exam. They will also check you for sexually transmitted diseases and gather physical evidence of the assault. You have the right to refuse the examination. However, if you have been the victim of sexual misconduct, it is critical to collect as much evidence as possible.

It is very important that you understand that you can receive medical attention for any injuries, and for female offenders, pregnancy testing, without submitting to a sexual assault examination. The medical care is for the purposes of treating any injuries and keeping you healthy. Medical information gathered during treatment is confidential. You must sign a medical release in order for the medical information to be used as evidence in sexual misconduct. You have the right to refuse to sign the medical release.

REPORTING SEXUAL MISCONDUCT

Sexual misconduct by staff is prohibited, but it must be reported before action can be taken. Do not rely on anyone else to report misconduct – when it is experienced or seen, report it immediately.

To make sure that sexual misconduct is reported, the Iowa Department of Corrections has several ways for offenders to report confidentially. Offenders may use the reporting method with which they are most comfortable:

- Tell a staff member you are comfortable discussing the matter with. As a part of their job, staff is required to report any allegation, ensure offender safety and maintain confidentiality. (Central Office is in the process of establishing a hot line)
- Send a letter to:
 - District Director Gerald R. Hinzman
 - 951 29th Avenue SW
 - Cedar Rapids, IA 52404
- Use the facility grievance process.
- Send a letter to:
 - Iowa Ombudsman Office
 - Ola Babcock Miller Building
 - 1112 E. Grand Avenue
 - Des Moines, IA 50319

WHAT HAPPENS TO REPORTS OF SEXUAL MISCONDUCT?

The Iowa Department of Corrections will investigate all allegations of sexual assault, including allegations of:

- Sexual harassment
- Sexual misconduct
- Over-familiarity, and
- Retaliation

WHAT IS RETALIATION?

Retaliation is intimidation to prevent an offender from filing a complaint or participating in an investigation of sexual misconduct. Our department prohibits any individual from interfering with an investigation, including intimidation or retaliation against witnesses. If an offender believes that she/he is being denied privileges, or is being unfairly transferred or punished in some way because she/he filed a complaint or assisted in the investigation of a complaint, she/he should report this to the District Director or investigator.

POSSIBLE OUTCOMES OF AN INVESTIGATION

During an investigation of sexual misconduct, a number of actions may occur if it is determined to be in the best interest of the offender, the staff and facility.

- Staff could be placed on restricted duty, barred from entering the facility or suspended.
- Offenders could be relocated for their safety. However, offenders will never be punished for reporting sexual misconduct or any other type of sexual misconduct. In fact, every effort will be made to assure offender's protection.

Keep in mind a thorough investigation takes time. The investigation must clearly support or refute any allegation with evidence, information gathered from witnesses, and documentation.

After the investigation is finished, one of the following decisions will be reached:

- There is sufficient evidence to conclude the allegation is true.
- There is insufficient evidence to conclude the allegation is or is not true.
- There is enough evidence to prove that the allegation is not true. This means that the evidence shows that the offender made a false allegation. If the investigation proves the offender made a false allegation, she/he is subject to corrective action being taken including discipline.
- There is not enough evidence to prove that the allegation is true, but there is evidence to prove that another law, policy or rule was violated.

Any staff member who sexually abuses or assaults an offender will be disciplined up to and including discharge and the case will be referred for prosecution. Discipline and criminal prosecution are more likely to be successful if the abuse is reported immediately.

RECOVERING FROM SEXUAL ASSAULT

Any form of coerced or illegal sexual activity is degrading. Mental health staff provided by the District is available to help victims recover from the emotional impact of sexual assault.

JUST AS IMPORTANT

Offender on offender sexual assault and abuse:

Definition: One or more offenders engaging in, or attempting to engage in a sexual act with another offender or the use of threats, intimidation, inappropriate touching, or other actions and/or communications by one or more offenders aimed at coercing and/or pressuring another offender to engage in a sexual act.

While incarcerated, no one has the right to pressure offenders to engage in sexual acts. Offenders do not have to tolerate sexual assault or pressure to engage in unwanted sexual behavior.

Everyone can take steps to reduce the possibility of sexual assault. Some of those steps are:

- Choose your associates wisely. Look for people who are involved in positive groups and activities.
- Avoid being alone.
- Do not accept gifts or favors from others. Most gifts come with a string attached.
- Do not accept an offer from another offender to be a protector.
- Avoid borrowing and becoming indebted to someone.
- Find a staff person with whom you feel comfortable discussing your concerns about sexual misconduct.
- Carry yourself in a confident manner. Do not permit your emotions (fear/anxiety) to be obvious to others.
- Be alert! Contraband substances such as drugs and alcohol will weaken your ability to stay alert and make good judgments.
- Be direct and firm if others ask you to do something you don't want to do.
- Stay in well-lit areas.
- Trust your instincts. If you sense a situation is dangerous, it probably is.

It is NEVER appropriate for a staff member to make sexual advances, comments or to engage in sexual contract with an offender. Even if the offender wants to be involved with the staff member, the staff member is not allowed to respond. It is not appropriate for an offender to approach a staff member in a sexual nature – this type of behavior is prohibited.

**PREVENTING SEXUAL MISCONDUCT
OFFENDER FORM**

My signature below indicates that I have reviewed a copy of the Iowa Department of Corrections orientation material for offenders regarding the prevention of sexual misconduct. I have been provided with an opportunity to discuss this issue and ask questions.

Offender's Signature

Date

Staff's Signature

Date

FOR OFFICE USE ONLY:

- 1.) Click on Generic Notes Module
- 2.) Click on Note Category, choose "PREA"
- 3.) Enter Chrono "PREA Orientation/Completed and Signed off"
- 4.) Click on Save

ICON #: _____

Date entered in ICON:

By: