

Sixth District Department of Correctional Services POLICY		Issue Date 10/18/13	Effective Date 03/20/17	Policy Number 2401-17
Subject <b>SEXUAL MISCONDUCT WITH OFFENDERS COMMUNITY CONFINEMENT STANDARDS (PREA Responsive Planning)</b>			Review Month June	Author 0590 (MLA)
Rescinds 2401-13	References:	Prison Rape Elimination Act-Community Confinement Standards, United States Department of Justice Final Rule 28 C.F.R. Part 115, Docket No. OAG-131, RIN 1105-AB34, May 17, 2012 PREA Standards: §115.221, 115.222		

**PURPOSE:**

To establish a policy in regard to Prison Rape Elimination Act (PREA) responsive planning.

**POLICY:**

It is the policy of the Sixth Judicial District Department of Correctional Services to provide a safe, humane and secure environment, free from the threat of sexual violence and sexual harassment for all offenders, by maintaining a program of education, prevention, detection, response, investigation, prosecution and tracking. The Sixth Judicial District Department of Correctional Services has zero tolerance for sexual violence of any kind.

This policy applies to all employees, prospective employees, interns, volunteers and contractors of the Sixth Judicial District, Department of Correctional Services and is maintained current by the District Director or the Designee.

**PROCEDURE:**

1. Evidence protocol and forensic medical examinations §115.221:
  - A. To the extent the agency is responsible for investigating allegations of sexual abuse; the agency follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The protocol is adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication “An National Protocol for Sexual Assault medical Forensic Examinations Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011.
  - B. Staff offers all victims of sexual abuse access to forensic medical examinations at a local hospital, without financial cost, where evidentiarily or medically appropriate. Such examinations are performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. Staff calls a local hospital and request a SANE when needed. If SAFEs or SANEs are not available, the examination is performed by other qualified medical practitioners. A list of SANEs (2401A) is attached to this policy.

**POLICY NUMBER 2401-17**  
**PAGE 2 OF 2**

**PROCEDURE:** (continued)

- C. Staff attempts to make available to the victim an internal Victim Advocate or a Victim Advocate from a rape crisis center. Staff documents attempts to secure services from the rape crisis centers, another qualified community based provider or qualified agency staff.
  - D. As requested by the victim, the Victim Advocate, qualified agency staff member, or qualified community-based organization staff member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information, and referrals.
  - E. To the extent the agency itself is not responsible for investigating allegations of sexual abuse; the agency requests that the investigating agency follows the requirements of paragraphs A through E of this section.
  - F. The requirements of paragraphs A through E of this section also applies to:
    - 1) Any State, county or city entity outside of the agency that is responsible for investigating allegations of sexual abuse in community confinement facilities; AND
    - 2) Any Department of Justice Component that is responsible for investigating allegations of sexual abuse in community confinement facilities.
  - G. For the purposes of this standard, a qualified agency staff member or a qualified community-based staff member is an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.
2. Policies to ensure referrals of allegations for investigations §115.222:
- A. An administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
  - B. Allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency publishes such policy on its website or, if it does not have one, makes the policy available through other means. All referrals for investigation are documented and tracked.
  - C. If a separate entity is responsible for conducting criminal investigations, such publication describes the responsibilities of both the agency and the investigating entity.
  - D. Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in community confinement facilities have in place a policy governing the conduct of such investigations.

BY ORDER OF:

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Bruce Vander Sanden, Director