

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

HISTORY:

In September of 2003, President George W. Bush signed the Prison Rape Elimination Act or PREA into law. The law was created to address the problem of sexual abuse and misconduct in all correctional facilities and required corrections agencies to improve their prevention, detection, and responses. PREA mandates a zero tolerance policy on sexual abuse and sexual harassment that applies to all Federal, State, and local institutions, both public and private.

ZERO TOLERANCE

The Sixth Judicial District Department of Correctional Services has a zero-tolerance policy toward all forms of sexual abuse and sexual harassment. You have the right to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents.

DEFINITION OF SEXUAL MISCONDUCT – Conduct of a sexual nature by staff/contractor/volunteer 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. Zero Tolerance **The Sixth Judicial District Department of Correctional Services has zero tolerance for sexual violence of any kind.** 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.

STAFF REPORTING

Staff members are mandatory reporters with no discretion to decide whether to report sexual abuse allegations or any other knowledge or suspicion of sexual abuse or harassment.

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. Third parties to offenders may report sexual abuse and/or sexual harassment by contacting any staff member, filing a verbal or written report, or assisting an offender with a report.

To make sure that sexual misconduct is reported, the Iowa Department of Corrections has several ways for offenders to report confidentially. Offenders or third parties 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.
- Send a letter to:
District Director Bruce Vander Sanden
951 29th Avenue SW
Cedar Rapids, IA 52404
- Use the facility grievance process
- Sixth Judicial District PREA Hotline: 319-297-3532
- www.iowacbc.org (click on Prison Rape Elimination Act)
- Email: 6th.PREA@iowa.gov
- Send a letter to:
Iowa Ombudsman Office
Ola Babcock Miller Building
1112 E. Grand Avenue
Des Moines, IA 50319
1-888-426-6283 (toll free) or 515-281-3592
- Rape Victim Advocacy Program (RVAP)
1-800-228-1625

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.

All offenders have the right to be free from sexual abuse and sexual harassment as covered in the 8th Amendment of the US Constitution. It is the policy of 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 facility shall protect all offenders who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other offenders or staff and designates which staff members are charged with monitoring retaliation.

If an offender believes privileges have been denied, or is being unfairly transferred or punished in some way because a complaint was filed, a report can be filed with the PREA Coordinator.

Submit reports of retaliation to:

Malinda Lamb, PREA Coordinator
951 29th Avenue SW
Cedar Rapids, Iowa 52404
319-398-3675

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 contact 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
RESIDENTIAL OFFENDER FORM**

Offender's Name (Print) _____

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.

Initial Each

- _____ I understand the Sixth Judicial District's Zero Tolerance Policy regarding sexual abuse.
- _____ I have been given information regarding different methods of reporting sexual abuse/harassment.
- _____ I have been given information and understand my responsibilities regarding sexual misconduct policies and procedures on the Prison Rape Elimination Act (PREA).

- 1. **Birth Sex:** Male Female 2. **Gender Identification:** Male Female
- 3. Are you Transgender or Intersex? No Yes

IF NO, FORM IS COMPLETE, STOP AND SIGN HERE:

Offender's Signature	Date
Staff's Signature	Date

IF YES, COMPLETE REMAINING QUESTIONS:

- 3a. **Transgender Status:** Male to Female Female to Male
Name Preference: _____
- 3b. **Intersex:** No Yes Preferred Pronoun: He She

Offender's Signature	Date
Staff's Signature	Date

FOR OFFICE USE ONLY: ICON #: _____

1.) Notify Supervisor of Transgender/Intersex Status:

Supervisor's Name	Date Notified
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2.) Click on Generic Notes Module
 3.) Click on Note Category, choose "PREA"
 4.) Enter Chrono "PREA Orientation/Completed and Signed Off"
 5.) Click on Save

Date entered in ICON: _____ By: _____

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_____ I have been given information and understand my responsibilities regarding sexual misconduct policies and procedures on the Prison Rape Elimination Act (PREA).

Offender's Signature

Date

Staff's Signature

Date

FOR OFFICE USE ONLY:	ICON #: _____
6.) Click on Generic Notes Module 7.) Click on Note Category, choose "PREA" 8.) Enter Chrono "PREA Orientation/Completed and Signed Off" 9.) Click on Save	
Date entered in ICON: _____	By: _____