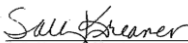


<p>Fifth Judicial District</p> <p>Department of Correctional Services</p> <p>Policy and Procedural Manual</p>		<p>Approval Date: 4-23-14</p> <p>Approved By:</p>  <p><small>Sally Kreemer, Director Fifth Judicial District Department of Correctional Services</small></p>	
<p><b>Division:</b> Administration</p> <p><b>Unit(s):</b> All Units</p>	<p><b>Subject: PREA 11 – Offender on Offender Sexual Assault</b></p>		<p><b>Effective Date:</b> 4-23-14</p> <p>Review Dates: N/A Revision Dates: N/A Origination Date: 4-23-2014</p>
<p><b>PREA Standards:</b></p>	<p>115.6 115.223 115.261</p>	<p>115.211 115.251 115.264</p>	<p>115.221 115.253</p>

## PURPOSE

To inform offenders of the Fifth Judicial District Department of Correctional Services' zero tolerance standard for sexual violence and to provide offenders with information relative to their rights and responsibilities under the Prison Rape Elimination Act. **(PREA 115.211(a))**

## POLICY

It is the policy of the Fifth 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 Fifth Judicial District Department of Correctional Services has zero tolerance for sexual violence of any kind. This policy shall be available to all staff and offenders and shall be reviewed and updated annually. **(PREA 115.211(a))**

## APPLICABILITY

This policy applies to all Fifth Judicial District Department of Correctional Services employees and offenders and will be maintained current by the District Director or designee.

## DEFINITIONS (As used in this document)

**Aggressor** – A person committing sexual assault or sexual abuse against an offender.

**Alleged** – Any event that is said to have happened but which has not yet been verified.

**DIS** – Division of Investigative Services located in DOC Central Office.

**Peer Educator** – An offender who is appropriate for conducting offender training and who also does not have a sex offense or recent disciplines for serious misconduct and who is a good communicator.

**PREA** – Prison Rape Elimination Act.

**Qualified Fifth Judicial District Department of Correctional Services staff member** – An individual who has been screened for appropriateness to serve in this role and has been certified in sexual assault and forensic examination issues. **(PREA 115.221(h))**

**Sexual Abuse** – Incidents when the victim does not consent, is coerced by overt or implied threats of violence or is unable to consent or refuse and the contact consists of intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person. Sexual abuse excludes contact incidental to a physical altercation with no sexual intent for the assault. **(PREA 115.6)**

**Sexual Assault** – Incidents when the victim does not consent, is coerced by overt or implied threats of violence, or is unable to consent or refuse and the contact consists of contact between the genitalia or between genitalia and anus including penetration, however slight; or contact between the mouth and genitalia or anus; or penetration of the anal or genital opening of another person by hand, finger or other object. **(PREA 115.6)**

**Sexual Violence** – Includes sexual assault and sexual abuse.

**Staff** – Refers to an employee, contractor, vendor, volunteer or agent of the Fifth Judicial District Department of Correctional Services.

**Staff Sexual Harassment** – Repeated sexual advances, requests for sexual favors or verbal statements, comments, gestures or actions of a sexual nature directed towards an offender including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing or profane or obscene language or gestures. **(PREA 115.6)**

**Staff Sexual Misconduct** – Any behavior or act of a sexual nature directed toward an offender, whether it appears to be consensual or nonconsensual, including:

1. Intentional touching of the genitalia, anus, groin, breast, inner thigh or buttocks with the intent to abuse, arouse or gratify sexual desire;
2. Completed, attempted, threatened or requested sexual acts;
3. Occurrences of indecent exposure including display of uncovered genitalia, buttocks or breasts, invasion of privacy; and
4. Voyeurism for sexual gratification including invasion of privacy unrelated to official duties, such as staring or glaring at an offender using the toilet for longer periods of time than necessary for security checks, requiring an offender to expose buttocks, genitals or breasts for reasons not related to approved security measures or normal medical procedures or taking images of same. **(PREA 115.6)**
5. Staff sexual misconduct does not include any act that is related to official duties or normal job requirements, such as when a staff member conducts a pat or strip search.

**Victim** – A person against whom sexual violence is committed or attempted.

**Victim Advocate** – A person who is certified as an advocate or counselor by a crime victim center and is under the control of a direct services supervisor of a crime victim center whose primary purpose is the rendering of advice, counseling and assistance.

## PROCEDURES

### I. Offender Education

- A. All offenders shall receive PREA orientation training within three (3) days of admission to the Men's Residential Facility or Women's Facility, including information on the Fifth Judicial District's zero tolerance policy regarding sexual violence and sexual harassment and how to report incidents or suspicions of sexual violence or sexual harassment. All offenders shall be given a copy of the handout, Staying Safe: A Guide for Offender Conduct (attachment 2). The training shall be presented by staff, a Peer Educator or a volunteer from the community. **(PREA 115.233(a))**
- B. Within thirty (30) days of intake, the Fifth Judicial District Department of Correctional Services shall provide comprehensive education to offenders either in person or through video regarding their rights to be free from sexual violence and sexual harassment and to be free from retaliation for reporting such incidents, and regarding the Fifth Judicial District Department of Correctional Services' policies and procedures for responding to such incidents. **(PREA 115.233(b))**
- C. Upon transfer from prison to the Men's or Women's Facility, offenders shall receive training within the first seven (7) days concerning how the policies and procedures of the new facility differ from those of the previous institution. Replacement copies of the handout, Staying Safe: A Guide for Offender Conduct (attachment 2), shall be provided as needed. **(PREA 115.233(c))**
- D. Offender education shall be provided in formats accessible to all offenders, including those who are limited English proficient, deaf, visually impaired or otherwise disabled, as well as to offenders who have limited reading skills. **(PREA 115.233(d))**
- E. The Fifth Judicial District Department of Correctional Services shall maintain documentation of offender participation in these education sessions either by ICON Generic Note or the signed copy of attachment 1 scanned into ICON Offender Attachments. **(PREA 115.233(e))**
- F. In addition to providing such education, the Fifth Judicial District Department of Correctional Services shall ensure that key information is continuously and readily available or visible to offenders through posters, bulletin boards or other written formats. **(PREA 115.233(f))**

### II. General Provisions

- A. The Sexual Violence Propensity (SVP) assessment shall be completed on all residential offenders who do not have a current SVP score. Any housing concerns noted by staff regarding an offender's history of sexual abuse/victimization or predatory sexual behavior shall be communicated to the appropriate supervisor/manager. The supervisor/manager shall review and discuss with the offender any apparent concerns. Following this review, facility staff may facilitate a bed or room change or facility transfer request, if appropriate.
- B. Reported allegations of offender on offender sexual violence, shall be investigated as soon as practicable. All records associated with claims of sexual violence, including incident reports, investigation reports, offender information, case disposition, medical and counseling evaluation findings, recommendations for post-release treatment and counseling shall be a confidential records.
- C. The Administrator of DIS shall be responsible for the development, implementation and oversight of all efforts to comply with the PREA standards and to manage all PREA investigations. **(PREA 115.211(b))**

### III. Reporting of Sexual Violence

A. Initial Report: An offender may report a sexual violence, sexual harassment by staff, volunteers or vendors, or retaliation by other offenders or staff for reporting sexual violence, sexual harassment or staff neglect or violation of responsibilities that may have contributed to the incident in any way, including but not limited to:

1. Staff member – Any employee, contractor or volunteer.
2. Send a kite or letter to the District Director or designee(s)
3. Contact the District's PREA Coordinator
4. Send a letter to:

(1) Mary Roche, Victim and Restorative Justice Director  
Iowa Department of Corrections  
510 East 12th St.  
Des Moines, IA 50319  
**(PREA 115.251(a))**

(2) The Iowa Ombudsman Office  
Office of Citizens' Aide/Ombudsman  
Ola Babcock Miller Building  
1112 East Grand  
Des Moines, IA 50319  
**(PREA 115.251(b))**

B. Offenders who observe or have knowledge of sexual violence shall immediately report in any way including but not limited to the points of contact listed above.

C. Staff Response

1. Staff shall accept reports made verbally, in writing, anonymously and from third parties and shall promptly document all verbal reports. **(PREA 115.251(c))**
2. If applicable to the circumstances, the alleged offender victim shall be advised by the employee receiving the report or supervisor that showering or body cleaning, or if assault was oral, drinking or brushing could damage or destroy evidence. **(PREA 115.264(a))**
3. An offender victim may request a victim advocate or qualified staff member to accompany and support the offender victim through the investigatory interviews and to provide emotional support, crisis intervention, information and referrals to additional resources. The victim advocate or qualified staff member shall meet with the victim in a private area and may continue for up to six (6) sessions. **(PREA 115.221(d))**
4. Reports of abuse shall be forwarded to authorities in accordance with Iowa mandatory reporting laws. **(PREA 115.253(b); PREA 115.261(d))**

**Attachments: [1] Prison Rape Elimination Incident Report**  
**[2] Staying Safe: A Guide for Offender Conduct (2 pages)**

## **PRISON RAPE ELIMINATION INCIDENT REPORT**

**Date:**

**District:**

Date/Time Incident Occurred:

Date/Time Incident Reported:

How reported and, who reported to whom:

Where allegation occurred:

Alleged Victim Name: (Include Offender #.)

Alleged Violator, Perpetrator, or Suspect Name: (Include Offender # or staff rank.)

Summary of Allegations: (Include any actions taken thus far with either Offender or Victim.)

**A separate report for each incident directly involved must be e-mailed to Central Office through the global address list, "DOC Inspector General" Distribution.**

## **Staying Safe A Guide for Offender Conduct**

An important part of the Fifth Judicial District's mission is to protect you – and that includes keeping you safe from others. The rules are designed to do just that and are not meant to punish you or deprive you of your rights. Rather, the rules are for ***your protection*** and the protection of others.

### **SOME WAYS TO KEEP YOURSELF SAFE:**

- Choose your friends wisely. Look for people who are involved in positive groups and activities.
- Avoid being alone or isolated where staff members can't see you. Position yourself in plain view.
- Don't let others keep you from making and keeping friends who have a positive influence on you.
- Do not accept gifts, loans, or favors from others. Most come with strings attached.
- Do not allow another offender to be your "protector." They will want something in return.
- Do not borrow, loan, or trade property or canteen with others. Paybacks will be expected.
- Do not let someone pull you into sharing secrets.
- Carry yourself in a confident manner. If you feel frightened or anxious, try not to let those feelings show to other offenders. Talk to your counselor or case manager.
- Be direct, firm, and say "no" when asked to participate in something you do not want to do.
- Stay in well-lit areas.
- Do not go into "off limits" areas.
- Let your unit officer know if you do not feel safe.
- Trust your instincts. If you sense a situation is dangerous, it probably is.

### **UNWANTED SEXUAL MISCONDUCT IS:**

- One or more offenders engaging in, or attempting to engage in, unwanted sexual acts.
- Any attempt to coerce or pressure another to participate in a sexual act. These attempts may include threats, intimidation, inappropriate touching, or other actions or communication.

### **Unwanted sexual misconduct can be:**

- Physical: Unwanted sex acts, abusive sexual touching, repeated unwanted touching
- Verbal: Harassment, threats, bullying, intimidation, or repeated requests for sex
- Visual: Includes flashing or mooning, or someone writing you a sexually explicit note or drawing or showing you sexually explicit pictures or pornography.
- Voyeurism: Includes forcing you to watch a person undress or have sex or someone watching you undress or have sex, especially secretly.

It is never okay for a staff member to make sexual advances, comments, or to have sexual contact with an offender. Sexual conduct or sexual harassment of any kind by a staff member involving an offender is not allowed. If you believe a staff member has been sexually inappropriate, report it. All action will be taken to protect the offender and an investigation will be initiated. Even if the offender wants to be involved with the staff member in a romantic relationship or sharing sexual attraction, the staff member is not allowed to respond. It is also not okay for an offender to approach a staff member in a sexual manner. This type of behavior is prohibited and action will be taken to stop such behavior.

You also have the right to be free from retaliation for reporting unwanted sexual misconduct.

#### **OFFENDER RIGHTS IN THE EVENT OF UNWANTED SEXUAL MISCONDUCT BY OTHERS:**

***Report it to staff immediately. You may need to be seen at Medical so do not shower, wash, drink, change clothing, or use the bathroom.*** If the sexual incident was recent, you may be taken to a local hospital for medical care, including checking for sexually transmitted diseases. You have the right to refuse any medical examination. Medical information gathered during treatment is confidential. You also have the right to receive support services.

#### **OTHER WAYS TO REPORT SEXUAL MISCONDUCT OR ASSAULT:**

- Tell a staff member you trust. This could be a psychologist, case manager, unit officer or manager, investigator, nurse, or volunteer. As a part of their job, staff is required to report any allegation. But, every effort will be made to maintain your privacy.
- Send a kite or letter to the Warden/Superintendent.
- Write to Mary Roche, Victim and Restorative Justice Director:  
Iowa Department of Corrections  
510 East 12th Street  
Des Moines, IA 50319
- Write to the Ombudsman's Office:  
Office of Citizens' Aide/Ombudsman  
Ola Babcock Miller Building  
1112 East Grand  
Des Moines, Iowa 50319

#### **POSSIBLE OUTCOMES OF AN INVESTIGATION FOR THE OFFENDER:**

Any of the following actions may occur:

- Offenders may be relocated for their safety. However, offenders will never be punished for reporting sexual misconduct. Every effort will be made to assure offenders' protection.
- Offenders who have been found to have committed sexual misconduct / sexual assault will at a minimum receive a major report and may be criminally prosecuted.
- The investigation will follow all applicable policy and laws. One goal of the investigation is to hold the responsible person accountable for the harm they caused.
- If the investigation proves an offender made a false report; she/he is subject to corrective action being taken, including discipline.
- Counseling and support services for sexual assault victims is available and can be requested.

#### **RECOVERING FROM SEXUAL ASSAULT:**

Any form of coerced sexual activity is degrading and may cause distress. Offenders who have been sexually victimized are encouraged to seek assistance in recovering from this kind of trauma. Mental health staff in the institution is available to help offender victims recover from the emotional impact of sexual assault. Trauma groups may be available where offender victims can receive support in dealing with the emotional results of sexual assault. See your case manager or the institution's PREA investigator.

No one has a right to make unwanted sexual advances. Working together, we can prevent sexual misconduct and protect ***your safety***.

My signature below indicates that I have received a copy of the Fifth Judicial District's PREA Refresher Material for offenders regarding the prevention of sexual misconduct. I have been provided with an opportunity to discuss this issue and ask questions.

\_\_\_\_\_  
Offender Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Offender Printed Name

\_\_\_\_\_  
Offender Number

\_\_\_\_\_  
Staff Signature

\_\_\_\_\_  
Date