



**POLICY AND ADMINISTRATIVE PROCEDURES**  
**Manual of Policies and Procedures**

Title  
**SEXUAL ASSAULT PREVENTION, INVESTIGATION, VICTIM SUPPORT AND REPORTING**

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5(a)(8)	00-01-103 02-01-107	ACA: TBD
IC 11-8-2-9	00-02-301 02-04-101	ACI: 4-4281-1 thru 4-4281-8
IC 11-10-1-1 <i>et seq.</i>	00-04-201 03-01-101	JTS: 3-JTS-3D-06-1 thru 3-JTS-3D-10
IC 11-10-2-1 <i>et seq.</i>	01-02-101 03-02-101	CO: 2-CO-3C-01, 2-CO-4F-01
IC 11-10-3-1 <i>et seq.</i>	01-03-103 03-02-103	ALDF: 3-ADLF-3E-08, 3-ALDF-4B-02-1, 3-ALDF-4F-03
IC 11-11-6-1	01-04-101 03-02-104	
IC 16-21-8-1.5	01-04-104 03-03-101	
IC 35-42-4-1	01-04-106 04-03-103	
IC 35-42-4-2	01-05-101	
IC 35-42-4-8		
IC 35-44.1	HCS D 2.30 (Adult)	
	HCS D 2.30 (Juvenile)	
United States Department of Justice National Standards to Prevent, Detect, and Respond to Prison Rape Final Rule	Health Care Services Sexual Assault Manual	

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish guidance for staff and offenders regarding the prevention of sexual assaults and those actions to be taken in cases of alleged sexual conduct by staff or offenders, including the establishment of a coordinated, multi-disciplinary team to respond to incidents of sexual abuse to ensure victims receive the medical and support services needed and that investigators obtain evidence to substantiate allegations and hold perpetrators accountable.

II. POLICY STATEMENT:

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## **SEXUAL ASSAULT PREVENTION, INVESTIGATION, VICTIM SUPPORT AND REPORTING**

It is the policy of the Indiana Department of Correction to provide a safe and secure environment for all staff, volunteers, contractual staff, visitors, and official visitors and offenders and to maintain a program for the prevention of sexual conduct in any facility operated by the Department or with which the Department contracts. The Department of Correction is committed to zero (0) tolerance for sexual conduct between staff, volunteers, contractors, contractual staff, visitors, official visitors or offenders whether committed by staff, volunteers, contractual staff, visitors, or other offenders. Sexual conduct between staff, volunteers, contractual staff, visitors, official visitors and offenders, regardless whether consensual or not, is strictly prohibited. In cases where sexual conduct has been alleged, a thorough investigation shall be conducted. In those cases where it appears that any sexual conduct has taken place, prompt intervention shall be provided and all appropriate disciplinary actions shall be taken, including the possibility of criminal prosecution.

In accordance with Policy 04-03-103, "Indiana Department of Correction Information and Standards of Conduct," all staff, contractual staff and volunteers have an affirmative duty to report all allegations or knowledge of sexual abuse, harassment, sexual contact, or any sexual conduct that takes place within the jurisdiction of the Department of Correction. Upon substantiation of any allegations of sexual conduct, appropriate disciplinary action will be taken against staff, contractual staff, volunteers, visitors or offenders, including possible criminal prosecution.

### **III. DEFINITIONS:**

For the purpose of this policy and its administrative procedures, the following definitions are provided:

- A. **ABUSIVE SEXUAL CONTACT:** Non-penetrative contact of a sexual nature against another person without his or her consent, or of a person who is unable to consent or refuse which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person. (Does not include kicking, punching or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.)
- B. **BODILY INJURY:** Any impairment of physical condition, including physical pain in accordance with IC 35-41-1-4.

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- C. **CRITICAL INCIDENT:** Any event that seriously disrupts the routine operation of a facility such as those situations involving, battery on staff or offenders, abusive sexual contact, staff sexual harassment, etc. Also, those situations which are defined as serious, significant or highly sensitive are considered critical incidents.
- D. **EXECUTIVE DIRECTOR of PREA:** The staff person appointed by the Commissioner to oversee facility sexual assault prevention programs, sexual assault reporting and Department compliance with national standards.
- E. **FACILITY PREA COORDINATOR:** The staff person designated by the Superintendent to oversee the sexual assault prevention program at the facility, sexual assault reporting and facility compliance with national standards and Department Policy
- F. **GENDER IDENTITY:** A person's internal, deeply felt sense of being male or female regardless of the person's sex at birth.
- G. **INTERN:** An individual who is enrolled in a higher educational institution and who may receive academic credit for assisting in a facility's program.
- H. **INTERSEX:** A condition usually present at birth that involves reproductive, genetic, or sexual autonomy that does not seem to fit the typical definitions of female or male.
- I. **NONCONSENSUAL SEXUAL ACT:** Contact of a sexual nature by an offender against another person without his or her consent, or a person unable to consent or refuse including: contact between the penis and the vagina or the penis and the anus including penetration, however slight; 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. (Does not include kicking, punching or grabbing the genitals when the intent is to harm or debilitate rather than to sexually exploit.)
- J. **OFFICIAL VISITOR:** Any visitor who is visiting an offender in regards to providing an official service for the benefit of the offender or the community, such as attorneys, law enforcement, parole/probation officers, representatives of government agencies, elected officials, etc.

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- K. **PREA AGGRESSOR LIKELY:** An offender identified by staff as having a history of sexually assaultive behavior or is determined to be likely to use aggression, coercion, force or familiarity with the prison environment in order to manipulate/control a potential victim.
- L. **PREA VICTIM LIKELY:** An offender identified by staff who may need special services due to being a victim of sexual assault or misconduct or who is potentially susceptible to becoming a victim of sexual assault or misconduct while in a correctional setting.
- M. **RESTRICTIVE STATUS HOUSING:** A form of housing for offenders whose continued presence in the general population would pose a serious threat to life, property, self, staff, other offenders, or to the security or orderly operation of a correctional facility. This definition does not include protective custody
- N. **SERIOUS BODILY INJURY:** Any bodily injury that creates a substantial risk of death or that causes: (1) serious permanent disfigurement; (2) unconsciousness; (3) extreme pain; (4) permanent or protracted loss or impairment of the function of the bodily member or organ; or, (5) loss of a fetus.
- O. **SERIOUS, SIGNIFICANT OR HIGHLY SENSITIVE EVENT:** Any event that includes the following:
1. Escapes;
  2. Death or serious injury of on-duty staff;
  3. Death or serious injury of an offender, except in cases where the offender dies of natural causes and the death was anticipated;
  4. Sexual act against another offender;
  5. Abusive sexual contact against another offender;
  6. Sexual act against staff;
  7. Sexual act against a volunteer;
  8. Abusive sexual contact against staff;
  9. Abusive sexual contact against a volunteer;
  10. Sexual act against a visitor;
  11. Abusive sexual contact against a visitor;
  12. Staff/volunteer sexual harassment;
  13. Staff/volunteer sexual misconduct;
  14. Visitor sexual harassment;
  15. Visitor sexual misconduct;

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16. Death or serious injury of a visitor at a facility;
  17. Any serious fire or disturbance at a facility;
  18. Any natural disaster or other serious unexpected event, such as the loss of utilities, that may have a serious negative impact upon the operation of the facility;
  19. Any unexpected facility event that may cause widespread interest or non-routine news coverage and where immediate response or comment may be solicited from Central Office; or,
  20. Any serious crime, such as a homicide, serious battery or sex crime, committed by an offender on Parole that may cause widespread interest or non-routine news coverage and where a response or comment may be solicited from Central Office.
- P. **SEXUAL ASSAULT NURSE EXAMINERS (SANE):** Specially trained medical personnel from the community qualified and certified to perform forensic examinations of sexual assault victims to ensure proper victim care and proper collection of any evidence of the assault.
- Q. **SEXUAL ASSAULT RESPONSE TEAM (SART):** A multi-disciplinary team developed to provide services to victims of sexual assault in conjunction with victim advocates, forensic examiners and prosecutors to aid in successful prosecution of perpetrators.
- R. **SEXUAL CONDUCT:** Engaging in the following:
1. Sexual intercourse, as defined in these administrative procedures, with the consent of the other person (e.g., visitor, offender, staff, volunteer).
  2. Sexual contact, as defined in these administrative procedures with the consent of the other person (e.g., visitor, offender, staff, volunteer).
  3. Making an explicit request for, hiring or coercing another person to have sexual contact.
  4. Exposing his/her own intimate parts to another person for the purpose of sexual arousal or gratification.
  5. Having contact with or performing acts with an animal that would be sexual intercourse or sexual contact if with another person.
  6. Clutching, fondling or touching the offender's own intimate parts for the sexual arousal of the offender or others, whether clothed or unclothed, while observable by others.

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- S. **SEXUAL CONTACT:** Contact between persons that includes any of the following:
1. Touching of the intimate parts of one person to any part of another person whether clothed or unclothed; or,
  2. Any touching by any part of one person or with any object or device of the intimate parts of another person or any parts of the body that may result in sexual arousal or gratification for either party.
- T. **SEXUAL INTERCOURSE:** Any penetration, however slight, by the penis into the mouth, vagina or anus of another person or any penetration in these areas by any part of the body or an object.
- U. **STAFF MEMBER/EMPLOYEE:** Any and all persons employed by the Department, including contractors and volunteers.
- V. **STAFF/VOLUNTEER/VISITOR/OFFENDER SEXUAL HARRASSMENT :** Verbal statements or comments of a sexual nature to an offender by an employee, volunteer, contractor, official visitor, visitor or Department representative or statements or comments of a sexual nature by an offender to another offender, employee, volunteer, contractor, official visitor, visitor or Department representative including:
1. Demeaning references to gender or derogatory comments about body or clothing; or,
  2. Profane or obscene language or gestures.
- W. **STAFF/VOLUNTEER/VISITOR SEXUAL MISCONDUCT:** Any act or behavior of a sexual nature directed toward an offender by an employee, volunteer, contractor, official visitor, visitor or Department representative, such as romantic relationships between staff and offenders and consensual or non-consensual sexual acts 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; or,
  3. Occurrences of indecent exposure, invasion of privacy or staff voyeurism for sexual gratification;
  4. Kissing and/or handholding.

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- X. **SUBSTANTIATED:** An allegation that was investigated and determined to have occurred based on a preponderance of the evidence.
  - Y. **TRANSGENDER:** A term describing persons whose gender identity and/or expression do not conform to the gender roles assigned to them at birth.
  - Z. **UNFOUNDED:** An allegation that was investigated and determined not to have occurred.
  - AA. **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.
  - BB. **VISITOR:** An individual visiting a Department facility, who is not staff, a volunteer, or an official visitor.
  - CC. **VOLUNTEER:** An individual giving his/her time to Department facilities without compensation.
  - DD. **YOUTHFUL OFFENDER:** Any offender under the age of eighteen (18) years who has been sentenced as an adult for a crime and committed to the Department.
- IV. **ZERO (0) TOLERANCE FOR SEXUAL CONDUCT:**

The Department of Correction shall maintain a stance of zero (0) tolerance for all forms of sexual conduct between offenders and staff, volunteers, contractual staff, visitors, or other offenders. Sexual conduct includes: abusive sexual contact against another offender, staff, visitor or volunteer; nonconsensual sexual act against another offender, staff, visitor or volunteer; staff/volunteer/visitor sexual harassment; and, staff/volunteer/visitor sexual misconduct. This zero (0) tolerance on sexual conduct applies to all Department facilities and all facilities and programs providing services to offenders committed to the Department.

The Department shall ensure that all agencies and organizations that house offenders committed to the Department, including county jails, group homes, private contractors, etc. are made aware of the Department's position. During inspections of county jails, county juvenile detention facilities, group homes, community corrections facilities or any facility holding Department offenders, students or residents, the Executive Liaison for Sheriff and County Jail Operations

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or Director of Program Review/ACA Accreditation or designee shall ensure that the facility being inspected has a mechanism in place to address allegations of sexual conduct. Also, when contracts are prepared with agencies and organizations to house offenders for the Department, a provision shall be included to ensure that the agency/organization maintains zero (0) tolerance for sexual conduct and has a mechanism in place to address allegations of sexual conduct.

The Department shall share information with these agencies and organizations regarding the Department’s program to prevent sexual conduct. Upon request, the Department shall provide an initial supply of the Department’s brochure regarding sexual conduct. Additionally, upon request, the Department shall provide assistance to these agencies and organizations in the development and implementation of a program to prevent sexual conduct.

V. STAFF ORIENTATION AND TRAINING:

As a part of the new employee orientation training and annual in-service training, all staff shall be notified of the Department’s zero-tolerance policy for sexual conduct and sexual harassment, an offender’s right to be free from sexual conduct and sexual harassment, and trained in detecting and preventing sexual conduct in the correctional setting. This training shall include an explanation of inappropriate contact with offenders as described in Policy 04-03-103, “Information and Standards of Conduct for Departmental Staff,” and the prohibitions against sexual contact with offenders as stated in the Indiana Code (IC 35-44.1). Additionally, this training shall include how to recognize signs of sexual conduct or misconduct, ways that offenders may report incidents of sexual conduct, offender’s and staff’s right to be free from retaliation for reporting sexual conduct, instructions for staff on reporting incidents of sexual conduct, the dynamics of sexual abuse and sexual harassment victims, common reactions of sexual abuse, crisis intervention, treatment and crime scene and evidence preservation techniques, how to avoid inappropriate relationships with offenders. As a part of this training, staff shall be provided with a brochure created in conjunction with the Division of Staff Development and Training which assists staff in identifying incidents of sexual conduct, including abusive sexual contact against another offender, nonconsensual sexual act against another offender, abusive sexual contact against staff, nonconsensual sexual act against staff, abusive sexual contact against a volunteer, nonconsensual sexual act against a volunteer, abusive sexual contact against a visitor, nonconsensual sexual act against a visitor, staff/volunteer sexual harassment, staff/volunteer sexual misconduct, visitor sexual harassment, visitor sexual misconduct and the actions

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to take when such behavior is identified. All training shall be tailored to the gender of the offender population at a given facility.

Staff shall be advised that any form of sexual conduct between staff and offenders, whether consensual or not, is prohibited and that staff who are found to have engaged in any form of sexual conduct with offenders shall be subject to the appropriate disciplinary action, including termination from employment and criminal prosecution.

Staff shall be informed that any form of harassment or discrimination against an offender, the offender’s family or friends, members of the public or other staff shall be prohibited and that any such reports made against a staff person shall be investigated and if substantiated shall result in the appropriate disciplinary action, including termination of employment and possible criminal prosecution.

In addition to the new employee orientation training, a module on identifying, responding to and preventing sexual conduct shall be included in the annual training for staff. This module shall include a refresher of the information in the new employee orientation training and any additional information that is deemed to be required.

The Department shall oversee the development of posters that will be placed in prominent locations within the facilities displaying various methods of reporting sexual behaviors and incidents. These posters shall be placed in locations in the facilities where they can be seen by staff, visitors, and offenders and be written in both English and Spanish.

**VI. VOLUNTEERS, INTERNS AND CONTRACTUAL STAFF**

All volunteers, interns and contractual staff who have contact with offenders shall be provided the same information as staff in regard to sexual behavior. Volunteers, interns, and contractual staff shall be advised that any form of sexual conduct with an offender, whether consensual or not, is strictly prohibited and that any volunteer, intern or, contractual staff found to have engaged in such conduct shall be removed from the facility and not allowed to return and may be subject to criminal prosecution. Training in the detection and response to sexual behavior shall be made a part of the volunteer, intern and contractor orientation training. Each volunteer, intern or contractor having regular contact with offenders shall be provided with a copy of the brochure provided to staff regarding sexual behavior and receive the same information and training materials that are provided to staff.

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VII. OFFENDER EDUCATION PROGRAM:

All offenders housed in the Department shall receive as a part of the orientation to a facility an educational segment regarding sexual conduct. The offender shall be provided with oral and written information regarding: The Department’s zero tolerance of any sexual conduct, prevention and intervention, self-protection, reporting sexual conduct including abuse and/or assault and treatment and counseling available to offenders who are victims of sexual assault. The presentation of this information shall be in a manner that is easily understandable to the offenders. Offenders with English language proficiency issues or disabilities (i.e. hearing or visual impairment, psychiatric or learning disabilities) will be provided assistance to ensure effective communication of the department’s PREA policy and procedures for reporting assaultive sexual behavior. This may involve staff reading the policy and procedures to the offender or utilizing an interpreter. Offenders shall not be used as interpreters or readers unless there would be an extended delay in obtaining an effective interpreter that could compromise the offender’s safety, the performance of first responders, or the investigation of the inmate’s allegations.

As a part of this educational program, the offenders shall be advised that any offender who engages in any type of sexual conduct shall be charged in accordance with the appropriate disciplinary code or code of conduct and, if found guilty, shall receive the fullest sanctions. Additionally, the offenders shall be advised that all such cases shall be referred to the Indiana State Police for criminal prosecution and to Child Protective Services as appropriate.

As a part of the offender’s orientation, the offender shall be given a brochure created by the Department advising the offender of the potential dangers of sexual conduct and the Department’s zero (0) tolerance for such behavior. Additionally, staff at the facility shall supplement the information in the brochure by providing information specific to the operation of the facility. This information shall also be included in the facility’s offender handbook. Staff shall address any questions the offenders might ask regarding sexual conduct.

Additionally, it shall be noted in each offender’s record that the offender received the brochure and was made aware of all appropriate information regarding the Department’s zero tolerance for all sexual conduct, including how to report it and how to obtain treatment if he/she becomes a victim. The offender shall sign a receipt indicating that this information was provided and the receipt shall be filed in the offender’s facility packet. (This receipt shall be filed in Section 3 of the

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adult facility packets and Section 4 of the juvenile facility packets.) This offender education program shall be completed within thirty (30) days of intake.

**VIII. FACILITY PREA COORDINATOR:**

The Superintendent shall designate a staff person to serve as the Facility PREA Coordinator. The staff person designated to serve in this capacity should be a staff person in a supervisory position who has been trained in sexual assault crisis issues and has the knowledge, skills and abilities to implement and evaluate the facility’s Sexual Assault Prevention Program.

The duties of the Facility PREA Coordinator shall include:

- A. Ensuring that training in the sexual assault prevention program is provided to all new staff during the new employee orientation training and annually thereafter.
- B. Ensuring that the facility has a program for the evaluation, treatment and counseling of offender victims and sexual aggressors.
- C. Assisting in the identification and utilization of community resources available for the provision or development of counseling and treatment services for offenders.
- D. Completing Sexual Incident Reports for sexual incidents occurring in the facility (including unsubstantiated or unfounded allegations and substantiated incidents). This information can be found through the use of the facility incident reports and any other source deemed appropriate. The SEXUAL INCIDENT REPORT is to be initiated within 30 days of the initial report of sexual conduct being made and can be accessed via the Department intranet at: <http://myshare.in.gov/Pages/IDOC.aspx>
- E. Updating offender’s PREA Aggressor Likely flags and PREA Victim Likely flags in OIS based upon the review and recommendation of the facility PREA Committee.
- F. Serving as Chairperson of the Facility PREA Committee.

**IX. FACILITY PREA COMMITTEE:**

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The Superintendent of each facility shall establish a facility PREA Committee. This committee shall be comprised of upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. The Facility PREA Coordinator shall serve as the Chairperson.

The purpose of the facility PREA Committee is to establish a facility specific program, in conjunction with the Department's program, to facilitate the prevention of sexual assaults in the facility and Department. The committee shall also ensure that the facility's procedures for addressing allegations of sexual assault by staff or offenders are in accordance with this and all other applicable administrative procedures. In conjunction with the Health Care staff at the facility, the committee shall ensure that adequate medical and mental health care is available to those persons who are victims of sexual assault. Should a victim refuse or decline medical treatment the victim shall sign SF 9262 REFUSAL AND RELEASE OF RESPONSIBILITY FOR MEDICAL, SURGICAL, PSYCHIATRIC AND OTHER TREATMENT which will be documented in the offender case file.

The facility PREA Committee shall meet on a monthly basis. The Chairperson or designee shall be responsible for scheduling the meetings and notifying the committee members of all meetings. Additionally, the Chairperson shall ensure that minutes of each meeting are taken and that these minutes are distributed to the Superintendent, and the Executive Director of PREA.

A focus of the monthly meeting shall be the review of PREA Aggressor Likely flags and PREA Victim Likely flags in OIS. The Committee shall review and discuss any suggested changes in Aggressor/Victim flag status that have been prompted by an incident or an offender's annual classification review.

The facility PREA Committee shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Such review shall ordinarily occur within 30 days of the conclusion of the investigation. The review by the facility PREA Committee shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex

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identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;

3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and,
6. Prepare a report of its findings and any recommendations for improvement and submit the report to the Superintendent and Executive Director of PREA.

The facility shall employ multiple protection measures, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offenders or staff that fear retaliation for reporting sexual conduct or sexual harassment or for cooperating with investigations.

For at least 90 days or three consecutive facility PREA Committee Meetings following an allegation of sexual assault, the facility PREA Committee shall monitor and document the conduct and treatment of offenders or staff who have reported sexual abuse to see if there are any changes that may suggest possible retaliation by offenders and staff, and shall act promptly to remedy any such retaliation. Items the facility PREA Committee should monitor include any offender Reports of Conduct, housing or program changes, or negative performance reviews or reassignments of staff. Such monitoring may exceed 90 days based on the information gathered during the initial monitoring period. In the case of offenders, the monitoring shall also include periodic status checks. Individuals cooperating with an investigation who express fear of retaliation shall be monitored as well. A facility's obligation to monitor shall terminate if the facility determines that the allegation is unfounded.

### **X. SEXUAL ASSAULT RESPONSE TEAM (SART):**

#### **A. ESTABLISHMENT OF A FACILITY SART:**

The Superintendent at each facility shall establish a Sexual Assault Response Team (SART). A SART provides a coordinated, efficient and

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supportive response to victims of sexual assaults. The members of the SART will provide a full range of comprehensive services to sexual assault victims who have made the decision to report a sexual assault. Persons assigned to the facility’s SART shall receive specialized training in providing comprehensive services to victims of sexual assaults.

The Superintendent is to ensure that there is an alternate for every member of the SART who is also qualified to fulfill the team member’s role when he or she is unavailable. SART members are to be scheduled so that members are available at all times.

Arrangements shall be made to ensure that SART members who must interact with the sexual assault victim are able to communicate directly, through interpretive technology, or through non-offender interpreters, with offenders who have limited English proficiency (LEP), are deaf or speech impaired. Accommodations shall convey all written information verbally to offenders with limited reading skills or who are sight impaired.

**B. GOALS AND OBJECTIVES OF THE FACILITY SART:**

The goals and objectives of the facility SART are:

- Meet the needs of the victim with crisis intervention and support services.
- Provide a comprehensive forensic examination for sexual conduct victims.
- Provide a joint, effective, sensitive approach to victims of sexual assault.
- Document and preserve forensic evidence for potential prosecution.
- Conduct investigations of the crime from notification through prosecution.

**C. MEMBERS OF SART AND THEIR RESPONSIBILITIES:**

The members of the SART and their respective duties include, but are not limited to:

1. Staff Designated as First Responders

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First Responders are to ensure that the victim is removed from the area and receives prompt medical intervention. They must ensure that the location of assault and any evidence collected is preserved and that the evidence chain of custody is handled properly if the scene cannot remain secured due to facility safety concerns. They must inform the victim not to take any actions that could destroy physical evidence before an investigator or other member of the SART arrives. They will also arrange for the removal of any suspected perpetrator. Each custody shift is to have two (2) on-duty staff persons identified and trained as responders. If the first responder is a non-custody staff, the responder shall request the offender not take any actions that could destroy physical evidence and notify custody staff as soon as possible. Medical first responders shall provide care and treatment described in the Sexual Assault Manual.

2. Internal Affairs Investigators

Internal Affairs Investigators are to investigate and report the facts of the case. The Investigators shall consider the immediate safety of the victim. They shall arrange and conduct victim, suspect and witness interviews and perform all other duties normally associated with their respective duties. They shall also notify the State Police liaison of the assault, where applicable. The Investigators may not be on grounds when the initial report is made and should be utilized on an on-call basis. All investigators shall be trained as SART members prior to completing investigations of sexual abuse/assaults. This training shall be documented in the employee's training records.

3. Sexual Assault Nurse Examiners (SANE)

The Sexual Assault Nurse Examiner (SANE) is to provide the medical health care component of the SART. Non-Facility SANE personnel will take a medical history, perform the physical assessment of the victim, collect, document and initiate the preservation of physical evidence found on the victim and their personal effects. They will provide information on health care matters; document the examination and, if called upon, present expert testimony in court. Identification of SANE professionals in the local community shall be arranged by the Facility PREA

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Coordinator and the medical contractor. Only SANE qualified professionals shall be utilized to conduct the forensic sexual assault examination.

4. Victim Advocates

The designated Victim Advocate(s) shall provide support to the victim, answer any questions the victim may have, inform the victim of the process. The Advocate does not participate in the gathering of evidence, fact-finding, or the investigation of the assault. Advocates do not provide an opinion on the merits of the case or participate in conducting the interview. The focus of the Advocate is to ensure that the victim is supported throughout the process. These personnel may be employed as an advocate or a volunteer (CISM-trained employee) utilized on an on-call basis. Victims shall be allowed access to the Indiana Coalition Against Sexual Assault (INCASA), which provides confidential support services from outside the Department.

5. Local Prosecutors

The local Prosecutor is to facilitate successful prosecution of offenders through the effective utilization and coordination of the efforts of other SART members. Each Indiana county is to have a SART program or to be a member of an existing program with a neighboring county.

If necessary, the facility may enter into a written agreement (Memorandum of Understanding) with the local Prosecuting Attorney’s Office indicating the duties and responsibilities of both parties in the prosecution of cases of substantiated incidents of sexual conduct within the facility or involving offenders housed at the facility.

D. TRAINING:

All SART members shall be provided with specialized training for the treatment and investigation of sexual assault victims. The process for the initial training and recertification of Department staff shall be established by the Division of Staff Development and Training. Staff persons are not required to complete the course on an annual basis. Once the staff person

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has successfully completed the training and received certification, the certification shall remain in effect until such time as the staff person leaves the team. Additional training may be conducted as necessary based upon changes in the law or procedures for SART members.

**XI. OFFENDER INTAKE INTO THE DEPARTMENT:**

Within 24 hours of an offender’s admission to a Department intake unit, staff shall assess an offender through interviews and reviews of the offender’s record to attempt to determine whether the offender may be a potential sexual aggressor or a potential sexual assault victim. This assessment shall use the appropriate Sexual Violence Assessment Tool in ATTACHMENTS I, II, III, and IV in accordance with its completion instructions. The results of this assessment are to be considered confidential and filed in the offender’s facility packet accordingly. Staff shall not discuss an offender’s PREA flag status with an offender at any time. If the assessment indicates that an offender has experienced prior sexual victimization or previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

Based upon this assessment, the offender shall be placed in the appropriate housing; however no facility shall place lesbian, gay, bisexual, transgender or intersex offenders in dedicated units solely on the basis of such identification or status. If staff determines that an offender is a potential aggressor or potential victim, the offender’s record shall be appropriately flagged in OIS/JDS.

When the offender is classified at the intake unit, staff shall take into consideration any flags indicating the offender is a potential aggressor or victim of sexual misconduct. An offender’s refusal to provide information to assist with establishing the aggressor/victim likelihood on the SVAT shall not result in disciplinary actions against the offender. An offender determined to be either a potential sexual aggressor or an offender at risk for sexual victimization shall be identified, monitored, and counseled. The determination that an offender is a potential aggressor or a potential victim shall be changed only by the Facility PREA Coordinator, at the recommendation of the facility PREA Committee or the Superintendent.

Offenders identified as Intersex or Transgender shall receive an initial placement and programming assessment with subsequent reassessments conducted every six (6) months. In deciding whether to assign a transgender or intersex offender to a

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facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and whether the placement would present management or security problems. Serious consideration shall be given to such an offender’s own views with respect to his or her own safety. Transgender and intersex offenders shall be given the opportunity to shower separately from other offenders.

Within 30 days of the offender’s transfer to another facility, staff shall reassess the offender’s risk of victimization or abusiveness based upon any additional information received by the facility since the intake assessment. An offender’s risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate’s risk of sexual victimization or abusiveness.

**XII. HOUSING FACILITY ASSESSMENT:**

Within 72 hours of an offender’s transfer to another facility, staff at the receiving facility shall assess an offender through interviews and reviews of the offender’s record to attempt to determine whether the offender may be a potential aggressor or a potential victim. If the offender’s record indicates that the offender has not been assessed in the past 12 months (or at intake, if a previous parole/probation/etc. return), staff shall ensure that an assessment is conducted during the offender’s admission and orientation processing at the facility. This assessment shall include a review of the offender’s record, an application of the appropriate Sexual Violence Assessment Tool (see ATTACHMENTS I, II, III, and IV) and, if deemed necessary, an interview with the offender to determine whether the offender is a “likely PREA aggressor” or a “likely PREA victim.” The staff conducting this assessment shall notify the Coordinator of any offenders arriving at the facility who receive a score on the Sexual Violence Assessment Tool that indicates a status of a “likely PREA aggressor” or “likely PREA victim.” All “likely PREA aggressor” and “likely PREA victim” flags shall be reviewed at each offender’s annual review. Offenders may not request a review prior to this time period and no flags shall be altered prior to the annual review unless a qualifying incident occurs that would likely change the offender’s status or the Facility PREA Committee recommends a change in an offender’s flag status.

Offenders at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. Any such determination shall clearly

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document the basis for the facility’s concern for the offender’s safety; and the reason why no alternative means of separation can be made. Such assignment shall not ordinarily exceed a period of 30 days (for juvenile offenders this assignment shall be reviewed every 24 hours). Any assignment exceeding 30 days shall be clearly documented providing justification for such placement. Any offender placed in segregated housing for this purpose, shall have access to programs, privileges, education and work assignments to the extent possible. Should any such programs be restricted, the facility shall document the opportunities that have been limited, the duration and the limitation and the reasons for such limitations.

The Facility PREA Coordinator and Committee shall review the record and history of those offenders receiving a Sexual Violence Assessment Tool (SVAT) score of 7 or above on the Potential Aggressor Continuum, a SVAT score of 7 or above on the Potential Victim Continuum, or any offender whose SVAT score is questioned by staff. The committee shall then reach a consensus on the PREA flag status of those offenders in question. Offenders identified as a “likely PREA aggressor” may be considered for housing in Administrative Restrictive Status Housing. Offenders who are identified as a ‘likely PREA aggressor’ shall not be housed in the same cell as or in a bed adjacent to offenders who are identified as a ‘likely PREA victim.’ Offenders who have been identified as a “likely PREA victim” shall not be housed in the same cell as or in a bed adjacent to an offender identified as a “likely PREA aggressor” and may be housed in Protective Custody or other assignment that reduces the likelihood of sexual victimization. All assignments shall be in accordance with the Policy 01-04-101, “Adult Offender Classification,” or Policy 03-02-104, “Juvenile Classification and Comprehensive Case Management.” Facilities shall ensure that all Department procedures regarding the evaluation and assessment of cell/dormitory assignments are followed, such as the evaluation for placing offenders in two (2) or more person cells/living areas.

A youthful offender shall not be placed in a housing unit in which the youthful offender will have sight, sound, or physical contact with any adult offender through the use of a shared dayroom or other common space, shower area, or sleeping quarters. In areas outside the housing unit, facilities shall maintain sight and sound separation between youthful offenders or provide direct supervision when youthful offenders have sight, sound, or physical contact.

**XIII. FACILITY PREVENTION ACTIVITY:**

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Intermediate-level or higher-level supervisors shall conduct and document unannounced rounds to identify and deter staff sexual conduct and sexual harassment on all shifts. Staff shall be prohibited from alerting other staff members that these supervisory rounds are occurring.

The Facility PREA Coordinator and other staff designated by the Superintendent shall tour the facility at least quarterly to locate and identify areas that may require additional electronic or staff monitoring in order to prevent sexual conduct. The Facility PREA Coordinator shall make a list of these locations and present the list to the Superintendent along with facility PREA Committee recommendations as to how to address these locations. The Superintendent and other designated staff shall review the report submitted by the facility PREA Coordinator and take any appropriate actions to reduce the possibility of sexual conduct in these locations.

Each facility shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect offenders against sexual conduct.

In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:

1. Generally accepted detention and correctional practices;
2. Any judicial findings of inadequacy;
3. Any findings of inadequacy from Federal investigative agencies;
4. Any findings of inadequacy from internal or external oversight bodies;
5. All components of the facility's physical plant (including "blind-spots" or areas where staff or offenders may be isolated);
6. The composition of the offender population;
7. The number and placement of supervisory staff;
8. Institution programs occurring on a particular shift;
9. Any applicable State or local laws, regulations, or standards;

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10. The prevalence of substantiated and unsubstantiated incidents of sexual conduct; and,
11. Any other relevant factors.

The staffing plan shall be completed and submitted to the Department PREA Coordinator annually, no later than January 31 of each year. In circumstances where the staffing plan is not in compliance, the facility shall document and justify all deviations from the plan.

Whenever necessary, but no less frequently than once each year, each facility shall assess, determine, and document whether adjustments are needed to:

1. The facility staffing plan
2. The facility's deployment of video monitoring systems and other monitoring technologies; and,
3. The resources the facility has available to commit to ensure adherence to the staffing plan.

The Facility PREA Coordinator and the facility PREA Committee shall review any reports of sexual conduct received at the facility. These reports shall be reviewed in an attempt to determine whether the facility can/should take action to prevent future sexual conduct. The Facility PREA Coordinator shall advise the Superintendent of any findings from the review of these reports. The Superintendent shall take appropriate actions necessary to prevent future sexual conduct from happening in the same location or manner.

When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department shall consider the effect of the design, acquisition, expansion, or modification upon the Department's ability to protect offenders from sexual conduct.

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department shall consider how such technology may enhance its ability to protect offenders from sexual conduct.

#### **XIV. LIMITS TO CROSS-GENDER VIEWING AND SEARCHES:**

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No facility shall conduct cross-gender strip searches or cross-gender visual body cavity searches except in emergency circumstances or when performed by medical personnel. All cross-gender strip searches conducted during emergency circumstances shall be thoroughly documented and provide justification for the search.

All offenders shall be afforded the ability to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in emergency circumstances or when such viewing is incidental to routine security rounds and cell checks.

All staff of the opposite gender (female staff in a male facility or male staff in a female facility) shall announce their presence when entering an offender housing unit. Custody staff may announce their presence to the offender population in the housing unit in which they are assigned, at the beginning of their duty shift. This announcement must be clear and done so in a manner that ensures all offenders in the unit were given reasonable notice of opposite gender staff being present.

Opposite gender video surveillance monitoring of offenders/students who are confined to restrictive status housing or Protective Custody, or are in an area where offenders/students can be observed in a state of undress, other than incidental viewing or viewing for purposes of an investigation shall be prohibited.

Offenders /students who are placed on constant observation status by Mental Health staff shall be provided constant visual supervision by a person of the same gender.

Facilities shall not search or physically examine a transgender or intersex offender for the sole purpose of determining an offender’s genital status. If the offender’s genital status is unknown, it may be determined during conversations with the offender, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical personnel.

**XV. REPORTING OF SEXUAL CONDUCT:**

Offenders who have been the victims of sexual conduct, sexual contact or the threat of sexual conduct shall be encouraged to report these situations. Staff shall ensure that offenders are aware of the manner in which reports of actual or threatened sexual conduct can be made. Offenders shall be permitted to make these reports to any staff person or to an outside rape crisis organization that has

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been arranged through a Community Partnership Agreement. Offenders have access to the outside organization through a toll free hotline or mailing address. If the offender is not comfortable with making the report to the immediate point of contact line staff, the offender shall be allowed to make the report to a staff person with whom he/she is comfortable in speaking about the allegations. All reports of sexual abuse shall be documented in an Incident Report prior to the end of the shift.

Any staff person, volunteer or contractor that has reason to believe that actual or threatened sexual conduct has occurred, whether or not it occurred in a Department facility, has a duty to immediately report this information to the Shift Supervisor on duty, Facility PREA Coordinator, facility executive staff or the Executive Director of PREA. Staff shall immediately report retaliation against an offender or staff for reporting an incident of sexual conduct and any staff neglect or violation of duty to report that may have contributed to an incident or retaliation. Staff reporting sexual conduct shall be afforded the opportunity to report such information to the Shift Supervisor privately if requested. The Shift Supervisor will in turn alert the Superintendent, Internal Affairs, Facility PREA Coordinator, member of the facility PREA Committee, or other designee. Third party reports by family, friends and other members of the public can be made electronically by submitting an email to [IDOCPREA@idoc.in.gov](mailto:IDOCPREA@idoc.in.gov) or telephoning (toll free) the IDOC Sexual Assault Hotline at (877) 385-5877. This contact information shall be posted in visiting rooms and on the IDOC website.

Upon receipt of a report of actual or threatened sexual conduct, staff shall ensure that the Superintendent is notified immediately. Additionally, staff shall ensure that steps are taken to ensure the safety of the victim which may include placing the offender in Protective Custody, Administrative Restrictive Status, or any other appropriate action. Apart from reporting to designated supervisors, staff shall not reveal any information related to a sexual conduct report to anyone other than to the Facility PREA Coordinator or staff involved with investigating the alleged incident.

Upon receipt of a report of an actual or threatened nonconsensual sexual act, staff shall ensure that the facility's Internal Affairs is contacted immediately so that an investigation may be started. An investigation shall be conducted on all reports of actual or threatened nonconsensual sexual acts. If there are questions or concerns regarding the conducting of an investigation, staff may contact the Office of Internal Affairs in Central Office or the Executive Director of PREA.

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When the Superintendent receives confirmation of an incident involving a nonconsensual sexual act, abusive sexual contact, staff/volunteer/visitor/offender sexual harassment or staff/volunteer/visitor sexual misconduct has taken place; the Superintendent shall complete a REPORT OF CRITICAL INCIDENT and submit this report in accordance with the appropriate Department procedures.

**Additionally, if the alleged sexual conduct involves a juvenile, the incident shall be reported to the Child Protective Services as required in the administrative procedures for Policy 03-02-103, “The Reporting, Investigation and Disposition of Child Abuse and Neglect.”**

When a facility receives an allegation that an offender was sexually abused at another facility, the facility receiving the allegation shall notify in writing the head of the facility where the alleged abuse occurred within 72 hours of receiving the allegation and document it has provided such information the Superintendent that receives such notification shall ensure that the allegation is investigated in accordance with these Administrative Procedures.

**XVI. INVESTIGATION OF SEXUAL CONDUCT:**

**All allegations of sexual conduct shall be investigated even when the alleged perpetrator or alleged victim have left the Department’s employment, or are no longer under Department authority.**

When a staff person receives a report from an offender of sexual conduct or threatened sexual conduct, the staff person shall report it to the Shift Supervisor. The staff person shall complete a REPORT OF INCIDENT providing as much detail as possible. The Shift Supervisor shall ensure that the alleged victim and perpetrator are physically separated. This separation may take place by placing one of the parties in Administrative Restrictive Status Housing or Protective Custody. The Shift Supervisor shall inform the designated staff member on duty in the following areas: Superintendent, Internal Affairs, Medical, and Mental Health.

If the alleged incident occurred within 96 hours of the report, staff shall ensure that appropriate actions are taken to preserve as much evidence as possible (e.g., if the sexual conduct involves intercourse, the alleged victim shall be instructed not to shower or otherwise clean him/herself, drink, use the toilet, brush his/her teeth, not remove clothing, etc.). If the alleged perpetrator is known, staff shall require him/her to follow the same actions as with the alleged victim in order to preserve any possible evidence of any sexual conduct. Additionally, a

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determination will be made as to whether the Indiana State Police is to be contacted. Mental Health staff or staff trained in victim support shall be contacted to meet with the alleged victim.

When the Superintendent or designee receives a report of actual or threatened sexual conduct, the Superintendent or designee shall order that an investigation be conducted. This investigation shall be conducted by either the facility’s Internal Affairs staff or staff from the Internal Affairs Section in Central Office. Staff conducting such an investigation should be trained in conducting sexual abuse investigations, preserving evidence, maintaining chain-of-custody, and staff and offender misconduct.

The facility’s Internal Affairs staff shall conduct the investigation of the incident. In the event that the investigator is to interview an offender, a second staff member must be present as a non-participant observer. The non-participant observer shall be a staff person of the same gender as the offender present to be interviewed. A staff person acting as a non-participant observer shall be reminded of the confidential nature of the investigation and shall be informed to not discuss the investigation with others. The names and titles of the individuals present at the offender interview shall be documented and maintained on file in the investigator’s office. If the Indiana State Police is contacted, the facility’s Internal Affairs staff shall work cooperatively with the Indiana State Police investigator. Staff shall ensure that any crime scene or evidence collected is maintained in accordance with the administrative procedures for Policy 00-01-103, “The Operation of the Internal Affairs Unit.”

If necessary, the facility shall develop a written agreement (Memorandum of Understanding) with the Indiana State Police to provide investigative assistance in the investigation of allegations of sexual conduct and for the secure storage of any evidence that may be used in the criminal prosecution of the alleged assailant.

The Superintendent is responsible for ensuring that First Responders and Investigators under his/her control follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for Department disciplinary and criminal proceedings.

Following an investigation into an offender’s allegation that he or she suffered sexual conduct by another offender in a Department facility, the facility shall inform the offender in writing as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If the facility did not conduct the investigation, it shall request the relevant information from the investigative

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agency or facility in order to inform the offender. The offender shall also be informed if the perpetrator has been indicted or convicted on a charge related to the sexual abuse incident.

Following an offender’s allegation that a staff member has committed sexual conduct, the facility shall subsequently inform the offender whenever:

- (1) The staff member is no longer posted within the offender’s unit;
- (2) The staff member is no longer employed at the facility;
- (3) The facility learns that the staff member has been indicted on a charge related to sexual conduct within the facility; or,
- (4) The facility learns that the staff member has been convicted on a charge related to sexual conduct within the facility. This shall not apply to allegations that have been determined to be unfounded.

All such notifications or attempted notifications shall be documented.

Following any substantiated investigation involving staff-on-offender sexual misconduct or staff-on-offender sexual harassment, staff shall review the involved offender’s current classification and determine if a transfer to another facility is warranted. If it is determined that a transfer is warranted, the sending facility shall notify the receiving facility of the reason for the transfer, in accordance with this policy and administrative procedure.

All staff terminations for violations of the Department’s sexual conduct or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement and to any relevant licensing bodies, unless the activity was clearly not criminal.

Any staff member, contractor or volunteer who engages in sexual conduct shall be prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of Department sexual conduct or sexual harassment policies by a staff member, contractor or volunteer.

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Reports of investigations of alleged sexual conduct shall be maintained in accordance with all appropriate records retention schedules.

**XVII. MEDICAL AND MENTAL HEALTH SERVICES:**

If an allegation is of actual sexual conduct, the victim shall be referred to the facility’s Health Care staff for examination in accordance with Health Care Services Directive (HCSD and JHCSD 2.30) and the Health Care Sexual Assault Manual. Victims of sexual conduct shall receive timely, unimpeded access to quality medical and mental health services free of charge following an incident of sexual conduct, whether or not they name an abuser.

If no qualified medical or mental health staff persons are on duty at the time a report of recent conduct is made, first responders shall take preliminary steps to protect the victim and shall immediately notify the shift supervisor. On-call medical or mental health staff shall be contacted and apprised of the report.

Victims of sexual conduct shall be provided counseling by Health Care staff in a sensitive, culturally competent, and easily understood manner regarding transmission, testing and treatment methods (including prophylactic treatment) and the risks associated with sexually transmitted infection (STI) treatment. Medical personnel should offer and encourage testing for HIV and viral hepatitis six (6) to eight (8) weeks following the sexual conduct. Female offenders that are victims of sexual abuse shall be offered a pregnancy test when appropriate.

Following an investigation substantiating an incident of offender-on-offender sexual conduct; mental health staff shall conduct a mental health evaluation of the known offender abuser within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate.

If medical personnel detect signs of potential sexual conduct during a routine medical or dental examination, they are required to discuss their concerns with the offender and report their suspicions of all incidents of offender sexual assaults that occur in the Department with Internal Affairs staff. Offenders can refuse to report incidents that occurred prior to their incarceration in the Department. Offender refusals to report should be signed by the victim and documented in the offender’s medical file.

Victims have the right to refuse medical and/or mental health care, after receiving counseling about the potential value of the services they would receive and information about confidentiality. Should the offender refuse or decline medical

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treatment the offender shall sign a SF 9262 REFUSAL AND RELEASE OF RESPONSIBILITY FOR MEDICAL, SURGICAL, PSYCHIATRIC AND OTHER TREATMENT form which will be documented in the offender’s Health Care record. In juvenile cases, all instances of Refusal of Treatment related to sexual assault shall be reported to the Superintendent.

Each facility shall establish a written agreement or contract with a qualified, independent forensic health care professional who is not employed by the facility to perform forensic medical examinations of sexual conduct victims. As a part of the written agreement, any health care personnel who examines an offender is to be trained and shall use appropriate safety precautions to take when treating an offender.

**XVIII. VICTIM SUPPORT:**

When an offender reports to staff that he/she has been a victim of sexual conduct, staff shall promptly offer the offender protection from the alleged perpetrator and advise that an investigation will be conducted. The alleged victim shall be referred to the facility Mental Health staff for evaluation and counseling, as needed. If determined appropriate, the alleged victim shall be offered counseling and support services, such as psychological services, chaplaincy services, counseling, group therapy, etc. Should the victim refuse or decline such services the victim shall sign a “Refusal of Treatment” form which will be documented in the offender case file. In juvenile cases, all instances of Refusal of Treatment related to sexual assault shall be reported to the Superintendent.

The Facility PREA Committee shall review the alleged victim’s PREA Victim Likely flag status and determine if a change in the flag’s status is necessary. The Facility PREA Coordinator will change the victim’s flag status if deemed appropriate.

Additionally, staff shall review the alleged victim’s housing and work assignments to determine whether he/she should be offered another assignment within the facility or should be considered for transfer to another facility. If the offender is transferred from one facility to another, the Facility PREA Coordinator of the sending facility shall notify the Facility PREA Coordinator of the receiving facility as soon as possible and explain the circumstances of the alleged sexual conduct.

The Facility PREA Coordinator and other appropriate staff shall work with community resources to ensure that adequate victim advocacy support services

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are available to victims of sexual assault. If requested by the victim of sexual assault, the Facility PREA Coordinator shall work with the facility Release Coordinator to help arrange victim counseling or treatment in the community upon the offender's release.

Each facility shall ensure that adequate emotional support services related to sexual conduct are available to victims of sexual abuse immediately following a reported incident and during their transition from incarceration to the community. Facilities without adequate mental health services available shall establish procedures for contacting larger facilities in their vicinity to provide such services as needed.

Additionally, offender victims of sexual conduct shall be provided access to outside victim advocates and/or Mental Health professionals for support services related to sexual abuse, whether or not they report the abuse. The Department shall make arrangements for these services through Community Partnership Agreements. The toll free phone number and mailing address for community victim advocates shall be posted throughout the facility and provided in PREA education materials. Offenders shall be informed all calls and correspondence will be subject to monitoring for security and mandatory reporting purposes. Counselors from victim advocacy groups will be allowed access to the facility as a special visit arranged through the Facility PREA Coordinator in accordance with procedures in policy 02-01-102 Offender Visitation. The reason for this visit will be kept confidential and limited to the coordinator.

**XIX. STATISTICAL REPORTING:**

All reports of Nonconsensual Sexual Acts, Abusive Sexual Contact, Sexual Conduct, Sexual Misconduct and Sexual Harassment as defined in these Administrative Procedures shall be reported on a SEXUAL INCIDENT REPORT; each substantiated or verified incident involving a Nonconsensual Sexual Act shall also be reported on a REPORT OF CRITICAL INCIDENT and REPORT OF CONDUCT. These reports shall be submitted in accordance with the appropriate procedures for the reporting of disciplinary violations and critical incidents. The Facility PREA Coordinator shall submit a SEXUAL INCIDENT REPORT for each allegation that is a PREA related incident via the Sexual Incident Reporting System at: <http://myshare.in.gov/Pages/IDOC.aspx>. All investigations, regardless of outcome (substantiated, unsubstantiated, or unfounded) shall be reported through the Sexual Incident Report.

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## **SEXUAL ASSAULT PREVENTION, INVESTIGATION, VICTIM SUPPORT AND REPORTING**

The Facility PREA Coordinator shall maintain a record of all reports of sexual conduct at the facility. Aggregate data regarding Sexual Incident Reports can also be requested from the Division of Research and Technology. Each individual Sexual Incident Report shall be discussed at the next facility PREA Committee meeting. The Committee shall determine whether any actions are necessary at the facility to reduce the likelihood of future incidents.

The Division of Research and Technology shall develop a Department-wide report based upon the Sexual Incident Reports and Internal Affairs investigations (Internal Affairs Case Management) provided by the facilities. This report shall be completed by the federally mandated date and presented to the Department's Executive Staff for review and ensure the report is made readily available to the public through the Department website, ensuring all personal identifiers are redacted (the Division of Research and Technology will notify the Department's Executive Staff of deadlines). Also, the Division of Research and Technology shall be responsible for using this report to provide information required by the Prison Rape Elimination Act of 2003.

The Executive Director of PREA shall maintain sexual conduct data for ten years after collection.

### **XX. PROGRAM EVALUATION:**

Annually, the Superintendent and the Facility PREA Coordinator, as well as any other designated staff, shall conduct an evaluation of the efforts of the facility to eliminate sexual conduct and ensure compliance with this policy administrative procedure. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the facility's progress in addressing sexual conduct. Program and procedural changes shall be made at the facility based upon this evaluation. A copy of the evaluation and a description of any changes being made at the facility shall be submitted to the Executive Director of PREA, the Executive Director of Adult Facilities or Executive Director of Juvenile Services.

The Executive Director of Adult Facilities or Executive Director of Juvenile Services shall review the evaluations submitted by the facilities and make a recommendation regarding any changes in the Department's administrative procedures. These recommendations shall be forwarded to the Department Policy Manager who will compile the recommendations and present them to the Executive Staff for review and approval.

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XXI. APPLICABILITY:

This policy and administrative procedure is applicable to all Department facilities, staff, volunteers, contractual staff, and agencies and organizations housing offenders on behalf of the Department.

\_\_\_\_\_ signature on file  
 Bruce Lemmon  
 Commissioner

\_\_\_\_\_  
 Date