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## ADMINISTRATIVE DIRECTIVE

**SUBJECT: Prison Rape Elimination Act (PREA)**

**NUMBER: 15-29**

**SUPERSEDES: 15-21 & 13-110**

**APPLICABILITY: Employees and Inmates**

**REFERENCE: AR 413 – Prison Rape Elimination**

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**APPROVED: Original Signed by Wendy Kelley**

**EFFECTIVE DATE: 11/06/2015**

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### **I. POLICY:**

It is the policy of the Arkansas Department of Correction (ADC) that there is “Zero Tolerance” towards all forms of sexual abuse and harassment. This policy will set forth the Department’s approach to preventing, detecting, and responding to such conduct. The Department will initially respond to all reports of sexualized behavior or abuse as nonconsensual, regardless of perception, rumor, appearance, or participant disclosure.

### **II. EXPLANATION:**

To provide procedures to assist in identifying, monitoring, counseling, and tracking inmates who have a propensity for committing sexual assaults, rapes, sexual harassment, sexual misconduct, or indecent exposure; to provide procedures to assist in identifying inmates who have a possible vulnerability to being a victim of sexual assault, rape, sexual harassment, sexual misconduct, or indecent exposure; to ensure ADC employees, contract workers, and volunteers are trained to recognize such behaviors and take appropriate action; to ensure inmates receive orientation; to provide a mechanism for providing support services to victims and provide a mechanism for referring actions to the Arkansas State Police for criminal prosecution as appropriate.

**III. APPLICABILITY:**

All Department of Correction employees, contractors, volunteers, student interns and persons or organizations conducting business with the Department, and all inmates under the custody or supervision of the Department of Correction. All are responsible for strictly adhering to this policy to prevent, detect, and investigate any alleged violations of this policy.

**IV. DEFINITIONS:**

- A. Staff – For the purpose of this directive, staff includes all Arkansas Department of Correction employees, volunteers, and contracted personnel working within the facilities or directly with an inmate in any official capacity.
- B. Advocate – A trained individual from a rape crisis center.
- C. Chain of Custody – The chronological documentation showing the seizure, custody, control, transfer, analysis, and disposition of physical or electronic evidence.
- D. Consent – ADC policy dictates that an inmate cannot consent to sexual behavior with staff.
- E. Contractor – A person who provides services on a recurring basis pursuant to a contractual agreement with the Department.
- F. False Allegation – An allegation that, after the completion of the investigative process, is proven to be untrue.
- G. First Responder – Any staff member who is responsible for the initial response to a discovery or report of sexual abuse, sexual assault, or sexual harassment. This employee is generally the shift supervisor. The duties of the first responder include initiating the appropriate PREA Checklist, making all necessary notifications, taking steps to protect the victim and preserving the crime scene.
- H. Investigative Outcome – When an investigation is concluded, the outcome will be labeled as one of the following:
  - 1. Substantiated – The event was investigated and determined to have occurred;
  - 2. Unsubstantiated – The evidence was insufficient to make a final determination that the event occurred;
  - 3. Unfounded – The event was determined NOT to have occurred, or, if the event occurred, the conduct was nonetheless within policy and the alleged perpetrator exonerated.
- I. LGBTI – An acronym for a group of sexual minorities including lesbian, gay, bisexual, transgender, and intersex individuals.

- J. Medical Confidentiality – The ethical principle that a physician or other health professional will hold in confidence all information relating to a patient. This **does not apply in a correctional setting where the information may be used to determine whether any allegations of abuse, harassment, or sexual conduct can be substantiated** or when an inmate reports that he or she has engaged in sexual activity, or been subjected to sexually abusive contact, sexually abusive penetration, sexual harassment, or any allegation of staff-on-inmate sexual abuse.
- K. Need-to-Know – A criterion for limiting access of certain sensitive information to individuals who require the information to make decisions or take action with regard to an inmate’s safety or treatment, or to complete the investigation process.
- L. Perpetrator – An individual committing any form of sexual abuse.
- M. Post-exposure Prophylaxis (PEP) – Any prophylactic treatment started immediately after exposure to a pathogen (such as a disease-causing virus) in order to prevent infection by the pathogen and the development of a disease.
- N. Potential Sexual Predator – An inmate identified at intake or by a unit classification committee as having a history of sexual aggression or a potential for sexual aggression based upon an appropriate screening tool and/or that has a history of repeated guilty outcomes for sexual misconduct, indecent exposure, masturbation in the presence of another, making sexual threats, or demanding sexual contact. Note: A Potential Sexual Predator is a precaution identifier in the offender management system (eOMIS).
- O. PREA Checklist – A form to be completed by the First Responder (Attachment 1-a) to ensure the victim receives appropriate care and investigators are able to secure evidence and increase the chance of prosecuting the perpetrator(s).
- P. PREA Inmate – An inmate who, since 1985, has been found guilty of the disciplinary charge of rape or forced sexual act with an inmate, staff, volunteer, contractor, or other individual in a correctional facility including non-ADC locations. Note: A PREA Inmate is a precaution identifier in the offender management system (eOMIS).
- Q. Prison Rape Elimination Act (PREA) – The federal law which supports the prevention, reduction, and elimination of sexual assault and rape within a correctional systems.
- R. PREA Incident – Any incident of inmate sexualized behavior, staff-on-inmate or inmate-on-inmate sexual abuse, sexual assault, or staff-on-inmate sexual harassment.
- S. Protective Custody – A form of separation from the general population for an inmate requesting or requiring protection from other inmates.
- T. Rape – A person commits the crime of rape if he or she engages in sexual intercourse or deviate sexual activity with another person if that act was committed through forcible compulsion or with a person that is physically or mentally incapable of consent. By state

law, an inmate cannot consent to a sexual act with staff, volunteers, contractors, or anyone with authority over that inmate.

- U. Retaliation – Acts or threats of action to punish an inmate for:
  - 1. Refusal to submit to sexual advances; or
  - 2. Involvement in the reporting or investigation of a sexual misconduct complaint.
- V. Sexualized Behavior – Sexual contact committed by an inmate including, but not limited to, kissing or fondling of another person, (excluding all examples listed under sexually abusive contacts) in a manner which produces, or is intended to produce, sexual stimulation or gratification where force is not substantiated. Individual behaviors include, but are not limited to, massages, indecent exposure, ejaculating on another’s property, and masturbation in the presence of others.
- W. Sexual Misconduct – Non-abusive sexual contact that includes penetration as described under relevant definition or any behavior of a sexual nature committed by staff directed toward an inmate that is prohibited by Federal Law, Arkansas Statute, Department Policies or Department Conduct Standards.
- X. Survey on Sexual Violence – An annual compilation of data of sexual assault within U.S. correctional facilities collected by the Federal Bureau of Justice Statistics (BJS) as mandated by the Federal Prison Rape Elimination Act.
- Y. Victim – An inmate who is harmed or adversely affected by, and/or tricked or exploited into, participating in sexual contact, or is subjected to sexual abuse or harassment.
- Z. Victim Prone – An inmate identified at intake or by unit classification committee as susceptible to a sexual assault, rape, or abuse within a correctional facility.
- AA. Youthful Inmate – An inmate committed to the Department who has been adjudicated as an adult but has not yet reached age eighteen (18).

**V. SPECIFIC DEFINITIONS OF SEXUAL ABUSE:**

- A. Non-Abusive Sexual Contact – sexual contact between inmates in which no evidence of force, duress, or coercion is substantiated.
- B. Sexual Abuse – the use of debt, threats of physical harm, peer pressure, deceit, personal favors, or positional authority to force or cajole sexual favors from a person, including sexually abusive contacts, penetration or harassment, as those terms are defined herein.
  - 1. Inmate-on-Inmate Sexual Abuse – Encompasses all incidents of inmate-on-inmate sexually abusive contact, penetration and harassment as described below.

- a. Sexually Abusive Contact – Non-penetrative touching by an inmate (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks of another inmate.
- b. Sexual Abusive Penetration – Penetration by an inmate of another inmate in which the inmate is coerced into sexually abusive penetration by threats of violence, or is otherwise unable to refuse. The sexual acts included are:
  - Contact between the penis and the vagina or the anus;
  - 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.
2. Staff-on-Inmate Sexual Abuse – Encompasses all occurrences of staff-on-inmate sexually abusive contact, penetration, indecent exposure, voyeurism, and harassment or staff solicitation of inmates to engage in sexual contact or penetration.
3. Sexually Abusive Contact – Non-penetrative touching by a staff member (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks of an inmate that is unrelated to the official duties of the staff member.
4. Sexual Abusive Penetration – Penetration of an inmate by staff. The sexual acts included are:
  - Contact between the penis and the vagina or the anus;
  - 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.
5. Sexual Harassment – Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, gestures or actions of a derogatory or offensive sexual nature by one inmate directed toward another.
6. Staff-on-Inmate Sexual Harassment – A staff member’s verbal comments or gestures of a sexual nature to an inmate.
7. Indecent Exposure – Staff’s display of his or her uncovered genitalia, buttocks or breast in the presence of an inmate.
8. Voyeurism – An invasion of an inmate’s privacy by staff for reasons unrelated to official duties. Examples include, but are not limited to, peering at an inmate who is using a toilet in their cell, requiring an inmate to expose their buttocks, genitals, or breasts, taking images of all or part of an inmate’s naked body or of an inmate performing bodily functions, and distributing or publishing them for other than an official reason as required by policy.

**VI. PREVENTION AND PLANNING:****A. Wardens and Administrators**

In addition to responsibilities applicable to all employees, wardens and administrators shall be responsible for ensuring the following:

1. Sexual acts and sexual contact between employees and inmates shall immediately be reported to Internal Affairs, even if the employee resigns.
2. When sexual acts or sexual contact are alleged, the crime scene shall be immediately secured, if possible.
3. The alleged victim shall immediately be given the necessary emergency medical treatment, without (to the extent possible) compromising the integrity of available physical evidence. If deemed necessary by medical personnel, the inmate may be transported to an outside medical facility.
4. The Warden/Administrator must take immediate action in accordance with this directive to ensure the safety of the inmate.
5. Under appropriate circumstances, the Warden/Administrator may request transfer of any staff member accused of misconduct, may internally reassign him/her, or place him/her on administrative leave pending the outcome of an investigation.
6. Failure to take appropriate action, as defined in this directive, when sexual misconduct is alleged or has been determined to have occurred, may result in disciplinary action.

**B. Sexual Misconduct Complaint Reporting Procedures for all Staff**

1. Any employee who receives any information, from any source, concerning sexual misconduct or who observes sexual misconduct is required to immediately report the information or incident to his/her supervisor. If the supervisor is the person who is engaging in the sexual misconduct, the report will be made to the next highest official.
2. The employee shall submit a written report, providing any information received or observed that concerns sexual misconduct, to his/her supervisor before the end of his/her workday. The Warden/Administrator shall be notified of all sexual misconduct complaints or allegations.
3. The Warden/Administrator will notify the Director/Deputy/Assistant Director and Internal Affairs. Internal Affairs will notify the Arkansas State Police if there is evidence that a crime may have occurred.

4. The sexual misconduct complaint, including the identity of the informant, the perpetrator, and the victim, and all information and documents pertinent to the complaint shall be handled in a confidential manner and shall only be revealed on a need to know basis.
5. Persons interviewed shall be advised that they are required to maintain confidentiality and not disclose to anyone information regarding the complaint, the investigation, and the outcome. Staff shall be advised that failure to maintain confidentiality can result in disciplinary action.

#### C. Appointment of a Department PREA Coordinator

The Department shall designate an upper-level, department-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee Department efforts to comply with this policy.

#### D. Appointment of a PREA Compliance Manager (PCM) at Each Facility

Each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards in this policy.

#### E. Contracting with other Entities for the Confinement of Inmates

1. Any new contracts or contract renewals for the confinement of ADC inmates with private agencies or other entities, including government agencies, shall include the entity's obligation to adopt a zero tolerance for sexual abuse/assault and allow for monitoring by ADC.
  - a. The contractor must be in compliance with 28 CFR Part 115 (PREA) or have adequate measures in place to demonstrate a zero tolerance policy and mechanisms to prevent, detect and respond to sexual abuse and harassment.
  - b. A background investigation shall be required on the contractor's employees and agents in a facility housing ADC inmates. Such investigation shall be equivalent to investigations required of all personnel employed by the Department.
  - c. Any contractor or contractor's employee or agent who witnesses sexual abuse or sexual harassment must immediately report it to the Warden/Superintendent of the facility. A contractor or contractor's employee or agent may be subject to criminal prosecution if he/she engages in, fails to report, or knowingly condones sexual harassment or sexual contact with or between inmates. Such acts shall be grounds for canceling the contract. Any contractor, contractor's employee or agent who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution shall be denied access into a facility housing ADC inmates.

## 2. Contract Oversight

- a. Upon learning of a PREA incident, the contractor shall take immediate actions to protect and provide emergency medical services to the victim.
- b. Within twenty-four (24) hours of the contractor's knowledge of a PREA incident, the contractor shall notify the Department and provide a written report detailing the incident.
- c. An inmate shall not be disciplined or punished in any way for a nonprofessional relationship with the contractor's employee, volunteer, or contractor unless the employee, volunteer, or contractor did not consent to the contact.

## F. Staffing Levels/Video Monitoring:

1. The Department will determine adequate staffing levels and video monitoring to protect inmates from sexual abuse by taking into consideration the physical layout of each unit and any other relevant factors. Steps shall be taken to ensure these factors are considered and documented during annual staffing analysis efforts.
2. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration the following factors:
  - a. Generally accepted detention and correctional practices;
  - b. Any judicial findings of inadequacy;
  - c. Any findings of inadequacy from Federal Investigative Agencies;
  - d. Any findings of inadequacy from internal or external oversight bodies;
  - e. All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
  - f. The composition of the inmate population;
  - g. The number and placement of supervisory staff;
  - h. Institution programs occurring on a particular shift;
  - i. Any applicable State or Local Laws, Regulations, or Standards;
  - j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
  - k. Any other relevant factors.

3. The facility must document and justify all deviations from the plan. This documentation shall include notifications made and corrective actions taken. A copy of this documentation must be forwarded to the Unit PREA Compliance Manger for inclusion in the unit PREA Audit file.
4. Whenever necessary, but no less frequently than once each year, the Department's PREA Coordinator will conduct an internal evaluation of each facility. This evaluation will include an assessment to determine if adjustments are needed to:
  - a. The staffing plan established pursuant to this policy;
  - b. The facility's deployment of video monitoring systems and other monitoring technologies;
  - c. The resources the facility has available to commit to ensure adherence to the staffing plan; and
  - d. Additional resources needed to comply with all indicated standards.
5. Each facility shall implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night and day shifts. Each facility shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. (This should be placed in post orders.)
6. 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 inmates from sexual abuse or harassment.
7. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department shall consider how such technology may enhance the Department's ability to protect inmates from sexual abuse.
8. The Assistant Director of Construction & Maintenance shall review all plans to expand, acquire, or significantly modify facilities and all major changes to the monitoring technology employed.

#### G. Youthful Inmates

1. A youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through

use of a shared dayroom, shower area, toilet area, or sleeping quarters except as provided in subsection (b).

- a. All youthful inmates will be housed at the designated unit in a housing area that provides for sight and sound separation from other inmates over the age of (seventeen) 17. The youthful inmates will be able to attend all unit activities, receive all unit services, and participate in jobs and programs as deemed appropriate by the unit classification committee. Youthful inmates must be directly supervised when not in their assigned housing area.
  - b. The Director may approve youthful inmates being housed as necessary for healthcare or to participate in an early release program such as boot camp or a re-entry center.
2. If a youthful inmate's behavior becomes unmanageable in the youthful inmate designated housing area, and all efforts to deescalate that inmate have failed, and there is a direct threat to the safe and secure operations of the housing unit or to the inmate, staff, or other inmates, temporary removal from the designated housing area may be authorized by the Duty Warden.
    - a. As soon as the youthful inmate can regain control and can be housed securely in the youthful inmate housing area, he/she shall be returned to that housing area.
    - b. If retention longer than (two) 2 hours is required, additional authorization by the Duty Warden is required. Strong justification must be present to retain the youthful inmate in isolation or similar assignment.
    - c. If retention longer than twenty-four (24) hours is needed, authorization must be gained from the Warden.
    - d. If retention longer than forty-eight (48) hours is needed, authorization must be gained and renewed every twenty-four (24) hours from the Duty Director.
    - e. If retention longer than seventy-two (72) hours is needed, authorization must be gained and renewed every twenty-four (24) hours from the Director.

#### H. Inmates with Disabilities or Limited English Proficiency

1. The Department shall take appropriate steps to ensure that inmates with disabilities (including, inmates who are deaf or hard of hearing, blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) and inmates who have limited English proficiency have an equal opportunity to participate in or benefit from all aspects of the Department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

2. Such steps shall ensure effective communication with inmates who are deaf or hard of hearing.
3. The Department is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or result in undue financial and administrative burdens.
4. Reasonable steps will be taken to ensure meaningful access for inmates who are of limited English proficiency including steps to provide translation equipment/programs.
5. Except in limited circumstances where an extended delay in obtaining an effective interpreter or translation program could compromise the inmate's safety, the performance of first-responder duties or the investigation of the inmate's allegations, the Department shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants during the investigation of an allegation of sexual abuse or harassment.

#### I. Cross-Gender Viewing and Searches

1. The Department shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
2. The Department shall document all cross-gender strip searches and cross-gender visual body cavity searches.
3. The Department shall enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing the inmate's breasts, buttocks, or genitalia, except when such viewing is incidental to routine barracks or cell checks or in exigent circumstances.
4. The Department shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's gender status. If the inmate's gender status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted by a medical practitioner in a setting designated for medical examinations.
5. The Department shall continue to train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

**VII. RESPONSE AND INVESTIGATIONS:****A. Evidence Protocol and Forensic Medical Examinations**

1. The designated employee conducting the preliminary or subsequent investigation will adhere to the Department's policy for criminal evidence handling.
2. The Department shall offer all victims of sexually abusive penetration access to forensic medical examinations. Such examinations shall be performed by qualified medical practitioners, and whenever possible by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs).
3. The Department shall attempt to make available to the victim, a victim advocate from an approved community based organization. If a community based organization is not available to provide victim advocate services, the Department will make available a qualified employee who is designated to provide victim services.
4. Employees designated to provide victim advocacy for inmates when a community-based organization is not available must receive approved training as indicated for victim advocates.
5. The Department PREA Coordinator shall document efforts to secure victim advocacy services from community-based organizations, including, when appropriate, the community based organization's inability to provide services.
6. As requested by the victim, the victim advocate or qualified Department staff member shall accompany and support the victim through the forensic medical examination process, investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. The victim advocate shall be allowed to accompany the inmate to court in the event of a prosecution.

**B. Policies to Ensure Referrals of Allegations for Investigations**

1. After an allegation or discovery of sexual abuse, sexual assault, or sexual harassment, the facility will ensure an initial unit level investigation is conducted as directed in this policy and all notifications are made. This unit level response will include actions to protect the victim, secure the crime scene, preserve evidence, and the collection of initial information to be used to determine the level of response.
2. The Department will ensure that allegations of sexual abuse or sexual harassment are referred for investigation and potential prosecution to the Arkansas State Police, unless the allegation does not involve potentially criminal behavior. The Internal Affairs Division (IAD) will document all such referrals.

**VIII. TRAINING AND EDUCATION:****A. Employee Training**

1. The Department shall train all employees who may have contact with inmates on:
  - a. Its Zero Tolerance Policy for sexual abuse and sexual harassment;
  - b. How to fulfill their responsibilities under Department sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
  - c. The right of inmates to be free from sexual abuse and sexual harassment;
  - d. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  - e. The dynamics of sexual abuse and sexual harassment in confinement;
  - f. The common reactions of sexual abuse and sexual harassment victims;
  - g. How to detect and respond to signs of threatened and actual sexual abuse;
  - h. How to avoid inappropriate relationships with inmates;
  - i. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates.
2. Such training shall cover the differences in policies based on the gender of the inmate.
3. The Department shall provide each employee with refresher training annually to ensure that all employees know the Department's current sexual abuse and sexual harassment policies and procedures.

**B. Volunteer and Contractor Training**

1. The Department shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the Department's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
  - a. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall, at the

least, be notified of the Department's Zero Tolerance Policy regarding sexual abuse and sexual harassment and informed of how to report such incidents.

- b. Vendors or occasional contactors that have not received such training must be escorted by security staff when contact with inmates is probable.
- c. The Department shall maintain documentation confirming that volunteers and contractors understand the training they have received.

#### C. Inmate Education

1. During the intake process, inmates shall receive information explaining the Department's Zero Tolerance Policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
  - a. Within thirty (30) days of intake, the parent unit shall provide comprehensive education to inmates either in person or through the use of the most current PREA Inmate Education Video regarding the inmate's right to be free from sexual abuse and sexual harassment, to be free from retaliation for reporting such incidents, and regarding Department policies and procedures for reporting incidents of sexual abuse and harassment.
  - b. Current inmates shall be re-educated within one year of the effective date of this policy, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.
  - c. The unit shall provide inmate education in formats accessible to all inmates, including those who are of limited English proficiency, deaf, visually impaired, otherwise disabled, as well as to inmates who have limited reading skills.
  - d. The Department shall maintain documentation of inmate education participation and forward such documentation to the unit's PREA Compliance Manager.
  - e. In addition to providing such education, the Department shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats. Posters with the ADC Hotline number, and if available, an outside reporting number, will be placed near all inmate phones.

#### D. Specialized Training: Investigations

1. In addition to the general training provided to all employees, all investigative personnel that will be assigned to complete PREA related investigations beyond

the initial unit investigation will have received training in conducting such investigations in confinement settings.

- a. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- b. The Department shall maintain documentation that Department investigators have completed the required specialized training in conducting sexual abuse investigations.

E. Specialized Training: Medical and Mental Health Care

1. The Department will ensure that all medical and mental health care practitioners who work regularly in its facilities have been trained in:
  - a. How to detect and assess signs of sexual abuse and sexual harassment;
  - b. How to preserve physical evidence of sexual abuse;
  - c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
  - d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
  - e. The appropriate division shall document, through employee signature or electronic verification, or through written/electronic testing, that employees understand the training they have received.

**IX. INTAKE, CLASSIFICATION, HOUSING & SCREENING:**

- A. In Order to Reduce the Likelihood of Sexual Abuse While an Inmate is in ADC custody, the Department will take the following into Account when Assigning Housing and Job Assignments for Every Inmate Upon Intake, in Classification, or in any Special Circumstances.
  1. To minimize the risk of inmate sexual abuse due to housing assignment, predatory designated inmates (Sexual Predator or Potential Sexual Predator) will not be placed with victim prone designated inmates.
  2. When a PREA incident has occurred or is alleged to have occurred, the Department's priorities are safety and security for the victim, the general inmate population, the perpetrator, and the institution. It may be necessary to separate the involved inmates to prevent further victimization or retaliation.

- a. Victims shall be placed in the least restrictive housing assignment as possible following an alleged sexual assault or sexual abuse. Placement in segregation should not exceed three (3) business days unless necessary to protect the victim from further harm.
- b. If a victim must be placed in segregation, the Duty Warden must authorize this placement.
- c. Alternative housing in a less restrictive unit should be a priority and the inmate should be moved as soon as feasibly possible.

#### B. Intake

1. All inmates will be assessed at intake to determine whether they meet specific criteria indicating either likelihood of victimization or predatory behavior. This requires the use of the appropriate screening tool by trained personnel.
2. This screening will normally be conducted within seventy-two (72) hours of the inmate's arrival at the Department.

#### C. Protective Custody

1. Inmates 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. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for no more than three (3) business days while completing the assessment.
2. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:
  - a. The opportunities that have been limited;
  - b. The duration of the limitation; and
  - c. The reasons for such limitations.
3. Every thirty (30) days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

D. Precautions

1. The Unit PREA Compliance Manager (PCM) is responsible for working with Classification and the Warden/Superintendent to determine an inmate's PREA precaution status and entering the precaution status into the offender management system (eOMIS).
2. If the inmate victim or perpetrator already has a PREA designation, the Unit PREA Compliance Manager is responsible for ensuring information from the current incident is added to the existing precaution.

X. **RESTRICTIONS AND REVIEWS:**

A. Housing Post Incident

1. PREA Inmates shall be placed in single-man housing status subject to review by the unit's Classification Committee every six (6) months.
2. If not already participating, there shall be a Classification Committee review of a PREA inmate's eligibility for programs and/or job assignments every ninety (90) days.
3. There shall be yearly reviews conducted by the Classification Committee and the Director or appropriate Deputy/Assistant Director to determine continuation of single-man housing status. The yearly review may be in conjunction with a six-month and/or ninety (90) day review; however, the Classification Committee, through the Warden, can recommend removal from single-man housing status to the Director or appropriate Deputy/Assistant Director at any time, which may or may not be approved. In any event, the PREA label shall remain with the inmate even if removed from single-man housing status with documented rationale and with the precaution being changed to inactive.

B. The Unit's Classification Committee shall Place Sexual Predators in Single-Man Housing Status Subject to Review Every Six (6) Months.

1. If not already participating, there shall be a Classification Committee review of a Sexual Predator inmate's eligibility for programs and/or job assignments every ninety (90) days.
2. There shall be yearly reviews conducted by the Classification Committee and the Director or appropriate Deputy/Assistant Director to determine continuation of single-man housing status. The single-man housing status that was the result of a finding the inmate meets the definition of sexual predator under this policy may be changed by the Classification Committee with the Warden's approval. All releases of PREA inmates from single-man housing status under this policy require approval by the Director or appropriate Deputy/Assistant Director. The

yearly review of an inmate assigned to single-man housing may be in conjunction with a six-month or 90-day review.

3. However, victims of sexual assault/sexual abuse shall be placed in the least restrictive housing situation as possible based on the safety of the inmate. If it is determined a victim must be placed in isolation or on single man status, justification for this level of housing must be well documented to include all attempts to provide less restrictive housing. The victim's own perception of safety should be considered. When isolation is deemed the appropriate placement for the victim, the Unit Warden and the Department PREA Coordinator must review and make recommendations for a change in status within seven calendar days.

## **XI. INMATE DISCIPLINARY ACTION:**

- A. Inmates Engaging in Inmate-on-Inmate Sexual Abuse shall be Appropriately Disciplined in Accordance with the Current Disciplinary Manual Regardless of any Determination to Seek Criminal Prosecution.
- B. An inmate may only be disciplined for inmate-on-staff sexual contact upon a finding that the staff member did not consent; however, action to segregate the inmate may be taken for security of the inmate and staff.

## **XII. REPORTING:**

- A. Inmate Generated Reports
  1. Inmates may report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents through multiple avenues:
    - a. Call the ADC PREA Hotline free of charge using the inmate telephone system;
    - b. Tell any staff member;
    - c. Write a note or request to any staff member;
    - d. Send correspondence to the PREA Coordinator;
    - e. Where available, inmates can utilize an outside reporting line such as a Rape Crisis hotline, Such calls will be treated in the same manner as calls to the PREA hotline;
    - f. Send confidential correspondence to a designated community based victim advocacy group. Such correspondence will be treated in the same manner as legal mail;

- g. Utilize the Inmate Grievance Procedure; or
  - h. Have a family member or friend make a report to the Warden or Department PREA Coordinator.
2. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports and ensure notification to a supervisor is made immediately. All reports of sexualized activity between inmates, sexual harassment, sexual abuse and sexual assault require an immediate response.

#### B. Third Party Reports

1. Access to the ADC PREA Hotline shall be made available for third party reporting by the public. This number will be placed on the Department website.
2. The Department shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates to facility and Department administration. Private reporting does not excuse staff failure to report all incidents as required by policy.

#### C. Inmate Access to Outside Support Services

1. Where available, the unit shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers, of local, state, or national victim advocacy or rape crisis organizations.
2. The Department PREA Coordinator will work to secure access to these resources where available and work with the Unit PREA Compliance Manager to provide access at the unit level.
3. The Department PREA Coordinator shall maintain or attempt to establish agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The Department PREA Coordinator shall maintain copies of agreements or documentation showing attempts to secure such agreements.

#### D. Staff and Department Reporting Duties

1. Staff shall immediately report to their supervisor any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment, any incident or appearance of retaliation against inmates or staff who reported such an incident, and any neglect or violation of responsibilities by staff that may have contributed to an incident or retaliation.

2. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, and to make treatment, investigation, and other security and management decisions.
3. All allegations of sexual abuse and sexual harassment, including third party and anonymous reports shall be entered in the offender management system (eOMIS) under incident report with all documentation relating to the incident scanned as confidential using the “Confidential IA Witness Statement” option that is available to the Warden. The unit Warden shall review all such reports to determine if referral for investigation to the Internal Affairs Division is warranted. If an investigation by Internal Affairs is warranted, the Warden shall refer the incident in the offender management system (eOMIS) to Internal Affairs.
4. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the unit will notify the Department PREA Coordinator and provide a detailed report of the allegations made to include witness statements and the presence of any evidence recovered. The Department PREA Coordinator shall notify the head of the facility or appropriate office of the department where the alleged abuse occurred.
  - a. The Department PREA Coordinator will ensure a record of such notification is maintained in the PREA Coordinator’s Office.
  - b. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation.
  - c. If notifications are received from another correctional department reporting abuse that has occurred at an ADC facility, such notifications will be forwarded immediately to the Department PREA Coordinator for further action.

### **XIII. STAFF FIRST RESPONDER DUTIES:**

- A. All allegations of Sexual Abuse shall be investigated by the Warden or Designee Using the Following Protocol:
  1. When a unit learns that an inmate is at substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.
  2. Upon learning of an allegation that an inmate was sexually abused, the first responder shall be required to activate the appropriate PREA Response Check List and take the following steps:
    - a. Separate the victim and perpetrator.

- b. Preserve and protect any crime scene areas until appropriate steps can be taken to collect evidence.
    - c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
    - d. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the perpetrator does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
  3. The appropriate PREA checklist (Attachment 1 or Attachment 2) will be initiated immediately by the first responder. This requires that the following staff be notified:
    - a. Internal Affairs Administrator
    - b. Medical Personnel
    - c. Mental Health Personnel
    - d. Warden or Designee
    - e. Department PREA Coordinator
    - f. Department HIV Coordinator
    - g. Unit PREA Compliance Manager
    - h. Chaplain
    - i. Victim Advocate (If no victim advocate agreement is in effect for the institution, the mental health staff trained in victim advocacy can be utilized as listed in the emergency manual).
    - j. Classification
  4. The unit, in cooperation with the Department PREA Coordinator, shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse. The plan shall include coordination among staff first responders, medical and mental health practitioners, investigators, victim advocates, and facility leadership.
  5. All inmates who are of limited English proficiency, deaf, or persons with a disability shall be allowed to report sexual abuse to staff directly or through the

PREA Hotline without use of inmate interpreter unless there are exigent circumstances.

B. Medical/Mental Health Evaluation and Treatment

1. Victims will be offered immediate access to appropriate qualified medical and mental health practitioners inside the facility who can provide support to the victim as appropriate.
2. Treatment services shall be provided to the victim without payment of medical co-pay and regardless of whether the victim names the perpetrator. Medical and mental health services to victims shall include necessary follow-up services and treatment.
3. If no qualified medical or mental health practitioners are on duty at the time of the incident, first responders shall take preliminary steps to protect the victim and shall immediately notify appropriate medical and mental health professionals.
4. Inmate victims shall be offered timely information about access to all pregnancy related medical services and sexually transmitted diseases, where appropriate. In the case of vaginal penetration, a pregnancy test shall be offered to the victim.
5. If pregnancy results, the victim shall receive timely information about all related and lawful pregnancy related medical services.
6. Mental health shall meet with perpetrators within sixty (60) days of the alleged abuse and offer treatment when deemed appropriate.

C. Practices to Protect Inmates and Staff from Retaliation

1. This section has been established to protect all inmates and staff who report sexual abuse or sexual harassment and who cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff.
  - a. The Warden shall designate which staff members or departments are charged with monitoring retaliation and the Department PREA Coordinator shall keep records of any alleged retaliation.
  - b. The Department shall employ multiple protective measures, such as housing changes or transfers for inmate victims or perpetrators, removal of staff or inmate perpetrators from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
  - c. For at least ninety (90) days following a report of sexual abuse or harassment, the Unit PREA Compliance Manager shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported

to have suffered sexual abuse or harassment to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. The aspects to be monitored include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The Department shall continue such monitoring beyond ninety (90) days if the initial monitoring indicates a continuing need.

- d. The PREA Compliance Manager will conduct an initial face-to-face interview with the inmate or staff to check for any signs of immediate retaliation at the time of the initial investigation.
- e. Subsequent evaluations will be conducted at least every thirty (30) days as needed.
- f. These interviews will be documented and a copy will be retained by the Unit PREA Compliance Manager for audit purposes with a copy of inmate interviews in the inmate's institutional file.
- g. If any other individual who cooperates with an investigation expresses a fear of retaliation, the unit shall take appropriate measures to protect that individual against retaliation.
- h. The obligation to monitor shall terminate if the Department determines that the allegation is unfounded.

#### D. Reporting to Inmates

1. Following an investigation into an inmate's allegation that he or she suffered sexual abuse or harassment while housed in an ADC Facility or contract location, the Department PREA Coordinator or PREA Unit Compliance Manager shall inform the inmate whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
2. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the Department PREA Coordinator shall subsequently inform the inmate (unless the investigation has determined that the allegation is unfounded) whenever:
  - a. The staff member is no longer posted within the inmate's unit;
  - b. The staff member is no longer employed at the facility;
  - c. The Department learns that the staff member has been indicted on a charge related to the sexual abuse within the facility; and

- d. The Department learns that the staff member has been convicted on a charge related to the sexual abuse within the facility.
3. Following an inmate's allegation that he or she has been sexually abused by another inmate, the Department shall subsequently inform the victim whenever:
  - a. The Department learns that the perpetrator has been indicted on a charge related to the sexual abuse within the facility; and
  - b. The Department learns that the perpetrator has been convicted on a charge related to the sexual abuse within the facility.
4. The Department PREA Coordinator shall maintain documentation of all such notifications or attempted notifications.
  - a. The Department's obligation to report under this standard shall terminate if the inmate is released from custody.

#### E. Sexual Abuse Incident Reviews

1. The unit 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.
  - a. Such review shall ordinarily occur within thirty (30) days of the conclusion of the investigation.
  - b. The review team shall include the Department PREA Coordinator or designee, the unit PREA Compliance Manager, and upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
2. The review team shall complete the following:
  - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - b. Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility;
  - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - d. Assess the adequacy of staffing levels in that area during different shifts;

- e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- f. Prepare a report of its findings and recommendations for corrective action and present to the Director within fourteen (14) calendar days of the adjournment of the review process.

#### **XIV. DATA COLLECTION:**

- A. The Department shall Collect Accurate, Uniform Data for Every Allegation of Sexual Abuse or Harassment at Facilities under its Direct Control Using a Standardized Instrument and Set of Definitions. The Incident Based Data Collected shall Include, at a Minimum, the Data Necessary to Answer all Questions from the Most Recent Version of the Survey of Sexual Violence reported to the Department of Justice.
  1. The Department shall aggregate the incident based sexual abuse data at least annually.
  2. The Department PREA Coordinator shall maintain, review, and collect data as needed from all available incident based documents, including reports, investigative files, and sexual abuse incident reviews.
  3. The Department shall review data collected in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training by:
    - a. Identifying problem areas;
    - b. Taking corrective action on an ongoing basis;
    - c. Preparing an annual report of its findings and corrective actions for each facility, as well as the Department as a whole;
    - d. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the Department's progress in addressing sexual abuse and harassment. In addition, the Department shall make all aggregated sexual abuse data from facilities under its direct control available to the public;
    - e. Before making aggregated sexual abuse data publicly available, the Department shall remove all personal identifiers.

**REFERENCES:** AR005 Reporting of Incidents  
AR225 Employee Conduct Standards  
AR210 Relationships and Transactions with Inmates  
Act 545 of 2001  
Act 1738 of 2001

<b>Sexual Assault – Sexual Contact Penetration Checklist – Attachment 1 – a</b>			
<p><b><u>Inmate-on-Inmate Sexual Penetration:</u></b> Any behavior of a sexual nature that includes penetration described as follows:</p> <ul style="list-style-type: none"> <li>• Contact between the penis and the vagina or the anus;</li> <li>• Contact between the mouth and the penis, vagina, or anus; or</li> <li>• Penetration of the anal or genital opening of another person by a hand, finger, or other object.</li> </ul> <p>The Department will respond to all incidents of sexual penetration regardless of consent in order to preserve evidence, protect victims too afraid to report abuse, and facilitate the collection of physical evidence in the event of a determination of sexual assault or abuse.</p> <p><b><u>Sexual Abusive Penetration:</u></b> Penetration by an inmate of another inmate without the latter’s consent, or of an inmate who is coerced into sexually abusive penetration by threats of violence, or of an inmate who is unable to consent or refuse. The sexual acts included are:</p> <ul style="list-style-type: none"> <li>• Contact between the penis and the vagina or the anus;</li> <li>• Contact between the mouth and the penis, vagina, or anus; or</li> <li>• Penetration of the anal or genital opening of another person by a hand, finger, or other object.</li> </ul>			
	Date	Time	Initials
1. Initiate ADC procedure on Criminal Evidence Handling (institutions/Inspection)(Vol. II, Section 7.k.)			
1. In the event of an inmate rape/forced sexual act allegation or sexual misconduct in which penetration occurred, is reported to have occurred, or is suspected to have occurred, the unit will take the inmate immediately to the infirmary for a PREA physical assessment. A rape kit will be administered, if applicable, based on the Healthcare Protocol Manual for Sexual Assault. The inmate will be transported to the nearest community-based medical facility where a rape examination can be performed; usually an Emergency Room. When possible, the victim shall be transported in the clothing worn at the time of the incident.			
2. Secure evidence and/or crime scene. <b>(Rape/Forced Sexual Act/ Penetration Sexual Misconduct Allegation)</b>			
3. Separate the victim from the perpetrator(s) in the least restrictive housing assignment that will still provide protection from further victimization. If the victim must be placed in isolation, complete an involuntary isolation after sexual assault/sexual abuse form. For allegations of sexual misconduct, place all involved inmates in isolation on investigative status.			

<p>Sexual Assault – Sexual Contact Penetration Checklist – Attachment 1 – b</p> <p><b>(Rape/Forced Sexual Act/ Penetration Sexual Misconduct Allegation)</b></p>		
<p>4. Notify the Duty Warden ( - - ) <b>(Rape/Forced Sexual Act/ Penetration Sexual Misconduct Allegation)</b>. The Duty Warden will activate the Unit Sexual Assault Response Team (SART)</p>		
<p>5. Notify Internal Affairs Division, who will in turn notify the Arkansas State Police ( - - ) <b>(Rape/Forced Sexual Act/ Penetration Sexual Misconduct Allegation)</b></p>		
<p>6. Notify Internal Affairs within 24 hours ( - - )</p>		
<p>7. Notify the Department PREA Coordinator ( - - )</p>		
<p>8. Notify the Department HIV Coordinator IMMEDIATELY ( - - ) Department's HIV Coordinator will make the determination as to whether a possible violation of Ark. Code Ann. 5-14-123 may be applicable. If so, the HIV Coordinator will inform the Warden and Internal Affairs who will in turn notify the Arkansas State Police for possible prosecution. (870-267-6789) <b>(Rape/Forced Sexual Act/ Penetration Sexual Misconduct Allegation)</b></p>		
<p>9. Offer any victim of sexual assault or abuse access to a victim advocate and/or Unit Chaplain for support services. <b>Victim advocate contact</b> number ( - - ). Advise the Victim Advocate if the victim will be transported to an outside facility for an evidentiary examination so they can provide services. Victim advocates are allowed to accompany the victim to the hospital and during interviews.</p>		
<p>10. Notify Mental Health. Make sure all Mental Health follow-ups are conducted, ( - - ) <b>(Rape/Forced Sexual Act/ Penetration Sexual Misconduct Allegation)</b></p>		
<p>11. Generate Suspected PREA Incident Report at the time of the incident.</p>		
<p>12. Complete preliminary unit investigation and assist Internal Affairs and Arkansas State Police. <b>(Rape/Forced Sexual Act/ Penetration Sexual Misconduct Allegation)</b></p>		
<p>13. Notify Classification Office, if after normal working hours, notify the next day. Classification ( - - )</p>		
<p>14. Complete inmate separation or enemy alert application as appropriate.</p>		
<p>15. Has there been any previous sexual misconduct or other PREA related disciplinary reports for the involved inmates? If so, ensure this information is included in the report documentation.                  Inmate #1: <input type="checkbox"/> Yes <input type="checkbox"/> No Inmate #2 <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>16. Is either inmate flagged as victim prone, PREA inmate, or potential sexual predator?</p>		

<p><b>Sexual Assault – Sexual Contact Penetration Checklist – Attachment 1 – c</b></p> <p style="text-align: right;">Inmate #1: <input type="checkbox"/> Yes <input type="checkbox"/> No    Inmate #2 <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		
<p>17. After review by the Unit Warden, refer request for investigation to the Internal Affairs Division.</p>		
<p>18. After completion of the investigation by IAD, Write a disciplinary report if appropriate.</p>		
<p><small>*Note – Inmates shall not be written a major disciplinary report until the conclusion of the investigation by IAD.</small></p>		

<p><b>Sexualized Behavior/Sexual Harassment Checklist Attachment 2 – a</b></p> <p><b>Sexualized Behavior:</b> Sexual contact committed by an inmate including, but not limited to, kissing or fondling of another person, (excluding all examples listed under sexually abusive contacts) in a manner which produces, or is intended to produce, sexual stimulation or gratification where force is not substantiated. Individual behaviors include, but are not limited to, massages, indecent exposure, ejaculating on property, voyeurism, and masturbation in the presence of others.</p> <p><b>Sexual Harassment:</b> Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, gestures or actions of a derogatory or offensive sexual nature by one inmate directed toward another.</p>			
	Date	Time	Initials
1. In the event of the discovery of or reporting of Inmate–on–Inmate Sexualized behavior with allegation or suspicion of non-penetration, the inmates involved will be separated by housing unit.			
2. Notify the Duty Warden (     -     -     )			
3. Notification will be made to the Unit PREA Compliance Manager (PCM) (     -     -     )			
4. Notify Internal Affairs within 24 hours (     -     -     )			
5. Notify the Department PREA Coordinator via email ( @arkansas.gov). Include the full demographic information of the involved inmates, a brief synopsis of the incident, with specific details of the sexualized behavior.			
6. Notify the Department HIV Coordinator via email ( @arkansas.gov). Include the full demographic information of the involved inmates, a brief synopsis of the incident, with specific details of the sexualized behavior.			
7. Generate Suspected PREA Incident Report at the time of the incident.			
8. Both inmates must be screened by Medical. Ensure medical personnel know the nature of the sexualized behavior to determine appropriate medical intervention.			
9. Notify Mental Health. Make sure all Mental Health follow-ups are conducted, (     -     -     )			
10. Complete preliminary unit investigation and refer through chain of command for final review and determination of referral.			
11. Notify Classification Office, if after normal working hours, notify the next day. Classification (     -     -     )			
12. Complete inmate separation or enemy alert application as appropriate.			
13. Has there been any previous sexual misconduct or other PREA related disciplinary reports for the involved inmates? If so, ensure this information is included in the report documentation.			

<p><b>Sexualized Behavior/Sexual Harassment Checklist Attachment 2 – b</b></p> <p style="text-align: center;">Inmate #1: <input type="checkbox"/> Yes <input type="checkbox"/> No    Inmate #2 <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>14. Is either inmate flagged as victim prone, PREA inmate, or potential sexual predator?</p> <p style="text-align: center;">Inmate #1: <input type="checkbox"/> Yes <input type="checkbox"/> No    Inmate #2 <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>15. After review by the Unit Warden, if no evidence of abusive sexual contact or penetration exists, the report can be forwarded to the Internal Affairs Division for review.</p>			
<p>16. After review by Unit Warden and IAD, Write a disciplinary report if appropriate.</p>			



**Assessment/Retaliation Status Checklist Attachment 3**

Initial face-to-face status checks will be conducted on all victims, reporters, and witnesses following an inmate sexual abuse allegation.

Follow up face-to-face status checks will be conducted on victims and reporters at a minimum of once a month for 90-days unless retaliation is suspected.

Date: \_\_\_\_\_ Facility: \_\_\_\_\_ INC/IAD Case #: \_\_\_\_\_

Incident Report Date: \_\_\_\_\_ Employee/Inmate Number: \_\_\_\_\_

Name: \_\_\_\_\_

Type of Assessment: \_\_\_\_\_ Initial                      30 Day                      60 Day                      90 Day

Other: \_\_\_\_\_

**Monitoring of Staff Member**

**Review:** Staff member performance reviews, staff member reassignments, and need for emotional services

**Summary:**

**Monitoring of Inmates**

**Review:** Conduct violations, housing assignments, program changes, and need for emotional services

**Summary:**

Signature of Staff Monitor: \_\_\_\_\_ Date: \_\_\_\_\_

Next Review Date: \_\_\_\_\_

Staff Member/Inmate Signature: \_\_\_\_\_ Date: \_\_\_\_\_