

SECOND JUDICIAL DISTRICT
DEPARTMENT OF CORRECTIONAL SERVICES

PREA: Standards 115.5, 115.6

POLICY: Definitions 100

POLICY

Second Judicial District Department of Correctional Services will define terms related to the PREA Standards portion of the policy manual to aid in our commitment to provide a safe, humane and secure environment, free from the threat of sexual violence and sexual harassment for all offenders. The Second Judicial District Department of Correctional Services has zero tolerance for sexual violence of any kind. This policy applies to all employees, prospective employees, interns, volunteers and contractors of the Second Judicial District Department of Correctional Services.

Iowa Code Section 709.16(1) states “an officer, employee, contractor, vendor, volunteer or agent of the department of corrections, or an officer, employee, or agent of a judicial district department of correctional services, who engages in a sex act with an individual committed to the custody of the department of corrections or a judicial district department of correctional services commits an aggravated misdemeanor”.

Part 115—PRISON RAPE ELIMINATION ACT NATIONAL STANDARDS, Published June 20, 2012

GENERAL DEFINITIONS - § 115.5

For purposes of this part, the term—

1. **Agency** means the Second District Department Of Correctional Services (The Department).
2. **Agency head** means the district director.
3. **Community confinement facility** means halfway house or restitution center/facility in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.
4. **Contractor** means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.
5. **Detainee** means any person detained in a lockup, regardless of adjudication status.
6. **Direct staff supervision** means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.
7. **Employee** means a person who works directly for the agency or facility.
8. **Exigent circumstances** means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.
9. **Facility** means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.
10. **Facility head** means the principal official of a facility.
11. **Full compliance** means compliance with all material requirements of each standard except for *de minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance.
12. **Gender nonconforming** means a person whose appearance or manner does not conform to traditional societal gender expectations.
13. **Intersex** means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
14. **Law enforcement staff** means employees responsible for the supervision and control of detainees in lockups.
15. **Medical practitioner** means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “**qualified medical practitioner**” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
16. **Mental health practitioner** means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “**qualified mental health practitioner**” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
17. **Offender** means any person on supervision by the agency.
18. **Pat-down search** means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

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19. **Resident** means any offender confined or detained in a community confinement facility/residential center/residential facility.
20. **Security staff** means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.
21. **Staff** means employees.
22. **Strip search** means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.
23. **Transgender** means a person whose gender identity (*i.e.*, internal sense of feeling male or female) is different from the person's assigned sex at birth.
24. **Substantiated allegation** means an allegation that was investigated and determined to have occurred.
25. **Unfounded allegation** means an allegation that was investigated and determined not to have occurred.
26. **Unsubstantiated allegation** means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
27. **Volunteer** means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

DEFINITIONS RELATED TO SEXUAL ABUSE - § 115.6

For purposes of this part, the term—

1. **Sexual abuse** includes—
 - A. Sexual abuse of a resident by another resident; and
 - B. Sexual abuse of a resident/offender by a staff member, contractor, or volunteer.
2. **Sexual abuse of a resident** includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - A. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - B. Contact between the mouth and the penis, vulva, or anus;
 - C. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - D. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
3. **Sexual abuse of a resident/offender by a staff member, contractor, or volunteer** includes any of the following acts, with or without consent of the resident:
 - A. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - B. Contact between the mouth and the penis, vulva, or anus;
 - C. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - D. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - E. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - F. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
 - G. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a resident/offender, and
 - H. Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of a resident/offender by staff for reasons unrelated to official duties, such as peering at a resident who is using a toilet in his or her cell to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a resident performing bodily functions.

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Sexual harassment includes—

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to a resident/offender by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.