

SECOND JUDICIAL DISTRICT
DEPARTMENT OF CORRECTIONAL SERVICES

PREA: Standards 115.251, 115.252, 115.253, 115.254

POLICY: Reporting of Incidents 105

POLICY

Second Judicial District Department of Correctional Services will provide a safe, humane and secure environment, free from the threat of sexual violence and sexual harassment for all offenders by maintaining procedures to report incidents of sexual violence and sexual harassment. 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.

PROCEDURES:

A. Offender Reporting § 115.251

1. The Department shall provide multiple internal ways for offenders to privately report sexual abuse and sexual harassment, retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
2. The Department shall also inform offenders of at least one way to report abuse or harassment to a public or private entity or office that is not part of the Department and that is able to receive and immediately forward offender reports of sexual abuse and sexual harassment to Department officials, allowing the offender to remain anonymous upon request.
3. Staff shall accept reports made verbally, in writing, anonymously and from third parties and shall promptly document any verbal reports.
4. The Department shall provide a method for staff to privately report sexual abuse and sexual harassment of offenders.

B. Exhaustion of Administrative Remedies § 115.252

1. The Department shall not impose a time limit on when an offender may submit a grievance regarding an allegation of sexual abuse.
2. The Department may apply otherwise applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
3. The Department shall not require an offender to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
4. Nothing in this section shall restrict the Department's ability to defend against a lawsuit filed by an offender on the ground that the applicable statute of limitations has expired.
5. The Department shall ensure that—
 - a. An offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - b. Such grievance is not referred to a staff member who is the subject of the complaint.
6. The Department shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
7. Computation of the 90-day time period shall not include time consumed by offenders in preparing any administrative appeal.
8. The Department may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The Department shall notify the offender in writing of any such extension and provide a date by which a decision will be made.
9. At any level of the administrative process, including the final level, if the offender does not receive a response within the time allotted for reply, including any properly noticed extension, the offender may consider the absence of a response to be a denial at that level.
10. Third parties, including fellow offenders, staff members, family members, attorneys and outside advocates, shall be permitted to assist offenders in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of offenders.
11. If a third party files such a request on behalf of an offender, the Department may require as a condition of

SECOND JUDICIAL DISTRICT
DEPARTMENT OF CORRECTIONAL SERVICES

PREA: Standards 115.251, 115.252, 115.253, 115.254

POLICY: Reporting of Incidents 105

processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

12. If the offender declines to have the request processed on his or her behalf, the Department shall document the offender's decision.
 13. The Department shall establish procedures for the filing of an emergency grievance alleging that an offender is subject to a substantial risk of imminent sexual abuse.
 14. After receiving an emergency grievance alleging an offender is subject to a substantial risk of imminent sexual abuse, the Department shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours and shall issue a final Department decision within 5 calendar days. The initial response and final Department decision shall document the Department's determination whether the offender is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
 15. The Department may discipline an offender for filing a grievance related to alleged sexual abuse only where the Department demonstrates that the offender filed the grievance in bad faith.
- C. Offender Access to Outside Confidential Support Services § 115.253
1. The Department shall provide offenders with access to outside victim advocates for emotional support services related to sexual abuse by giving offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State or national victim advocacy or rape crisis organizations, and by enabling reasonable communication between offenders and these organizations, in as confidential a manner as possible.
 2. The Department shall inform offenders, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

SECOND JUDICIAL DISTRICT
DEPARTMENT OF CORRECTIONAL SERVICES

PREA: Standards 115.251, 115.252, 115.253, 115.254

POLICY: Reporting of Incidents 105

3. The Department shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide offenders with confidential emotional support services related to sexual abuse. The Department shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

D. Third-party Reporting § 115.254

The Department shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a resident.