

**SECOND JUDICIAL DISTRICT
DEPARTMENT OF CORRECTIONAL SERVICES**

PREA: Standards 115.261, 115.262, 115.263, 115.264, 115.265, 115.266, 115.267

POLICY: Official Response Following An Offender Report 106

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 official response protocol for all offender reports 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. Staff and Department Reporting Duties § 115.261

1. Staff are required to immediately report any knowledge, suspicion or information regarding an incident of sexual abuse or sexual harassment; retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities 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, to make treatment, investigation and other security and management decisions.
3. If the alleged victim is considered a dependent adult under a State or local vulnerable persons statute, the Department shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.
4. All allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, shall be reported for investigation.

B. Agency Protection Duties § 115.262

1. When the Department learns that an offender is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the offender.

C. Reporting to Other Confinement Facilities § 115.263

1. Upon receiving an allegation that an offender was sexually abused while confined at another facility, the District Director shall notify the head of the agency where the alleged abuse occurred.
2. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
3. The Department shall document that it has provided such notification.

D. Staff First Responder Duties § 115.264

1. Upon learning of an allegation that an offender was sexually abused, the first staff member to respond to the report shall be required to:
 - a. Separate the alleged victim and abuser;
 - b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating; and
 - d. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

E. Coordinated Response § 115.265

1. The facilities shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators and facility leadership.

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F. Agency Protection Against Retaliation § 115.267

1. The Department shall protect all offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other offenders or staff. 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 will be employed for offenders or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
2. Following a report of sexual abuse, the Department shall monitor the conduct and treatment of offenders or staff who reported the sexual abuse and of offenders who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by offenders or staff, and shall act promptly to remedy any such retaliation.
3. In the case of offenders, such monitoring shall also include documented periodic status checks for 90 days.
4. If any other individual who cooperates with an investigation expresses a fear of retaliation, the Department shall take appropriate measures to protect that individual against retaliation.
5. The Department's obligation to monitor shall terminate if the Department determines that the allegation is unfounded.