Prison Rape Elimination Act (PREA) Process for Community Corrections programs

Sexual Activity Observed/Reported (sexual assault, sexual misconduct staff sexual misconduct or sexual harassment)

Standard Procedure

- Separate clients
- Cursory assessment of any urgent medical needs
- Preliminary investigation done by highest level Supervisor at facility
- Preserved "crime scene" for evidence collection, if applicable
- If staff involved place staff on administrative leave pending investigation and proceed with internal procedures

Preliminary Investigation

- Any allegations by either client regarding use of force or intimidation to perform sexual act (Criminal)
- Allegations of staff sexual involvement with client is a Staff Sexual Misconduct (Criminal)
- Both clients were willing to engage in sexual act with one another (Non-criminal: Internal Sanctions)
- Any allegations involving sexual comments/gestures (Non-criminal: Internal Sanctions)

For sexual activity alleged prior to placement in community corrections, (jail, DOC, private prison) send report to DOC PREA Program Manager for Investigation processing/referral.

Non-criminal

Make necessary notifications according to Community Corrections program procedures

- Supervisor/Director
- Contact Community Parole Officer (CPO) for DOC client and Probation Liaison for Diversion client
- Write detailed report
- Send report to CPO, Division of Criminal Justice (DCJ), Community Corrections board, DOC PREA Program Manager for DOC client or Probation Liaison for Diversion client

Criminal

Make necessary notifications according to Community Corrections program procedures

- Supervisor/Director
 - If staff involved, place staff on administrative leave pending investigation
- Contact Community Parole Officer (CPO) for DOC client and Probation Liaison for Diversion client
 - Contact DOC Inspector General Investigator (Return to Custody client)
 - Contact law enforcement agency (All other clients)
- Write detailed report
- Send report to CPO, DCJ, Community Corrections board, DOC PREA Program Manager for DOC client or Probation Liaison for Diversion client

Sexual Assault – Unwanted sexual contact, sexual intrusion or sexual penetration by force, coercion or intimidation. **Sexual Misconduct** – Any act of a sexual nature not forced or coerced including, but not limited to, active or passive sexual contact or fondling between genitals, hand, mouth, buttocks or anus.

Staff Sexual Misconduct – Any behavior or act of a sexual nature directed toward a client by an employee, volunteer, or contractor. This includes, but is not limited to, intentional touching of the genitalia, anus, breast, or inner thigh with the intent to arouse or gratify sexual desire; romantic relationships; occurrences of indecent exposure, invasion of privacy or staff voyeurism for sexual gratification.

Sexual Harassment – Non-contact sexual behavior including, but not limited to, inappropriate comments, language, gestures, or written statements of a sexual nature; incidents of indecent exposure of the breasts or genitalia; derogatory or demeaning references to gender, body, or clothing.