
 SEDGWICK COUNTY DEPARTMENT OF CORRECTIONS POLICY & PROCEDURES MANUAL	Chapter: Personnel	Policy No: 1.301
	Subject: Prison Rape Elimination Act (PREA) / Sexual Assault Prevention and Intervention	Date: 08/31/07 Pages: 13
Program:	SCDOC Administrative Services	
References:	K.S.A. 65-516, Prison Rape Elimination Act of 2003, National Standards to Prevent, Detect and Respond to Prison Rape 2012, U.S. Dept. of Justice, Survey on Sexual Violence 2011	 Director Authorization
Revision Dates: 9/1/14, 5/6/15, 1/15/16, 3/2/16, 8/10/16, 11/18/16, 12/08/17, 06/08/18, 08/27/18, 06/07/19		
Review Dates: 9/1/14, 5/6/15, 1/15/16, 3/2/16, 8/10/16, 11/18/16, 08/25/17, 06/08/18, 08/27/18, 06/07/19		

POLICY:

Sedgwick County Department of Corrections shall promptly investigate and enforce laws and policies of “zero tolerance” relating to illegal sexual acts, sexual harassment or sexual misconduct in any of its facilities. The department shall provide a comprehensive sexual abuse/assault prevention and intervention program that includes: education, prevention, prompt intervention and discipline/prosecution of assailants and appropriate treatment for victims.

APPLICATION:

Sedgwick County Department of Corrections (SCDOC)

PURPOSE:

To provide safe facilities for staff and clients. Forced and/or pressured sexual interactions by clients or staff are among the most serious threats to client safety and facility order, and will not be tolerated. Every allegation of sexual misconduct shall be investigated and appropriate action shall be taken. Victims shall receive prompt and appropriate care.

DEFINITIONS:

Client - Any individual, male or female, served by the Department of Corrections.

Client-on-Client Sexual Abuse/Assault - One or more clients engaging in, or attempting to engage in unwanted sexual contact with another client; the use of threats, intimidation, inappropriate touching, or other actions and/or communications by one or more client aimed at coercing and/or pressuring another client to engage in a sexual act.

Contractor - A person or agency that provides services or has contact with clients on a recurring basis pursuant to a contractual agreement with the agency.

DCF – Department for Children and Families.

Facility - Includes all Department of Corrections facilities, offices or work sites.

Horseplay - Any rough, boisterous, rowdy play, or light hearted recreational activity pursued for the purpose of diversion or amusement.

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JFS - Juvenile Field Services.

KDOC - Kansas Department of Corrections.

LGBTQI - Lesbian, Gay, Bisexual, Transgender, Questioning, or Intersex.

PREA - Prison Rape Elimination Act of 2003.

PREA Compliance Manager (PCM) - A person at each facility designated by the director as having overall responsibility and authority to coordinate the facility efforts to comply with the PREA standards.

PREA Coordinator - The PREA coordinator's responsibilities include developing, implementing and overseeing the department's plan to comply with the PREA standards in all facilities.

Residential Facility – Includes the Juvenile Detention Facility, Juvenile Residential Facility and Adult Residential Center / Work Release.

SARB – Sexual Abuse Review Board

UBI-DUO – Communication device for the hearing impaired. The system removes language barriers and is easy for texting or email.

Sexual Harassment -

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

Sexual Misconduct - Any behavior or act of a sexual nature directed toward a client by an employee, another client, visitor, volunteer, provider or agency representative. Included are consensual or non-consensual sexual acts to include:

- intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or
- completed, attempted, threatened, or requested sexual acts; or
- occurrences of indecent exposure or employee voyeurism for sexual gratification.

Special needs - Clients who are limited English proficient, deaf, vision impaired, physically impaired or mentally challenged.

Staff - All employees, contract personnel, volunteers, or agency providers.

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Staff-on-Client Sexual Abuse/Assault - A staff member, volunteer, or contracted worker engaging in, or attempting to engage in sexual contact with a client either voluntarily or through the use of threats, intimidation, inappropriate touching, or other actions and/or communications by a staff member, volunteer, or contracted worker aimed at coercing and/or pressuring a client to engage in a sexual act.

Substantiated allegation - An allegation that was investigated and determined to have occurred.

Undue Familiarity - Conversations, personal or business dealings between a staff and a client which is unnecessary, not a part of the staff's duties and related to a personal relationship or purpose rather than a legitimate correctional purpose. Undue familiarity includes horseplay, betting, trading, dealing, socializing, family contact unrelated to the staff's duties, sharing or giving food, delivering or intending to deliver contraband, personal conversation, exchanging correspondence, including social networking via the internet. It also includes conversation or correspondence that demonstrates or suggests a romantic or intimate relationship between a client and the staff, sexual misconduct, or in any other manner developing a relationship with a client.

Unfounded allegation - An allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation - An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Volunteer - Any person, including interns, who have been approved by management to provide service at any facility.

PROCEDURE:

I. PROCEDURES

A. Program Coordination

1. The director shall assign one staff at each facility to perform the duties of the PREA compliance manager (PCM). The director or deputy director shall assign an alternate PCM when necessary. The duties involve the overall responsibility for coordinating all elements of the sexual assault and intervention program. The PCM assignments are to the persons in the following positions:
 - a. Juvenile Detention Facility – juvenile facility manager;
 - b. Juvenile Residential Facility – administrative manager;
 - c. Adult Residential Center/Work Release - administrator;
 - d. Criminal Justice Alternatives – administrator;
 - e. Juvenile Intake and Assessment Center – administrative manager;
 - f. Juvenile Field Services – administrator;
 - g. Adult Field Services – deputy director.
2. The PCM provides direction to the supervisor on duty, making notifications and updates on progress to the director and/or deputy director. The PCM shall ensure PREA internal investigations are completed and submitted to the PREA coordinator for review. In

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residential facilities, the PCM shall make the appropriate notifications and complete the required forms within 24 hours of the allegation. The PCM shall review all the PREA protocol forms to ensure all documentation is completed (PREA Processing Map 1.301.5).

3. Coordination activities shall include:

- a. Educating and training staff, volunteers, contractors and clients;
- b. Safeguarding, assessing, treating and managing sexually assaulted clients;
- c. Initial assessment and reporting;
- d. Investigating; and,
- e. Initiating disciplinary action.

4. The director shall assign a PREA coordinator to oversee the development, implementation and monitoring of the department's plan to comply with the PREA standards in all facilities. The coordinator shall complete an annual report for the director on data collections, investigation reviews, corrective action plans, and training plans to meet the federal standards. The following positions are assigned to perform these functions.

- a. SCDOC administrative manager is the assigned PREA coordinator.
- b. The deputy director of administrative and financial services is the assigned alternative PREA coordinator.

5. The director shall ensure that key information about PREA is continuously available on the county website, posters, client handbooks and informational brochures throughout the department.

B. Prevention

1. All staff and clients are responsible for being alert to signs of potential situations in which sexual assaults, harassment or misconduct might occur.

2. The following procedures are designed to help prevent these behaviors:

- a. During the initial intake / orientation process, staff shall review available materials with clients for any indication of prior client-on-client or staff-on-client sexual victimization. The Screening for Victimization & Abusiveness forms (1.301.9a or 1.301.9b) shall be completed by designated personnel to determine appropriate classification within 72 hours of admission and kept with the client's file. Clients may not be disciplined for refusing to answer or disclose information.
- b. If evidence is found indicating there is a possibility of sexual victimization, the client shall be identified and appropriate classification and safety precautions implemented. Appropriate precautions at a residential facility may include changing housing assignments, being placed on no roommate status and/or increased supervision to prevent further harm to the client.

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- c. The PCM or designee shall make a recommendation regarding any treatment, counseling or special housing needed for those that screen at risk for victimization or abusiveness. The PCM shall ensure that victimization services are offered to the victim and documented on the Screening for Victimization & Abusiveness forms (1.301.9a or 1.301.9b).
 - d. If screening indicates that a client has experienced prior sexual victimization or ever perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the client is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening and document such treatment on the client's Screening for Victimization and Abusiveness form (1.301.9a or 1.301.9b).
- 3. All clients shall receive instructions on the importance of reporting any sexual misconduct during initial formal orientation by staff designated to perform the intake to the program. Clients in a residential facility shall acknowledge their receipt of these instructions by signing the PREA Client Acknowledgement (1.301.1a or 1.301.1b).
 - 4. All residential facilities shall have supervisors on each shift conduct and document unannounced rounds every two weeks to prevent, identify, intervene and address any staff sexual misconduct or signs of undue familiarity. The PCM for residential facilities shall conduct quarterly unannounced rounds for the same purpose on each shift. Unannounced rounds shall be documented on the PREA Unannounced Rounds form (1.301.7). Staff will be prohibited from alerting other staff members that these supervisory rounds are occurring.

II. REASSESSMENT

- A. Within 30 days from the client's arrival, the facility will reassess the clients risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake process. This needs to be documented and dated on the clients Screening for Victimization and Abusiveness form (1.301.9a or 1.301.9b).
- B. A client's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the client's risk of sexual victimization or abusiveness.

III. PERSONNEL

- A. The department shall not hire, promote or retain employees, volunteers or contractors who have been found to have engaged in sexual abuse or sexual harassment in an institutional setting or who have been found to have engaged in sexual activity in the community facilitated by force, the threat of force or coercion.
- B. All employees, volunteers or contractors shall complete the Disclosure of PREA Employment Standards Violation form (1.301.6), during the hiring or promotion and annual evaluation process. This form shall be completed and approved by the department supervisor.

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- C. The department shall conduct criminal background checks, adult and child registry checks on all employees, volunteers and contractors, prior to their start date and annually thereafter, to ensure staff have not been adjudicated or convicted of, or been civilly or administratively adjudicated (found to have violated a regulation or law) for engaging in sexual abuse in a corrections setting (PREA 115.317) (SCDOC form 1.301.6).
- D. The department shall conduct reference checks, using the PREA Institutional Reference (form 1.301.11), on all employees, volunteers and contractors to make contact with all prior institutional employers for information on substantiated allegations of sexual abuse / harassment or any resignation during a pending investigation of an allegation of sexual abuse.
- E. Staff shall be subject to disciplinary action up to and including termination of employment for violations of sexual abuse, harassment or sexual misconduct pursuant to Sedgwick County personnel policies and procedures.
- F. Volunteers and/or contractors shall be subject to removal from the agency for violations of sexual abuse, sexual harassment or sexual misconduct pursuant to Federal PREA standards (PREA 115.377).
- G. A PREA letter shall be filed with Human Resources on any substantiated allegations of sexual abuse or sexual harassment and / or resignation during a PREA investigation. This letter shall be provided to any future institutional employer pursuant to Federal PREA standards (PREA 115.317).
- H. Employees, volunteers and contractors terminated for violations of agency sexual abuse and sexual harassment policy, or when staff resign who would have been terminated if not for their resignation, the actions will be reported to local law enforcement, unless the activity was clearly not criminal. This includes reports to relevant licensing bodies (PREA 115.376).
- I. All staff have an obligation to disclose any illegal sexual acts, harassment, undue familiarity or sexual misconduct; failure to disclose may be grounds for termination.

IV. TRAINING

- A. Upon hire and annually, all staff, volunteers and contractors having direct contact with clients shall:
 - 1. Review Prison Rape Elimination Act (PREA) / Sexual Assault Prevention and Intervention policy (1.301).
 - 2. Be trained on the physical, behavioral and emotional signs of sexual assault, inclusive of but not limited to the following:
 - a. Difficulty sleeping
 - b. Difficulty walking
 - c. Anal/vaginal discharge
 - d. Change in behavior

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- e. Anxiety
 - f. Depression
 - g. Problems concentrating
 - h. Withdrawn behavior
- 3. Understand the identification and referral process when an alleged sexual assault occurs.
- 4. Have a basic understanding of sexual assault prevention strategies.
- 5. Promptly report all illegal sexual acts, harassment, undue familiarity or sexual misconduct and penalties for violations.
- 6. Complete and sign the PREA Acknowledgement Form (1.301.2) and PREA Quiz for SCDOC (1.301.8).
 - a. The PREA Acknowledgement Form shall be submitted to SCDOC Administrative Services for placement in the employee's E-Personnel file.
 - b. The PREA Quiz shall be submitted to the PREA coordinator for review and training credit.
- B. The PCM shall include in their facility PREA training the Sedgwick County Department of Corrections E4 Initiative "Attention to Prevention":
 - 1. Educate: We shall educate staff and clients on PREA and intervention/prevention techniques.
 - 2. Engage: Staff shall be aware and promptly intervene.
 - 3. Enforce: Staff shall enforce the laws, policies and boundaries.
 - 4. Eliminate: Staff shall eliminate dangerous and harmful behaviors.
- C. The PCM or designee shall provide documentation on the number of clients, volunteers and contractors that receive PREA training quarterly to the PREA coordinator.
- D. Staff authorized to perform searches of clients shall be trained in the proper procedures before being assigned the duty. The department shall not conduct cross-gender strip searches or cross-gender visual body cavity searches. Each facility will follow their approved search procedures with regard to gender, transgender, intersex clients and cross-gender pat down searches. If cameras or monitors exist in the facility, pat searches will be conducted in front of the camera, if possible.

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V. CLIENT EDUCATION AND REPORTING

- A. Within 10 days of intake, the residential facility shall provide comprehensive education to clients either in person or through video regarding their rights to be free from sexual abuse, sexual harassment and to be free from retaliation for reporting such incidents.
- B. Facility client PREA training shall include:
 - 1. Rules and expectations regarding inappropriate sexual behaviors.
 - 2. Brief education and awareness on PREA.
 - 3. How to report incidents of sexual abuse/assault and the client's responsibility.
- C. The facility shall ensure that key information about PREA is continuously and readily available or visible to clients through posters, handbooks, or other written formats.
- D. Residential facilities shall ensure that clients with special needs are trained on PREA.
- E. Residential facilities shall utilize interpreters or the Ubi Duo to train clients with limited English proficiency or that are deaf / hard of hearing, when appropriate training materials are not available.
- F. The department prohibits use of client interpreters, client readers or other types of resident assistants for training purposes.
- G. Discipline shall be approved by the director / deputy director if allegations are found to be made in bad faith and/or a client had sexual contact with a non-consenting staff member.

VI. INTERVENTION

- A. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall immediately initiate a facility specific incident report to the appropriate chain of command.
- B. Staff sensitivity toward clients who are victims of sexual abuse/assault is critical. Staff shall take seriously all complaints or statements from clients that indicate they have been victims of sexual abuse/assault.
- C. Staff, volunteers and contractors shall immediately report, to the appropriate chain of command, any suspected or known retaliation against a client or staff.
- D. Staff is prohibited from revealing any information related to sexual abuse/assault or sexual harassment reported to anyone other than to the extent necessary to make treatment, investigation and other security and management decisions.
- E. The residential facility shall ensure that clients who have special needs are able to report sexual abuse/assault to staff directly through interpretive technology or through non-resident

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interpreters. Accommodations shall be made to convey all written information about sexual abuse/assault policies, including how to report sexual abuse/assault with limited reading skills, visually impaired or with identified special needs.

- F. All residential facilities shall use information from a risk screening victimization tool to determine dorm/room assignments, risk of being sexually victimized from those at high risk of being sexually abusive. The department shall make individualized determinations about how to ensure the safety of each client and document their plan on the assessment tool.

VII. RESPONSE

- A. When victimization has been reported or when staff, volunteers or contractors become aware of cases of sexual abuse/assault, sexual harassment, or any sexual misconduct, the matter shall be immediately referred to the on-duty supervisor.
- B. Given the sensitive nature of the information initial notifications are to be made verbally by private means (no radio use and not in a location where others can overhear the report) followed by an incident report and email document.
- C. The on-duty supervisor shall make a preliminary assessment of the complaint and promptly contact the PCM for instructions in handling the clients, any staff members alleged to be involved, physical evidence, medical needs, law enforcement report, gathering of statements and documentation. This includes third party and anonymous reports on all allegations of sexual abuse/assault.
- D. Using the PREA / Sexual Abuse/Assault Intervention Protocol Form (form 1.301.3) as a guide, the on-duty supervisor shall conduct an immediate preliminary assessment of the allegation(s) or complaint. Information regarding the identity of the victim and the facts of the report shall be limited to those who have a business need to know.
- E. Any client who alleges that he or she has been sexually abused/assaulted shall be offered immediate protection from the assailant.
- F. Use of client interpreters, client readers or other types of client assistants may be used in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the client's safety in the performance of first-response duties of the client's allegations.
- G. The appropriate facility chain of command shall be notified and is responsible to ensure that the incident is promptly reported and/or referred to the appropriate law enforcement agency as well as the director.
- H. The PCM shall assign a trained investigator who will coordinate the department process with law enforcement to ensure appropriate steps are taken in sequence to gather evidence of a crime and/or violation of the facility rules. The PCM / investigator will provide the director with regular progress updates on the investigation and submit a detailed report of findings within an agreed upon deadline based on the circumstance of the situation.

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- I. When a youth is the victim or alleged perpetrator in an incident the senior manager or designee, in the absence of the PCM, shall be responsible for coordinating and designating the means and timing for notifications of the parents/legal guardians. The staff assigned to make these notifications shall document the conversations as part of the incident report. The client involved shall not be permitted to hear the staff member during the notification conversation with the parent/guardian but shall be provided an opportunity to speak with their parent/legal guardian as part of the process (unless law enforcement provides other instructions). Staff assigned to perform notification of a parent/legal guardian shall demonstrate professionalism, privacy, sensitivity and good judgment at all times.
- J. The PCM shall notify the PREA coordinator, deputy director, director, KDOC, DCF and the client's community case manager (intensive supervision officer), if applicable, regarding the critical incident within 24 hours.
- K. If a juvenile court retains jurisdiction over the alleged victim, the PCM shall report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.
- L. Retaliation against any client or staff that reports sexual abuse or participates in an investigation will not be tolerated.
 - 1. Clients and staff that report a PREA incident and/or are cooperating with an investigation shall be monitored by staff for signs of retaliation or intimidation for at least 90 days.
 - 2. Monitoring for retaliation shall be extended for another 90 days if the initial monitoring indicates a continuing need. The PCM or designee shall monitor, document and promptly act to resolve any such retaliation. Monitoring shall be documented on the PREA Retaliation Monitoring form (1.301.4) and placed in the client's or staff's file.
 - 3. Staff shall immediately report any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- M. Upon receiving an allegation that a client was involved in a possible PREA incident while confined or in the custody of another facility; steps VI.A. through E. shall be carried out. In coordination with law enforcement, the PCM shall notify the head of the facility or appropriate office of where the alleged abuse/assault occurred. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation unless law enforcement instructs otherwise. The department shall document the information into the client's file.

VIII. SERVICES PROVIDED

- A. The PCM shall be responsible for coordinating services available to all clients who claim to be the victim of sexual abuse/assault. Treatment services and forensic medical examinations shall be provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. The services available shall include:

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1. Assessment of the victim's acute medical needs;
 2. Inform the victim of his or her rights under relevant Federal or State law;
 3. Provide a means for a forensic medical exam and advise the victim;
 4. Offer the presence of a victim advocate or qualified staff member to be present during the exam;
 5. Provide crisis intervention counseling;
 6. Interview the witnesses; and,
 7. Provide for any special needs the victim may have.
- B. Following a client's allegation against a staff member, the department shall inform the client upon conclusion of the investigation the following:
1. The staff member is no longer posted within the client's unit or is no longer employed at the SCDOC.
 2. When the department learns that the staff member has been charged or convicted with a charge related to sexual abuse within the facility.
 3. When the investigation has been completed and it has been determined to be substantiated, unsubstantiated or unfounded.
- C. Following a client's allegation that he or she has been sexually abused by another client, the department shall inform the alleged victim upon conclusion of the investigation the following:
1. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.
 2. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
 3. When the investigation has been completed and it is has been determined to be substantiated, unsubstantiated or unfounded.
- D. Client victims of sexual abuse/assault located in Sedgwick County shall be transported to Ascension Via Christi at St. Joseph Hospital, which is equipped to evaluate and treat sexual assault victims. Other appropriate medical facilities will be used for clients located in other counties across Kansas.
- E. Clients shall receive timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, when medically appropriate.

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- F. Client victims of sexual abuse/assault shall be provided an opportunity to be referred and receive services from community sexual assault programs. It shall be the responsibility of the PCM to ensure all efforts and referrals are made and documented in the client's file.

IX. REQUIRED RESIDENTIAL FACILITY REPORTS

- A. The internal investigation report shall be the responsibility of the assigned investigator and will be in accordance with the SCDOC Internal Investigations policy (1.300) in the standard investigation format and submitted to the deputy director, PREA coordinator and director with a chronology of actions and notifications.
- B. The PCM is responsible for compiling and retaining the data on all PREA documentation on each incident which shall include the internal investigation, incident report, camera video recordings, any supporting documentation (signed statements), and chronology of events, forms or additional reports from licensed agencies. A copy of the camera video recording shall be provided to the PREA coordinator for review. The national PREA standard (115.398) requires agencies to securely retain the data for at least 10 years or longer if required by state statute.
- C. The PREA coordinator shall assign case numbers to all PREA investigations for tracking and quality assurance purposes.
- D. The PCM shall be responsible for tracking the following data:
1. The victim(s) and assailant(s) of sexual abuse/assault;
 2. Offense characteristics;
 3. Record of formal and/or informal actions taken with a finding of the determination of substantiated, unfounded or unsubstantiated;
 4. Criminal charges filed by the District Attorney; and,
 5. Outcomes of the charges.
- E. The PCM shall report any findings to the PREA coordinator.
- F. The PREA coordinator shall develop and implement a formalized Sexual Abuse Review Board (SARB). The SARB will meet within 30 days of the conclusion of the administrative investigation with the PREA coordinator to review all PREA incidents, investigation findings and policy. The SARB shall be comprised of three (3) non-residential SCDOC supervisors approved by the director. Board members will serve a one year term and may be reappointed by the director. The board appointment begins July 1st and ends June 30th. All board meeting minutes and recommendations will be documented and retained by the PREA coordinator.

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The review team will:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse/assault;
 2. Determine whether physical barriers or technology should be enhanced and make recommended changes;
 3. Assess adequacy of staffing levels; and,
 4. Submit the SARB Incident Form (1.301.10) with findings and recommendations to the PCM and deputy director.
- G. The PCM shall review and respond to the SARB's recommendation within five (5) business days to the PREA coordinator. Corrective actions shall be documented and retained in the PREA investigation file.
- H. If the PCM disagrees with the SARB's recommendations, the PREA coordinator will schedule a meeting and seek guidance from the the director and deputy director.
- I. The PREA coordinator shall, on an annual basis, review and analyze the data to assess for compliance with the national PREA standards and to improve the effectiveness of the sexual abuse prevention and intervention program.