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|  SEDGWICK COUNTY DEPARTMENT OF CORRECTIONS POLICY & PROCEDURES MANUAL | Chapter: Personnel | Policy No: 1.301 |
| | Subject: Prison Rape Elimination Act (PREA) / Sexual Abuse Prevention and Intervention | Date: 08/31/07 Pages: 16 |
| 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, 11/20/19, 8/27/20, 10/21/20, 10/22/21, 12/20/22 | | |
| 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, 10/11/19, 8/13/20, 10/2/20, 10/1/21, 12/19/22 | | |

POLICY:

Sedgwick County Department of Corrections shall promptly investigate and enforce laws and policies of “zero tolerance” relating to illegal sexual acts, sexual harassment, sexual abuse or misconduct in all of its facilities. The department shall provide a comprehensive Prison Rape Elimination Act (PREA) prevention and intervention program that includes: education, prevention, prompt intervention and discipline/prosecution of assailants and appropriate treatment for victims. The department will refer all allegations of a criminal nature to the Sedgwick County Sheriff’s Office.

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 PREA allegation shall be investigated and appropriate action shall be taken. Victims shall receive prompt and appropriate care.

DEFINITIONS:

Advocates - A trained person who may be involved in initial victim contact (via 24-hour hotline or face-to-face meetings), offer victim advocacy, support, crisis intervention, information, translation or interpretation, and referrals before, during, and after the exam process. They often provide comprehensive, longer term services designed to aid victims in addressing any needs related to the assault, including but not limited to counseling and legal (civil, criminal, and immigration) and medical systems advocacy. A victim shall be offered the opportunity to have an advocate present during any investigatory interviews.

Client - Any individual served by the Department of Corrections.

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.

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Coordinated Community Response - The immediate and longer-term agency and community response to sexual abuse for SCDOC clients that is coordinated among involved responders. Sedgwick County Department of Corrections will coordinate their sexual abuse response with the Sedgwick County Sheriff's Office, Ascension Via at Christi St. Joseph Hospital and community advocate groups.

DCF - Department for Children and Families.

Exigent Circumstances - 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.

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

First Responder - A first responder is a staff person, volunteer, or contractor who initially responds to a disclosure of sexual abuse or sexual harassment (there may be more than one first responder).

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.

Preponderance of Evidence – One type of evidentiary standard used in a burden of proof analysis. Under the preponderance standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true.

Residential Facility - Includes the Juvenile Detention Facility (JDF), Juvenile Residential Facility (JRF) and Adult Residential Center / Work Release (ARES/WR).

SARB - Sexual Abuse Review Board reviews all PREA investigations within 30 days of the conclusion of the administrative investigation and submits findings and recommendations to the PCM and deputy director. The SARB shall be comprised of three (3) non-residential SCDOC supervisors approved by the director, with input from line supervisors, investigators, medical and mental health practitioners.

UBI-DUO - Communication device for the hearing impaired. The system removes communication barriers and allows clients to hold a conversation in real-time. The department currently has an Ubi-Duo device available for all facilities but located at the Juvenile Detention Facility (JDF) and Juvenile Field Services (JFS).

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Sexual Abuse - Sexual abuse of a client by another client, staff member, contractor, or volunteer.

Sexual abuse of a client by another client, staff member, contractor, or volunteer 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:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument;
- (4) 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;
- (5) 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;
- (6) 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;
- (7) 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;
- (8) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (5)-(7);
- (9) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a client and;
- (10) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of a client by staff for reasons unrelated to official duties, such as peering at a client who is using a toilet in his or her cell to perform bodily functions; requiring a client to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a client's naked body or of a client performing bodily functions.

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

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- 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.

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.

Substantiated allegation - An allegation that was investigated and determined to have occurred based on a preponderance of evidence.

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.

Victimization Services - Medical, mental health or advocacy services offered to a client who has experienced sexual victimization or perpetrated sexual abuse. These services are offered at no cost to the client.

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 abuse and intervention program. The PCM assignments are to the persons in the following positions:
 - a. Juvenile Detention Facility and Juvenile Residential Facility – juvenile detention administrator;

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- b. Adult Residential Center/Work Release – administrator;
 - c. Juvenile Intake and Assessment Center – corrections coordinator;
 - d. Juvenile Field Services – administrator;
 - e. Adult Field Services – administrator.
2. The PCM provides direction to the on-duty supervisor regarding all allegations of sexual abuse, sexual harassment or undue familiarity. The PCM shall discuss all allegations and next steps with the PREA coordinator or designee.
 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 ensure PREA internal investigations are completed by specially trained supervisors for all sexual harassment allegations. 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 abuse or sexual harassment might occur.
2. The following procedures are designed to help prevent these behaviors:

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- a. During the initial intake / orientation process, staff shall review available materials with clients for any indication of prior 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.
 - c. The PCM shall determine housing and programming assignments on a case by case basis for all transgender and intersex clients. All transgender / intersex housing assignments shall be documented to show if the client was housed by their gender identity or if the client presented safety and security concerns that prevented the assignment from being approved.
 - d. 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).
 - e. 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 from victimization services 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).
 - f. If screening indicates that the client has experienced prior victimization within 96 hours, a forensic medical examination shall be arranged with the coordinated community response stakeholders.
3. All clients shall receive instructions on the importance of reporting any sexual abuse and sexual harassment during initial formal orientation by staff designated to perform the intake to the program.
 4. Clients in a residential facility shall acknowledge their receipt of these instructions by signing the PREA Client Acknowledgement Form (1.301.1a or 1.301.1b).
 5. Clients assigned to Field Services shall acknowledge their receipt of these instructions by signing the PREA Client Acknowledgement Form (Field Services) (1.301.1c).
 6. Staff are expected to announce their presence when entering a housing area that houses clients of the opposite gender.

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- a. ARES/WR staff shall announce their presence each time they enter a housing area of the opposite gender.
- b. JDF/JRF staff shall announce their presence unless a staff member of the opposite gender is currently working in the housing area and has already announced their presence.
7. All facilities shall have supervisors on each shift conduct and document unannounced rounds every two weeks to identify and deter staff sexual abuse and sexual harassment or signs of undue familiarity. The PCM for 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 shall 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 shall reassess the client's 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 client's 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) either prior to starting, during the hiring or promotion process or annual training. This form shall be completed and approved by the department supervisor.
- 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.
- D. The department shall conduct reference checks, using the PREA Institutional Reference Form (1.301.11), on all applicants, 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.

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- E. Staff shall be subject to disciplinary action up to and including termination of employment for violations of sexual abuse or sexual harassment 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, or sexual harassment.
- G. A 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 PREA standards.
- 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, these actions will be reported to local law enforcement, unless the activity was clearly not criminal. This includes reports to relevant licensing bodies.
- I. All staff have an obligation to disclose or report any illegal sexual acts, sexual abuse, sexual harassment, and undue familiarity with client(s); failure to report 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 the Prison Rape Elimination Act (PREA) / Sexual Abuse Prevention and Intervention policy (1.301).
 - 2. Be trained on the physical, behavioral and emotional signs of sexual abuse, inclusive of but not limited to the following:
 - a. Difficulty sleeping
 - b. Difficulty walking
 - c. Anal/vaginal discharge
 - d. Change in behavior
 - e. Anxiety
 - f. Depression
 - g. Problems concentrating
 - h. Withdrawn behavior

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3. Understand the first responder duties when an alleged sexual abuse or sexual harassment occurs, to include:
 - a. Separate the alleged victim and alleged perpetrator.
 - b. Ask the first responder questions.
 - i. Are you hurt? Do you feel safe? Do you want to be moved? Who did this?
 - ii. Where did this happen? When did it happen?
 - c. Make sure no one can access the crime scene (evidence protection / collection).
 - d. Request that victim and perpetrator do not: change clothes, use the bathroom, eat, drink, brush teeth, or wash-up.
 - e. Notify the on-duty supervisor.
 4. Have a basic understanding of sexual abuse and sexual harassment prevention strategies.
 5. Understand the need to promptly report all illegal sexual acts, sexual abuse, sexual harassment, or undue familiarity and the penalties for violations.
 6. Complete and sign the PREA Acknowledgment Form (1.301.2), Disclosure of PREA Employment Standards Violation form (1.301.6) and PREA Quiz for SCDOC (1.301.8).
 - a. The PREA Acknowledgment and Disclosure of PREA Employment Standards Violation Forms 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.

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- C. The DOC Training Program and facility PCM or designee shall provide documentation on the number of staff, 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.
- E. Cross-gender pat searches shall only be conducted during exigent circumstances, require supervisor approval and shall be documented. If cameras or monitors exist in the facility, pat searches shall be conducted in front of the camera, if possible.
- F. Transgender / intersex searches shall be conducted by their identified gender, unless a safety / security concern was identified and documented on the Screening for Victimization & Abusiveness form. If cameras or monitors exist in the facility, pat searches shall be conducted in front of the camera, if possible.

V. CLIENT EDUCATION AND REPORTING

- A. Within 10 days of intake, any residential facility shall provide comprehensive age-appropriate 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 and sexual harassment.
 - 4. Sexual abuse response process if they become victimized.
 - 5. Information regarding the investigative process that will occur.
 - 6. Right to have a victim advocate present during the investigative process.
 - 7. Information about victimization services and that all services are provided at no cost to the client.
- 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. All facilities shall ensure that clients with special needs are trained on PREA.
- E. All 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.

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- 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 substantiated and a client had sexual contact with a non-consenting staff member.
- H. Alleged victims of sexual abuse or sexual harassment will not be asked to take a polygraph or any truth analysis test.

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 and sexual harassment is critical. Staff shall take seriously all complaints or statements from clients that indicate they have been victims of sexual abuse or sexual harassment.
- 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 or sexual harassment reported to anyone other than to the extent necessary to make treatment, investigation and other security and management decisions.
- E. All facilities shall ensure that clients who have special needs are able to report sexual abuse or sexual harassment to staff directly through interpretive technology or through non-resident interpreters. Accommodations shall be made to convey all PREA information, including how to report sexual abuse or sexual harassment with limited reading skills, visually impaired or with identified special needs.

VII. RESPONSE

- A. When victimization has been reported or when staff, volunteers or contractors become aware of cases of sexual abuse or sexual harassment, 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, separate the alleged perpetrator and victim, secure the crime scene, 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

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abuse or sexual harassment. The on-duty supervisor makes the initial notification to outside law enforcement.

- D. Using the PREA Protocol Form (1.301.3a) 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 shall be offered immediate protection from the assailant, and be provided a coordinated community response, which shall include victimization services, forensic medical examination, timely access to emergency contraception and sexually transmitted infections prophylaxis.
- 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 PCM and Primary investigator shall utilize the PREA Investigations Flowchart (1.301.5a) and PREA Processing Map (1.301.5b) as a guide for all PREA investigations.
- H. The PCM shall notify the PREA coordinator, deputy director and director regarding allegations of sexual abuse within 24 hours.
- I. The PCM shall 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 for allegations of sexual abuse. The PCM shall complete the PREA Investigation Summary (1.300.2) and PREA Protocol Form (1.301.3a) once law enforcement has concluded their investigation and, provide the director with regular progress updates. The PREA Investigation Summary and supporting documentation shall be sent to the director, deputy director and PREA coordinator once completed.
- J. The PREA coordinator shall assign a trained Primary and Secondary investigator to complete administrative sexual harassment or undue familiarity investigations. The PREA coordinator shall notify the facility PCM, deputy director, and director regarding these assignments within 24 hours.
- K. The Primary investigator shall be responsible for completing the PREA Investigation Summary (1.300.2), PREA Investigator Checklist (1.301.3b) and ensure it is reviewed and approved by their PCM or supervisor. The PREA Investigation Summary shall be completed in accordance with the SCDOC Internal Investigations policy (1.300), and submitted to the facility PCM, deputy director, director, and PREA coordinator with all supporting documentation.
- L. The PCM shall provide the completed PREA Protocol Form (1.301.3a) to the Primary investigator to document the facility response to the allegation and attach it to the supporting documentation.

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- M. The PCM shall notify DCF, KDOC, parent / guardian, and the client's community case manager (intensive supervision officer), if applicable, regarding all allegations within 24 hours.
- N. When a client is the victim or alleged perpetrator in an incident the PCM or designee shall be responsible for notifications of the parents/legal guardians if applicable. 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).
- O. If a juvenile client and the 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.
- P. 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 the facility PCM 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.
- Q. Upon receiving an allegation that a client was involved in a possible PREA incident while confined or in the custody of another facility; steps VII. 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 sexual abuse or sexual harassment 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 in the client's file.
- R. The facility shall attempt to conduct a mental health evaluation of all known client on client abusers within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

VIII. SERVICES PROVIDED

- A. The PCM shall be responsible for coordinating victimization services available to all clients who claim to be the victim of sexual abuse. Victimization services and forensic medical examinations shall be provided to every victim without financial cost and regardless of

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whether the victim names the abuser or cooperates with any investigation arising out of the incident. The services available shall include:

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. Offer timely information about and access to emergency contraception and sexually transmitted infections prophylaxis;
 6. Provide crisis intervention counseling;
 7. Offer a victim advocate to be present during the investigative interview process;
 8. Interview the witnesses; and,
 9. 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 has been determined to be substantiated, unsubstantiated or unfounded.
- D. Client victims of sexual abuse located in Sedgwick County shall be transported to Ascension Via Christi at St. Joseph Hospital, which is equipped to evaluate and treat sexual abuse

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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.
- F. Client victims of sexual abuse shall be provided an opportunity to be referred and receive victimization 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 FACILITY REPORTS

- A. The PCM is responsible for compiling and retaining the data for all PREA investigations, which shall include the PREA Investigation Summary, PREA Protocol Form, facility incident report(s), camera video recordings, PREA Retaliation Monitoring, recorded or signed statements, and any supporting documentation. A copy of the camera video recording shall be provided to the PREA coordinator for review. PREA standards require agencies to securely retain the data for at least 10 years or longer if required by state statute.
- B. The PREA coordinator shall assign case numbers to all PREA investigations for tracking and quality assurance purposes.
- C. The PCM shall be responsible for tracking the following data:
 - 1. The victim(s) and assailant(s) of sexual abuse;
 - 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.
- D. The PCM shall report all findings to the PREA coordinator.
- E. 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 or sexual harassment;
 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, Primary Investigator (if applicable) and deputy director.
- F. The PCM and Primary Investigator (if applicable) 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.
- G. If the PCM disagrees with the SARB's recommendations, the PREA coordinator will schedule a meeting and seek guidance from the director and deputy director.
- H. The PREA coordinator shall, on an annual basis, review and analyze the data to assess for compliance with the PREA standards and to improve the effectiveness of the sexual abuse prevention and intervention program.