



SARAH HUCKABEE SANDERS
GOVERNOR

ARKANSAS DEPARTMENT OF CORRECTIONS

1302 Pike Avenue, Suite C
North Little Rock, AR 72114



OFFICE OF THE
SECRETARY

SECRETARIAL DIRECTIVE

SUBJECT: Access to Facilities by Attorneys

NUMBER: 2024-01

SUPERSEDES: 2022-15

APPLICABILITY: Attorneys and their Agents, Department staff, and residents of
Department Facilities

REFERENCE: A.C.A. §§ 12-29-104, 25-43-103, 25-43-105, 25-43-108, 25-43-403; ADC AR 0865
Visitation; ACC AR 7.24 Resident Visitation

PAGE: 1 of 4

APPROVED: Original signature on file

EFFECTIVE DATE: April 29, 2024

I. **POLICY:**

As the executive head of the Arkansas Department of Corrections (Department), it is the responsibility of the Secretary of Corrections (Secretary) to administer the various rules, orders, or directives issued by the Department. The purpose of this directive is to establish consistent procedures governing access to Department facilities by attorneys and their agents for the purposes of conducting interviews, hearings, and meetings with individuals they are documented as representing, consistent with Department policies.

Attorneys of Record and their Agents are subject to all other Departmental policies and regulations governing the visitation of offenders that are not in direct conflict with the provisions outlined in this policy. In a situation of conflict, this directive shall take precedent.

II. **DEFINITIONS:**

- A. **Attorneys of Record.** For the purpose of this policy, Attorneys of Record are defined as members in good standing with the Arkansas Bar or members in good standing with any other state or federal jurisdiction who represent or are determining whether they are going to represent offenders incarcerated in the Arkansas Department of Corrections.
- B. **Agents.** Individuals who work on legal matters under the supervision of Attorneys of Record who represent offenders incarcerated in the Arkansas Department of Corrections, including but not limited to, law students, paralegals, legal assistants, investigators, social workers, and interpreters.
- C. **Facility.** For the purposes of this policy, Facility includes all secure correctional units and centers owned or contracted for the purpose of housing offenders in the custody of the Department.
- D. **Intake Period.** The time following an offender's initial reception or arrival to a facility or center through their orientation phase.

III. PROCEDURES:

A. Attorney of Record Visitation General Procedures

1. Attorneys of Record must submit a letter on their firm or agency's stationary indicating that they are a licensed attorney representing the offender they are visiting or are in the process of determining whether to represent the offender they are visiting. Attorneys of Record and their Agents must appear on an offender's visitation list pursuant to Department policy governing visitation.
2. In addition to the certification letter, Attorneys of Record must submit a list of offenders whom they represent annually following the anniversary of their first visit or whenever their client list changes, whichever is sooner.
3. Attorneys of Record will be required to undergo one (1) criminal history background check per year. The date and Facility the background check was conducted at must be noted in their visitation file in eOMIS and initialed by the employee who facilitated the check. Background checks may be conducted at the first Facility visited, and each year subsequently after the first check.
 - a. Attorneys of Record will only be required to undergo a background check once a year for access to all Facilities unless department staff determines an additional background check is necessary if there is a reasonable suspicion, such as pending criminal charges, professional conduct investigations, or other infractions warranting the need for an additional check within the same year.
 - b. Background checks must be conducted if the most recent existing background check in the Attorney of Record's visitation file is older than one (1) year.
 - c. Attorneys of Record are only required to provide the last four (4) of Social Security Number.
4. Visits between a licensed Attorney of Record representing the offender or the designated Agent of an Attorney of Record will be permitted Monday through Friday between 8:00 am and 4:30 pm.
5. Arrangements for attorney and offender visitation must be made with the Warden, Center Supervisor, or their designee at least twenty-four (24) hours prior to the anticipated visitation.
6. Offenders are not allowed any visitors during the Intake Period including Attorneys of Record and Agents, unless authorized by the Division Director.
7. Agents are permitted access to a Facility without the Attorney of Record present, provided the following conditions are met:
 - a. The Agent works under the supervision and authorization of an Attorney of Record.
 - b. The Attorney of Record provides the Warden, Center Supervisor, or their designee with a letter verifying the Agents identity and work status under their supervision at least three (3) business days prior to the Agent's initial visit.
 - c. Letters requesting approval for Agent visitation must be on the firm or agency's stationary and include the Agents name, title, and date of birth.
 - d. Attorneys of Record are responsible for submitting a current written list of Agents to the Warden or Center Supervisor every ninety (90) days or as soon as possible should there be any changes to their Agent personnel.
 - e. Agents must be on the visitation list for offenders they are tasked with providing professional services.
 - f. Agents are not permitted to provide professional services if they are on the visitation list of an offender for a personal relationship (either as a family member or friend) and must follow general visitation policy guidelines for such offenders.
 - g. Agents will be required to undergo one (1) criminal history background check per year. The date and Facility the background check was conducted must be noted in their

- visitation file in eOMIS and initialed by the employee who facilitated the check.
- h. Background checks may be conducted at the first Facility they visit, and each year subsequently after their first check.
 - i. Agents who have been convicted of or pleaded nolo contendere to felonies or misdemeanors in federal or state courts, or who have pending criminal charges may be denied access to Facilities by the Warden or Center Supervisor.
8. Attorneys of Record and Agents visiting offenders must provide proper identification. Identification requirements include:
- a. For Attorneys of Record: Valid photo identification.
 - b. For Agents: Valid photo identification and name appearing on an Attorney of Records list of approved agents.
9. All Facility personnel shall provide an Attorney of Record or Agent with their name, rank, and personnel number upon request.
10. Attorneys of Record or Agents who are denied access to a Facility will be notified in writing by the Warden or Center Supervisor of the reason(s) they are denied visitation. The Warden or Center Supervisor must also notify their Division General Counsel of the denial as soon as possible. If an Attorney of Record or Agent is determined to be ineligible for future visitation by Department personnel, notification of the decision citing the reason(s) for ineligibility will be sent via mail or email from the Warden or Center Supervisor to the Attorney of Record, and a copy will be sent to the Chief Legal Counsel and the Chief of Staff.

B. Day of Visitation Procedures for Attorneys and their Agents

1. Attorneys of Record and Agents must adhere to all Department visitation and dress code policies to visit offenders inside a Facility.
2. Attorneys of Record and Agents are prohibited from wearing metal, including underwire in undergarments, that may prevent clearing security devices such as metal detectors. Any metal required for a visit with an offender must be placed in a basket to clear the x-ray machine in the entry building.
3. Correctional staff may maintain visual observation and will provide as much privacy as possible to ensure confidentiality during the offender's visitation with their attorney.
4. Attorneys of Record and their Agent's information will be entered into eOMIS to document visit information on each visit, including identification information and any other relevant information related to the visitation.
5. A private visitation area will be provided upon request to ensure privileged communication between Attorneys of Record or Agents and their client. However, this area is subject to general supervision to ensure the security and safety of the Facility and its operations.
6. Attorneys of Record and Agents are only permitted to bring physical documentation related to their client's case. If the visit necessitates additional material beyond what is permitted in Department visitation policies, a request must be made in writing to the Division Director. Any appeals to a denied request may be sent in writing to the Secretary via the Chief Legal Counsel.
7. Legal papers and documents provided to offenders by their Attorney of Record or Agents may be retained by the offender only if permitted pursuant to Department policy.
 - a. Legal papers and documents are subject to inspection for contraband following the visit. Sealed envelopes will be opened for inspection in the presence of facility staff. However, their contents will not be read or copied by Facility staff.
 - b. Personal letters must be delivered through the normal offender mail process and shall not be delivered through Attorneys of Record or their Agents during a visit. Violations of this provision may result in termination of visitation rights to any Facility for a one (1) year period and notification to the relevant authorities.

8. Electronic devices such as cell phones, tablets, or laptops are not permitted inside any Department facility unless authorized in writing by Division Director or their designee. The Department may provide equipment to play videos, or otherwise display material, upon request. The Department bears no responsibility for lost or stolen items.

C. Video Visitation.

1. Video visitation may be utilized by Attorneys of Record and Agents for visits with offenders when in person visitation is not possible.
2. Attorneys of Record and Agents must adhere to the applicable provisions in this directive for video visitation including the scheduling and registration requirements.
3. Video visitation may be subject to monitoring or recording for Facility security purposes.

D. Complaints and Exceptions

1. Attorneys of Record who have complaints about access to Facilities can contact the appropriate Division Director. If the matter is not resolved to their satisfaction, Attorneys of Record can make an appeal to the Secretary.
2. Attorneys of Record that are not on an offender's visitation list at the time of their visit may be granted an exception by the Warden or Center Supervisor to visit with their client so long as they provide an engagement letter on their firm or agency's letterhead explaining that they are the offenders designated representative.
3. Exceptions to these provisions may only be granted by the Secretary or the Division Director and will be documented in writing.

E. Emergency Cancellation

1. If an emergency exists within the Facility, the Warden or Center Supervisor may suspend visitation by Attorneys of Record and their Agents at their discretion until the Facility is determined to be safe and secure.
2. Visitation to Facilities may be suspended across a division at the discretion of the appropriate Division Director or across all Department Facilities by the Secretary if emergency circumstances arise that may warrant the need for such a suspension of visitation.

F. Contact Information:

1. General issues or inquiries may be directed to the Department's Chief Legal Counsel at Office of the Secretary at the following:

Phone: (501) 682-3309
Address: 1302 Pike Avenue,
North Little Rock, AR, 72114

IV. ATTACHMENTS:

Attachment 1: Attorney Visitation Authorization Form

ATTORNEY VISITATION/TELEPHONE REQUEST AND AUTHORIZATION FORM

PLEASE CHECK SELECTION : PHONE LIST _____ VISITATION LIST _____ ALL (This includes video visitation.)

Inmate's Name: _____ Inmate# _____

Attorney's Full Name: _____
PRINT NAME AS IS APPEARS ON STATE I.D. OR DRIVER'S LICENSE

Provide State Bar Number: _____

Mailing Address: _____
Street/P.O. Box City State Zip CodeDate of Birth: _____ Telephone Number: _____
Month Day Year

Last Four digits of Social Security Number #: _____

Sex: _____ Race: _____ State Issued Photo ID/Valid Driver's License Number: _____

State of Issuance: _____

ARE YOU PRESENTLY APPROVED ON ANY OF THE FOLLOWING LISTS OF ANOTHER INMATE(S) INCARCERATED IN A DEPARTMENT OF CORRECTIONS FACILITY: PHONE (P), VISITATION (V), VIDEO VISITATION (VV), ALL (A)

Inmate Name _____ Inmate # _____ Relationship: _____ Unit: _____ (P)(V)(VV)(A)

Inmate Name _____ Inmate # _____ Relationship: _____ Unit: _____ (P)(V)(VV)(A)

Are you a CURRENT or PREVIOUS Department of Corrections employee, CONTRACT employee, VOLUNTEER, or INMATE?
YES NO

If yes, date last employed _____, volunteered _____, or incarcerated _____

Unit of Assignment: _____

AUTHORIZATIONI, _____ of _____
Name City, State

request permission from the Arkansas Department of Corrections, to Visit in person or through Video Visitation and/or contact by telephone, with the above-listed inmate. I understand that there will be consequences should I fail to follow the rules and regulations governing visitation and telephone usage, both those located on the back of this application and rules posted at the Unit. In consideration for being granted permission to visitation and/or telephone usage, I consent to a criminal background check(s). I am also aware that all persons, property, and vehicles entering Department property shall be subject to search, and I give consent to search.

Print Applicant's Name (Must be Legible or Form Cannot Be Processed)_____
Signature of Applicant**RETURN THIS FORM TO THE INMATE'S ASSIGNED UNIT TO THE ATTENTION OF THE UNIT VISITATION CLERK**

Form must be completed legibly and in its entirety.



OFFICE OF THE SECRETARY

1302 Pike Avenue, Suite C
North Little Rock, Arkansas 72114
Phone: (501) 682-3309 | Fax: (501) 534-3958
DOC.ARKANSAS.GOV

SECRETARIAL DIRECTIVE

SUBJECT: Access to Facilities by Attorneys

NUMBER: 2022-15

SUPERSEDES: NEW

APPLICABILITY: Attorneys and their Agents, Department staff, and residents of Department facilities

REFERENCE: A.C.A. §§ 12-29-104, 25-43-103, 25-43-105, 25-43-108, 25-43-403; ACC AR 7.24 Resident Visitation; ADC AD 18-31 Inmate Visitation

PAGE: 1 of 4

APPROVED: Original signature on file **EFFECTIVE DATE:** 12/12/2022

I. POLICY:

~~As the executive head of the Arkansas Department of Corrections (Department), it is the responsibility of the Secretary of Corrections (Secretary) to administer the various rules, orders, or directives issued by the Department. The purpose of this directive is to establish consistent procedures governing access to Department facilities by attorneys and their agents for the purposes of conducting interviews, hearings, and meetings with individuals they are documented as representing, consistent with Department policies.~~

~~Attorneys of Record and their Agents are subject to all other Departmental policies and regulations governing the visitation of offenders that are not in direct conflict with the provisions outlined in this policy. In a situation of conflict, this directive shall take precedent.~~

II. DEFINITIONS:

- A. Attorneys of Record. ~~For the purpose of this policy, Attorneys of Record are defined as members in good standing with the Arkansas Bar or members in good standing with any other state or federal jurisdiction who represent or are determining whether they are going to represent offenders incarcerated in the Arkansas Department of Corrections.~~
- B. Agents. ~~Individuals who work on legal matters under the supervision of Attorneys of Record who represent offenders incarcerated in the Arkansas Department of Corrections, including but not limited to, law students, paralegals, legal assistants, investigators, social workers, and interpreters.~~
- C. Facility. ~~For the purposes of this policy, Facility includes all secure correctional units and centers owned or contracted for the purpose of housing offenders and residents in the custody of the Department.~~
- D. Intake Period. ~~The time following an offender's initial reception or arrival to a facility or center through their orientation phase.~~

III. PROCEDURES:

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1. ~~Attorneys of Record must submit a letter on their firm or agency's stationary indicating that they are a licensed attorney representing the offender they are visiting or are in the process of determining whether to represent the offender they are visiting. Attorneys of Record and their Agents must appear on an offender's visitation list pursuant to Department policy governing visitation.~~
2. ~~In addition to the certification letter, Attorneys of Record must submit a list of offenders whom they represent annually following the anniversary of their first visit or whenever their client list changes, whichever is sooner.~~
3. ~~Attorneys of Record will be required to undergo one (1) criminal history background check per year. The date and Facility the background check was conducted at must be noted in their visitation file in eOMIS and initialed by the employee who facilitated the check. Background checks may be conducted at the first Facility visited, and each year subsequently after the first check.~~
 - a. ~~Attorneys of Record will only be required to undergo a background check once a year for access to all Facilities unless department staff determines an additional background check is necessary if there is a reasonable suspicion, such as pending criminal charges, professional conduct investigations, or other infractions warranting the need for an additional check within the same year.~~
 - b. ~~Background checks must be conducted if the most recent existing background check in the Attorney of Record's visitation file is older than one (1) year.~~
4. ~~Visits between a licensed Attorney of Record representing the offender or the designated Agent of an Attorney of Record will be permitted Monday through Friday between 8:00am and 4:30pm.~~
5. ~~Arrangements for attorney and offender visitation must be made with the Warden, Center Supervisor, or their designee at least twenty-four (24) hours prior to the anticipated visitation.~~
6. ~~Offenders are not allowed any visitors during the Intake Period including Attorneys of Record and Agents, unless authorized by the Division Director.~~
7. ~~Agents Access to Facilities: Agents are permitted access to a Facility without the Attorney of Record present, provided the following conditions are met:~~
 - a. ~~The Agent works under the supervision and authorization of an Attorney of Record.~~
 - b. ~~The Attorney of Record provides the Warden, Center Supervisor, or their designee with a letter verifying the Agents identity and work status under their supervision at least three (3) business days prior to the Agent's initial visit. Letters requesting approval for Agent visitation must be on the firm or agency's stationary and include the Agents name, title, and date of birth.~~
 - i. ~~Attorneys of Record are responsible for submitting a current written list of Agents to the Warden or Center Supervisor every ninety (90) days or as soon as possible should there be any changes to their Agent personnel.~~
 - c. ~~Agents must be on the visitation list for offenders they are tasked with providing professional services to:~~
 - i. ~~Agents are not permitted to provide professional services if they are on the visitation list of an offender for a personal relationship (either as a family member or friend) and must follow general visitation policy guidelines for such offenders.~~
 - d. ~~Agents will be required to undergo one (1) criminal history background check per year. The date and Facility the background check was conducted at must be noted in their visitation file in eOMIS and initialed by the employee who facilitated the check. Background checks may be conducted at the first Facility they visit, and each year subsequently after their first check.~~

- ~~i. Agents who have been convicted of or pleaded nolo contendere to felonies or misdemeanors in federal or state courts, or who have pending criminal charges may be denied access to Facilities by the Warden or Center Supervisor.~~
- ~~8. Attorneys of Record and Agents visiting offenders must provide proper identification. Identification requirements include:
 - ~~a. For Attorneys of Record: Valid photo identification.~~
 - ~~b. For Agents: Valid photo identification and name appearing on an Attorney of Records list of approved agents.~~~~
- ~~9. All Facility personnel shall provide an Attorney of Record or Agent with their name, rank, and personnel number upon request.~~
- ~~10. Attorneys of Record or Agents who are denied access to a Facility will be notified in writing by the Warden or Center Supervisor of the reason(s) they are denied visitation. The Warden or Center Supervisor must also notify their Division General Counsel of the denial as soon as possible. If an Attorney of Record or Agent is determined to be ineligible for future visitation by Department personnel, notification of the decision citing the reason(s) for ineligibility will be sent via mail or email from the Warden or Center Supervisor to the Attorney of Record, and a copy will be sent to the Department's Legal Counsel, the appropriate Division Director, and Division Legal Counsel.~~

~~B. Day of Visitation Procedures for Attorneys and their Agents~~

- ~~1. Attorneys of Record and Agents must adhere to the all Department visitation and dress code policies to visit offenders inside a Facility.~~
- ~~2. Attorneys of Record and Agents are prohibited from wearing metal, including underwire in undergarments, that may prevent clearing security devices such as metal detectors. Any metal required for a visit with an offender must be placed in a basket to clear the x-ray machine in the entry building.~~
- ~~3. Correctional staff may maintain visual observation and will provide as much privacy as possible to ensure confidentiality during the offender's visitation with their attorney.~~
- ~~4. Attorneys of Record and their Agent's information will be entered into eOMIS to document visit information on each visit, including identification information and any other relevant information related to the visitation.~~
- ~~5. A private visitation area will be provided upon request to ensure privileged communication between Attorneys of Record or Agents and their client. However, this area is subject to general supervision to ensure the security and safety of the Facility and its operations.~~
- ~~6. Attorneys of Record and Agents are only permitted to bring physical documentation related to their client's case. If the visit necessitates additional material beyond what is permitted in Department visitation policies, a request must be made in writing to the Division Director. Any appeals to a denied request may be sent in writing to the Secretary via the Chief Legal Counsel.~~
- ~~7. Legal papers and documents provided to offenders by their Attorney of Record or Agents may be retained by the offender only if permitted pursuant to Department policy.
 - ~~a. Legal papers and documents are subject to inspection for contraband following the visit. Sealed envelopes will be opened for inspection in the presence of facility staff. However, their contents will not be read or copied by Facility staff.~~
 - ~~b. Personal letters must be delivered through the normal offender mail process and shall not be delivered through Attorneys of Record or their Agents during a visit. Violations of this provision may result in termination of visitation rights to any Facility for a one (1) year period and notification to the relevant authorities.~~~~
- ~~8. Electronic devices such as cell phones, tablets, or laptops are not permitted inside any Department facility unless authorized in writing by Division Director or their designee. The Department may~~

~~provide equipment to play videos, or otherwise display material, upon request. The Department bears no responsibility for lost or stolen items.~~

~~C. Video Visitation.~~

- ~~1. Video visitation may be utilized by Attorneys of Record and Agents for visits with offenders when in person visitation is not possible.~~
- ~~2. Attorneys of Record and Agents must adhere to the applicable provisions in this directive for video visitation including the scheduling and registration requirements.~~
- ~~3. Video visitation may be subject to monitoring or recording for Facility security purposes.~~

~~D. Complaints and Exceptions~~

- ~~1. Attorneys of Record who have complaints about access to Facilities can contact the appropriate Division Director. If the matter is not resolved to their satisfaction, Attorneys of Record can make an appeal to the Secretary.~~
- ~~2. Attorneys of Record that are not on an offender's visitation list at the time of their visit may be granted an exception by the Warden or Center Supervisor to visit with their client so long as they provide an engagement letter on their firm or agency's letterhead explaining that they are the offenders designated representative.~~
- ~~3. Exceptions to these provisions may only be granted by the Secretary or the Division Director and will be documented in writing.~~

~~E. Emergency Cancellation~~

- ~~1. If an emergency exists within the Facility, the Warden or Center Supervisor may suspend visitation by Attorneys of Record and their Agents at their discretion until the Facility is determined to be safe and secure.~~
- ~~2. Visitation to Facilities may be suspended across a division at the discretion of the appropriate Division Director or across all Department Facilities by the Secretary if emergency circumstances arise that may warrant the need for such a suspension of visitation.~~

~~F. Contact Information~~

- ~~1. General issues or inquiries may be directed to the Department's Chief Legal Counsel at Office of the Secretary at the following:~~

~~Phone: (501) 682-3309~~

~~Address: 1302 Pike Avenue, North Little Rock, AR, 72114~~



SARAH HUCKABEE SANDERS
GOVERNOR

ARKANSAS DEPARTMENT OF CORRECTIONS

1302 Pike Avenue, Suite C
North Little Rock, AR 72114



OFFICE OF THE
SECRETARY

SECRETARIAL DIRECTIVE

SUBJECT: Prison Rape Elimination Act (PREA)

SUPERSEDES: SD 2021-05

NUMBER: 2024-02

APPLICABILITY: All Department of Corrections Employees, Contractors, Volunteers, Interns and Offenders

REFERENCE:

A.C.A. §§ 25-43-105, 25-43-108, and 25-43-401; AR 005 Reporting of Incidents; AR 225 Employee Conduct Standards; AR 210 Relationships and Transactions with Inmates; AR 404 Transporting Escorting Offenders; SD Internal Investigations and Criminal Evidence Handling; SD Incident Notification Procedures; and PREA Standards.

PAGE: 1 of 15

APPROVED: Original signature on file

EFFECTIVE DATE: May 21, 2024

I. POLICY:

As the executive head of the Arkansas Department of Corrections (DOC), it is the responsibility of the Secretary of Corrections (Secretary) to administer the various rules, orders, or directives issued by the DOC. The purpose of this directive is to ensure that the DOC remains in compliance with the Prison Rape Elimination Act (PREA). The DOC has a “zero-tolerance” approach toward all forms of sexual abuse and sexual harassment. This directive also sets forth the DOC’s zero-tolerance approach to preventing, detecting, and responding to such conduct. The DOC will initially respond to all reports of sexualized behavior or abuse as nonconsensual, regardless of perception, rumor, appearance, or participant disclosure.

II. DEFINITIONS:

- A. Community Confinement Facility. A community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.
- B. Contractor. A person who provides services on a recurring basis pursuant to a contractual agreement with the DOC.

- C. Coordinated Response Plan. 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.
- D. 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.
- E. First Responder. Any Staff member who is responsible for the initial response to a discovery or report of Sexual Abuse.
- F. Gender Nonconforming (GNC). A person whose appearance or manner does not conform to traditional societal gender expectations.
- G. Investigative Outcome. When an investigation is concluded, the outcome will be labeled as one of the following:
 - 1. Substantiated. An allegation that was investigated and determined to have occurred.
 - 2. Unfounded. An allegation that was investigated and determined not to have occurred.
 - 3. Unsubstantiated. An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- H. LGBTI. An acronym for a group of individuals self-identifying as lesbian, gay, bisexual, transgender, and/or Intersex.
 - 1. Transgender. A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
 - 2. Intersex. A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.
- I. Offender. Inmates and residents in a prison, community corrections center, or a reentry center operated or contracted by the DOC.
- J. Perpetrator. An individual alleged to have committed any form of Sexual Abuse or Sexual Harassment; identified in the electronic Offender Information Management System ("eOMIS") as the Suspect.
- K. Potential Sexual Predator. An Offender identified at intake or by a unit classification committee as having a history of sexual aggression or a potential for sexual aggression based upon an appropriate screening tool and/or that has a history of repeated guilty outcomes for sexual misconduct, indecent exposure, masturbation in the presence of another, making sexual threats, or demanding sexual contact. Note: A Potential Sexual Predator is a precaution identifier in eOMIS.
- L. PREA Checklist. A form to be completed by designated Staff to ensure the Victim receives appropriate care and investigators can secure evidence and increase the chance of prosecuting the Perpetrator(s).
- M. PREA Compliance Manager (PCM). Individual responsible for overseeing PREA compliance efforts in their facilities.
- N. PREA Coordinator. Individual responsible for developing PREA training as needed, writing, revising, and updating policies and procedures involving PREA standards; annually reviewing policies for effectiveness and possible standard deficiencies; and advising staff regarding implementation and interpretation of PREA policies.
- O. PREA Sex Offender. An Offender who, since 1985, has been found guilty of the disciplinary charge of rape or forced sexual act with an Offender, Staff, Volunteer, Contractor, or other individual in a correctional facility (including non-DOC locations).
- P. Prison. An institution under federal or state jurisdiction for which the primary use is the confinement of, usually in excess of one year in length, individuals convicted of a serious crime, or a felony.
- Q. Retaliation. Acts or threats of action to punish an Offender or Staff member for refusing to submit to sexual advances or involvement in the reporting or investigations of a Sexual Abuse or Sexual Harassment complaint.

- R. Sexual Abuse. The use of debt, threats of physical harm, peer pressure, deceit, personal favors, or positional authority to force or coerce sexual favors from a person, including sexually abusive contacts, penetration, or harassment.
1. Offender-on-Offender Abusive Sexual Contact. Non-penetrative touching by an Offender, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another Offender.
 2. Offender-on-Offender Nonconsensual Sexual Acts. Penetration by an Offender of another Offender in which the victimized Offender is coerced into sexually abusive penetration by threats of violence or is otherwise unable to refuse. The sexual acts included are:
 - a. Contact between the penis and the vagina or the anus;
 - b. Contact between the mouth and the penis, vagina or anus; or
 - c. Penetration, however slight, of the anal or genital opening by any means.
 3. Staff-on-Offender Sexual Misconduct. Any behavior or act of a sexual nature directed toward an Offender by an employee, Volunteer, Contractor, or DOC representative.
 - a. This includes relationships of a sexual or romantic nature, including vaginal, oral, and anal penetration, intentional touching for sexual gratification, attempted or threatened sexual acts, requests for sexual acts, indecent exposure, and Voyeurism.
 - b. Includes without limitation to: Includes but is not limited to: penetration, kissing, hugging, massaging, writing, or exchanging letters, pictures, phone calls, etc. of a romantic or sexual nature between Staff and Offenders.
- S. Sexual Harassment
1. Offender-on-Offender 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 an Offender directed toward another.
 2. Staff-on-Offender Sexual Harassment. Repeated verbal comments or gestures of a sexual nature to an Offender by a Staff member, Contractor, or Volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- T. Staff. All DOC employees, Volunteers, interns, and contracted personnel working within the facilities, or directly with an Offender in any official capacity.
- U. Victim. An Offender who is harmed or adversely affected by, and/or tricked or exploited into participating in sexual contact or is subjected to Sexual Abuse or Harassment.
- V. Victim Prone. An Offender identified at intake or by a unit classification committee as susceptible to sexual abuse within a correctional facility.
- W. Volunteer. An individual who donates time and effort on a recurring basis to enhance the activities and programs of the DOC.
- X. Voyeurism. An invasion of privacy of an Offender by Staff for reasons unrelated to official duties, such as peering at an Offender who is using a toilet in his or her cell to perform bodily functions; requiring an Offender to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an Offender's naked body or of an Offender performing bodily functions.
- Y. Youthful Offender. Any person under the age of eighteen (18) who is under adult court supervision and incarcerated or detained in a Prison or jail.

III. PROCEDURES:**A. Training****1. Staff Training**

- a. Training shall be tailored to be gender specific to the primary facility of each Staff member. All employees shall receive training annually in the following:
 - i. The DOC's zero-tolerance policy for Sexual Abuse and Sexual Harassment.
 - ii. Their responsibilities of Sexual Abuse and Sexual Harassment prevention, detection, reporting, and response policies and procedures.
 - iii. Offenders' right to be free from Sexual Abuse and Sexual Harassment.
 - iv. The right of Offenders and Staff to be free from Retaliation for reporting Sexual Abuse and Sexual Harassment.
 - v. The dynamics of Sexual Abuse and Sexual Harassment in confinement.
 - vi. The common reactions of Sexual Abuse and Sexual Harassment victims.
 - vii. How to detect and respond to signs of threatened and actual Sexual Abuse.
 - viii. How to avoid inappropriate relationships with Offenders.
 - ix. How to communicate effectively and professionally with an Offender, including LGBTI or GNC Offenders.
 - x. How to comply with relevant laws related to mandatory reporting of Sexual Abuse to outside authorities.

2. Volunteer and Contractor Training

- a. All Volunteers and Contractors who have contact with Offenders shall be trained annually on the following:
 - i. The DOC's policy of zero-tolerance regarding Sexual Abuse and Sexual Harassment and how to report such incidents.
 - ii. Their responsibilities under the DOC's Sexual Abuse and Sexual Harassment policies and procedures.
- b. Training shall be based on the level and amount of contact the Volunteer or Contractor has with Offenders.

3. Sexual Abuse Investigator Training - All employees who conduct Sexual Abuse investigations shall receive specialized training in conducting such an investigation in a confinement setting. The training shall include:

- a. Interviewing techniques for Sexual Abuse Victims.
- b. Proper use of Miranda and Garrity warnings.
- c. Sexual Abuse evidence collection in confinement settings.
- d. Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

4. Medical and Mental Health Training - All full and part-time medical and mental health care practitioners who work regularly in the facility shall receive specialized training on the following:

- a. How to detect and assess signs of Sexual Abuse and Sexual Harassment.
- b. How to preserve physical evidence of Sexual Abuse.
- c. How to respond effectively and professionally to Victims of Sexual Abuse and Sexual Harassment.
- d. How and to whom to report allegations or suspicions of Sexual Abuse and Sexual Harassment.

5. Victim Advocacy Training - Employees designated to provide victim advocacy for Offenders when a community-based organization is not available must receive approved training as indicated for Victim advocates.
6. Staff members completing the above training shall sign a document acknowledging that they understand the training they have received. All training documentation shall be maintained by the DOC's PREA Coordinator.

B. Offender Education

1. During the intake process and at each facility, each Offender shall receive oral and written information about the DOC's zero-tolerance policy regarding Sexual Abuse and Sexual Harassment and how to report incidents or suspicions of Sexual Abuse or Sexual Harassment.
2. Within thirty (30) days of intake and at each facility, comprehensive education shall be provided to Offenders either in person or through video regarding their rights to be free from Sexual Abuse and Sexual Harassment, as well as from Retaliation for reporting such incidents; how to prevent Sexual Abuse and self-protection measures; treatment and counseling availability; and policies and procedures for responding to such incidents.
3. Each facility shall provide Offender education in formats accessible to all Offenders, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, and for Offenders who have limited reading skills. Use of Offender interpreters for assistance in Offender education on aspects of the DOC's efforts to prevent, detect, and respond to Sexual Abuse and Sexual Harassment shall be prohibited except in circumstances where extended delay in obtaining an effective interpreter could compromise the Offender's safety.
4. Each facility shall maintain documentation of participation in Offender education.
5. Each facility shall ensure that key information is continuously and readily available or visible to Offenders, such as posters and Offender handbook materials that explain the zero-tolerance policy and different ways to report.

C. General Provisions.

1. Cross-Gender Viewing and Searches
 - a. The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches and shall document all cross-gender pat-down searches of female Offenders.
 - b. The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches except in Exigent Circumstances or when performed by medical practitioners.
 - c. For a facility whose rated capacity does not exceed 50 inmates, the facility shall not permit cross-gender pat-down searches of female Offenders, absent Exigent Circumstances. Facilities shall not restrict female Offenders' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
 - d. Offenders shall be permitted to shower, perform bodily functions, and change clothing without Staff of the opposite gender viewing their breasts, buttocks, or genitalia except in Exigent Circumstances or when such viewing is incidental to routine cell checks.
 - e. Staff of the opposite gender shall announce their presence when entering an Offender housing unit.
 - f. Staff shall be prohibited from searching or physically examining a Transgender or Intersex Offender for the sole purpose of determining the Offender's genital status.

2. Hiring Decisions

- a. The DOC shall perform a criminal background record check before enlisting the services of any Contractor who may have contact with Offenders.
- b. The DOC shall conduct criminal background record checks at least every five years of current employees and Contractors who may have contact with Offenders.

3. Youthful Offenders

- a. A Youthful Offender shall not be placed in a housing unit in which the Youthful Offender will have sight, sound, or physical contact with any adult Offender through use of a shared dayroom, shower area, toilet area, or sleeping quarters.
- b. All Youthful Offenders will be housed at the designated unit in a housing area that provides for sight and sound separation from other Offenders over the age of seventeen (17). The Youthful Offenders will be able to attend all unit activities, receive all unit services, and participate in jobs and programs as deemed appropriate by the unit classification committee. Youthful Offenders must be directly supervised when not in their assigned housing area.

4. Unannounced Rounds. Each facility shall implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff Sexual Abuse and Sexual Harassment. Such policy and practice shall be implemented for all shifts. Each facility shall have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility. This will be included in all relevant post orders.

5. Medical and Mental Health

- a. All Offenders who have been Victims of Sexual Abuse in any correctional facility shall be offered medical and mental health evaluations and, as appropriate, any necessary treatment related to Sexual Abuse. This includes timely and unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which shall be determined by medical and mental health practitioners according to their professional judgment. This also includes timely and comprehensive information about emergency contraception, pregnancy testing, sexually transmitted infection testing and prophylaxis, and lawful pregnancy-related medical services deemed appropriate by the medical practitioner.
- b. Mental health practitioners shall attempt to conduct an evaluation on all known Offender-on-Offender Perpetrators within sixty (60) days of learning of such abuse and provide treatment as deemed appropriate.
- c. Current and previous Victims of Sexual Abuse shall receive any medical and mental health services related to the Sexual Abuse at no cost to the Offender.

D. Offender PREA Screening

1. Each Offender shall be assessed during the intake screening within seventy-two (72) hours of arrival and upon each transfer to another facility. Each objective risk screening shall be face to face and include a review of any history of Sexual Abuse-Victimization or sexually predatory behavior. Only Staff who have completed PREA screening training may administer the assessment. The assessment report shall be completed in the Electronic Offender Management Information System (eOMIS).
2. The PREA screening shall consider, at a minimum, the following criteria to assess an Offender for risk of sexual victimization:
 - a. Whether the Offender has a mental, physical, or developmental disability;
 - b. The age of the Offender;

- c. The physical build of the Offender;
 - d. Whether the Offender has previously been incarcerated;
 - e. Whether the Offender's criminal history is exclusively nonviolent;
 - f. Whether the Offender has prior convictions for sex offenses against an adult or child;
 - g. Whether the Offender is or is perceived to be LGBTI or GNC;
 - h. Whether the Offender has previously experienced sexual Victimization; and
 - i. The Offender's own perception of vulnerability.
 3. The PREA screening shall be based on a point system developed by the DOC PREA Coordinator.
 4. If an Offender scores "at risk" for victimization, the designated Staff shall label them as Victim Prone in eOMIS.
 5. The PREA screening shall consider, at a minimum, the following criteria to assess an Offender for risk of being sexually abusive:
 - a. Prior acts of Sexual Abuse,
 - b. Prior convictions for violent offenses, and
 - c. History of prior institutional violence or Sexual Abuse, as known to the DOC.
 6. If an Offender scores "at risk" for abusiveness, the designated staff shall label them as a Potential Sexual Predator in eOMIS.
 7. The information from the PREA screening shall be used to make housing, bed, program, and work assignment decisions with the goal of keeping separate those Offenders who are prone to sexual Victimization from those who are prone to sexual aggression. The facility PCM is responsible for ensuring such separation.
 8. Within thirty (30) days of arrival to each facility, the Offender's risk level shall be reassessed based upon any additional information received since the intake screening. A reassessment shall also occur when any new information is learned that bears on an Offender's propensity for sexual Victimization or abusiveness, such as an incident or new disclosure of Sexual Abuse. Reassessments shall include consultation with the Offender.
 9. When an assessment indicates an Offender has experienced Victimization or previously been a Perpetrator, Staff shall ensure the Offender has been offered a follow-up for counseling and monitoring with the appropriate medical or mental health professional within fourteen (14) days of the assessment.
 10. The dissemination of information related to and resulting from the assessment shall be controlled and limited to Staff necessary to inform treatment plans and make security and management decisions regarding housing, beds, work, education, and program assignments.
 11. Medical and mental health professionals shall obtain informed consent from the Offender prior to reporting information related to a prior sexual victimization that did not occur in a facility, unless the Offender is under eighteen (18) years old.
 12. Offenders shall not be disciplined for refusal or nondisclosure of complete information in response to the questions asked on the PREA screening.
 13. Placement decisions regarding Transgender and Intersex Offenders shall be individualized.
- E. Initial Reporting
1. Offenders may report Sexual Abuse and Sexual Harassment, Retaliation by other Offenders or Staff, and Staff neglect or violation of responsibilities that may have contributed to such incidents through multiple avenues:
 - a. Calling the DOC PREA Hotline free of charge using the Offender telephone system;
 - b. Telling any Staff member;
 - c. Writing a note or request to any Staff member;
 - d. Sending correspondence to the PREA Coordinator;

- e. Sending correspondence to the designated external agency;
 - f. Sending confidential correspondence to a designated community-based victim advocacy group. Such correspondence will be treated as legal mail;
 - g. Utilizing the Offender Grievance Procedure; or
 - h. Having a family member or friend make a report to the Warden or DOC PREA Coordinator.
2. An Offender may report a sexual offense to any Staff member and may also report using any of the listed multiple internal and external reporting methods, whether verbally, in writing, anonymously, or via a third party. If at any time it is learned that an Offender is subject to a substantial risk of imminent Sexual Abuse, immediate action shall be taken to protect the Offender.
3. Staff members shall immediately report all knowledge, suspicions, or information of an incident of a sexual offense within DOC or any other correctional facility. They shall also report any Retaliation against someone who has reported such an incident and any knowledge of Staff who neglect to report the above incidents or who, through neglect of duty or violation of responsibilities, may have contributed to an incident occurring. Staff can privately report Offender Sexual Abuse and Sexual Harassment directly to the warden or deputy warden of the facility, or by contacting the PREA Hotline.

F. Staff First Responder Duties

1. Upon learning that an Offender was sexually abused, the Staff member shall immediately ensure the safety of the Victim while reporting the information to the shift supervisor. The shift supervisor shall activate the Coordinated Response Plan and ensure the following steps have been taken:
- a. The separation of the Victim and Perpetrator.
 - b. The security and protection of any crime scene to keep potential evidence in place for examination and investigation.
 - i. The only persons permitted to enter a secured crime scene shall be Arkansas State Police, the assigned investigator, or medical Staff as needed.
 - ii. The area shall remain secured as a crime scene until verification of a completed investigation and released by the investigating authority.
 - c. If the abuse occurred within the previous ninety-six (96) hours, request that the **Victim** not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating;
 - d. If the abuse occurred within the previous ninety-six (96) hours, ensure that the **Perpetrator** does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating;
 - e. The PREA checklist will be initiated immediately by the First Responder. This requires that the following Staff be notified:
 - i. DOC PREA Coordinator
 - ii. Facility PCM
 - iii. Internal Affairs Administrator
 - iv. On-Call Medical Personnel
 - v. On-Call Mental Health Personnel
 - vi. Warden or Duty Warden
 - vii. DOC HIV Coordinator (only if there is a known or suspected exchange of body fluids)
 - viii. Classification Officer

- ix. Chaplain
 - x. Victim Advocate
 - xi. Communications Director (only if the Victim is being transported to the hospital).
 - xii. Chief of Staff
2. Medical personnel shall promptly determine whether the Victim needs to be transported to an outside facility for an examination that may include: collection of forensic evidence, testing for sexually transmitted diseases, and prophylactic treatment.
 - a. In preparation of transporting the Victim, he or she shall be instructed to undress over a clean sheet, in order to collect any potential forensic evidence that may fall from the Victim's person.
 - b. The sheet along with the Victim's clothing shall be collected as evidence and placed in a paper bag with an appropriate chain of evidence form attached.
 3. The transportation of the Victim shall be in accordance with the Transporting/Escorting Offenders Administrative Rule.
 4. In coordination with the outside facility, the designated Staff shall request the forensic medical examination be performed by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) or other qualified medical practitioner. The efforts to provide SAFEs or SANEs shall be documented. The examination shall be at no cost to the Victim.
 5. Medical care and forensic medical examinations are separate and different procedures. The Victim shall have a right to refuse either. Victims may be encouraged but shall not be forced to consent to a forensic medical examination. However, the Victim may refuse consent to the forensic medical examination and still consent to and receive medical care.
 6. The Victim shall be offered victim advocate services. If requested, the advocate service shall be contacted and given the appropriate information in order to assist the Victim through the forensic examination and investigation process.
 7. Victims of Sexual Abuse or those at high risk for abuse shall not be placed in involuntary protective custody or segregation unless all available alternatives have been assessed and documented and are not available. The facility may only hold the Offender for twenty-four (24) hours in involuntary segregation while completing the assessment, and if the placement has to continue, must document why there are no other available alternatives and provide access to programs, education, work, and other privileges to the extent possible.
 8. Staff will enter the incident in eOMIS as soon as possible, but not later than the end of their shift, following these guidelines:
 - a. Choose the correct incident type and select YES to Suspected PREA.
 - b. List the names of all Staff and Offenders involved and select their appropriate level of involvement—witness, suspect, or Victim.
 - c. Refer the incident to the Warden and Unit PCM.
 9. Notifications for the purpose of an investigation shall be immediately made to the designated facility or DOC investigator. In addition, all allegations of Sexual Abuse that involve potentially criminal behavior shall be referred for criminal investigation to the Arkansas State Police (ASP).
 10. Within seventy-two (72) hours of receiving an allegation that an Offender was sexually abused while confined at another facility, the Warden shall notify the head of the facility where the incident occurred. The notification shall be documented. All allegations received from other facilities shall be investigated in accordance with the PREA Standards. The incident report and investigation shall be completed by the facility where the incident occurred.

G. Investigations

1. All allegations of Sexual Abuse and Sexual Harassment shall be promptly, thoroughly, and objectively investigated, including third-party and anonymous reports.
2. A PREA investigation shall be initiated within twenty-four (24) hours of the incident upon report to the facility or DOC investigator or as soon as possible if referred for investigation to the Arkansas State Police (ASP). ASP shall be notified once the quality of evidence appears to support criminal prosecution.
3. Sexual Harassment investigations shall include the following documentation:
 - a. 005;
 - b. Witness statements;
 - c. Any other relevant information; and
 - d. Major disciplinary, if substantiated.
4. If an allegation of Sexual Harassment is Substantiated or if the Offender is in imminent danger, the Victim and Perpetrator shall be separated.
5. Sexual Abuse investigators shall:
 - a. Gather and preserve all direct and circumstantial evidence, including any available physical and DNA evidence, and any available electronic monitoring data;
 - b. Interview the Victim, suspected Perpetrator(s), and witnesses; and
 - c. Review prior complaints and reports of Sexual Abuse involving the suspected Perpetrator.
6. Investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, the review of prior complaints and reports of Sexual Abuse involving the suspected Perpetrator, and investigative facts and findings.
7. All investigations shall be consistent with the most updated version of the Coordinated Response Plan.
8. A Sexual Abuse investigation shall normally be completed within ninety (90) days of initiation. If circumstances cause the investigation to extend past ninety (90) days, the cause shall be documented in the investigation report.
9. No standard higher than a preponderance of the evidence shall be imposed in determining whether allegations of Sexual Abuse or Sexual Harassment are Substantiated for administrative investigations.
10. The credibility of a Victim, Perpetrator, or witness shall be assessed on an individual basis and shall not be determined by the individual's status as an Offender or Staff member. An Offender who alleges Sexual Abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition to proceed with the Sexual Abuse investigation.
11. Administrative investigations that result in a Substantiated case of Sexual Abuse shall include an effort to determine whether Staff actions or failures to act contributed to the abuse.
12. The departure of the Perpetrator or Victim from the employment or control of the facility or department shall not provide a basis for terminating an investigation.
13. All PREA investigations shall be referred to the PCM, PREA Coordinator, and Warden or their designee for review and approval upon completion. Once approved by the Warden or designee, they shall be referred to Internal Affairs for final review.
14. The Victim shall be informed within thirty (30) days of the conclusion of the investigation. It shall be documented when the:
 - a. Allegation has been determined to be Substantiated, Unsubstantiated, or Unfounded.
 - b. Perpetrator is no longer posted within the Victim's unit.

- c. Perpetrator is no longer employed.
 - d. Perpetrator has been indicted or convicted on a charge related to the Sexual Abuse.
15. The obligation to inform the Victim shall terminate if they are released from custody.

H. Sexual Abuse Incident Review (SAIR)

1. All facilities shall conduct a review, ordinarily within thirty (30) days, at the conclusion of every Sexual Abuse investigation unless the allegation was determined to be Unfounded. An investigation shall be deemed to be concluded upon the review and approval of the investigation report by the Internal Affairs Division, Division Director, and the Secretary. The review team shall consist of upper-level management officials with input from line supervisors, investigators, and medical or mental health practitioners. The review team shall:
 - a. Consider whether the allegation or investigation indicated a need to revise policies or practices to better prevent, detect, or respond to Sexual Abuse.
 - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; LGBTI identification, status, or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
 - c. Examine the area in the facility where the incident occurred to assess whether physical barriers in the area may enable abuse.
 - d. Assess the adequacy of Staffing levels in that area during different shifts.
 - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by Staff.
 - f. Prepare a report of its findings, including determinations made from sections a-e and any recommendations for improvement and submit the report to the facility head and PCM.
2. The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.

I. Confidentiality

1. All information in the PREA screening, incident report, and investigation of a sexual offense shall be kept confidential except to the extent necessary to report to an appropriate supervisor, adequately investigate, provide treatment, or make security or management decisions. An individual interviewed in the course of resolving the complaint shall be cautioned to treat the information as confidential.
2. Breach of this confidentiality shall be grounds for disciplinary action. Due to the sensitive nature of a sexual offense incident as outlined in this policy, all investigative reports, incident reports, sexual abuse incident reviews, and investigative notes and documents on sexual offense incidents shall remain confidential and shall not be subject to open records.

J. Retaliation - Retaliation by or against any Staff, Offender, or witness involved in a complaint or report of Sexual Abuse or Sexual Harassment is strictly prohibited. Retaliation, in and of itself, shall be investigated and may constitute grounds for disciplinary action.

1. The PCM at each facility shall be responsible for monitoring Retaliation.
2. Monitoring shall occur for at least ninety (90) days following an allegation of Sexual Abuse or Sexual Harassment. Monitoring shall occur beyond ninety (90) days if the initial monitoring indicates a continuing need. Monitoring shall cease if the investigation determines that the allegation is Unfounded.
3. When monitoring Offenders, periodic status checks shall be conducted by the PCM as needed, but at least once every thirty (30) days. Status checks shall be conducted more often if concerns are expressed by the Offender.
4. Emotional support services shall be provided as well as appropriate measures taken to protect any individual who expresses a fear of Retaliation.

K. Discipline

1. Offender Disciplinary Actions

- a. Offenders may be disciplined for Substantiated incidents of Offender-on-Offender Sexual Abuse. If an Offender has pending disciplinary sanctions for Offender-on-Offender Sexual Abuse, consideration shall be given as to whether the Offender's mental disabilities or mental illness contributed to his or her behavior when determining what level of sanction, if any, will be imposed.
- b. An Offender may be labeled as a PREA Sex Offender in eOMIS for any substantiated allegation of Sexual Abuse. The PREA Sex Offender precaution shall be approved by the facility PCM and DOC PREA Coordinator.
- c. Offenders may not be disciplined for Sexual Abuse of a Staff member if the Staff member consented.
- d. An Offender may be disciplined for reporting a false allegation of Sexual Abuse or Sexual Harassment only where the facility can demonstrate the false allegation was knowingly made in bad faith. A report made in good faith based upon a reasonable belief that the conduct occurred shall not constitute a false report or lying even if an investigation does not establish evidence sufficient to substantiate the allegation.
- e. An Offender may be disciplined for abusing the PREA Hotline. Abuse includes, but is not limited to:
 - i. Calling about a non-PREA related issue;
 - ii. Repeatedly calling about the same allegation; or
 - iii. Threatening the safety of Staff or other Offenders.

2. Staff Disciplinary Actions

- a. Staff shall be subject to disciplinary sanctions up to and including termination for violating Sexual Abuse or Sexual Harassment policies.
- b. Termination shall be the presumptive disciplinary sanction for Staff who engage in Sexual Abuse. The former employee will not be eligible for rehire.
- c. Disciplinary sanctions shall be commensurate with the nature and circumstances of the acts committed and the Staff member's disciplinary history.
- d. All terminations for Sexual Abuse, or resignations of Staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

L. Staffing Plan

1. Each facility shall develop, document, and make its best efforts to comply on a regular basis with a Staffing plan that provides for adequate levels of Staffing and, where applicable, video monitoring, to protect Offenders from Sexual Abuse.
2. In calculating adequate Staffing levels and determining the need for video monitoring, Prisons shall take into consideration:
 - a. Generally accepted detention and correctional practices;
 - b. Any judicial findings of inadequacy;
 - c. Any findings of inadequacy from federal investigative agencies;
 - d. Any findings of inadequacy from internal or external oversight bodies;
 - e. All components of the facility's physical plant, including blind spots or area where Staff or Offenders may be isolated;
 - f. The composition of the Offender population;
 - g. The number and placement of supervisory Staff;
 - h. Institution programs occurring on a particular shift;

- i. Any applicable state or local laws, regulations, or standards;
 - j. The prevalence of Substantiated and Unsubstantiated incidents of Sexual Abuse; and
 - k. Any other relevant factors.
 3. In calculating adequate Staffing levels and determining the need for video monitoring, Community Confinement Facilities shall take into consideration:
 - a. All components of the facility's physical plant including "blind spots" or areas where Staff or Offenders may be isolated;
 - b. The composition of the Offender population;
 - c. The prevalence of Substantiated and Unsubstantiated incidents of Sexual Abuse; and
 - d. Any other relevant factors.
 4. In circumstances where the Staffing plan is not complied with, the facility shall document and justify all deviations from the Staffing plan.
 5. Whenever necessary, but no less frequently than once each year, each facility, in consultation with the PREA Coordinator, shall assess, determine, and document whether adjustments are needed to:
 - a. The Staffing plan established pursuant to this section;
 - b. The facility's deployment of video monitoring systems and other monitoring technologies; and
 - c. The resources the facility has available to commit to ensure adherence to the Staffing plan.
- M. Sexual Abuse Data Collection and Records Retention
1. Data shall be collected for every allegation of Sexual Abuse using the PREA investigating screens in eOMIS designed to contain the data necessary to answer all questions for the Survey of Sexual Violence requested annually from the Department of Justice for the set of definitions. All data collected shall be securely retained.
 2. Each facility shall document the number of allegations, completed investigations, and investigative outcomes in a monthly report. The report shall be submitted to the PREA Coordinator along with the facilities tracking spreadsheet.
 3. All data from available incident-based documents related to allegations of Sexual Abuse shall be collected, reviewed, and maintained as needed.
 4. Data shall be obtained from each private facility which contracts for the confinement of DOC Offenders.
 5. Aggregated data collected shall be made available to the public annually through the DOC website.
 6. All case records associated with claims of sexual offenses, including incident reports, investigation reports, Offender information, case disposition, and medical and counseling evaluation findings and recommendations for post-release treatment or counseling, shall be retained in accordance with the records retention schedule.

IV. ATTACHMENTS:

- I. PREA Checklist
- II. Retaliation Assessment Form



Attachment I

PREA Checklist

		Date	Time	Initials
1.	Separate the Victim and the perpetrator			
2.	Secure evidence and/or crime scene			
In cases of suspected or known oral, anal, or vaginal penetration, and for all staff on inmate/resident sexual misconduct investigations, notifications are to be made immediately via telephone. If there is no suspected penetration, notification may be made via email.				
3.	Notify Warden, Center Supervisor, or Duty Warden			
4.	Notify Unit PCM/Deputy Warden, or Assistant Center Supervisor			
5.	Notify Medical Personnel			
6.	Notify Mental Health Personnel			
7.	Notify Chaplain			
8.	Ask the Victim if they would like the services of the Victim Advocate; if yes, notify this person.			
9.	Notify Classification Staff and complete Offender enemy or separation alert in eOMIS.			
10.	Notify Internal Affairs On-Call Staff			
11.	Notify the PREA Coordinator			
12.	In cases of suspected or known penetration, ADC facilities will immediately contact the HIV/AIDS Coordinator; ACC facilities will immediately notify the Medical Administrator at their facility.			
13.	Notify the DOC Communications' Director (only when the Offender is taken off-site for medical care).			
14.	Notify the Chief of Staff (only for instances of sexual abuse).			
15.	Open suspected PREA report in eOMIS. Write the incident # here: _____			

Attachment II



PREA Retaliation Assessment Form

Date _____ Facility _____ Facility Incident Report # _____

Employee Conducting Assessment _____

Employee/Offender Name and AASIS/ADC # _____

Type of Assessment _____ Initial _____ 30 day _____ 60 day _____ 90 day _____ Other (please specify) _____

Staff Monitoring:

Does staff want to speak with mental health? ☐Yes ☐No ☐N/A

Does staff fear retaliation? ☐Yes ☐No ☐N/A

Offender Monitoring:

Does the offender want to seek out victim advocacy services? ☐Yes ☐No ☐N/A

Does the offender fear retaliation? ☐Yes ☐No ☐N/A

Does there need to be any housing or program changes? ☐Yes ☐No ☐N/A

If housing or program changes were necessary, briefly describe them:

--

Signature of Staff Conducting Assessment

Signature of Staff/Offender being Monitored

This form must be scanned into EOMIS.



OFFICE OF THE SECRETARY

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SECRETARIAL DIRECTIVE

SUBJECT: Prison Rape Elimination Act (PREA)

NUMBER: 2021-05

SUPERSEDES: ADC AD 15-29
ACC AD 17-33

APPLICABILITY: All Employees, Contractors, Volunteers, Interns, Inmates and Residents

REFERENCE: A.C.A. § 25-43-105, 108, and 406; AR 005 Reporting of Incidents;
AR 225 Employee Conduct Standards; AR 210 Relationships and Transactions with Inmates;
SD Internal Investigations and Criminal Evidence Handling; SD Incident Notification Procedures;
and PREA Standards.

PAGE: 1 of 16

ISSUED BY: Original signed by Secretary Solomon Graves EFFECTIVE DATE: 4/20/2021

I. POLICY:

~~As the executive head of the Arkansas Department of Corrections ("DOC"), it is the responsibility of the Secretary of Corrections (Secretary) to ensure a "Zero Tolerance" approach towards all forms of Sexual Abuse and harassment. This directive will ensure that the DOC remains in substantial compliance with the Prison Rape Elimination Act ("PREA"), which supports the prevention, reduction and elimination of sexual assault and rape within a correctional setting. This directive also sets forth the DOC's approach to preventing, detecting, and responding to such conduct. The DOC will initially respond to all reports of sexualized behavior or abuse as nonconsensual, regardless of perception, rumor, appearance, or participant disclosure.~~

II. PURPOSE:

~~The purpose of PREA is to provide procedures to assist in identifying, monitoring, counseling, and tracking Offenders who have a propensity for committing sexual assaults, rapes, Sexual Harassment, sexual misconduct, or indecent exposure; as well as providing procedures for Offenders who have a possible vulnerability of being a Victim of such acts of sexualized behaviors.~~

- ~~1. Ensure DOC Staff, contract workers, and volunteers are trained to recognize such behaviors and take appropriate action.~~
- ~~2. Ensure Offenders receive orientation and access to PREA regulations.~~
- ~~3. Provide a mechanism for providing support services to Victims and offer a mechanism for referring actions to the Arkansas State Police for criminal prosecution as appropriate.~~

III. DEFINITIONS:

- ~~A. Community Confinement Facility. A community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which a parolee, probationer, or pre-trial releasee reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.~~
- ~~B. First Responder. Any staff member who is responsible for the initial response to a discovery or report of Sexual Abuse, sexual assault, or Sexual Harassment. This employee is generally the shift supervisor. The duties of the First Responder include initiating the PREA Checklist, making all necessary notifications, taking steps to protect the Victim, and preserving the crime scene.~~
- ~~C. Offender-on-Offender Sexual Misconduct. Non-abusive sexual contact that includes, but is not limited to massages, touching, kissing, anal or oral penetration, masturbation, etc.~~
- ~~D. Investigative Outcome. When an investigation is concluded, the outcome will be labeled as one of the following:~~
- ~~1. Substantiated—The event was investigated and determined to have occurred.~~
 - ~~2. Unsubstantiated—The evidence was insufficient to make a final determination that the event occurred.~~
 - ~~3. Unfounded—The event was determined NOT to have occurred, or, if the event occurred, the conduct was nonetheless within policy and the alleged perpetrator exonerated.~~
- ~~E. LGBTI. An acronym for a group of individuals self-identifying as lesbian, gay, bisexual, transgender, and/or intersex.~~
- ~~F. Medical Confidentiality. The ethical principle that a physician or other health professional will hold in confidence all information relating to a patient. This does not apply in a correctional setting where the information may be used to determine whether any allegations of abuse, harassment, or sexual conduct can be substantiated or when an Offender reports that he or she has engaged in sexual activity, or been subjected to sexually abusive contact, sexually abusive penetration, Sexual Harassment, or any allegation of Staff-on-Offender Sexual Abuse.~~
- ~~G. Offender. This term includes inmates and residents in a prison, community corrections center, or a reentry center operated or contracted by the DOC.~~
- ~~H. Perpetrator. An individual committing any form of Sexual Abuse; identified in the electronic Offender Information Management System (“eOMIS”) as the Suspect.~~
- ~~I. Potential Sexual Predator. An Offender identified at intake or by a unit classification committee as having a history of sexual aggression or a potential for sexual aggression based upon an appropriate screening tool and/or that has a history of repeated guilty outcomes for sexual misconduct, indecent exposure, masturbation in the presence of another, making sexual threats, or demanding sexual contact. Note: A Potential Sexual Predator is a precaution identifier in eOMIS.~~
- ~~J. PREA Checklist. A form to be completed by the First Responder to ensure the Victim receives appropriate care and investigators can secure evidence and increase the chance of prosecuting the perpetrator(s).~~
- ~~K. PREA Compliance Manager (PCM). Individual responsible for the day-to-day functions related to PREA implementation and response in their facilities.~~
- ~~L. Rape. A person commits the crime of Rape if he or she engages in sexual intercourse or deviate sexual activity with another person if that act was committed through forcible compulsion or with a person that is physically or mentally incapable of consent. By state law, an Offender cannot consent to a sexual act with staff, volunteers, contractors, or anyone with authority over that Offender.~~
- ~~M. Retaliation. Acts or threats of action to punish an Offender or staff member for:~~
- ~~1. Refusal to submit to sexual advances; or~~

- ~~2. Involvement in the reporting or investigation of a Sexual Abuse/harassment complaint.~~
- ~~N. Sexual Abuse. The use of debt, threats of physical harm, peer pressure, deceit, personal favors, or positional authority to force or cajole sexual favors from a person, including sexually abusive contacts, penetration, or harassment.~~
- ~~1. Offender-on-Offender Abusive Sexual Contact. Non-penetrative touching by an Offender, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another Offender.~~
- ~~2. Offender-on-Offender Nonconsensual Sexual Contact. Penetration by an Offender of another Offender in which the Offender is coerced into sexually abusive penetration by threats of violence or is otherwise unable to refuse. The sexual acts included are:~~
- ~~a. Contact between the penis and the vagina or the anus;~~
- ~~b. Contact between the mouth and the penis, vagina, or anus; or~~
- ~~c. Penetration of the anal or genital opening of another person by a hand, finger, or other object.~~
- ~~3. Staff-on-Offender Sexual Abuse. Any behavior or act of a sexual nature directed toward an Offender by an employee, volunteer, contractor, or agency representative. This includes relationships of a sexual or romantic nature, including vaginal, oral, and anal penetration; intentional touching for sexual gratification; attempted or threatened sexual acts; requests for sexual acts; indecent exposure, voyeurism, and acts listed under Staff-on-Offender Sexual Misconduct.~~
- ~~4. Sexual Harassment~~
- ~~a. Offender-on-Offender Sexual Harassment. Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one Offender directed toward another.~~
- ~~b. Staff-on-Offender Sexual Harassment. A staff member's verbal comments or gestures of a sexual nature to an Offender. This includes demeaning references to gender, gender identity, and sexual orientation, sexually suggestive or derogatory comments about an Offender's body or clothing and repeated profane or obscene language and/or gestures.~~
- ~~O. Sexual Predator. An Offender who, since 1985, has been found guilty of the disciplinary charge of Rape or forced sexual act with an Offender, staff, volunteer, contractor, or other individual in a correctional facility, (including non-DOC locations).~~
- ~~P. Staff. For the purpose of this directive, Staff includes all DOC employees, volunteers, interns, and contracted personnel working within the facilities, or directly with an Offender in any official capacity.~~
- ~~Q. Staff-on-Offender Sexual Misconduct. Sexual Abuse that includes but is not limited to penetration, kissing, hugging, massaging, writing, or exchanging letters, pictures, phone calls, etc. of a romantic or sexual nature between staff and Offenders.~~
- ~~R. Victim. An Offender who is harmed or adversely affected by, and/or tricked or exploited into participating in sexual contact or is subjected to Sexual Abuse or Harassment.~~
- ~~S. Victim Prone. An Offender identified at intake or by a unit classification committee as susceptible to a sexual assault, rape, or abuse within a correctional facility.~~
- ~~T. Voyeurism. An invasion of an Offender's privacy by staff for reasons unrelated to official duties. Examples include, but are not limited to, staring at an Offender who is using a toilet in their cell, requiring an Offender to expose their buttocks, genitals, or breasts, taking images of all or part of an Offender's naked body or of an Offender performing bodily functions, and distributing or publishing them for other than an official reason as required by policy.~~
- ~~U. Youthful Offender. An Offender committed to the DOC who has been adjudicated as an adult but has not yet reached age eighteen (18).~~

IV. PREVENTION:

1. Appointment of a Department PREA Coordinator:

~~The Secretary shall designate an upper-level, department-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee DOC efforts to comply with this policy.~~

2. Appointment of a PCM at Each Facility:

~~The warden at each facility shall designate a PCM with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards in this policy. Reentry staff within the Division of Community Correction will serve as a PCM for licensed reentry centers.~~

3. Coordinated Response:

~~Each facility will develop a PREA policy that outlines the institutional plan to coordinate actions that will be taken in response to an incident of Sexual Abuse and/or Sexual Harassment, among First Responders, medical and mental health practitioners, investigators, and facility leadership.~~

4. Contracting with other Entities for the Confinement of Offenders:

- ~~a. Any new contracts or contract renewals for the confinement of DOC Offenders with private agencies or other entities, including government agencies, shall include the entity's obligation to adopt a zero tolerance for Sexual Abuse/assault and allow for monitoring by DOC.~~
- ~~b. The contractor must be compliant with 28 CFR Part 115 (PREA) or have adequate measures in place to demonstrate a zero tolerance policy and mechanisms to prevent, detect and respond to Sexual Abuse and Harassment.~~
- ~~c. A background investigation shall be required on the contractor's employees and agents in facilities housing DOC Offenders. Such investigation shall be equivalent to investigations required of all personnel employed by the DOC.~~
- ~~d. Any contractor or contractor's employee or agent who witnesses Sexual Abuse or Sexual Harassment must immediately report it to the Director/Warden/Center Supervisor of the facility. A contractor or contractor's employee or agent may be subject to criminal prosecution if he/she engages in, fails to report, or knowingly condones Sexual Harassment or sexual contact with or between Offenders. Such acts shall be grounds for canceling the contract. Any contractor, contractor's employee or agent who has engaged in Sexual Abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution shall be denied access into a facility, housing DOC Offenders.~~
- ~~e. Upon learning of a PREA incident, the contractor shall take immediate actions to protect and provide emergency medical services to the Victim.~~
- ~~f. Within twenty four (24) hours of the contractor's knowledge of a PREA incident, the contractor shall notify the appropriate DOC officials and provide a written report detailing the incident. The report will immediately be forwarded to the DOC PREA Coordinator upon receipt.~~
- ~~g. An Offender shall not be disciplined or punished in any way for a nonprofessional relationship with the contractor's employee, volunteer, or contractor unless the employee, volunteer, or contractor did not consent to the contact.~~

5. Staffing Levels/Video Monitoring

- ~~a. The DOC will establish adequate staffing plans and video monitoring systems to protect Offenders from Sexual Abuse by taking into consideration the physical layout of each unit or center and any other relevant factors. Steps shall be taken to ensure these factors are considered and documented during annual evaluations.~~
- ~~b. Whenever necessary, but no less frequently than once each year, the designated facility PCM will conduct an internal evaluation of each facility. This will include an on-site visit from the PREA Coordinator if feasible. This evaluation will include an assessment to determine if adjustments are needed to:~~
 - ~~i. The staffing plan established pursuant to this policy;~~

- ~~ii. The facility's deployment of video monitoring systems and other monitoring technologies;~~
- ~~iii. The resources the facility has available to commit to ensure adherence to the staffing plan; and~~
- ~~iv. Additional resources needed to comply with all indicated standards;~~
- ~~c. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration the following factors:~~
 - ~~i. Generally accepted detention and correctional practices;~~
 - ~~ii. Any judicial findings of inadequacy;~~
 - ~~iii. Any findings of inadequacy from Federal Agencies;~~
 - ~~iv. Any findings of inadequacy from internal or external oversight or accrediting bodies;~~
 - ~~v. All components of the facility's physical plant including "blind spots" or areas where Staff or Offenders may be isolated;~~
 - ~~vi. The composition of the Offender population;~~
 - ~~vii. The number and placement of supervisory staff;~~
 - ~~viii. Institution programs occurring on a particular shift;~~
 - ~~ix. Any applicable State or Local Laws, Rules, or Standards; and~~
 - ~~x. The prevalence of substantiated and unsubstantiated incidents of Sexual Abuse, and any other relevant factors;~~
- ~~d. The facility must document and justify all deviations from the plan. This documentation shall include notifications made and corrective actions taken. A copy of this documentation must be forwarded to the Unit PCM. The PREA staffing plan and the annual review of the staffing plan will be sent to the PREA Coordinator for retention.~~

~~6. Unannounced Rounds~~

~~Each facility shall implement a policy and practice of having intermediate level or higher level supervisors conduct and document unannounced rounds to identify and deter staff Sexual Abuse and Sexual Harassment. Such policy and practice shall be implemented for all shifts. Each facility shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility. This will be included in all relevant post orders.~~

~~7. Updates to Existing/Acquisition of New Facilities and Equipment~~

- ~~a. When designing or acquiring a new facility and in planning any substantial expansion or modification of existing facilities, the DOC shall consider effects of the design, acquisition, expansion, or modification upon the DOC's ability to protect Offenders from Sexual Abuse/Harassment.~~
- ~~b. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the DOC shall consider how such technology may enhance the DOC's ability to protect Offenders from Sexual Abuse.~~
- ~~c. The Assistant Director of Construction & Maintenance shall review all plans to expand, acquire, or significantly modify facilities within the Division of Correction and all major changes to the monitoring technology employed. The Deputy Director for Residential Services will ensure the same review is coordinated for facilities operated, contracted, or licensed by the Division of Community Correction.~~

~~8. Youthful Offenders~~

- ~~a. A Youthful Offender shall not be placed in a housing unit in which the youthful Offender will have sight, sound, or physical contact with any adult Offender through use of a shared dayroom, shower area, toilet area, or sleeping quarters.~~
- ~~b. All Youthful Offenders will be housed at the designated unit in a housing area that provides for sight and sound separation from other Offenders over the age of seventeen (17). The Youthful Offenders will be able to attend all unit activities, receive all unit services, and participate in jobs and programs as deemed appropriate by the unit classification committee. Youthful Offenders must be directly supervised when not in their assigned housing area.~~

~~9. Offenders with Disabilities or Limited English Proficiency~~

- ~~a. The DOC shall take appropriate steps to ensure that Offenders with disabilities, including those who are deaf or hard of hearing, blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities, and Offenders who have limited English proficiency have an equal opportunity to participate in or benefit from all aspects of the DOC's efforts to prevent, detect, and respond to Sexual Abuse and Sexual Harassment.~~
- ~~b. Except in limited circumstances where an extended delay in obtaining an effective interpreter or translation program could compromise the Offender's safety, the performance of first responder duties or the investigation of the Offender's allegations, the DOC shall not rely on Offender interpreters, Offender readers, or other types of Offender assistants during the investigation of an allegation of Sexual Abuse/Harassment.~~

~~10. Cross-Gender Supervision, Viewing and Searches~~

- ~~a. The DOC shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.~~
- ~~b. The DOC shall document all cross-gender strip searches and cross-gender visual body cavity searches.~~
- ~~c. The DOC shall enable Offenders to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing the Offender's breasts, buttocks, or genitalia, except when such viewing is incidental to routine barracks or cell checks or in exigent circumstances.~~
- ~~d. When staff who are opposite gender of the Offender population enter a housing unit, they must announce their presence to give Offenders an opportunity to cover their bodies.~~
- ~~e. Transgender and intersex Offenders will be allowed to shower separately from other Offenders.~~
- ~~f. The DOC shall not search or physically examine a transgender or intersex Offender for the sole purpose of determining the Offender's gender status. If the Offender's gender status is unknown, it may be determined during conversations with the Offender, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted by a medical practitioner in a setting designated for medical examinations.~~
- ~~g. The DOC shall continue to train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex Offenders, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.~~

~~11. Training and Education~~**~~A. Employee Training~~**

~~The DOC shall train all employees who may have contact with Offenders on the following:~~

- ~~a. Its Zero Tolerance Policy for Sexual Abuse and Sexual Harassment;~~

- ~~b. How to fulfill their responsibilities under DOC Sexual Abuse and Sexual Harassment prevention, detection, reporting, and response policies and procedures;~~
- ~~c. The right of Offenders to be free from Sexual Abuse and Sexual Harassment;~~
- ~~d. The right of Offenders and employees to be free from retaliation for reporting Sexual Abuse and Sexual Harassment;~~
- ~~e. The dynamics of Sexual Abuse and Sexual Harassment in confinement;~~
- ~~f. The common reactions of Sexual Abuse and Sexual Harassment Victims;~~
- ~~g. How to detect and respond to signs of threatened and actual Sexual Abuse;~~
- ~~h. How to avoid inappropriate relationships with Offenders;~~
- ~~i. How to communicate effectively and professionally with Offenders, including LGBTI, or gender nonconforming Offenders;~~
- ~~j. How to comply with relevant laws related to mandatory reporting of Sexual Abuse to outside authorities; and~~
- ~~k. Such training shall cover the differences in policies based on the gender of the Offender. The DOC shall provide each employee with refresher training annually to ensure that all employees know the current Sexual Abuse and Sexual Harassment policies and procedures. The DOC will document the completion of such training.~~

~~B. Volunteer and Contractor Training~~

~~The DOC shall ensure that all volunteers and contractors who have contact with Offenders have been trained on their responsibilities under the DOC's Sexual Abuse and Sexual Harassment prevention, detection, and response policies and procedures. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with Offenders, but all volunteers and contractors who have contact with Offenders shall, at the least, be notified of the DOC's Zero Tolerance Policy regarding Sexual Abuse and Sexual Harassment and informed of how to report such incidents. Vendors or occasional contractors that have not received such training must be escorted by security staff when contact with Offenders is probable. The DOC shall maintain documentation confirming that volunteers and contractors understand the training they have received.~~

~~C. Specialized Training: Investigations~~

~~In addition to the general training provided to all employees, all investigative personnel that may be assigned to complete PREA related investigations beyond the initial unit investigation will receive training in conducting such investigations in a correctional setting. Specialized training shall include techniques for interviewing Sexual Abuse Victims, proper use of Miranda and Garrity warnings, Sexual Abuse evidence collection in a correctional setting, and the criteria and evidence required to substantiate a case for administrative action or referral for criminal prosecution. The DOC shall maintain documentation that DOC investigators have completed the required specialized training in conducting Sexual Abuse investigations.~~

~~D. Specialized Training: Medical and Mental Health Care~~

~~The DOC will ensure that all medical and mental health care practitioners who work regularly in its facilities have been trained in the following areas, and the appropriate division shall document, through employee signature, electronic verification, or written/electronic testing, that employees understand the training they have received:~~

- ~~1. How to detect and assess signs of Sexual Abuse and Sexual Harassment;~~
- ~~2. How to preserve physical evidence of Sexual Abuse;~~
- ~~3. How to respond effectively and professionally to Victims of Sexual Abuse and Sexual Harassment; and~~
- ~~4. How and to whom to report allegations or suspicions of Sexual Abuse and Sexual Harassment.~~

~~E. Specialized Training: Victim Advocacy~~

~~Employees designated to provide victim advocacy for Offenders when a community-based organization is not available must receive approved training as indicated for Victim advocates.~~

~~F. Offender Education~~

~~During the intake process, Offenders shall receive information explaining the DOC's Zero Tolerance Policy regarding Sexual Abuse and Sexual Harassment and how to report incidents or suspicions of Sexual Abuse or Sexual Harassment.~~

~~Within thirty (30) days of intake, the parent unit shall provide comprehensive education to Offenders either in person or through the use of the most current PREA Offender Education Video regarding the Offender's right to be free from Sexual Abuse and Sexual Harassment, to be free from retaliation for reporting such incidents, and regarding DOC policies and procedures for reporting incidents of Sexual Abuse and Sexual Harassment.~~

~~Current Offenders shall be re-educated annually and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the Offender's new facility differ from those of the previous facility.~~

~~The facility shall provide Offender education in formats accessible to all Offenders, including those who are of limited English proficiency, deaf, visually impaired, otherwise disabled, as well as to Offenders who have limited reading skills.~~

~~The DOC shall maintain documentation of Offender education participation and forward such documentation to the unit's PCM.~~

~~In addition to providing such education, the DOC shall ensure that key information is readily available or visible to Offenders through posters, Offender handbooks, or other written formats. Posters with the DOC Hotline number, and if available, an outside reporting number, will be placed near all Offender phones.~~

~~G. Screening for Risk of Victimization and/or Abusiveness~~

~~In order to reduce the likelihood of Sexual Abuse while an Offender is in DOC custody, the DOC will take the following into account when assigning housing and jobs for every Offender, upon Intake, during Classification, or in any special circumstances:~~

- ~~1. All Offenders will be assessed at intake to determine whether they meet specific criteria indicating either likelihood of Victimization or predatory behavior. This requires the use of the appropriate screening tool by trained personnel.~~
- ~~2. This screening will be conducted within seventy-two (72) hours of the Offender's arrival at the DOC. The rationale for screenings conducted after seventy-two (72) hours will be fully documented in eOMIS.~~
- ~~3. Offenders may not be disciplined for refusing to answer questions on the PREA assessment.~~
- ~~4. To minimize the risk of Offender Sexual Abuse due to housing assignment, predatory designated Offenders (Sexual Predator or Potential Sexual Predator) will not be placed with Victim prone designated Offenders.~~
- ~~5. Offenders at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the Offender in involuntary segregated housing for no more than 24 hours while completing the assessment.~~

~~Note: The appropriate Deputy or Duty Director will be immediately notified whenever an Offender is placed in involuntary segregated housing under these circumstances.~~

- ~~6. Offenders placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility~~

~~restricts access to programs, privileges, education, or work opportunities, the facility shall fully document in eOMIS the following:~~

- ~~a. The opportunities that have been limited;~~
 - ~~b. The duration of the limitation; and~~
 - ~~c. The reasons for such limitations.~~
- ~~7. Every thirty (30) days, the facility shall afford each such Offender a meaningful review to determine whether there is a continuing need for separation from the general population.~~
 - ~~8. The PCM is responsible for coordinating with Classification and the Warden/Center Supervisor to determine an Offender's PREA precaution status and entering the precaution status into eOMIS.~~
 - ~~9. If either the Victim or perpetrator already have a PREA designation, the PCM is responsible for ensuring information from the current incident is added to the existing precaution.~~

~~H. Warden and Center Supervisor Prevention Responsibility:~~

~~In addition to responsibilities applicable to all employees, Wardens and Center Supervisors shall be responsible for ensuring the following:~~

- ~~1. Sexual acts and sexual contact between Staff and Offenders shall immediately be reported to Internal Affairs, even if the employee resigns.~~
- ~~2. When sexual acts or sexual contact are alleged, the crime scene shall be immediately secured, if possible.~~
- ~~3. The alleged Victim shall immediately be given the necessary emergency medical treatment, without (to the extent possible) compromising the integrity of available physical evidence. If deemed necessary by medical personnel, the Offender may be transported to an outside medical facility.~~
- ~~4. The Warden/Center Supervisor must take immediate action in accordance with this directive to ensure the safety of the Offender.~~
- ~~5. Consistent with policy, the Warden/Center Supervisor may request transfer of a staff member accused of misconduct, may internally reassign, place him/her on administrative leave pending the outcome of an investigation.~~
- ~~6. Failure to take appropriate action, as defined in this directive, when Sexual Misconduct is alleged or has been determined to have occurred, will result in disciplinary action.~~

~~I. Reporting to and Receiving Reports from Outside Agencies:~~

- ~~1. Upon receiving an allegation that an Offender was sexually abused while confined in an outside agency, DOC staff will notify the DOC PREA Coordinator and provide a detailed report of the allegations made to include witness statements and the presence of any evidence recovered. The DOC PREA Coordinator shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.~~
 - ~~a. The DOC PREA Coordinator will ensure a record of such notification is maintained in the Offender's eOMIS record.~~
 - ~~b. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation.~~
- ~~2. Upon receiving a notification from an outside agency reporting abuse that has occurred at a DOC facility, the PREA Coordinator will forward the information received to Internal Affairs and the Warden of the facility where the alleged abuse occurred.~~

~~J. Data Collection:~~

- ~~1. The DOC shall collect accurate, uniform data for every allegation of Sexual Abuse /Harassment at facilities under its direct control using a standardized instrument and set of definitions. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence reported to the United States Department of Justice.~~
- ~~3. The DOC shall aggregate the incident based Sexual Abuse data at least annually.~~
- ~~4. The DOC PREA Coordinator shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigative files, and Sexual Abuse incident reviews.~~
- ~~5. The DOC shall review data collected to assess and improve the effectiveness of its Sexual Abuse prevention, detection, and response policies, practices, and training by:
 - ~~a. Identifying problem areas;~~
 - ~~b. Taking corrective action on an ongoing basis;~~
 - ~~c. Preparing an annual report of its findings and corrective actions for each facility, as well as DOC as a whole; The annual facility report will be the responsibility of the PCM, who will send a copy of the report to the PREA Coordinator, who will use this information to prepare a Department-wide annual report; and~~
 - ~~d. The annual report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the DOC's progress in addressing Sexual Abuse and harassment. In addition, the DOC shall make all aggregated Sexual Abuse data from facilities under its direct control available to the public.~~~~
- ~~6. Before making aggregated Sexual Abuse data publicly available, the DOC shall remove all personal identifiers.~~
- ~~7. The DOC shall maintain Sexual Abuse data for at least ten years after the date of the initial collection, unless Federal, State, or local laws require otherwise.~~

12. REPORTING:

A. Sexual Abuse/Harassment Reporting Procedures for all Staff

- ~~1. Any employee who receives any information, from any source, concerning Sexual Abuse/harassment, is required to immediately report the information or incident to his/her supervisor. Any employee who observes Sexual Abuse/Harassment, including any appearance of retaliation against Offenders or staff who reported or cooperated with a PREA investigation, is also required to immediately report the information or incident to his/her supervisor. Neglect or violation of responsibilities by staff that may have contributed to an incident or retaliation may lead to disciplinary action. If the supervisor is the person who is engaging in the Sexual Abuse/harassment, the report will be made to the next highest official.~~
- ~~2. The employee shall submit a written report, providing any information received or observed that concerns Sexual Abuse/harassment, to his/her supervisor before the end of his/her workday. The Warden/Center Supervisor shall be immediately notified of all Sexual Abuse/harassment complaints or allegations.~~
- ~~3. The Warden/Center Supervisor will notify the appropriate Division Director, Deputy/Assistant Director, and Internal Affairs. Internal Affairs will notify the Arkansas State Police and the Secretary of Corrections if there is evidence that a crime may have occurred.~~
- ~~4. All allegations of Sexual Abuse and Sexual Harassment, including third party and anonymous reports shall be entered in eOMIS under incident report with all documentation relating to the incident scanned as confidential using the "Confidential IA Witness Statement" option that is available to the Warden. The unit Warden shall refer all PREA investigations to Internal Affairs for review or further investigation.~~

- ~~5. Persons interviewed shall be advised that they are required to maintain confidentiality and not disclose to anyone information regarding the complaint, the investigation, and the outcome; other than to the extent necessary to make treatment, investigation, security, and management decisions. Staff shall be advised that failure to maintain confidentiality can result in disciplinary action.~~

~~B. Offender Generated Reports~~

- ~~1. Offenders may 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 through multiple avenues:
 - ~~a. Calling the DOC PREA Hotline free of charge using the Offender telephone system;~~
 - ~~b. Telling any staff member;~~
 - ~~c. Writing a note or request to any staff member;~~
 - ~~d. Sending correspondence to the PREA Coordinator;~~
 - ~~e. Calling the toll-free Arkansas State Police crime hotline;~~
 - ~~f. Sending confidential correspondence to a designated community-based Victim advocacy group. Such correspondence will be treated as legal mail;~~
 - ~~g. Utilizing the Offender Grievance Procedure, (Please note that there is no time limit for submitting a PREA grievance); or~~
 - ~~h. Having a family member or friend make a report to the Warden or DOC PREA Coordinator.~~~~
- ~~2. Staff shall accept reports made verbally. Staff shall promptly document any verbal reports and ensure notification to a supervisor is made immediately. All written, anonymous, and third-party report will also be accepted. All reports of sexualized activity between Offenders, Sexual Harassment, Sexual Abuse, and sexual assault require an immediate response.~~
- ~~3. All Offenders who are of limited English proficiency, deaf, or persons with a disability shall be allowed to report Sexual Abuse to staff directly or through the PREA Hotline without use of Offender interpreter unless there are exigent circumstances.~~

~~C. Third Party Reports~~

- ~~1. Access to the DOC PREA Hotline shall be made available for third party reporting by the public. This number will be placed on the DOC website in a prominent location.~~
- ~~2. The DOC shall provide a method for staff to privately report Sexual Abuse and Sexual Harassment of Offenders to facility and DOC administration. Private reporting does not excuse staff failure to report all incidents as required by policy.~~

~~VI. RESPONDING TO A PREA ALLEGATION:~~

~~A. Staff First Responder Duties:~~

- ~~1. All allegations of Sexual Abuse shall be investigated by the Warden/Center Supervisor or Designee using the following protocol:
 - ~~a. When a facility learns that an Offender is at substantial risk of imminent Sexual Abuse, it shall take immediate action to protect the Offender.~~
 - ~~b. Upon learning of an allegation that an Offender was sexually abused, the First Responder shall be required to initiate the PREA Response Check List and take the following steps:
 - ~~i. Separate the Victim and Perpetrator;~~
 - ~~ii. Preserve and protect any crime scene areas until appropriate steps can be taken to collect evidence;~~~~~~

- ~~iii. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the Victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating;~~
- ~~iv. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged Perpetrator does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating;~~
- ~~v. The PREA checklist will be initiated immediately by the First Responder. This requires that the following staff be notified:~~
 - ~~1. Internal Affairs Administrator~~
 - ~~2. On-Call Medical Personnel~~
 - ~~3. On-Call Mental Health Personnel~~
 - ~~4. Warden or Duty Warden~~
 - ~~5. DOC PREA Coordinator~~
 - ~~6. DOC HIV Coordinator only if there is a known or suspected exchange of body fluids (ADC Facilities Only)~~
 - ~~7. Unit PREA Compliance Manager~~
 - ~~8. Chaplain~~
 - ~~9. Victim Advocate~~
 - ~~10. Classification~~
 - ~~11. Communications Director only if the Offender is being transported to the hospital.~~
- ~~vi. Staff will enter the incident in eOMIS as soon as possible, but not later than the end of their shift, following these guidelines:~~
 - ~~1. Choose the correct incident type and select YES to Suspected PREA.~~
 - ~~2. List the names of all staff and Offenders involved and select their appropriate level of involvement—witness, suspect, or Victim.~~
 - ~~3. Refer the incident to the Warden, Unit PCM, and the DOC PREA Coordinator.~~

~~B. Medical/Mental Health Evaluation and Treatment~~

- ~~1. Victims will be offered immediate access to appropriate qualified medical and mental health practitioners inside the facility who can provide support to the Victim as appropriate.~~
- ~~2. Treatment services shall be provided to the Victim without payment of medical co-pay and regardless of whether the Victim names the Perpetrator. Medical and mental health services to Victims shall include necessary follow-up services and treatment.~~
- ~~3. First Responders shall take preliminary steps to protect the Victim until qualified medical and mental health personnel can respond.~~
- ~~4. The DOC shall offer all Victims of sexually abusive penetration access to forensic medical examinations. Such examinations shall be performed by qualified medical practitioners, and whenever possible by a Sexual Assault Forensic Examiner or Sexual Assault Nurse Examiner.~~
- ~~5. If requested by the Victim, the Victim advocate or qualified DOC staff member shall accompany and support the Victim through the forensic medical examination process, investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. The Victim advocate shall be allowed to accompany the Offender to court in the event of prosecution.~~

- ~~6. Victims shall be offered timely information about access to all pregnancy related medical services and sexually transmitted diseases, where appropriate. In the case of vaginal penetration by a penis, a pregnancy test shall be offered to the Victim.~~
- ~~7. If pregnancy results, the Victim shall receive timely information about all related and lawful pregnancy related medical services.~~
- ~~8. Mental health shall meet with Perpetrators within sixty (60) days of the alleged abuse and offer treatment when deemed appropriate.~~

~~C. Investigations~~

- ~~1. After an allegation or discovery of Sexual Abuse, sexual assault, or Sexual Harassment, the facility will ensure an initial investigation is conducted as directed in this policy and all notifications are made. This response will include actions to protect the Victim, secure the crime scene, preserve evidence, and the collection of initial information to be used to determine the level of response.~~
- ~~2. Once the initial investigation is complete, the report will be forwarded to the unit PCM, who will review it for completeness and accuracy. The PCM will then forward the report to the Warden or Center Supervisor.~~
- ~~3. The Warden will refer the incident to Internal Affairs for further investigation or review within 10 days from the date the incident occurred.~~
- ~~4. The DOC will ensure that allegations of Sexual Abuse or Sexual Harassment are referred for investigation and potential prosecution, unless the allegation does not involve potentially criminal behavior. The Internal Affairs Division (IAD) will document all such referrals.~~
- ~~5. The DOC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of Sexual Abuse or Sexual Harassment are substantiated.~~

~~D. Post-Allegation Housing and Classification for Victims~~

- ~~1. When a PREA incident has occurred or is alleged to have occurred, the DOC's priorities are safety and security for the Victim, the general Offender population, and the perpetrator. It may be necessary to separate the involved Offenders to prevent further Victimization or Retaliation.~~
- ~~2. Victims shall be placed in the least restrictive housing assignment as possible following an alleged sexual assault or Sexual Abuse. Placement in segregation should not exceed 24 hours, unless necessary to protect the Victim from further harm.~~
- ~~3. If a Victim must be placed in segregation, the Duty Warden must authorize placement, and the Warden must review and make status recommendations within seven (7) calendar days. The Victim's own perception of safety should be considered.~~
- ~~4. Alternative housing in a less restrictive unit should be a priority and the Offender should be moved as soon as feasibly possible.~~
- ~~5. Alleged Victims of Sexual Abuse shall not be placed in involuntary segregation unless an assessment has been made within 24 hours, considering all available alternatives, and a determination is made that there is no other means to separate them from the alleged suspect. The appropriate Deputy/Assistant Director, or Director, will immediately be notified of such placements.~~
- ~~6. Offenders placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:~~
 - ~~a. The opportunities that have been limited,~~
 - ~~b. The duration of the limitation, and~~
 - ~~c. The reasons for such limitations.~~
- ~~7. The Unit Classification Committee or authorized Staff must review the status of every Offender assigned to restrictive housing classification every seven (7) days for the first sixty (60) days, and~~

~~every thirty (30) days thereafter to determine whether there is a continuing need for separation from the general population.~~

~~E. Post-Allegation and Housing for Suspects/Perpetrators~~

- ~~1. Suspected and known sexual predators shall be placed in single man housing status subject to review by the Unit Classification Committee every 6 months.~~
- ~~2. The Unit Classification Committee will review the Sexual Predator's eligibility for programs and/or job assignments every ninety days.~~
- ~~3. There shall be yearly reviews conducted by the Unit Classification Committee and the Director or appropriate Deputy/Assistant Director to determine continuation of single man housing status. The single man housing status that was the result of a finding the Offender meets the definition of potential sexual predator under this policy may be changed by the Classification Committee with the Warden's approval. All releases of known sexual predators from single man housing status under this policy require approval by the Director or appropriate Deputy/Assistant Director. The yearly review of an Offender assigned to single man housing may be in conjunction with a 6 month or 90-day review.~~

~~F. Retaliation Assessments~~

- ~~1. All Offenders and staff who report Sexual Abuse or Sexual Harassment and who cooperate with Sexual Abuse or Sexual Harassment investigations shall be free from retaliation by other Offenders or staff. The Warden/Center Supervisor shall designate which staff members are charged with monitoring Retaliation and the DOC PREA Coordinator shall keep records of any alleged Retaliation.~~
- ~~2. The DOC shall employ multiple protective measures, such as housing changes or transfers for Offender Victims or perpetrators, removal of staff or Offender perpetrators from contact with Victims, and emotional support services for Offenders or Staff that fear retaliation for reporting Sexual Abuse or Sexual Harassment or for cooperating with investigations.~~
- ~~3. The Unit PCM will conduct an initial face-to-face interview with the Offender or Staff to check for any signs of immediate Retaliation at the time of the initial investigation.~~
- ~~4. Subsequent evaluations will be conducted at least every thirty (30) days as needed. For at least ninety (90) days following a report of Sexual Abuse or Harassment, the Unit PCM 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 or Harassment to see if there are changes that may suggest possible Retaliation by Offenders or Staff and shall act promptly to remedy any such Retaliation. The aspects to be monitored include any Offender disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of Staff. The DOC shall continue such monitoring beyond ninety (90) days if the initial monitoring indicates a continuing need.~~
- ~~5. These interviews will be documented and scanned into eOMIS as confidential, and a copy will be retained by the Unit PCM.~~
- ~~6. If any other individual who cooperates with an investigation expresses a fear of Retaliation, the unit shall take appropriate measures to protect that individual against Retaliation.~~
- ~~7. The obligation to monitor shall terminate if the DOC determines that the allegation is unfounded.~~

~~G. Offender Disciplinary Actions~~

- ~~1. Offenders engaging in inmate-on-inmate Sexual Abuse shall be appropriately disciplined in accordance with the current division policy, regardless of any determination to seek criminal prosecution.~~
- ~~2. An Offender may only be disciplined for sexual contact with staff upon finding that the staff member did not consent; however, in cases of staff sexual misconduct with an Offender/resident, the Offender may be placed in segregated housing to separate him/her from the staff member, and for security of the institution.~~

- ~~3. The credibility of an alleged Victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as Offender or Staff. Offenders who allege Sexual Abuse shall not be required to submit to any truth-telling examination as a condition for proceeding with the investigation. In addition, alleged Victims of Sexual Abuse shall not be disciplined for refusing to submit to a truth-telling examination.~~
- ~~4. Offenders may receive disciplinary charges after a final disposition has been reached, or when the case is referred for criminal investigation.~~

~~H. Staff Disciplinary Actions~~

- ~~1. Staff shall be subject to disciplinary sanctions up to and including termination for violating Sexual Abuse or Sexual Harassment policies.~~
- ~~2. Termination shall be the presumptive disciplinary sanction for staff who engage in Sexual Abuse. The former employee will not be eligible for rehire.~~
- ~~3. Disciplinary sanctions shall be commensurate with the nature and circumstances of the acts committed and the staff member's disciplinary history.~~
- ~~4. All terminations for violations of Sexual Abuse, or resignations of staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.~~

~~I. Post-Allegation and Investigation Reporting to Offenders~~

- ~~1. Following an Offender's allegation that a staff member has committed Sexual Abuse against the Offender, the DOC PREA Coordinator shall subsequently inform the Offender (unless the investigation has determined that the allegation is unfounded) whenever:~~
 - ~~a. The former staff member is no longer employed by the DOC;~~
 - ~~b. The DOC learns that the staff member has been charged with an offense related to the Sexual Abuse within the facility; and~~
 - ~~c. The DOC learns that the staff member has been convicted on a charge related to the Sexual Abuse within the facility.~~
- ~~2. Following an Offender's allegation that he or she has been sexually abused by another Offender, (unless the investigation has determined that the allegation is unfounded) the Unit PREA Compliance Manager shall subsequently inform the Victim whenever:~~
 - ~~a. The DOC learns that the perpetrator has been charged with an offense related to the Sexual Abuse within the facility; and~~
 - ~~b. The DOC learns that the perpetrator has been convicted on a charge related to the Sexual Abuse within the facility.~~
- ~~3. The Unit PCM shall document in eOMIS all such notifications or attempted notifications. The DOC's obligation to report under this standard shall terminate if the Offender is released from custody unless the Offender is on parole supervision.~~
- ~~4. Following an investigation into an Offender's allegation that he or she suffered Sexual Abuse or harassment while housed in a DOC Facility or contract location, the DOC PREA Coordinator or a Unit PCM shall inform the Offender whether the allegation has been determined to be substantiated or unsubstantiated.~~

~~J. Sexual Abuse Incident Reviews~~

- ~~1. The Division Director shall initiate a Sexual Abuse incident review at the conclusion of all substantiated and unsubstantiated Sexual Abuse investigations. This does not include Sexual Harassment or Offender-on-Offender Sexual Misconduct investigations. Such review shall ordinarily occur within thirty (30) days of the conclusion of the investigation.~~
- ~~2. The review team shall include upper-level management officials, a Warden/Center Supervisor, a Chief of Security, a Unit PCM, the DOC PREA Coordinator, and medical or mental health practitioners. The review team shall:~~

- ~~a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to Sexual Abuse;~~
- ~~b. Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, sexual orientation, or perceived orientation, gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility;~~
- ~~c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;~~
- ~~d. Assess the adequacy of staffing levels in that area during different shifts;~~
- ~~e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by Staff; and~~
- ~~f. Prepare a report of its findings and recommendations for corrective action. The report will be submitted to the Division Director and DOC Secretary. A copy of the report will be retained by the DOC PREA Coordinator.~~

~~VII. ATTACHMENTS~~

- ~~#I PREA Checklist~~
- ~~#II Retaliation Assessment Form~~
- ~~#III Sexual Abuse Incident Review Form~~
- ~~#IV PREA Staffing Plan~~
- ~~#V Facility Annual PREA Review~~



PREA Checklist

Attachment I

		Date	Time	Initials
1.	Separate the Victim and the perpetrator			
2.	Secure evidence and/or crime scene			
In cases of suspected or known oral, anal, or vaginal penetration, and for all staff on inmate/resident sexual misconduct investigations, notifications are to be made immediately via telephone. If there is no suspected penetration, notification may be made via email.				
3.	Notify Warden, Center Supervisor, or Duty Warden			
4.	Notify Unit PCM/Deputy Warden, or Assistant Center Supervisor			
5.	Notify Medical Personnel			
6.	Notify Mental Health Personnel			
7.	Notify Chaplain			
8.	Ask the Victim if they would like the services of the Victim Advocate; if yes, notify this person.			
9.	Notify Classification Staff and complete Offender enemy or separation alert in eOMIS.			
10.	Notify Internal Affairs On-Call Staff			
11.	Notify the PREA Coordinator			
12.	In cases of suspected or known penetration, ADC facilities will immediately contact the HIV/AIDS Coordinator; ACC facilities will immediately notify the Medical administrator at their facility.			
13.	Notify the DOC Communications' Director (only when the Offender is taken off-site for medical care).			
14.	Open suspected PREA report in eOMIS. Write the incident # here: _____ List the names and involvement of all staff and inmates. Check YES to suspected PREA incident.			



PREA Retaliation Assessment Form

Attachment II

Date_____Facility_____Date of Initial Incident_____

Facility Incident Report #_____Employee Conducting Assessment_____

Employee/Offender Name and AASIS/ADC #_____

Type of Assessment_____Initial_____30 day_____60 day_____90 day_____Other (please specify)

For Monitoring of Staff: Please review staff member's performance reviews, reassignments, disciplinary measures taken, and need for emotional services. Please summarize: (attach additional pages if needed)

For Monitoring of Offenders: Please review Offender's conduct violations, housing/program/changes, and need for emotional support services. Please summarize: (attach additional pages if needed)

Signature of Staff Conducting Assessment

Signature of Staff/Offender being Monitored

Today's Date

Date of Next Review

This form must be scanned into EOMIS.



Sexual Abuse Incident Review

This form is to be completed within 30 days of the final disposition.

Attachment III

Review Team Members:

Review Team Considerations:

1. Does the allegation or investigation indicate a need to change policy or practice to better prevent, detect, or respond to Sexual Abuse?
2. Was the incident or allegation motivated by race, ethnicity, gender identity, LGBTI status or perceived status, gang affiliation, or was it motivated or otherwise caused by other group dynamics at the facility?
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
4. Assess the adequacy of staffing levels in that area during different shifts.
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

Review Team Recommendations: _____



PREA Staffing Levels Form

Reporting Period

October 1, _____ through
September 30, _____

Name of Facility _____

Date _____

Warden/Center Supervisor Signature_____
Unit PCM's Signature_____
PREA Coordinator's Signature**Staffing Levels/Video Monitoring**

The Department will determine adequate staffing levels and video monitoring systems needed to protect Offenders from Sexual Abuse by taking into consideration the physical layout of each unit and any other relevant factors. Steps shall be taken to ensure these factors are considered and documented during annual staffing analysis efforts.

1. In calculating adequate staffing levels and determining the need for video monitoring systems, facilities shall take into consideration the following factors:
 - a) Generally accepted detention and correctional practices;
 - b) Any judicial findings of inadequacy;
 - c) Any findings of inadequacy from Federal Investigative Agencies;
 - d) Any findings of inadequacy from internal or external oversight accrediting bodies;
 - e) All components of the physical facility (including "blind-spots" or areas where staff and Offenders may be isolated);
 - f) The composition of the Offender population;
 - g) The number and placement of supervisory staff;
 - h) Institution programs occurring on a particular shift;
 - i) Any applicable State or Local Laws, Rules, or Standards;
 - j) The prevalence of substantiated and unsubstantiated incidents of Sexual Abuse; and
 - k) Any other relevant factors.

2. Findings of Inadequacy from Judicial or Federal Investigative Agencies (if none exist, list N/A).

3. Findings of Inadequacy from ADC Internal Affairs, ACA Auditor (attach additional page if necessary).

4. Physical Facility Components

- a) Blind spots (# and location).

- b) Number of buildings _____

- c) Number of Offender housing units _____

Attachment IV Continued

5. Composition of Offender Population:

- a) Designated Facility Capacity _____
- b) Current Population of Facility _____
- c) Average daily population for the past 12 months _____
- d) Age range of population _____
- e) Average length of stay or time under supervision _____
- f) Facility security levels/Offender custody levels _____
- g) Number of Offenders admitted to facility during the past 12 months _____
- h) Does the facility hold youthful Offenders? ☐ Yes ☐ No
- i) Number of youthful Offenders held in the facility during the past 12 months _____ (N/A if the facility never holds youthful Offenders)
- j) Number of single cell housing units _____
- k) Number of multiple occupancy cell housing units _____
- l) Number of open bay/dorm housing units _____
- m) Number of segregation cells _____
- n) Number of restrictive housing cells _____
- o) In housing units, does the facility maintain sight and sound separation between youthful Offenders and adult Offenders?
☐ Yes ☐ No ☐ N/A (if the facility never holds youthful Offenders)

6. Number and Placement of Supervisory Staff

	Major	Captain	Lieutenant	Sergeant
A Shift				
B Shift				
C Shift				
D Shift				
Utility				
Field				
Other				

7. Institution Program Schedule (Please provide a list of all regularly scheduled program activities at your unit).

8. # of Substantiated PREA allegations in the last 12 months: _____

9. # of Unsubstantiated PREA allegations in the last 12 months: _____

10. # and placement of cameras/how are cameras monitored? _____

- a. Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months? ☐ Yes ☐ No

Do not alter this form. Attach additional pages if necessary. This form is to be completed and returned to the PREA Coordinator every year, no later than October 1st.



Facility Annual PREA Review

Date: _____ Name of Facility: _____

Warden/Center Supervisor Name: _____

Warden/Center Supervisor Signature: _____

Reporting Period: October 1, _____ through September 30, _____

Note: This report is to be completed and returned to the PREA Coordinator by October 1st of each year.

1. List the number and disposition types of all PREA investigations conducted between October 1st and September 30th.

	Substantiated	Unsubstantiated	Unfounded	On-Going
Staff Sexual Misconduct with Inmate/Resident				
Staff-on-Inmate Sexual Harassment				
Inmate-on-Inmate Sexual Harassment				
Inmate-on-Inmate Abusive Sexual Contact				
Inmate-on-Inmate Nonconsensual Contact				
Inmate-on-Inmate Sexual Misconduct (consensual)				

2. List all new purchases and/or upgrades to existing video monitoring equipment, cameras, mirrors, etc. (Use a separate sheet if necessary).

Attachment V continued

3. Staff and Offender Education

	How many times offered	# Staff who completed
15-minute PREA Education Refresher		
Annual PREA Refresher (in classroom)		
Annual PREA Refresher (via on-line learning)	N/A	

If any other PREA-related classes were taught at your Facility, for example: Gender Responsiveness, etc. please complete the above-listed information for those classes.

Please describe Offender Education activities at your Unit. Include Offenders educated at Orientation, annual Re-education, PREA videos, posters, etc. (You may attach additional pages if needed.)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.