RHODE ISLAND DEPARTMENT OF CORRECTIONS
POLICY AND PROCEDURE

	POLICY NUMBER: 9.49-1 DOC	EFFECTIVE DATE: 7/6/15	PAGE 1 OF 21
	SUPERCEDES: 9.49 DOC	DIRECTOR: Please use BLUE ink.	
SECTION: SECURITY AND CONTROL		SUBJECT: PREA (Prison Rape Elimination Act) Policy	

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director

REFERENCES: Prison Rape Elimination Act of 2003 (P.L. 108-79); 28 CFR Part 115 National Standards To Prevent, Detect, and Respond to Prison Rape - Final Rule; HIPAA; NCCHC Standard J-55 (Sexual Assault); the most recent version of RIDOC Policy #'s 1.13 DOC, Limited English Proficiency; 3.05 DOC, Sexual Harassment; 3.14 DOC, Code of Ethics and Conduct; 4.03 DOC, Orientation and Entrance-Level Training for Non-Correctional Officer Employees, Volunteers, Mentors, Interns; 9.16 DOC, Procedure for Protecting, Gathering, and Preserving Evidence; 9.31 DOC; Reporting of Events in the Division of Institutions and Operations; 11.01 DOC, Code of Inmate Discipline; 18.59 DOC, Confidentiality of Medical Information; 13.10 DOC, Inmate Grievance Procedure; 18.59 DOC; Confidentiality of Inmate Health Information to Include Electronic Medical Record (EMR) and Paper Documents; (RIGL) § 11-25-24 Correctional employees—Sexual relations with inmates—Felony; (RIGL) § 11-37-3.1 Duty to report sexual assault; (RIGL) § 11-37-3.3 Failure to report—Penalty

INMATE / PUBLIC ACCESS?	**X**	**YES**
AVAILABLE IN SPANISH?	**X**	**YES**

I. **PURPOSE:**

To establish guidance for staff and inmates regarding the prevention of sexual abuse and sexual harassment, and the actions to be taken in cases of alleged sexual abuse and sexual harassment by staff and inmates.

To maintain a program of education, prevention, detection, investigation, punishment for the perpetrator, treatment and support for the victim, and data collection in order to protect the inmate population from sexual abuse and sexual harassment.

NOTE: For definitions of terms please refer to Appendix I at the end of this policy.

II. POLICY:

For purposes of this policy, the term "sexual misconduct" includes the following:

a. Any sexual abuse and sexual harassment of an inmate or detainee **by another inmate or detainee**, as defined by PREA Standards; or

b. Any sexual abuse, sexual harassment and voyeurism of an inmate or detainee **by a staff member, contractor or volunteer**, as defined by PREA Standards.

For more specific definitions of sexual abuse, sexual harassment and voyeurism of inmates, detainees or residents please see the definitions outlined in Appendix I, or PREA Standards 115.5 and 115.6.

A. The Rhode Island Department of Corrections (RIDOC) Adult Correctional Institutions (ACI) mandates zero tolerance of all forms of sexual misconduct between inmates and staff, volunteers, contracted staff and other inmates.

1. Every allegation of sexual misconduct is thoroughly investigated and, where warranted by evidence, proportional sanctions up to and including criminal prosecution are implemented.

2. RIDOC's Special Investigations Unit (SIU) investigates inmate-on-inmate sexual misconduct, and the Office of Inspections (OI) investigates staff sexual misconduct toward inmates.

3. The RIDOC prohibits disciplinary action for a report of sexual misconduct made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.

B. A comprehensive training program is administered to all staff and inmates in order to emphasize the importance of preventing sexual misconduct toward inmates, and to promote awareness of the serious impact of sexual victimization within the correctional setting.

C. In the best interest of the inmate population and the overall safety of the ACI, all allegations of sexual misconduct toward inmates that an inmate or any other person makes to a RIDOC employee, volunteer, contractor or third party are immediately reported to a Superior Officer or supervisor, and are thoroughly investigated, pursuant to the most recent version of RIDOC Standard Operating Procedure (SOP); PREA Investigations.

It is the responsibility of Superior Officers and supervisors to notify SIU or the OI of every incident of sexual misconduct toward inmates whether observed, reported or suspected.

D. SIU's Chief Investigator ensures there is a timely response to every report of inmate-on-inmate sexual misconduct and expedites a comprehensive investigation to determine the nature of the incident and the role of each person involved in the incident.

OI's Chief Inspector ensures there is a timely response to every report of staff-on-inmate sexual misconduct and expedites a comprehensive investigation to determine the nature of the incident and the role of each person involved in the incident.

E. Aware of the physical, psychological and emotional effects suffered by the victims of sexual misconduct, RIDOC will make every reasonable effort to maintain the confidentiality of victims involved in these incidents, and provide appropriate medical and mental health services.

F. RIDOC shall establish a data collection system to accurately track sexual misconduct. This system will facilitate identification of the core causal factors and contribute to an annual review which shall incorporate lessons learned into improved operations and services.

III. PROCEDURES:

A. Training

1. RIDOC Employees (PREA Standard 115.31)

All RIDOC employees will receive training which includes, but is not limited, to the following:

a. notification of RIDOC's zero tolerance mandate for sexual misconduct of inmates;
b. how to fulfill their responsibilities regarding the prevention, detection and reporting of sexual misconduct;

(1) facility-specific standard operating procedures (SOP) regarding inmates ability to shower, perform bodily functions, and change clothing without nonmedical 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;

(2) staff requirements to announce their presence when entering an inmate housing unit of the opposite gender ("knock and announce");

c. inmates' right to be free from sexual misconduct;

d. right of inmates and employees to be free from retaliation for reporting sexual misconduct;

e. dynamics of sexual misconduct in prison;

f. common reactions of sexual misconduct victims;

g. how to detect and respond to signs of threatened and actual sexual misconduct;

h. how to avoid inappropriate relationships with inmates, and

i. how to effectively and professionally communicate with inmates.

2. Volunteers and Contractors (PREA Standard 115.32)

a. All RIDOC volunteers and contractors who have contact with inmates shall be trained on their responsibilities relating to RIDOC's sexual misconduct prevention, detection and response policies and procedures.

The level and type of training provided to volunteers and contractors shall be based on the services and level of contact with inmates.

b. This training shall include, but not be limited to;

(1) notification of RIDOC's zero tolerance mandate regarding sexual misconduct of inmates; and

(2) how to report such incidents.

3. Investigators (PREA Standard 115.34)

All staff in RIDOC's SIU and OI shall receive specialized training in conducting sexual misconduct investigations in a prison setting.

This training shall include, but not be limited to:

a. techniques for interviewing sexual misconduct victims;
b. proper use of Miranda and Garrity warnings;
c. sexual misconduct evidence collection in a prison setting;
d. criteria and evidence required to substantiate a case for administrative action or prosecutorial referral.

4. Medical and Mental Health Care (PREA Standard 115.35)

All full-time and part-time RIDOC Health Care Services staff who regularly work in facilities shall be trained in:

a. how to detect and assess signs of sexual misconduct;
b. how to preserve physical evidence of sexual abuse;
c. how to respond effectively and professionally to victims of sexual misconduct;
d. how and to whom to report allegations or suspicions of sexual misconduct.

5. Documentation of Training

a. The RIDOC Training Academy shall maintain a record of all individuals (i.e., employees, volunteers, contractors, investigators, medical and mental health staff) who successfully complete PREA training. (PREA Standards 115.31, 115.32, 115.34 and 115.35)

(1) In specific regard to employees, RIDOC shall verify, through employee signature, that employees understand the PREA training they have received. (PREA Standard 115.31)

(2) In specific regard to volunteers and contractors, RIDOC shall maintain documentation confirming that those trained understand the PREA training they have received. (PREA Standard 115.32)

b. Facility/unit/program managers shall contact the Training Academy before any non-Training Academy PREA training is conducted to ensure standard documentation of the training is made.

B. Inmate Education (PREA Standard 115.33)

1. During the intake and commitment process, inmates shall receive information explaining RIDOC's zero tolerance mandate regarding sexual misconduct, and how to report such incidents or suspicions. (See the most recent version of RIDOC Policy #14.01 DOC; Intake/Committing Process).

   This information is obtained either in person or through a video presentation and includes the:

   a. right to be free from sexual misconduct;
   b. right to be free from retaliation for reporting such incidents;
   c. policy and procedure for responding to such incidents.

2. The PREA Compliance Manager in each facility shall;

   a. ensure that inmates who were incarcerated before the intake and committing PREA inmate education program began, and who therefore did not receive such education, shall receive this information upon transfer to a facility;
   b. ensure that current sentenced inmates who did not receive such education shall be educated (See the most recent version of RIDOC Policy #1.11 DOC; Inmate Communications);
   c. provide inmate education in formats accessible to all inmates, including those with limited English proficiency, who are deaf, visually impaired, have limited reading skills or are otherwise disabled;
   d. ensure that key information is continuously and readily available or visible to inmates through posters, inmate rulebooks or other written formats; and
   e. maintain documentation of inmate participation in educational sessions.

C. Supervision and Monitoring (PREA Standard 115.13)

1. The Assistant Director, Institutions & Operations (ADIO), or his/her designee shall ensure that each facility develops, documents and makes its best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing and, where applicable, video monitoring to protect inmates against sexual misconduct.

2. In calculating adequate staffing levels and determining needs for video monitoring the following, along with any other relevant factors, shall be taken 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
   f. composition of inmate population;
   g. number and placement of supervisory staff;
   h. institutional programs occurring on a particular shift;
   i. applicable State or local laws, regulations or standards; and
   j. prevalence of substantiated or unsubstantiated incidents of sexual misconduct.

3. Facility Wardens shall document and justify any deviations from the staffing plan.

4. Facility Wardens, in consultation with the Agency PREA Coordinator, shall on no less than an annual basis, or whenever necessary, assess, determine and document whether adjustments are needed to;

   a. establish a staffing plan;
   b. deploy the facility video monitoring systems and other monitoring technologies; and
   c. assess the resources that RIDOC has available to accomplish adherence to the staffing plan.

5. Facility supervisors shall conduct and document unannounced rounds to identify and deter sexual misconduct. Please refer to the most recent version of RIDOC Policy #9.05 DOC; Institutional Log Book System.

   NOTE: Staff is prohibited from alerting other staff members to supervisory rounds unless such an announcement is related to the legitimate operational functions of the facility.

D. Internal and Third Party Reporting (PREA Standards 115.51 and 115.54)

Staff shall accept reports made verbally, in writing, anonymously or from third parties.

1. Inmates are afforded multiple internal ways to privately report sexual misconduct, retaliation by other inmates or staff, and staff neglect or

violation(s) of responsibilities that may have contributed to such incidents. These methods include, but are not limited to:

- reporting to any staff member – verbally or in writing
- reporting as outlined in the most recent version of RIDOC Policy #13.10 DOC; Inmate Grievance Procedure
- call RIDOC's Special Investigation Unit (SIU) – 462-2282
- call RIDOC's Office of Inspectors (OI) – 462-2551
- call on-grounds Rhode Island State Police (RISP) – 462-2650
- Victims of Crime Hotline toll-free number – 1(800) 494-8100

2. Inmates may also report sexual misconduct to a public or private entity or office that is not part of the RIDOC by telephone or mail.

3. Staff has the option of reporting known or suspected acts of sexual misconduct up the chain of command, or privately to SIU or OI.

E. Inmate Access to Outside Confidential Support Services (PREA Standard 115.53)

1. The PREA Compliance Manager for each RIDOC facility shall ensure inmates have access to confidential outside victims' advocates, by posting mailing addresses and telephone numbers in areas that inmates have access to, that includes:

   a. Victims of Crime Hotline toll-free number – 1(800) 494-8100;

   b. Day One, 100 Medway Street, Providence, RI 02906-4402 (the local victim advocacy/rape crisis organization);

   c. Immigration service agencies (for civil immigration purposes).

2. Communication between inmates and any advocacy organizations shall be in as confidential a manner as possible. However, inmates shall also be aware of the extent to which communication will be monitored and the extent to which reports of sexual misconduct will be forwarded to SIU in accordance with mandatory reporting laws. For more information on communication monitoring, see the most recent version of RIDOC Policy #24.02 DOC; Inmate Telephone Privileges/Monitoring.

F. Official Response

1. Reporting Duties (PREA Standard 115.61 and 115.64)

   a. RIDOC employees, volunteers, contractors or other third parties shall follow the most recent version of RIDOC Standard Operating Procedure (SOP); PREA Investigations, with respect to first responder duties.

      The facilities' PREA Compliance Managers shall ensure that staff complies with the most recent version of RIDOC Standard Operating Procedure (SOP); PREA Investigations to coordinate actions taken in response to an incident of sexual misconduct, among staff first responders, medical and mental health practitioners, investigators, Warden(s) and Deputy Warden(s).

      NOTE: Staff has the option of reporting known or suspected acts of sexual misconduct up the chain of command, or privately to SIU or OI.

   b. Staff shall not reveal any information relating to a sexual misconduct report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions;

   c. Unless otherwise precluded by Federal or State law, medical and mental health practitioners shall be required to report sexual misconduct, and to inform inmates of the practitioners duty to report and the limits of confidentiality at the initiation of services;

      For more information on inmate-patient confidentiality, please see the most recent version of RIDOC Policy #18.59 DOC; Confidentiality of Inmate Health Information to Include Electronic Medical Record (EMR) and Paper Documents.

   d. If the alleged victim is under the age of 18, the RIDOC shall report the allegation to the Department Children Youth & Families (DCYF) via their Child Abuse Hotline [1-(800) – RI –CHILD (1-800-742-4453)];

   e. Staff shall report all allegations of sexual misconduct, including third party and anonymous reports, to the facility/unit/program manager/Warden and to the Special Investigation Unit (inmate – inmate) or Office of Inspectors (staff – inmate).

2. Reporting to Other Confinement Facilities (PREA Standard 115.63)

Upon receiving an allegation that an inmate was sexually abused or sexually harassed while confined in another facility, the Warden of the facility that received the allegation shall notify the Warden of the facility where the alleged sexual misconduct occurred.

a. Such notification shall be provided as soon as possible, but no more than 72 hours after receiving the allegation.

b. The reporting facility shall document that it has provided such information.

c. Upon receiving a report from another correctional facility that an inmate was sexually abused and/or sexually harassed while incarcerated at the RIDOC, the facility that receives the report shall forward it immediately to RIDOC's Agency PREA Coordinator.

3. Protection Against Retaliation (PREA Standard 115.67)

a. The Warden/designee shall employ multiple protection measures such as housing changes or transfers for victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates and staff who fear retaliation for reporting sexual misconduct or for cooperating with investigations;

b. For at least 90 days following a report of sexual misconduct, the Warden/designee shall monitor the conduct and treatment of the inmate(s) or staff who reported the sexual misconduct, and of the inmate(s) reported to have suffered sexual abuse or sexual harassment to see if there are changes that may suggest possible retaliation by other inmates or staff. The Warden/designee shall;

(1) act promptly to remedy such retaliations;
(2) continue to monitor beyond 90 days if the initial monitoring indicates a continued need;
(3) terminate the monitoring if it is determined that the allegation is unfounded.

NOTE: Inmates who were reported to have suffered sexual misconduct, and inmates or staff who reported sexual misconduct, who feel they are being or have been retaliated against, may report such retaliation as outlined in Section III.D. of this policy.

4. Ongoing Medical and Mental Health Response (PREA Standard 15.83)

   a. Female victims of sexual misconduct, involving alleged intercourse while incarcerated at the RIDOC, shall be offered a pregnancy test.
   b. If pregnancy results from the conduct described in a. above, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
   c. Inmate victims of sexual misconduct while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
   d. Treatment services shall be provided to the victim without financial cost, and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

5. Limited English Proficiency (PREA Standard 115.16)

   a. RIDOC has established procedures to provide inmates with limited English proficiency equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect and respond to sexual misconduct
   b. RIDOC prohibits use of inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegations.

   For more information, please see the most recent version of RIDOC Policy #1.13 DOC; Limited English Proficiency.

G. Reporting to Inmates (PREA Standard 115.73)

1. Following an investigation into an inmate's allegation that s/he suffered sexual misconduct **by another inmate**, SIU shall inform the inmate whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. SIU shall also inform the alleged victim whenever:

   a. SIU learns the alleged abuser has been **indicted on a charge** related to sexual misconduct within the facility; or

   b. SIU learns the alleged abuser has been **convicted on this charge** related to sexual misconduct within the facility

If SIU did not conduct the investigation, it shall obtain the investigation report from the appropriate investigatory agency and review it. Once this review is complete, SIU will advise the inmate of the findings.

2. Following an inmate's allegation that **a staff member** committed sexual misconduct against him/her, OI shall inform the inmate whenever:

   a. the staff member is no longer posted within the inmate's unit;
   b. the staff member is no longer employed at the facility;
   c. OI learns the staff member has been **indicted on a charge** relating to sexual misconduct in the facility, or
   d. OI learns the staff member has been **convicted on this charge** relating to sexual misconduct in the facility.

   NOTE: OI is not obligated to notify the inmate if it has determined that the allegation was unfounded.

3. All such notifications or attempted notifications shall be documented by SIU or OI, as appropriate.

4. RIDOC's obligation to report to the inmate terminates if the inmate is released from RIDOC's custody.

H. Inmate Sanctions (PREA Standard 115.78)

1. Inmates who are found guilty of committing acts of sexual misconduct are punished in accordance with the most recent version of RIDOC Policy #11.01 DOC; Code of Inmate Discipline, up to and including criminal prosecution.

   a. All incidents of sexual misconduct are considered "highest predatory offenses" as documented in the Department's Code of Inmate Discipline.

   b. The Code of Inmate Discipline outlines all of the possible sanctions that may be imposed when inmates are found guilty of committing acts of sexual misconduct.

   c. SIU will designate any substantiated perpetrator of inmate-on-inmate sexual misconduct as a Security Risk Group (SRG) Level I offender, and enter this information into the INFACTS database.

2. The disciplinary process shall consider whether the inmate's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed.

   NOTE: Inmates may be disciplined for sexual contact with staff only upon finding that the staff member did not consent to such contact. In its discretion, RIDOC may prohibit all sexual activity between inmates and may discipline inmates for such activity; however, such activity shall not be deemed to constitute sexual misconduct if it is determined that the activity is not coerced.

3. Perpetrators are eligible for participation in a sex offender treatment program if they are willing to meet the criteria and obligations of that program.

   Therapy, counseling or other interventions designed to address and correct underlying reasons or motivation for the sexual misconduct, shall be considered when determining whether to allow inmate access to programming or other privileges.

4. Every perpetrator found guilty during the disciplinary process of committing a Class 1, Highest Predatory Sexual offense is automatically referred to the RISP and/or the Rhode Island Attorney General for possible criminal prosecution.

I. Staff, Volunteers and Contractor Sanctions (PREA Standard 115.76)

1. RIDOC employees, volunteers, contractors or other third parties found guilty of committing sexual misconduct toward inmates are sanctioned in accordance with the most recent version of RIDOC Policy #3.14 DOC; Code of Ethics and Conduct, up to and including termination and criminal prosecution.

2. Disciplinary sanctions for staff found guilty of committing acts of sexual misconduct shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history and the sanctions imposed on other staff with similar histories.

3. All terminations for violations, or resignations by staff who would have been terminated if not for their resignations, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing authorities.

4. Any contractor or volunteer who engages in sexual misconduct shall be prohibited from contact with inmates, banned from entering secure RIDOC facilities, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any licensing authorities.

J. Sexual Misconduct Incident Reviews (PREA Standard 115.86)

1. The Warden/designee shall conduct a sexual misconduct incident review at the conclusion of every sexual misconduct investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

2. Such review shall occur within no more than thirty (30) days of the conclusion of the investigation.

3. The review team shall include, at a minimum, the Warden/designee, the PREA Compliance Manager, line supervisors, SIU, OI and health care services or mental health practitioners, as well as any other "ad hoc" members as deemed necessary.

4. The review team shall consider:

   a. whether the allegation or investigation indicates a need for change in policy or practice to better prevent, detect or respond to sexual misconduct;

   b. whether the incident or allegation was motivated by;
      - race,
      - ethnicity,
      - gender identity,
      - lesbian, gay, bisexual, transgender or intersex identification, status or perceived status,
      - gang affiliation, or
      - was motivated or otherwise caused by other group dynamics;

   c. examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may have enabled abuse;

   d. assess adequacy of staffing levels in that area during different shifts; and

   e. assess whether monitoring technology should be employed or augmented to supplement supervision by staff.

6. The Warden/designee shall prepare a report of the incident review findings, implement the recommendations for improvement or document reasons for not doing so.

   NOTE: The Warden/designee shall distribute copies of the incident review report to the Director of Corrections, ADIO and Agency PREA Coordinator.

K. Hiring and Promotion Decisions (PREA Standard 115.17)

1. The RIDOC shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor or volunteer who may have contact with inmates who has;

   a. engaged in sexual misconduct in a prison, jail, lockup, community confinement facility, juvenile facility, or other institute (as defined in 42 U.S.C. 1997);

   b. been convicted of engaging or attempting to engage in sexual misconduct in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

   c. been civilly or administratively adjudicated to have engaged in sexual misconduct.

2. Before hiring new employees and as part of any promotional process, the RIDOC shall conduct appropriate background checks on all applicants and employees. Contractors and volunteers will have a criminal background check conducted at least every two (2) years.

3. The RIDOC shall ask all applicants and employees who may have contact with inmates about previous sexual misconduct, as described in 1.a. through 1.c. above, in written applications or interviews for hiring or promotions, and in any interviews or written self-evaluations conducted as part of reviews of current employees. Said individuals shall complete the Prison Rape Elimination Act Supplemental Questionnaire for this purpose.

4. Employees have a continuing affirmative duty to disclose any such misconduct. Material omissions regarding such misconduct, or the provision of materially false information, may be grounds for termination. For more information about employees' duty to disclose, please see the

most recent version of RIDOC Policy #3.14 DOC; Code of Ethics and Conduct.

5. Unless prohibited by law, RIDOC's Office of Inspectors shall provide information on **substantiated** allegations of sexual misconduct involving a former employee upon receiving a request from an institutional employer for whom the former employee has applied to work.

   a. Any employee who receives a request for a reference or release of employment information, including information on **substantiated** allegations of sexual misconduct, on a current or former employee shall immediately forward the request to the Office of Human Resources.

   b. No employees, other than the Office of Human Resources or those expressly authorized by the Department Director or his/her designee, shall disclose such information. For more information on employment references, please refer to the most recent version of RIDOC Policy #3.31 DOC; Employment References.

For more information on background checks for prospective RIDOC employees, and current employees, contractors and volunteers, please see the most recent versions of RIDOC Policy #'s 3.32 DOC; Pre-Employment Background Investigations and 3.06 DOC; Selection, Retention and Promotion, respectively.

L. Data Collection and Review (PREA Standard 115.87)

RIDOC's Planning & Research Unit shall collect accurate, uniform data for every allegation of sexual misconduct at facilities under its control, using standardized instruments and set definitions, at least annually.

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 conducted by the Department of Justice.

RIDOC's Planning & Research Unit shall provide such data from the previous calendar year to the Department of Justice no later than June 30th of the current calendar year.

1. Classification of Investigation Outcomes

   Consistent with the investigation outcome developed by the U.S. Department of Justice's Survey of Sexual Violence, the findings of all SIU

and OI investigations of incidents of sexual misconduct toward inmates are categorized as:

- Substantiated Allegation;
- Unsubstantiated Allegation;
- Unfounded Allegation; or
- Investigation Ongoing.

2. Data Review for Corrective Action (PREA Standard 115.88)

RIDOC's Agency PREA Coordinator shall review collected data to assess and improve the effectiveness of sexual misconduct prevention, detection and response. To achieve this end, RIDOC shall:

a. identify problem areas and take corrective action; and

b. prepare an annual report of its findings and corrective actions for each facility;

(1) the annual report shall include a comparison to the previous year's and an assessment of RIDOC's progress in addressing sexual misconduct; and

(2) the annual report shall be approved by the Director of Corrections and made readily available to the public through the RIDOC website.

NOTE: When the RIDOC redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility, and/or the confidentiality of the alleged victims and/or perpetrators.

3. Data Storage, Publication and Destruction (PREA Standard 115.89)

a. RIDOC's Planning & Research Unit shall ensure that data collected is securely retained.

b. RIDOC's Planning & Research Unit shall make sexual misconduct data collected from facilities readily available to the public at least annually through its website.

NOTE: Before making sexual misconduct data publicly available, personal identifiers will be removed.

c. Sexual misconduct data shall be maintained for at least ten (10) years by RIDOC's Planning & Research Unit.

APPENDIX I

GENERAL DEFINITIONS (PREA Standards 115.5 and 115.6)

For the purposes of this and various other RIDOC policies and their administrative procedures, the following definitions are provided:

1. Agency PREA Coordinator: an administrator responsible for the development, implementation and oversight of the Department's compliance with PREA Standards in all Department facilities, as appointed by the Director. (Standard 115.11)

2. Contractor: a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

3. Detainee: any person detained in a lockup, regardless of adjudication status.

4. Direct Staff Supervision: security staff is in the same room with, and within reasonable hearing distance of, the resident or inmate.

5. Employee: a person employed by the State of Rhode Island and who is working at the RIDOC. This includes uniform and non-uniform staff.

6. Facility: a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building of set of buildings) that is used by RIDOC for the confinement of inmates.

7. Full Compliance: compliance with all material requirements of each standard except for de minimis violations or discrete and temporary violations during otherwise sustained periods of compliance.

8. Gender Nonconforming: a person whose appearance or manner does not conform to traditional societal gender expectations.

9. Inmate: any person incarcerated or detained in a prison or jail.

10. Intersex: a person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

11. Investigation Ongoing: evidence is still being collected and/or processed, and a final determination is yet to be made as to whether or not the incident occurred.

12. Juvenile: any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

13. PREA Compliance Manager: a management-level staff person at each facility, designated by the Director, or his/her designee, to coordinate communication with alleged victim and aggressor, and to coordinate follow-up to incidents of inmate sexual abuse and sexual harassment within that facility. (Standard 115.11)

14. Sexual Misconduct: for purposes of this policy, the term "sexual misconduct" includes the following:
    a. Any sexual abuse and sexual harassment of an inmate or detainee **by another inmate or detainee**, as defined by PREA Standards; or
    b. Any sexual abuse, sexual harassment and voyeurism of an inmate or detainee **by a staff member, contractor or volunteer**, as defined by PREA Standards.

    For more specific definitions of sexual abuse, sexual harassment and voyeurism of inmates, detainees or residents please see those definitions outlined in this section, or PREA Standards 115.5 and 115.6.

15. Sexual Abuse:
    a. Sexual abuse of an inmate or detainee by another inmate or detainee; or
    b. Sexual abuse of an inmate or detainee by a staff member, contractor, or volunteer.

    Sexual abuse of an inmate or detainee **by another inmate or detainee** includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
    a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
    b. Contact between the mouth and the penis, volva, or anus;
    c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
    d. Any other intentional touching either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

    Sexual abuse of an inmate or detainee **by a staff member, contractor or volunteer** includes any of the following acts, with or without consent of the inmate or detainee:
    a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
    b. Contact between the mouth and the penis, volva, or anus;
    c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
    d. Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties or where the

staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

e. Any other intentional touching either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a.) – (e.) of this section;

g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and

h. Voyeurism by a staff member, contractor, or volunteer.

16. Sexual Harassment:
    a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate or detainee directed toward another; and
    b. Repeated verbal comments or gestures of a sexual nature to an inmate or detainee 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.

17. Substantiated Allegation: an allegation that was investigated and determined to have occurred.

18. 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.

19. Unfounded Allegation: an allegation was investigated and determined **not** to have occurred.

20. Unsubstantiated Allegation: an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

21. Volunteer: an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

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