



**U.S. Department of Justice**  
Federal Bureau of Prisons

## PROGRAM STATEMENT

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# Sexually Abusive Behavior Prevention and Intervention Program

/s/

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Director, Federal Bureau of Prisons

## 1. PURPOSE AND SCOPE

To provide guidelines to address the following prohibited and/or illegal sexually abusive behavior involving:

- Inmate perpetrator against inmate victim.
- Staff perpetrator against inmate victim.
- Inmate perpetrator against staff victim.

These guidelines are provided to

- Help **detect** incidents, perpetrators, and inmate victims of sexually abusive behavior.
- Help **prevent** sexually abusive behavior.
- Educate staff to **intervene** properly and in a timely manner.
- **Document, report, and investigate** reported incidents.
- **Discipline** and/or prosecute perpetrators.

**Note.** The protection and safety of staff who are sexually victimized is a top priority. However, those incidents are beyond the scope of this Program Statement. This policy addresses security, treatment, and management issues related to inmate victims and inmate and staff perpetrators.

**Federal Regulations from 28 CFR are shown in this type.**  
Implementing instructions are shown in this type.

## 2. SUMMARY OF CHANGES

The insertion of 28 CFR Part 115, National Standards To Prevent, Detect, and Respond to Prison Rape; Final Rule, dated June 20, 2012, located at <http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-12427.pdf>.

### *Policy Rescinded*

P5324.06 Sexual Abuse/Assault Prevention and Intervention Programs (4/27/05)

In keeping with Public Law 108-79, the Prison Rape Elimination Act (PREA) of 2003, this reissuance enhances intervention, documentation, reporting, and investigative procedures. These enhancements include refined definitions of sexually abusive/assaultive behaviors to facilitate accurate reporting. All allegations of inmate-on-inmate and inmate-on-staff sexual violence, including allegations of abusive sexual contact and non-consensual sexual acts (involving penetration) will be reported via form BP-A0583, "Report of Incident," and followed up with an investigative report. At the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded, an incident review will be conducted.

This reissuance also establishes National and Regional PREA Coordinators with well-defined roles and responsibilities.

### **§ 115.22 Policies to ensure referrals of allegations for investigations.**

**(a) The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.**

**(b) The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.**

**(c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.**

**(d) Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.**

**(e) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.**

**2. PROGRAM OBJECTIVES.** The intent of this PS is to ensure that:

- The National Standards to Prevent, Detect, and Respond to Prison Rape (PREA Standards) are immediately incorporated into policy as the Act explicitly binds the Bureau of Prisons facilities (42 U.S.C. 15607(b)).
- Staff and inmates are informed of the Bureau's zero-tolerance philosophy in regards to sexually abusive behavior.
- Standard procedures are in place to detect and prevent sexually abusive behavior at all Bureau and contract facilities.
- Victims of sexually abusive behavior receive prompt and effective response to their physical, psychological, and security needs.
- Allegations of sexually abusive behavior receive prompt intervention upon report.
- The perpetrators of sexually abusive behavior will be disciplined and, when appropriate, prosecuted in accordance with Bureau policy and Federal law.

**Institution Supplement Required.** Each institution is required to have a current Institution Supplement that reflects that institution's unique characteristics and that specifies how it will comply with this Program Statement. Section 10 of this Program Statement details the required components of the Institution Supplement. The supplement is approved at the regional level for initial clearance and at the local level during annual review.

## **RESPONSIBILITIES**

### **§ 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator.**

**(a) An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.**

**(b) An agency shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.**

**(c) Where an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.**

a. **National PREA Coordinator.** The National PREA Coordinator's responsibilities include developing, implementing, and overseeing the BUREAU's compliance with PREA. The National PREA Coordinator provides oversight to all Regional PREA Coordinators and provides an annual report to the Information, Policy, and Public Affairs (IPPA) Division for submission to the U.S. Department of Justice, Bureau of Justice Statistics, through their collection agent (U.S. Census Bureau), of all incidents of sexually abusive behavior. The National PREA Coordinator

also coordinates with the Privatization Branch to ensure contract facilities are in compliance with PREA Standard § 115.11.

**b. Regional PREA Coordinator.** The Regional PREA Coordinator reviews each report of sexually abusive behavior for accuracy before forwarding a quarterly report to the Central Office Intelligence Section mailbox, BOP-CPD/SIS. The Intelligence Section reviews the collected data and compiles the annual report, which is provided to the National PREA Coordinator.

The Regional PREA Coordinator also ensures policy guidelines are addressed in institutions within each region. Given the sensitivity required when defining and reporting cases as substantiated, a background in investigations is preferred when selecting a Regional PREA Coordinator.

**c. Warden.** The Warden at each institution must ensure that all aspects of this Program Statement are implemented, including maintaining a current Institution Supplement. He/she shall assign an Institution PREA Compliance Manager, typically an Associate Warden, overall responsibility for the program.

**d. Institution PREA Compliance Manager.** The Institution PREA Compliance Manager maintains responsibility for the Sexually Abusive Behavior Prevention and Intervention Program at the local level. The Institution PREA Compliance Manager must have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

## DEFINITIONS

For the purposes of this Program Statement only, the following definitions apply:

**a. Sexual Fondling.** The touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

**b. Sexual Misconduct (Staff Only).** The use of indecent sexual language, gestures, or sexually oriented visual surveillance for the purpose of sexual gratification.

**Note. Sexual acts or contacts between an inmate and a staff member, even when no objections are raised by either party, are always forbidden and illegal.** Accordingly, except in cases where staff are clearly the victim of inmate sexually abusive behavior, sexual behavior between staff and inmates is **always** the staff member's responsibility. The BOP is committed to investigating, disciplining and prosecuting staff that engage in such behavior.

**c. Sexual Assault with an Object.** The use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

**Note:** This **does not apply** to custodial or medical personnel engaged in evidence gathering or legitimate medical treatment, nor to health care provider's performing body cavity searches in order to maintain security and safety within the prison.

d. **Rape.** The carnal knowledge, oral sodomy, or sexual assault with an object or sexual fondling of a person **forcibly** or against that person's will;

The carnal knowledge, oral sodomy, or sexual assault with an object or sexual fondling of a person not forcibly or against the person's will, where the victim is **incapable of giving consent** because of his/her youth or his/her temporary or permanent mental or physical incapacity; or

The carnal knowledge, oral sodomy, or sexual assault with an object or sexual fondling of a person achieved through the **exploitation of the fear or threat** of physical violence or bodily injury.

(1) **Carnal Knowledge.** Contact between the penis and vulva or the penis and the anus, including penetration of any sort, however slight.

(2) **Oral Sodomy.** Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus.

**Note:** The following definitions are used to categorize inmate-on-inmate allegations. Both categories are included in form BP-A0583, Report of Incident.

**Abusive Sexual Contact.** Any allegation of contact to sexually exploit an inmate without his/her consent, or of one who is unable to consent or refuse, and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any inmate, excluding contact incidental to a physical altercation.

**Non-Consensual Sexual Act.** Any allegation of contact of any inmate without his/her consent, or of one who is unable to consent or refuse, and contact between the penis and vagina or penis and anus, including penetration, however slight; or contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another by a hand, finger or other object.

## **§ 115.6 Definitions related to sexual abuse.**

***Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:***

**(1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;**

**(2) Contact between the mouth and the penis, vulva, or anus;**

**(3) 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;**

**(4) 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;

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

(6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;

(7) 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

(8) Voyeurism by a staff member, contractor, or volunteer.

*Voyeurism by a staff member, contractor, or volunteer* means an invasion of privacy of an inmate, detainee, or resident 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.

*Sexual harassment* includes—

(1) 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, detainee, or resident directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident 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.

## § 115.5 General Definitions

*Exigent circumstances* means 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.

*Gender nonconforming* means a person whose appearance or manner does not conform to traditional societal gender expectations.

***Intersex* means a person whose 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.**

***Transgender* means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.**

**PROGRAM OVERVIEW.** The Sexually Abusive Behavior Prevention and Intervention Program is comprised of five major areas to include the following:

- Prevention.
- Detection.
- Intervention.
- Documentation, Reporting, and Investigation.
- Discipline/Prosecution.

### **§ 115.12 Contracting with other entities for the confinement of inmates.**

**(a) A public agency that contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.**

**(b) Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.**

The Bureau will ensure its contracts with private facilities and Residential Reentry Centers include in its contract their obligation to adopt and comply with the PREA standards.

**PREVENTION.** Staff are responsible for understanding and participating in the prevention of sexually abusive behavior as outlined in this PS. Inmates are responsible for being familiar with the Bureau's Admission and Orientation (A&O) pamphlet on Sexually Abusive Behavior Prevention and Intervention.

### **§ 115.13 Supervision and monitoring.**

**(a) The agency shall ensure that each facility it operates 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 inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:**

- (1) Generally accepted detention and correctional practices;**
- (2) Any judicial findings of inadequacy;**
- (3) Any findings of inadequacy from Federal investigative agencies;**

- (4) Any findings of inadequacy from internal or external oversight bodies;
- (5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
- (6) The composition of the inmate population;
- (7) The number and placement of supervisory staff;
- (8) Institution programs occurring on a particular shift;
- (9) Any applicable State or local laws, regulations, or standards;
- (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- (11) Any other relevant factors.

(b) In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.

(c) Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by § 115.11, the agency shall assess, determine, and document whether adjustments are needed to:

- (1) The staffing plan established pursuant to paragraph (a) of this section;
- (2) The facility's deployment of video monitoring systems and other monitoring technologies; and
- (3) The resources the facility has available to commit to ensure adherence to the staffing plan.

(d) Each agency operating a 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 night shifts as well as day shifts. Each agency 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.

Each institution will develop a staffing plan to protect inmates from sexual abuse. When the facility has an instance of non-compliance with its plan, the Captain shall document and justify all deviations. At a minimum, annual reviews of the plan will be submitted to the Regional PREA Coordinators in conjunction with the annual sexual abuse data for the facility.

Department heads, supervisors, and executive staff shall maintain documentation of unannounced rounds within their respective areas daily. Staff may not alert other staff as to the rounds, unless there is an operational need.

#### **§ 115.18 Upgrades to facilities and technologies.**

(a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the



**effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.**

**(b) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.**

All new facility designs and upgrades of technology will include consideration of how it could enhance the Bureau's ability to protect against sexual abuse.

#### **§ 115.15 Limits to cross-gender viewing and searches.**

**(a) The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.**

**(b) As of August 20, 2015, or August 21, 2017 for a facility whose rated capacity does not exceed 50 inmates, the facility shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. Facilities shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.**

**(Note.** This provision's prohibition on cross-gender pat-down searches of female inmates is **not** yet implemented by this policy.)

**(c) 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 inmates.**

**(d) The facility shall implement policies and procedures that enable inmates 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. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit....**

To protect the privacy of inmates during instances of undress or performing bodily functions, staff of the opposite gender shall announce their presence when entering an inmate housing unit. If a staff member's post is in the housing unit, an announcement should be made upon the commencement of the shift. If staff are not assigned to the housing unit, they announce themselves upon entry.

#### **§ 115.16 Inmates with disabilities and inmates who are limited English proficient.**

**(a) The agency shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.**

**(b) The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.**

**(c) The agency shall not rely on 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 under § 115.64, or the investigation of the inmate's allegations.**

Staff will take reasonable action to ensure that a method of communication is available to all inmates with disabilities for complete access to its efforts of preventing, detecting and responding to sexual abuse and sexual harassment. Staff may not rely on inmate interpreters unless a delay in accessing an effective interpreter could compromise the inmate's safety, response to the allegation or its investigation.

a. **Screening.** All inmates entering an institution are screened within 72 hours of arrival at the facility as directed by Health Services, Psychology Services, and Unit Management policies. The following steps should be taken:

#### **§ 115.41 Screening for risk of victimization and abusiveness.**

**(a) All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.**

**(b) Intake screening shall ordinarily take place within 72 hours of arrival at the facility.**

**(c) Such assessments shall be conducted using an objective screening instrument.**

**(d) The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:**

- (1) Whether the inmate has a mental, physical, or developmental disability;**
- (2) The age of the inmate;**
- (3) The physical build of the inmate;**
- (4) Whether the inmate has previously been incarcerated;**
- (5) Whether the inmate's criminal history is exclusively nonviolent;**
- (6) Whether the inmate has prior convictions for sex offenses against an adult or child;**
- (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;**
- (8) Whether the inmate has previously experienced sexual victimization;**
- (9) The inmate's own perception of vulnerability; and**
- (10) Whether the inmate is detained solely for civil immigration purposes.**

**(e) The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.**

**(f) Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.**

**(g) An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.**

**(h) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section.**

**(i) The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.**

Staff conducting the intake screening process will also complete the Screening for Risk of Victimization and Abusiveness form, BP-A1030, with the use of the inmate's records, such as presentence investigation report, Judgement and Commitment Orders, and medical records. Any information related to sexual victimization or abusiveness that occurred in an institutional setting is limited to need-to-know staff only for the purpose of treatment and security and management decisions, such housing and cell assignments, as well as work, education, and programming assignments.

Psychology staff will reassess the inmate's risk level whenever warranted and within 30 days of arrival at the institution based upon any additional information. If an inmate chooses not to respond to questions relating to his/her level of risk, he/she may not be disciplined. Sensitive information obtained relative to the questioning of the inmate is limited to staff who have a need to know.

**(1) Inmates with a history of sexual victimization while in BOP custody.** When, during the initial intake screening process and initial classification, Health Services or Unit Team staff identify inmates with a history of sexual victimization within BOP custody (from self-report or from review of available documents, such as Judgment and Commitment Orders, criminal records, pre-sentence investigation reports, Inmate Central File data, etc.), they must refer the inmate to Psychology Services.

If not previously documented on BOP records, staff must also notify the Chief of Correctional Services of the inmate's report of victimization to ensure that appropriate steps (investigation, documentation, CIMS concerns, etc.) have been taken. The Chief of Correctional Services will ensure that documentation includes a current SENTRY STG assignment pertaining to the alleged victim. These steps are also noted under the **Reporting** section in this policy.

#### **§ 115.81 Medical and mental health screenings; history of sexual abuse.**

**(a) If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.**

**(b) If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.**

**(c) If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.**

**(d) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.**

**(e) Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.**

Psychology Services staff will offer **all** inmates with a history of sexual victimization or sexual abusiveness a follow-up meeting within 14 days of the intake screening.

**(2) Inmates with a history of sexual victimization while in a non-BOP setting.** If Unit Team or Health Services staff learn that victimization occurred in a non-Bureau setting, staff should document such information and refer the inmate to Psychology Services for treatment and monitoring if needed.

**(3) Inmates with a history of sexual predation while in BOP custody.** When, during the intake screening process, staff identify inmates with a history of sexual predation within BOP custody (from self-report or from review of available documents such as Judgment and Commitment Orders, criminal records, pre-sentence investigation reports, Inmate Central File data, etc.), staff must refer the inmate to Psychology Services. If new information arises during the initial classification that an inmate has an undocumented history of sexual predation, staff must also refer the inmate to Psychology Services.

If not previously documented on Bureau records, staff must notify the Chief of Correctional Services of the inmate's history of predation to ensure that appropriate steps (investigation, documentation, CIMS concerns, etc.) have been taken. The Chief of Correctional Services will ensure that documentation includes a current SENTRY STG assignment pertaining to the alleged perpetrator.

**(4) Inmates suspected of being "at risk" for victimization or predation.** Inmates identified as being "at risk" for victimization or abusiveness by Health Services or Unit Team staff are referred to Psychology Services for an assessment of treatment/management needs. In the case of inmates "at risk" for abusiveness, Correctional Services must also be notified.

At any point after the intake screening, an inmate may be assessed for risk of victimization or abusiveness. If he/she is identified as "at risk" for either category, Health Services, Unit Team, Psychology Services, and Correctional Services must all be notified by the department that identifies the inmate as "at-risk."

## § 115.43 Protective Custody

(a) Inmates 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 inmate in involuntary segregated housing for less than 24 hours while completing the assessment.

(b) Inmates 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:

- (1) The opportunities that have been limited;
- (2) The duration of the limitation; and
- (3) The reasons for such limitations.

(c) The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

(d) If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document:

- (1) The basis for the facility's concern for the inmate's safety; and
- (2) The reason why no alternative means of separation can be arranged.

(e) Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

When determining an appropriate method of safeguarding the inmate assigned "at risk" for victimization, the Warden ensures all options are considered by completing, signing, and dating Form BP-A1002, Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegation. When an inmate is placed in special housing involuntarily, access to programs, privileges, education, or work shall not be interrupted. If they must be limited, the Captain must ensure that documentation exists reflecting the limitation, duration, and rationale for limitation.

(5) **Dissemination of Information.** The completed Form BP-A1002 is stamped "FOI EXEMPT" and placed in the Privacy Section of the Inmate Central File to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. If information gathered leads to an investigation, Form BP-A1002 becomes part of the investigative file.

**b. Classification.**

**§ 115.42 Use of screening information.**

**(a) The agency shall use information from the risk screening required by § 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.**

**(b) The agency shall make individualized determinations about how to ensure the safety of each inmate.**

**(c) In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.**

**(d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.**

Once an inmate has been identified as a victim or perpetrator, or as "at risk" for victimization or abusiveness perpetration, Unit Management reviews classification options, which may include transfer to a greater or lesser security facility (e.g., management variable), application of a PSF (e.g., sex offender), or changes in housing units or cell assignments, work, education, and program assignments, such as a transfer to a special treatment program (e.g., Sex Offender Management Program, Challenge Program).

**§ 115.42 Use of screening information.**

**...(f) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.**

**(g) The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.**

When making housing unit assignments for the transgender and intersex population, take into consideration their vulnerability by ensuring individual stall-style showers are afforded in the assigned unit and not group showers. However, dedicated housing wings, units or facilities may be established to protect such inmates.

**c. Staff Training.** The Institution PREA Compliance Manager organizes staff training. All staff are trained on the components of the prevention and intervention of sexually abusive

behavior as outlined in this policy. Such training must be documented, through employee signature or electronic verification, that employees understand the training they have received.

#### **(1) Staff Training Components**

- **Prevention** of sexually abusive behavior and sexual harassment:
  - Review Sexually Abusive Behavior Prevention and Intervention Program;
  - Screen and classify;
  - Refer inmates “at risk” for victimization or predation;

#### **§ 115.31 Employee training.**

**(a) The agency shall train all employees who may have contact with inmates on:**

- (1) Its zero-tolerance policy for sexual abuse and sexual harassment;**
- (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;**
- (3) Inmates’ right to be free from sexual abuse and sexual harassment;**
- (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;**
- (5) The dynamics of sexual abuse and sexual harassment in confinement;**
- (6) The common reactions of sexual abuse and sexual harassment victims;**
- (7) How to detect and respond to signs of threatened and actual sexual abuse;**
- (8) How to avoid inappropriate relationships with inmates;**
- (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and**
- (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.**

**(b) Such training shall be tailored to the gender of the inmates at the employee’s facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa.**

**(c) All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall provide each employee with refresher training every two years to ensure that all employees know the agency’s current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.**



**(d) The agency shall document, through employee signature or electronic verification, that employees understand the training they have received.**

➤ Educate inmates.

■ **Detection** of sexually abusive behavior

- Understand definitions;
- Recognize the physical, behavioral, and emotional indicators of sexual victimization;
- Participate in intentional detection activities.

■ **Intervention**

- Report/Refer allegations and
- Coordinate Responding.

■ **Documentation, Reporting, and Investigation**

- Initial Notifications;
- Report via BP-A0583 (only when the perpetrator is an inmate);
- Add SENTRY STG assignment;
- Preserve Crime Scene;
- Collect Physical Evidence; and
- After Action Review.

■ **Discipline and/or Prosecution**

- Update SENTRY assignments when an investigation is completed.
- Use SENTRY assignments to track victims and perpetrators.
- Manage sexual perpetrators.

**(2) Training Schedule**

(a) **New Employees.** For new employees, a discussion of the Sexually Abusive Behavior Prevention and Intervention Program must be a part of “Introduction to Correctional Techniques” and “Institution Familiarization.” Specific responsibilities included in policy are outlined.

(b) **Current Employees.** For current staff, information about the program will be included yearly as a part of Annual Training. Each Warden will designate a staff member to conduct this training.

(c) **Specialized Training.** Discipline-specific training is available at the institution level to staff who are likely to be most involved in the management and treatment of sexually abused victims and perpetrators of the abuse (e.g., Health Services staff, Psychologists, Lieutenants). Specialized training is provided to these disciplines as part of their comprehensive training

offered at the Management Specialty Training Center, Aurora, Colorado, and at other designated locations.

**§ 115.35 Specialized training: Medical and mental health care.**

**(a) The agency shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in:**

- (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.**

**(b) If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.**

**(c) The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.**

**(d) Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.31 or for contractors and volunteers under § 115.32, depending upon the practitioner's status at the agency.**

**§ 115.34 Specialized training: Investigations.**

**(a) In addition to the general training provided to all employees pursuant to § 115.31, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.**

**(b) Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.**

**(c) The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.**

**(d) Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.**

The Captain will ensure his/her special investigative staff are appropriately trained with documentation on file of specialized training.

#### **§ 115.32 Volunteer and contractor training.**

**(a) The agency shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.**

**(b) 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 inmates, but all volunteers and contractors who have contact with inmates shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.**

**(c) The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.**

**(d) *Volunteers and Contractors.*** Anyone having contact with inmates shall be notified of the BOP's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Documentation that they understand the training they have received will be maintained in the volunteers'/contractors' files.

#### **§ 115.77 Corrective action for contractors and volunteers.**

**(a) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.**

**(b) The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.**

**(e) *Inmate Education.***

#### **§ 115.33 Inmate education.**

**(a) During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.**

**(b) Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting**

**such incidents, and regarding agency policies and procedures for responding to such incidents.**

**(c) Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.**

**(d) The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.**

**(e) The agency shall maintain documentation of inmate participation in these education sessions.**

**(f) In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.**

The Bureau's A&O Pamphlet on Sexually Abusive Behavior Prevention and Intervention is provided to each inmate at intake screening. It describes the key elements of the program and informs inmates of the Bureau's zero-tolerance policy regarding sexual abuse and how to report incidents of sexual abuse. This pamphlet is available on the Psychology Services Branch's Sallyport site.

During the Admission and Orientation Program, a staff member, designated by the Warden, will present the Sexually Abusive Behavior Prevention and Intervention Program. This presentation must include:

- Definitions of sexually abusive behavior.
- Prevention strategies the inmate can take to minimize his other risk of sexual victimization while in BOP custody.
- Method of reporting an incident of sexually abusive behavior against oneself, and for reporting allegations of sexually abusive behavior involving other inmates, to include reporting procedures directly to Regional Staff, or to an outside agency if desired.
- Treatment options and programs available to inmate victims of sexually abusive behavior.
- Monitoring, discipline, and/or prosecution of sexual perpetrators.

If an inmate does not attend A&O, he/she shall be provided a video on his/her right to be free of sexual abuse, sexual assault, and harassment, which will be documented in the same manner as those who participated during the regularly scheduled A&O session.

Each housing unit shall have posted a poster reflecting the BOP's zero-tolerance for sexual abuse and harassment and contact information for inmate reporting of sexual abuse allegations. Upon transfer to another facility, inmates should receive any additional information available specific to that institution.

### **§ 115.51 Inmate reporting.**

**(a) The agency shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.**

**(b) The agency shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security....**

Bureau inmates are encouraged to report allegations to staff at all levels, including local, regional and Central Office. They are also currently provided with avenues of internal reporting, such as telephonically to a specific department, such as the Special Investigative lieutenant, or by mail to an outside entity. The Bureau will also provide an additional avenue to report allegations of sexual abuse or harassment to the Office of Inspector General.

### **§115.54 Third-party reporting.**

**The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.**

The Bureau will post publicly the third-party reporting avenue on its public website.

## **6. DETECTION**

### **§ 115.61 Staff and agency reporting duties.**

**(a) The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.**

**(b) Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.**

**(c) Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.**

**(d) If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.**

**(e) The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators.**

All staff are responsible for detecting sexually abusive behaviors and intervening, as research indicates that undetected and unchecked sexual acting out (e.g., swatting someone on the buttocks, sexually suggestive comments) can lead to more serious sexual offending (e.g., rape).

Detection can occur unintentionally – as when staff happen upon a sexual assault in progress. More often, detection requires an intentional awareness by staff of institutional or unit climate and the reputations and behaviors of inmates.

Through actively paying attention to inmate “gossip,” listening to inmate comments to staff, reading case files and Correctional Services “confidentials,” watching inmates interact, being alert for changes in behavior (eating, sleeping, hygiene, work habits, etc.), and monitoring isolated or “hot” areas of the institution, staff are able to better detect sexually abusive behavior, and possibly deter problems **before they occur, or before they escalate.**

**At a minimum**, all staff must report to the Operations Lieutenant **any behaviors** detected that are, or could lead to, sexually abusive behaviors. The Operations Lieutenant in turn notifies the PREA Compliance Manager.

## **7. INTERVENTION**

Staff must report and respond to allegations of sexually abusive behavior and sexual harassment. Staff should assume that all reports of sexual victimization, regardless of the source of the report (e.g., “third party”), are credible and respond accordingly.

The PREA Compliance Manager reviews the report of the incident and determines the actions to be taken. As the severity of the behavior increases, so should the level of response.

### **Reporting.**

In **all** cases of reported sexually abusive behaviors (e.g., from alleged victim, staff, and/or “third party”) the following must occur:

## § 115.62 Agency protection duties.

**When an agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.**

## § 115.51 Inmate reporting.

**...(c) Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.**

**(d) The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.**

(1) The Operations Lieutenant will be immediately notified and he/she will:

- Report all allegations of inmate-on-inmate and inmate-on-staff sexual abuse in TRUINTEL via Report of Incident Form (BP-A0583). Reports must indicate whether the allegation involved Abusive Sexual Contact or a Non-Consensual Sexual Act.
- Immediately safeguard the inmate (which will vary depending on the severity of the alleged sexually abusive behavior and could range from monitoring the situation, changing housing assignments, changing work assignment, placing alleged victim and perpetrator in Special Housing, etc.);
- Promptly refer all inmates reported or suspected of being the victim of sexually abusive behavior to Psychology Services (or the on-call psychologist during non-business hours) for assessment of vulnerability and treatment needs.
- Handle all inmate allegations of sexual abuse, by a staff member or an inmate, in a confidential manner throughout the investigation. However, for allegations of sexually abusive behavior in which a staff member is the alleged perpetrator, only the SIA/SIS Lieutenant and Warden are notified *of the specifics* of the allegation; they make the appropriate referral to the Office of Internal Affairs. Psychology Services are still notified to provide treatment, if needed.
- During business hours, when there is any allegation of sexually abusive behavior in which an inmate is the alleged perpetrator, ensure that the SIS Lieutenant, Chief of Correctional Services, Institution PREA Compliance Manager and Warden are notified.
- During non-business hours, when there is any allegation of sexually abusive behavior, in which an inmate is the alleged perpetrator, ensure that the SIS Lieutenant, Chief of Correctional Services, Institution PREA Compliance Manager, Duty Officer, and on-call Psychologist are notified.

(2) The Institution PREA Compliance Manager will review the initial reported allegation and investigative packet, medical assessment(s), psychological assessment, and other relevant factors and make a determination whether or not to proceed with the full activation of the Response Protocol.

**(3) § 115.67 Agency protection against retaliation.**

**(a) The agency shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation.**

**(b) The agency shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.**

**(c) For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.**

**(d) In the case of inmates, such monitoring shall also include periodic status checks.**

**(e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.**

**(f) An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.**

The PREA Compliance Manager will ensure inmates who have reported sexual abuse allegations are monitored to protect him/her from retaliation for 90 days. However, if the initial monitoring indicates a continuing need, periodic status checks will occur.

**§ 115.63 Reporting to other confinement facilities.**

**(a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.**



**(b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.**

**(c) The agency shall document that it has provided such notification.**

**(d) The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.**

(4) In cases where there is an allegation that sexually abusive behavior occurred at another Bureau facility, the Warden (or his/her designee) of the victim's current facility reports the allegation to the Warden of the identified institution. In cases alleging sexual abuse by staff at another institution, they shall be referred to the Office of Internal Affairs. The Operations Lieutenant and PREA Compliance Manager of the identified institution are also notified and initiate the aforementioned steps. It is likely that the Operations Lieutenant and PREA Compliance Manager at the current institution will also be involved and assist with the investigative procedures.

b. **Responding.** Not all allegations of sexually abusive behavior require full activation of the Response Protocol. In some cases, the Institution PREA Compliance Manager will determine that there is insufficient reason to proceed (e.g., the alleged victim credibly recanted; the alleged perpetrator was not in the institution on the date of the allegation, the inmates involved independently report a non-coercive sexual encounter) and the Response Protocol may be terminated. This does not negate the requirement for the allegation to be reported and documented.

In cases where more information is needed, or where there is a credible and serious allegation or instance of sexually abusive behavior, the full Response Protocol must be implemented.

Once the Institution PREA Compliance Manager determines that the intervention should continue, a sensitive and coordinated response is necessary. Services must be provided in an environment that meets both security and therapeutic needs. The full Response Protocol, monitored by the Institution PREA Compliance Manager, involves the following components:

(1) **Protective.** All appropriate staff consult and determine the actions to be taken to prevent further sexually abusive behavior both **to** the alleged victim (e.g. change in work assignments, change in housing assignment, closer supervision, protective custody, transfer, or, as a last resort, removal from the compound) and **by** the alleged perpetrator (e.g., remove from compound, change housing assignment).

#### **§ 115.68 Post-allegation protective custody.**

**Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.43.**

When determining an appropriate method of safeguarding the alleged victim, the Warden ensures all options are considered by completing, signing, and dating Form BP-A1002,

Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegation. The completed form is e-mailed to BOP-CPD/PREA COORDINATOR and filed with the investigative case. (§ 115.43 & 115.68)

The Chief of Correctional Services will ensure that a STG category of “V SA UNV” is entered into SENTRY for the alleged victim, and an assignment of “P SA UNV” for the alleged perpetrator, if known (see Section 9.b for further details.).

(2) **Psychological.** Psychology staff are responsible for crisis intervention, assessment of treatment needs, documentation of the evaluation results, treatment, psychiatric referral, and other treatment options related to the alleged victim.

### **§ 115.53 Inmate access to outside confidential support services.**

**(a) The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.**

**(b) The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.**

**(c) The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.**

Psychology staff will seek to establish an agreement with community service providers that are able to provide confidential emotional support services as it relates to sexual abuse. If an agreement is not feasible, the attempts will be documented. Staff will provide inmates with a listing of community services with contact information and provide reasonable confidential communication services, as reasonably as possible.

In addition, Psychology staff provide guidance to Unit Management and Residential Reentry Management staff regarding an inmate’s post-release mental health needs.

**§ 115.82 Access to emergency medical and mental health services.**

**(a) Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.**

**(b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to § 115.62 and shall immediately notify the appropriate medical and mental health practitioners.**

**(c) Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where 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.**

**§ 115.83 (a-c, h)**

**(a) The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.**

**(b) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.**

**(c) The facility shall provide such victims with medical and mental health services consistent with the community level of care.**

**...(h) All prisons shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.**

Inmate perpetrators (or alleged perpetrators) of sexually abusive behaviors are referred by the Operations Lieutenant to Psychology Services. Inmates considered high risk for sexual re-offending may be referred to specialty treatment or management programs, individual or group counseling, or may be managed through standard correctional techniques.

If an inmate perpetrator is determined in need of treatment services and refuses treatment, Psychology Services staff document the refusal, place it in the medical section of the Inmate

Central File, and notify referring staff of the refusal. Documentation of treatment compliance or refusal ensures continuity of care within, between, and outside the Bureau.

(3) **Physical.** Medical staff are responsible for examination, documentation, and treatment of inmate injuries arising from sexually abusive behaviors, including testing when appropriate for pregnancy, HIV, and other sexually transmitted diseases (STDs). Where indicated, medical staff trained in the collection of sexual assault evidence (i.e., “rape kit”) conduct an examination for physical evidence that may be used later in formal investigations.

At institutions where medical staff are neither trained nor certified in sexual assault evidence gathering, the inmate is examined at the institution by trained health care professionals from the local community or at the local community facility equipped (in accordance with local laws) to evaluate and treat sexual assault victims. Prophylactic treatment and follow-up for sexually transmitted diseases is offered to all inmate victims, as appropriate.

Psychology Services will attempt to enter into agreement with a rape crisis center to make available a victim advocate to inmates. If an agreement is not reached, efforts must be documented. Psychology or Chaplaincy Services may provide victim services, if a rape crisis center is not available.

Whenever an inmate is referred to Health Services for examination and treatment of injuries related to sexually abusive behavior, staff must encourage the victim to complete an Inmate Injury Assessment and Follow-up form (BP-A0362) as required by the Program Statement **Patient Care**.

### **§ 115.83 (d-g)**

**...(d) Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.**

**(e) If pregnancy results from the conduct described in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.**

**(f) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.**

**(g) 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.**

Pregnancy-medical services will be offered to all victims of sexual abuse in a timely manner.

**§ 115.21 Evidence protocol and forensic medical examinations.**

**(a) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.**

**(b) The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.**

**(c) The agency shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs.**

**(d) The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.**

**(e) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.**

**(f) To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.**

**(g) The requirements of paragraphs (a) through (f) of this section shall also apply to:**

**(1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and**

**(2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails.**

**(h) For the purposes of this section, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.**

## **8. INVESTIGATION**

### **§ 115.71 Criminal and administrative agency investigations.**

**(a) When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.**

**(b) Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.34.**

**(c) Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.**

**(d) When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.**

**(e) 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 inmate or staff. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.**

**(f) Administrative investigations:**

**(1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and**

(2) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

(g) Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

(h) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

(i) The agency shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

(j) The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

(k) Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

(l) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

#### § 115.72 Evidentiary standard for administrative investigations.

**The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.**

In cases where the full Response Protocol is activated, staff are trained to investigate allegations of sexually abusive behavior thoroughly, even if the alleged inmate or perpetrator are no longer in Bureau custody. All inmate allegations of sexual abuse, regardless of the position of the alleged perpetrator (staff or inmate) must be handled in a professional and confidential manner by all staff involved in the investigation – not only to preserve the victim’s privacy, but to preserve maximum flexibility to investigate the allegations.

a. **Initial Notifications.** Upon activating the full Response Protocol, the investigation phase is initiated and the following notification(s) must be made:

(1) **Inmate Perpetrator on Inmate Victim.** In the event that an inmate is alleged to have perpetrated sexually abusive behavior against another inmate, the Special Investigative Agent (or SIS) will be notified immediately.

(2) **Staff Perpetrator on Inmate Victim.** In the event that a staff member is alleged to have perpetrated sexually abusive behavior against an inmate, the Warden will be notified immediately.

The Warden will notify the Regional Director and the Office of Internal Affairs (OIA), who will in turn notify the Office of the Inspector General (OIG), and when appropriate, will notify the Federal Bureau of Investigation (FBI).

(3) **Inmate Perpetrator on Staff Victim.** In the event that an inmate is alleged to have perpetrated sexually abusive behavior against a staff member, the SIA/SIS shall be contacted immediately with follow-up notification to the Warden.

**b. Crime Scene Preservation.**

**§ 115.64 Staff first responder duties.**

**(a) Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:**

- (1) Separate the alleged victim and abuser;**
- (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;**
- (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and**
- (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.**

**(b) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.**

The staff first responder must preserve the crime scene. SIS staff are responsible for collecting information/evidence. The investigation, in coordination with the agency to which the case may be referred, must follow the guidance in the Program Statement **Crime Scene Management and Evidence Control**.

**c. Physical Evidence Collection.** When there is a report of a **recent** Rape or Sexual Assault with an Object, or there is a strong suspicion that a recent, serious assault may have been sexual in nature, a thorough physical examination of the alleged victim – including a “rape kit” – must be completed immediately. Physical evidence collection may also include an examination of and collection of physical evidence from the suspected perpetrator(s).



**d. After-Action Reviews of Sexual Assaults.**

**§ 115.86 Sexual abuse incident reviews.**

**(a) The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.**

**(b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.**

**(c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.**

**(d) The review team shall:**

**(1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;**

**(2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was 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; and**

**(6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.**

**(e) The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.**

At the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded, the facility must conduct an after-action review. Executive Staff will review the incident to assess the reasonableness of the actions of staff, ensure the security and treatment needs of the inmate victim have been addressed adequately, and ensure the management and investigation of the perpetrator is progressing appropriately. All factors noted within PREA Standard 115.86 will be considered. The findings will be included in a report including recommendations for improvements, if any. The report will be submitted to the Warden and Institution Program Compliance Manager, who will ensure implementation of the recommendations or document the reason for not following them.

## **After-Action Reviews of Violent Sexual Assaults:**

Following any incident of Rape or Sexual Assault with an Object, the Warden, and other Executive Staff will review the incident to assess the reasonableness of the actions of staff, ensure the security and treatment needs of the inmate victim have been addressed adequately, and ensure the management and investigation of the perpetrator is progressing appropriately. Within **two** working days after the initial reporting of the Rape or Sexual Assault with an Object, a written report highlighting the relevant facts should be produced; the Warden or designee attests by his/her signature that the review has taken place and that steps taken by staff were either appropriate or inappropriate.

A copy of this report is forwarded to the Regional Director through the Regional PREA Coordinator.

At the conclusion of the investigation, the allegations must be indicated as:

- Substantiated.
- Unsubstantiated (may have occurred, but insufficient evidence to prove).
- Unfounded (evidence proves that this could not have happened).
- Pending further investigation (in these instances, follow-up must be reported).

Consideration for staff affected by the incident is necessary. Arrangements for debriefing affected staff and referral to appropriate services to mitigate stress associated with these events should be offered.

### **§ 115.73 Reporting to inmates.**

**(a) Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.**

**(b) If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.**

**(c) Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:**

- (1) The staff member is no longer posted within the inmate's unit;**
- (2) The staff member is no longer employed at the facility;**
- (3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or**
- (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.**

**(d) Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever:**

**(1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or**

**(2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.**

**(e) All such notifications or attempted notifications shall be documented.**

**(f) An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.**

The Special Investigative Lieutenant will ensure an inmate who has alleged sexual abuse in the institution is informed of the investigation's outcome. If the allegation is against a staff member, staff will also inform the inmate about certain information pertaining to the staff member, as noted in PREA Standard 115.73.

## **9. DISCIPLINE AND PROSECUTION**

In keeping with the zero-tolerance policy, perpetrators of sexually abusive behavior are disciplined or referred for prosecution.

### **§ 115.78 Disciplinary sanctions for inmates.**

**(a) Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.**

**(b) Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.**

**(c) The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.**

**(d) If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.**

**(e) The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.**

**(f) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.**

**(g) An agency may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.**

There is no “consensual” sexual activity permitted in BOP facilities between inmates or between staff and inmates. Inmate-on-inmate sexual activity will result in an incident report for violation of Code 205 - Engaging in Sexual Acts. Staff-on-inmate sexual activity will be subject to disciplinary action and/or criminal prosecution, as appropriate.

a. **Tracking Sexually Abusive Behavior.** Tracking and analyzing the incidents of sexually abusive behavior are critical to the safety and management of inmates and the security of all Bureau and contract facilities. Monitoring these incidents allows the Bureau to assess effectiveness of current policy and procedures in regard to the extent of sexual victimization.

To ensure full and accurate reporting and analysis, the SIS must maintain secure investigative files that include data on:

- The victim(s) and perpetrator(s) of sexually abusive behavior.
- Crime characteristics.
- Formal and/or informal action(s) taken.
- All collateral reports, supporting memoranda, and videotapes.
- Medical forms.
- Any other evidentiary materials pertaining to the allegation.

The Office of Internal Affairs reports the cumulated data on the inmate victims of staff and inmate sexually abusive behavior to all Chief Executive Officers and the Psychology Services Administrator at the end of each quarter and at the end of each fiscal year.

At the end of each fiscal year, the National PREA Coordinator ensures a yearly report has been completed that includes all cases within Bureau and contract facilities. This report includes the conclusive finding of each incident of sexually abusive behavior and corrective actions taken. The findings of this report are reviewed during Annual Refresher Training.

b. **SENTRY Codes.** The Chief of Correctional Services in each institution will be responsible for accurate STG SENTRY assignments related to sexually abusive behavior. Access to this SENTRY assignment must be limited to staff who are involved in managing and treating the inmate victim or inmate perpetrator, or investigating the incident.

(1) **Unverified Codes.** These two SENTRY assignments ensure that alleged inmate victims of inmates or staff and alleged inmate perpetrators are identified, evaluated, and monitored **as soon as the allegation is made**, as well as provide a history of all alleged incidents of sexual abuse or victimization.

These SENTRY assignments are important to ensure that appropriate treatment and protective safeguards are provided during the critical first stages of an incident. They also provide the PREA Compliance Manager with information regarding historical allegations. (Historical allegations are retrievable in SENTRY by running an Inmate History Inquiry, PP37, using the STG category.) Waiting until an incident has been properly investigated, substantiated (or not), and successfully prosecuted before the standard STG assignment is made, can often take months or years.

With the application of these unverified SENTRY assignments, staff are alerted to potential treatment and management issues related to victims or perpetrators.

- **V SA UNV (Victim of Sexually Abusive Behavior - Unverified)**. This code is entered into SENTRY as an STG assignment for the alleged victim at the time an allegation of sexually abusive behavior is reported. This assignment remains current until it is unsubstantiated (in which case it is discontinued) or until it is substantiated (verified) and changed to **V SA INMT** or **V SA STAFF**.
- **P SA UNV (Perpetrator of Sexually Abusive Behavior - Unverified)**: This assignment is entered into SENTRY as an STG assignment for the alleged inmate perpetrator at the time the allegation is made. It remains current until it is unsubstantiated (and discontinued) or substantiated (verified) and changed to **P SA INMT** or **P SA STAFF**.

(2) **Verified Codes.** These four SENTRY Assignments are used when there is substantial evidence of sexually abusive behavior against an inmate, or by an inmate.

- **V SA INMT (Victim of Inmate Sexually Abusive Behavior)**: This assignment is entered when a sexually abusive behavior has been substantiated against an inmate victim. It remains current for the length of the inmate victim's incarceration.
- **V SA STAFF (Victim of Staff Sexually Abusive Behavior)**: This assignment is entered when a sexually abusive behavior has been substantiated against an inmate victim by a staff member. **Note.** While this assignment (**V SA STAFF**) may be entered locally if known, it is the responsibility of the Office of Internal Affairs to provide the inmate name(s) to the Chief, Intelligence Section, Central Office, on a quarterly basis. The Chief, Intelligence Section, in turn ensures that this assignment is promptly entered into SENTRY.
- **SA INMT (Perpetrator of Sexually Abusive Behavior Against an Inmate)**. This assignment is entered when there has been a sustained finding against an inmate perpetrator who has engaged in sexually abusive behavior towards another inmate.
- **SA STAFF (Perpetrator of Sexually Abusive Behavior Against a Staff Member/ Contractor/Volunteer)**: This assignment is entered when there has been a sustained finding against an inmate perpetrator who has committed a sexually abusive behavior against a staff member.

## **Data Collection and Review**

### **§ 115.87 Data collection.**

- (a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.**
- (b) The agency shall aggregate the incident-based sexual abuse data at least annually.**
- (c) 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.**
- (d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.**
- (e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.**
- (f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.**

### **§ 115.88 Data review for corrective action.**

- (a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:**
  - (1) Identifying problem areas;**
  - (2) Taking corrective action on an ongoing basis; and**
  - (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.**
- (b) Such 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 agency's progress in addressing sexual abuse.**
- (c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.**

**(d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.**

The Institution PREA Compliance Manager ensures the data collected on sexual abuse for inmate-on-inmate cases is forwarded to his/her respective Regional PREA Coordinator annually. The National PREA Coordinator ensures the information is provided for purposes of agency reporting.

#### **§ 115.89 Data storage, publication, and destruction.**

**(a) The agency shall ensure that data collected pursuant to § 115.87 are securely retained.**

**(b) The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.**

**(c) Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.**

**(d) The agency shall maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.**

#### **§ 115.93 Audits of standards.**

**The agency shall conduct audits pursuant to §§ 115.401–405.**

A third of the Bureau's facilities will be audited every year until all of its institutions have been audited throughout a 3-year cycle.

### **10. INSTITUTION SUPPLEMENT**

Each institution is required to have a current Institution Supplement that includes:

#### **§ 115.65 Coordinated response.**

**The facility shall develop 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.**

a. **Specification of Staff Member(s) responsible for:**

- Staff training activities to ensure a coordinated response to a report of sexually abusive behavior.
- Inmate education regarding issues pertaining to sexually abusive behavior.

b. **Notification Procedures** to be followed when an allegation of sexually abusive behavior occurs (including notification of appropriate law enforcement agencies).

c. **Responding to the Inmate Victim.**

- Providing security to any inmate who alleges that he/she is the victim of sexually abusive behavior and, where appropriate, to inmates who are reported by others to be the victims of sexually abusive behavior.
- Identifying entities (e.g., institution Health Services or community medical services) responsible for providing medical assessment (e.g., “rape kit”) and treatment of the victim of a Rape or Sexual Assault with an Object.
- Offering the victim the opportunity to have a qualified staff member accompany him/her for support during the medical evaluation. If an agreement is in place with a community-based organization that provides services to sexual abuse victims, a victim advocate might accompany the victim through the forensic medical exam and the investigatory process and provide emotional support, crisis intervention, information, and referrals (§ 115.21 (e)).

d. **Monitoring the Inmate Perpetrator.**

- Monitoring or management of the perpetrator, designed to minimize the risk of future predation.
- Description of the system in place to ensure that the Chief of Correctional Services is notified of inmates who have a serious sexual predation history or who are “at risk” of engaging in sexually abusive behavior while in BOP custody.

## 11. REFERENCES

### *Program Statements*

P1210.24	Office of Internal Affairs (5/20/03)
P1330.16	Administrative Remedy Program (12/31/07)
P1351.05	Release of Information (9/19/02)
P3420.09	Standards of Employee Conduct (2/5/99)
P3906.20	Employee Development Manual (1/24/07)
P5141.02	Sex Offender Notification and Registration (12/14/98)
P5180.05	Central Inmate Monitoring System (12/31/07)
P5270.09	Inmate Discipline Program (7/08/11)
P5270.10	Special Housing Units (7/29/11)
P5290.15	Intake Screening (3/30/09)
P5310.12	Psychology Services Manual (3/7/95)
P5500.11	Correctional Services Manual (10/10/03)



P5500.13 Correctional Services Procedures Manual (6/3/12)  
P5500.14 Crime Scene Management and Evidence Control (8/22/11)  
P5510.13 Posted Picture File (8/22/11)  
P6031.01 Patient Care (1/15/05)

28 CFR Part 115, National Standards To Prevent, Detect, and Respond to Prison Rape; Final Rule, dated June 20, 2012, located at <http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-12427.pdf>.

Prison Rape Elimination Act of 2003 (Public Law 108-79; September 4, 2003)

U.S. Department of Justice, Office of Violence Against Women, A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents, September 2004, located at <http://www.ncjrs.gov/pdffiles1/ovw/206554.pdf>.

#### *Standards Referenced*

- American Correctional Association 4th Edition Standards for Adult Correctional Institutions: None.
- American Correctional Association 4th Edition Standards for Adult Local Detention Facilities: None.
- American Correctional Association 2nd Edition Standards for the Administration of Correctional Agencies: None.

#### *Records Retention Requirements*

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.

# SEXUAL ASSAULT INTERVENTION PROTOCOL

This protocol was developed to provide general guidance for responding to the sexual assault (e.g., Rape or Sexual Assault with an Object) of inmates. 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 will be created (§ 115.65).

## 1. DETECTION

Staff can detect sexual assault in many ways, including:

- Staff discover an assault in progress.
- Victim reports an assault to a staff member.
- An assault is reported to staff by another inmate or staff (third party), or is the subject of inmate rumors.
- Medical evidence (e.g., bruising, rectal or vaginal tears, the presence of semen).

While some victims will be clearly identified, most will probably not come forward with information about the event. Some victims may be identified through:

- Unexplained injuries.
- Changes in physical behavior due to injuries.
- Changes in usual routine (to avoid site of, or potential site of an assault).
- Abrupt personality changes such as withdrawal or suicidal behavior.

## 2. INTERVENTION

**Reporting.** At this stage, it is not appropriate to make judgments about whether a sexual assault occurred.

- The staff member who first identifies that an assault may have occurred must immediately report the incident to the Operations Lieutenant.
- If a suspected victim is fearful of being labeled “an informer,” the inmate should be advised that the identity of the perpetrator(s) is not needed to receive assistance.

### Protective

**Responding.** It is important that all contact with a sexual assault victim be sensitive, supportive, and non-judgmental.

- If staff discover an assault in progress, the suspected victim should be removed from the immediate area.

- Appropriate staff consult to determine the actions needed to prevent further sexually assaultive behavior towards the victim.
- If possible, the perpetrator is identified and secured to prevent further sexually assaultive behavior.
- **Unverified Codes:** These two SENTRY assignments are entered **as soon as the allegation is made.**
  - **V SA UNV (Victim of Sexually Abusive Behavior – Unverified).** This STG assignment is entered into SENTRY for the alleged victim at the time an allegation of sexually abusive behavior is reported. It remains current until it is unsubstantiated (in which case it is discontinued) or substantiated (verified) and changed to **V SA INMT** or **V SA STAFF**.
  - **P SA UNV (Perpetrator of Sexually Abusive Behavior – Unverified):** This STG assignment is entered into SENTRY for the alleged inmate perpetrator at the time the allegation is made. It remains current until it is unsubstantiated (and discontinued) or substantiated (verified) and changed to **P SA INMT** or **P SA STAFF**.

## Physical

- If it is suspected that an inmate was sexually assaulted, he/she should be advised of the importance of getting help to deal with the assault, including a medical evaluation for evidence collection, and treatment. The inmate may choose to have a qualified staff member or a community victim advocate, if an MOU exists, accompany him/her to provide support during the evaluation and interviews. This support may consist of crisis intervention, information, referrals, and general emotional support.
- To facilitate evidence collection, the victim should **not** shower, wash, drink, eat, defecate, or change any clothing until examined.
- Escort the victim to the Health Services Unit for a medical evaluation and “rape kit” as soon as possible.
- If necessary, medical staff refer the victim to a local emergency facility.
- Examine the perpetrator and collect any evidence that he/she may have engaged in sexually assaultive behavior.

## Psychological – Victim

- Psychology Services is notified immediately of an allegation of sexual assault of an inmate.
- Once notified, a Psychologist must see the victim(s) within 24 hours, to provide crisis intervention and address immediate treatment needs.
- The findings of this initial crisis/evaluation are summarized in a written format within 24 hours of the initial session; copies are disseminated to the Unit Team, Health Services, and Correctional Services for placement in the appropriate files.
- The need for continued mental health services is determined by qualified clinicians, and may include individual therapy; group therapy; continued assessment; referral to a mental health facility; referral to a psychiatrist; and other treatment options.

- Psychology staff determine the need for continuing treatment upon an inmate's release and notify the Case Manager of the recommendation. The Case Manager should identify community treatment services about 12 months prior to the inmate's release.
- If a Residential Reentry Center furlough transfer is affected, the Case Manager notifies the Community Corrections Manager to facilitate the identification and referral for services. Arrangements for a referral to appropriate support services may be made through the United States Probation Office in the district of the inmate's release.
- Encourage the victim to participate in treatment/support groups in the community.

### **Psychological – Perpetrator**

- The inmate perpetrator is referred to Psychology Services for evaluation of treatment needs. Compliance or refusal of recommended mental health services is documented in the Psychological Data System (PDS); relevant information is shared with Unit Team and Correctional Services for management purposes.
- Correctional management decisions (e.g., CIMS concerns, housing/cellmate considerations) take into account the risk of predation to staff and inmates.
- For inmate perpetrators who may have received a PSF for Sex Offender, legal notifications may need to be made prior to release.
- Arrangements for a referral to appropriate treatment or management services may be made through the United States Probation Office in the district of the inmate's release.

### **3. INVESTIGATION**

A brief statement about the assault is obtained from the inmate, with enough specific information to determine if the allegation is of a non-consensual act (penetration) or abusive sexual contact. It is important to remember that the victim may be in shock, and unable to provide much detail. It is important to be understanding and responsive. Opportunities to secure more details will occur later.

#### **Initial Notification**

- Make proper notifications to Warden, Institution PREA Program Coordinator, Region, Office of Internal Affairs, and outside law enforcement as appropriate.
- Only staff specified in policy should be informed of the incident, as it is important to respect the victim's security, identity, and privacy.

#### **Crime Scene**

The following procedures may apply for reported or known victims of sexual assault. If the inmate was threatened with sexual assault or was reporting an assault that occurred on an earlier occasion (e.g., several weeks ago), some steps may not be necessary.

- Use universal precautions in the handling of blood and body fluids. Contact medical staff to determine how to preserve medical indications of sexual assault. At the crime scene, look for

the presence of semen and pubic hair that can be used as evidence (e.g., blankets and sheets should be collected).

- Use standard evidence collection procedures identified in the Program Statement **Crime Scene Management and Evidence Collection**.

#### **Physical Evidence Collection – From Victim**

- A sexual assault medical examination (e.g., “rape kit”) is offered by medical staff trained in such procedures.
- If the alleged victim is examined in the institution to determine the extent of injuries, findings are documented both photographically and in writing. An original Inmate Injury Assessment and Follow-up form (BP-A0362) is filed in the inmate’s Health Record, with a copy provided to the SIS or appropriate law enforcement official.
- If deemed necessary by the examining physician, established procedures for using outside medical consultants or for an escorted trip to an outside medical facility are followed.
- When indicated, conduct STD, HIV, or pregnancy testing.

#### **Physical Evidence Collection – From Perpetrator**

- Identify the perpetrator, if possible, and monitor, manage, or treat him/her as such pending the outcome of the investigation.
- Use standard evidence-gathering procedures identified in the Program Statement **Crime Scene Management and Evidence Collection**.
- Medical staff must attempt to examine the alleged perpetrator, and the findings are documented both photographically and in writing. A written summary of all medical evidence and findings is completed and maintained in the inmate’s Health Record. Copies of this written summary are provided to SIS and appropriate law enforcement officials.

#### **After-Action Review**

- An After-Action Review Committee consisting of the Warden, Associate Warden (responsible for Correctional Services), Captain, Health Services Administrator, and Chief Psychologist meets and reviews the incident.
- Within two working days of a Rape or Sexual Assault with an Object, a written report signed by the Warden (or designee) is forwarded to the Regional Director.
- Staff affected by the incident are debriefed and referred to appropriate services to mitigate the stress associated with the event.

## **4. DISCIPLINE AND PROSECUTION**

**Verified Codes.** These four SENTRY Assignments are used when there is a substantiated allegation of sexually abusive behavior against or by an inmate. The Captain is responsible for accurate STG SENTRY assignments related to sexually abusive behavior.

- **V SA INMT** (Victim of Inmate Sexually Abusive Behavior). Entered when a sexually abusive behavior has been substantiated against an inmate victim, by an inmate. It remains current for the length of the victim's incarceration.
- **V SA STAFF** (Victim of Staff Sexually Abusive Behavior). Entered when a sexually abusive behavior has been substantiated against an inmate victim, by a staff member. **Note: While this assignment (V STAFF SA) may be entered locally if known, it is the responsibility of the Office of Internal Affairs to provide the inmate name(s) to the Chief, Intelligence Section, Central Office, on a quarterly basis. The Chief, Intelligence Section, ensures that this information is promptly entered into SENTRY.**
- **P SA INMT** (Perpetrator of Sexually Abusive Behavior Against an Inmate). Entered when there has been a sustained finding) against an inmate perpetrator who has engaged in sexually abusive behavior towards another inmate.
- **P SA STAFF** (Perpetrator of Sexually Abusive Behavior Against a Staff Member/ Contractor/Volunteer). Entered when there has been a sustained finding against an inmate perpetrator who has committed a sexually abusive behavior against a staff member.