

# General Policies and Procedures

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## CHAPTER 14

### PREA

#### Gen 14.01 Introduction and Background

In 2002 President George Bush signed into law the Prisoner Rape Elimination Act. The intent of the act was to eliminate sexual assaults and sexual misconduct in the corrections setting. It mandated certain actions be taken by each state to comply with the Act, as well as proposed many voluntary actions, technical assistance, and provided limited grant funding for implementation. . Initial federal rules were developed with standards by the US Department of Justice that covered all services and programs administered by this Department. This Department developed Policies and Procedures to implement and comply with the proposed rules. After comments and consideration the DOJ amended federal rules and provided new proposed rules which were eventually adopted. Subsequent standards and an audit process were developed. The rules were changed to mainly impact the Department residential operations rather than all operational programs.

This chapter provides Policies and requirements and related procedures and references for employees to comply with Iowa Department of Corrections and the US DOJ Community Confinement PREA standards.

The following symbol “ § ” indicates corresponding US DOJ PREA community confinement standard.

#### GEN14.02 PREA Compliance Policy

The 7th Judicial District Department of Correctional Services shall pursue full compliance with all Community Confinement PREA standards. Full compliance means compliance with all material requirements of each standard except for De Minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance. § 115.501.

The District Director shall designate a PREA coordinator to oversee the Departments efforts to comply with PREA standards in the residential facilities. Lewis Washington has been delegated as the PREA compliance coordinator. § 115.501

#### GEN14.03 Policy on Sexual Violence and Sexual Harassment

The Seventh Judicial District Department of Correctional

Services shall provide a safe, humane and secure environment, free from the threat of sexual violence and sexual harassment for all clients, by maintaining relevant policies on education, prevention, detection, response, investigation, prosecution and tracking of sexual violence or harassment.

#### GEN14.04 Applicability of PREA Policies

The policies are applicable to all employees, volunteers and contractors of the Seventh Judicial District Department of Correctional Services and will be maintained current by the District Director or his designee and the PREA coordinator.

#### GEN14.05 General Definitions § 115.5

Agency: means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any Department that confines inmates, detainees,

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or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

Agency head: means the principal official of an agency.

Community confinement Department: means a community treatment center, halfway house, restitution center, mental health Department, alcohol or drug rehabilitation center, or other community correctional Department (including residential re-entry centers), other than a juvenile Department, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar Department-approved programs during nonresidential hours.

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

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

Direct staff supervision: means that security staff is in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee: means a person who works directly for the Department or Department.

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 Department.

Department: means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

Department head: means the principal official of a Department.

Full compliance: means compliance with all material requirements of each standard except for De Minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance.

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

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

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

Jail: means a confinement Department of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional Department.

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

Juvenile Department: means a Department primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Law enforcement staff: means employees responsible for the supervision and control of detainees in lockups.

Lockup: means a Department that contains holding cells, cell blocks, or other secure enclosures that are:

- (1) Under the control of a law enforcement, court, or custodial officer; and
- (2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

Medical practitioner: means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental health practitioner: means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Pat-down search: means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

Prison: means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Resident: means any person confined or detained in a juvenile Department or in a community confinement Department.

Secure juvenile Department: means a juvenile Department in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A Department that allows resident’s access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile Department.

Security staff: means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the Department.

Staff: means employees.

Strip search: means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia.

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**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.

**Substantiated allegation:** means an allegation that was investigated and determined to have occurred.

**Unfounded allegation:** means an allegation that was investigated and determined not to have occurred.

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

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

**Youthful inmate:** means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

**Youthful detainee:** means any person under the age of 18 who is under adult court supervision and detained in a lockup.

## GEN 14.06 Definitions related to sexual abuse § 115.6

**Sexual abuse:** includes—

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

**Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident:** includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

**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;

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- (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.



## Chapter 14A

### PREVENTION PLANNING

#### GEN14A.01 Policy on Tolerance Prevention § 115.11

The 7th District has zero tolerance of sexual abuse and sexual harassment.

#### GEN14A.02 Policy on Supervision and Monitoring Prevention § 115.13

The Department shall maintain adequate staffing levels at all times and utilize all available video cameras as tools to prevent sexual harassment and sexual abuse.

##### Procedures:

- 1) Residential supervisors will assess all components of facility physical plants to determine the need for video monitoring equipment.
- 2) Residential supervisors will assess resident work schedules, programming schedules, sleeping schedules, furlough schedules to determine the periods when higher numbers of residents in the facility necessitate increased levels of staff.
- 3) Whenever necessary, but no less than one time per year, the facility supervisory staff members in consultation with the PREA coordinator will evaluate whether modifications to the facility staffing schedule and/or changes in the video monitoring systems are warranted.
- 4) Residential supervisors shall adhere to a practice whereby they will conduct and document unannounced rounds at the facility during all shifts to identify and deter sexual abuse and sexual harassment. It is imperative that staff members do not alert other staff members of the performance of these compliance checks.

#### GEN14A.03 Policy on Cross-gender viewing and searches prevention § 115.15

Except under exigent circumstances staff shall not conduct cross-gender pat-down searches, cross gender strip searches and cross-gender visual body cavity searches. Staff of the opposite gender must announce their presence when entering an area where clients are likely to be showering, performing bodily functions or changing clothing.

##### Procedures:

- 1) Department staff members will not conduct cross-gender strip or visual body cavity searches. If a staff member of the same sex as the client is not immediately available for a strip or visual body cavity search, a staff member will keep the client in direct visual contact until a same sex staff member can be summoned to conduct the search.
- 2) To prevent the opposite gender viewing of breasts, buttocks, or genitalia during the use of showers, toilets or during the changing of clothing, opposite sex staff members shall announce their presence. All residents are required to sleep clothed in a manner not exposing private body parts; for female residents, this will include buttocks, breasts and genitalia, for male residents this will include buttocks and genitalia. Opposite sex staff must announce themselves by stating, "Male staff" for female residents and "Female staff" for male residents except in exigent circumstances. Staff must allow enough time for residents to acknowledge hearing and responding to staff announcement before entering the resident sleeping area. All announcements should be made loud enough for a resident not sleeping to hear and quiet enough, in an effort not to disturb a resident sleeping.

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- 3) Except in exigent situations, opposite sex staff must loudly announce themselves and wait a reasonable time for acknowledgement before entering in a resident bathroom. In cases of entering a bathroom after a loud announcement is not acknowledged, staff shall immediately exit the bathroom if a resident is discovered to be in the bathroom and may not have heard the announcement due reasons that may include, being in a running shower or the flushing of a toilet.
- 4) Exigent circumstances may include but not limited to hearing evidence of an assault such as screaming, hitting and crying out for help by another resident. All exigent circumstances must be immediately reported to a supervisor and or the PREA Officer.
- 5) In cases involving ambiguities of sexual identity, staff members will ascertain the sexual status of the client through conversations with the client, by reviewing medical records, or, if necessary, by ascertaining this information as part of a broader medical examination conducted in private by a medical professional.
- 6) As a component of staff member orientation and pre-service training, the Department will review the proper procedures for the searches of transgender and intersex inmates in a professional and respectful manner—in the least intrusive manner possible—consistent with security needs.

## GEN14A.04 Clients with disabilities and clients who are limited English proficient § 115.216

- A. Clients with disabilities (including, for example, those 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 efforts to prevent, detect and respond to sexual abuse and sexual harassment. Such steps shall include, providing self-funded access to and compliance with prescribed medications or when necessary to ensure effective communication with clients 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, offering written materials provided in formats or through methods that ensure effective communication with clients with disabilities, including clients 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 Department 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 clients 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. An interpreter list is available in the PREA binder at each control desk.
- C. The Department shall not rely on client interpreters, client readers, or other types of client assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the client's safety, the performance of first-response duties under § 115.264 or the investigation of the client's allegations.

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## GEN14A.05 Policy on Clients with Limited English Proficiency § 115.17

The Department will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in its services, activities, programs and other benefits. This policy will ensure meaningful communication with LEP clients involving supervision and investigations. The policy also provides for communication of information contained in vital documents, including but not limited to, waivers of rights, consent to releases of information and other documents related to the services offered by the Department. The Department will provide all interpreters, translators and other aids needed to comply with this policy without cost to the client.

The Department will provide language assistance through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretation services. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter or effective use of technology or telephonic interpretation services.

The Department will conduct a regular review of the language access needs of its client population, as well as update and monitor the implementation of this policy and these procedures, as necessary.

## Procedures:

- 1) Identifying LEP persons and their language: The Department will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or "I speak cards," available online at [www.lep.gov](http://www.lep.gov)) or posters to determine the language. In addition, when records are kept of past interactions with clients or family members, the language used to communicate with the LEP person will be included as part of the record.
- 2) Obtaining a qualified interpreter. The Assistant District Director is responsible for the following:
  - a. Maintaining an accurate and current list showing the name, language, phone number and hours of availability of bilingual staff;
  - b. Contacting the appropriate bilingual staff member to interpret, in the event that a client needs an interpreter, if an employee who speaks the needed language is available and is qualified to interpret;
  - c. Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

In the event that a LEP client prefers or requests the use a family member or friend as an interpreter, the request will be approved. However, family members or friends of the LEP client will not be used as interpreters unless specifically requested by that individual and after the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the department. Such an offer and the response will be documented in the client's file. If the LEP client chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, interpretation services will be provided to the LEP person.

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- Children and other clients will not be used to interpret, in order to ensure confidentiality of information and accurate communication.
- 3) Providing written translations
    - a. When translation of vital documents is needed, each Department unit will submit documents for translation into frequently-encountered languages to the Assistant District Director. Original documents being submitted for translation will be in final, approved form with updated information.
    - b. Department units will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.
    - c. The Department will set benchmarks for translation of vital documents into additional languages over time.
  - 4) Providing notice to LEP persons. The Department will inform LEP clients of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. At a minimum, notices and signs will be posted and provided in intake areas and other points of entry.
  - 5) Monitoring Language needs and implementation. On an ongoing basis, the Department will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the Department will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance or, complaints filed by LEP clients.

## GEN14A.06 Hiring and promotion decisions § 115.217

- A. The Department shall not hire or promote anyone who may have contact with clients, and shall not enlist the services of any contractor who may have contact with clients, who:
  1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (as defined in 42 U.S.C. 1997);
  2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse; or
  3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.
- B. The Department shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with clients.
- C. Before hiring new employees who may have contact with clients, the Department shall:
  1. Perform a criminal background records check; and
  2. Consistent with Federal, State and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- D. The Department shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with clients.

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- E. The Department shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with clients or have in place a system for otherwise capturing such information for current employees.
- F. The Department shall also ask all applicants and employees who may have contact with clients directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees.
- G. The Department shall also impose upon employees a continuing affirmative duty to disclose any such misconduct. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- H. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

## CHAPTER 14B RESPONSIVE PLANNING

### GEN14B.01 Policy: Evidence protocol and forensic medical examinations § 115.221 Procedures

1. To the extent the Department is responsible for investigating allegations of sexual abuse; the Department follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
2. Staff offers all victims of sexual abuse access to forensic medical examinations at a local hospital, without financial cost, where evidentiary or medically appropriate. Such examinations are performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. Staff calls a local hospital and request a SANE when needed. If SAFEs or SANEs are not available, the examination is performed by other qualified medical practitioners.
3. Staff attempts to make available to the victim the Department's Victim Advocate or a Victim Advocate from a rape crisis center.
4. As requested by the victim, the Victim Advocate, qualified agency staff member, or qualified community-based organization staff member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information, and referrals.
5. To the extent the Department itself is not responsible for investigating allegations of sexual abuse; the Department requests that the investigating agency follows the requirements of paragraphs A through E of this section.
6. The requirements of paragraphs A through F of this section also applies to:
  - a. Any State entity outside of the Department that is responsible for investigating allegations of sexual abuse in community confinement facilities; AND
  - b. Any Department of Justice Component that is responsible for investigating allegations of sexual abuse in community confinement facilities
7. For the purposes of this standard, a qualified agency staff member or a qualified community-based staff member is 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.

### GEN14B.02 Policy on the referrals of allegations for investigations § 115.22

1. An administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
2. 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 Department publishes such policy on its website or, if it does not have one, makes the policy available through other means. All referrals for investigation are documented and tracked.
3. If a separate entity is responsible for conducting criminal investigations, such publication describes the responsibilities of both the Department and the investigating entity.

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4. Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in community confinement facilities have in place a policy governing the conduct of such investigations.

## Procedures:

All allegations of sexual abuse and sexual harassment shall be immediately investigated by the PREA officer and upon investigation, the PREA officer will determine if the investigation can be handled administratively in house or referred to the Davenport Police Department for criminal investigations. All investigations of potentially criminal behavior shall be referred to the Davenport Police Department for criminal investigation.

## CHAPTER 14C

## TRAINING AND EDUCATION

## GEN14C.01 Policy on Employee Training § 115.31

All employees who may have contact with clients shall be trained on:

- a. The zero tolerance policy for sexual abuse and sexual harassment;
- b. How to fulfill their responsibilities under Department sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures;
- c. Clients' right to be free from sexual abuse and sexual harassment;
- d. The right of clients and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- e. The dynamics of sexual abuse and sexual harassment in confinement;
- f. The common reactions of sexual abuse and sexual harassment victims;
- g. How to detect and respond to signs of threatened and actual sexual abuse;
- h. How to avoid inappropriate relationships with clients;
- i. How to communicate effectively and professionally with clients, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming clients; and
- j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

## Procedures

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 Department shall provide each employee with refresher training every two years to ensure that all employees know the Department's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the Department shall provide refresher information on current sexual abuse and sexual harassment policies.

The Department shall document, through employee signature or electronic verification that the employees understand the training they have received.

## GEN14C.02 Policy on Volunteer and Contactor Training § 115.32

1. The Department shall ensure that all volunteers and contractors who have contact with clients have been trained on their responsibilities under the Department's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
2. 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 clients, but all volunteers and contractors who have contact with clients shall be notified of the Department's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
3. The Department shall maintain documentation confirming that volunteers and contractors understand the training they have received.

## Procedures:



## General Policies and Procedures

- 1) All contractors or volunteers who provide personal or group services to clients such as mentoring, substance abuse counseling, mental health counseling, batterers education, internship services or other rehabilitative services shall have the same training requirements as Department employees.
- 2) All contractors or volunteers who have limited contact with clients such as vending machine suppliers, pest control contractors, AA sponsors, church support groups shall be provided a check off and their signature on an abbreviated training document outlining the zero tolerance policy for sexual abuse and sexual harassment and the clients rights to be free from sexual abuse and sexual harassment.

## GEN14C.03 Policy on Client Education § 115.33

1. During the intake process, clients shall receive information explaining the Department's zero-tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding Department policies and procedures for responding to such incidents.
2. The Department shall provide refresher information whenever a client is transferred to a different facility.
3. The Department shall provide client education in formats accessible to all clients, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as clients who have limited reading skills.
4. The Department shall maintain documentation of client participation in these education sessions.
5. In addition to providing such education, the Department shall ensure that key information is continuously and readily available or visible to clients through posters, client handbooks, or other written formats.

## Procedures

- 1) During the Intake process the intake officer shall both read to and provide the resident a copy to read information explaining the Department's zero tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding Department policies and procedures for responding to such incidents.
- 2) If the resident does not speak English the Department shall provide this information in the language the resident speaks. If the resident is illiterate and does not speak the English language, interpreter services shall be provided for the resident. If a client has visual impairments the information shall be provide to the client in audio format.
- 3) Key PREA information shall be posted in resident lounges.

## GEN14C.04 Policy on Specialized Training: Investigations § 115.34

1. In addition to the general training provided to all employees pursuant to § 115.231, the Department shall ensure that, to the extent the Department itself conducts sexual abuse

## General Policies and Procedures

- investigations, its investigators have received training in conducting such investigations in confinement settings.
2. 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.
  3. The Department shall maintain documentation that Department investigators have completed the required specialized training in conducting sexual abuse investigations.

## Procedures

- 1) Upon request The PREA Officer will provide PREA Investigations Training Certificate of Completion.

## GEN14C.05 Policy on Specialized Training: Mental Health Care § 115.35

The Department shall ensure that all full- and part-time 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 to report allegations or suspicions of sexual abuse and sexual harassment and to whom to report allegations.

The Department shall maintain documentation that mental health practitioners have received the training referenced in this standard either from the Department or elsewhere.

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 Department.

## CHAPTER 14D

### SCREENING FOR RISKS OF SEXUAL VICTIMIZATION AND ABUSIVENESS

GEN14D.01 Policy on Screening for Risks of Sexual Victimization and Abusiveness § 115.41  
The Seventh Judicial District Department of Correctional Services shall follow state procedures on identifying potential victim and aggressor profiles in the clients assigned to its residential correctional facilities.

1. All clients assigned to one of the residential correctional facilities shall be assessed prior to or at intake screening and upon transfer to another facility for their risk of being sexually abused by other clients or sexually abusive toward other clients.
2. Intake screening shall ordinarily take place within 72 hours of arrival at the facility.
3. Such assessments shall be conducted using the state approved Sexual Violence Propensity (SVP) screening instrument.
4. The intake 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 Department, in assessing clients for risk of being sexually abusive.
5. Within a set time period, not to exceed 30 days from the client's arrival at the facility, the facility shall reassess the client's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.
6. A client's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the client's risk of sexual victimization or abusiveness.
7. Clients may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked through the SVP instrument.
8. The Department 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 client's detriment by staff or other clients.

#### Procedures

- 1) All residential case managers and all residential Officers shall be trained on conducting and using the state approved Sexual Violence Propensity (SVP) screening instrument.
- 2) Residential staff members will administer the SVP screening instrument at the time of the client's admission to the facility.
- 3) Residential staff members will review the SVP results prior to assigning a client to a room. All resident room assignments shall comply with the SVP screening instruments.
- 4) Case managers shall reassess the client's risk of victimization or abusiveness based upon any additional relevant information received subsequent to the intake screening. These reassessments shall occur a minimum of 30 days after the initial intake screening.
- 5) Residential Officers or case managers will not discipline residents for refusing to answer or for not disclosing complete information in response to questions asked through the SVP instrument. A residential supervisor should be consulted if resident's question refusal interferes with the completion of the screening at which time a supervisor may impose discipline.

## General Policies and Procedures

## GEN14D.02 Policy on Use of Screening Information § 115.42

1. The Department 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 clients at high risk of being sexually victimized from those at high risk of being sexually abusive.
2. The Department shall make individualized determinations about how to ensure the safety of each client.
3. In deciding whether to assign a transgender or intersex client to a facility for male or female clients, and in making other housing and programming assignments, the Department shall consider on a case-by-case basis whether a placement would ensure the client's health and safety, and whether the placement would present management or security problems.
4. A transgender or intersex client's own views with respect to his or her own safety shall be given serious consideration.
5. Transgender and intersex clients shall be given the opportunity to shower separately from other clients.
6. The Department shall not place lesbian, gay, bisexual, transgender or intersex clients 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 clients.

## Procedures

- 1) The Department shall consider SVP assessments when assigning clients to groups, work details as well as room assignment and other settings in which a client is in proximity to other clients.
- 2) The Department shall seek and consider the transgender or intersex client's views on their safety concerns and utilize generic notes to document those concerns.
- 3) Upon request or recognized need the transgender and intersex client shall be given the opportunity to shower separately from other clients.
- 4) The Department shall not dedicate a wing or floor for the sole purpose of housing lesbian, gay, bisexual, transgender or intersex clients.

## GEN14D.03 Policy on Client Reporting § 115.51

1. The Department shall provide multiple internal ways for clients to privately report sexual abuse and sexual harassment, retaliation by other clients or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
2. The Department shall also inform clients of at least one way to report abuse or harassment to a public or private entity or office that is not part of the Department and that is able to receive and immediately forward client reports of sexual abuse and sexual harassment to Department officials, allowing the client to remain anonymous upon request.
3. Staff shall accept reports made verbally, in writing, anonymously and from third parties and shall promptly document any verbal reports.

## General Policies and Procedures

4. The Department shall provide a method for staff to privately report sexual abuse and sexual harassment of clients.

## Procedures

- 1) Upon request clients shall be given multiple internal ways to privately report sexual abuse and sexual harassment, retaliation by other clients or staff for reporting sexual abuse and sexual harassment and staff neglect or violations of responsibilities that may have contributed to such incidents. These reporting methods should include but not be limited to:
  - a. Asking the resident who he or she feels comfortable talking to.
  - b. Letting the resident know he does not need to follow the chain of command in reporting this type of information.
  - c. Informing the resident who the PREA officer is and setting up an appointment with the PREA officer
  - d. Letting the resident know he can write an anonymous letter to the staff of his choice.
- 2) Upon request the Department shall provide residents with several ways to report abuse or harassment to a public or private entity or office that is not part of the Department and that is able to receive and immediately forward client reports of sexual abuse and sexual harassment to Department officials while allowing the client to remain anonymous. These entities shall include but not limited to
  - a. The Ombudsmen's Office
  - b. The Davenport Police Department
  - c. The Scott County Attorney's Office.
  - d. State or Federal Congressmen's office
  - e. Church Pastor
  - f. LULAC organization
  - g. NAACP
- 3) The Department shall accept document and investigate all reports of sexual harassment or sexual abuse to include anonymous third party written or verbal reports.
- 4) As part of PREA training staff shall be informed that they can bypass the chain of command as far up as the District Director to privately report sexual abuse and sexual harassment of residents.

## GEN14D.04 Policy on Exhaustion of Administrative Remedies § 115.52

1. The Department shall not impose a time limit on when a client may submit a grievance regarding an allegation of sexual abuse.
2. The Department may apply otherwise applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
3. The Department shall not require a client to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
4. Nothing in this section shall restrict the Department's ability to defend itself against a lawsuit filed by a client on the ground that the applicable statute of limitations has expired.

## General Policies and Procedures

5. The Department shall ensure that a client who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint and that such grievance is not referred to a staff member who is the subject of the complaint.
6. The Department shall issue a final Department decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
7. Computation of the 90-day time period shall not include time consumed by clients in preparing any administrative appeal.
8. The Department may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The Department shall notify the client in writing of any such extension and provide a date by which a decision will be made.
9. At any level of the administrative process, including the final level, if the client does not receive a response within the time allotted for reply, including any properly noticed extension, the client may consider the absence of a response to be a denial at that level.
10. Third parties, including fellow clients, staff members, family members, attorneys and outside advocates, shall be permitted to assist clients in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of clients.
11. If a third party files such a request on behalf of an client, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
12. If the client declines to have the request processed on his or her behalf, the Department shall document the client's decision.
13. The Department shall establish procedures for the filing of an emergency grievance alleging that a client is subject to a substantial risk of imminent sexual abuse.
14. After receiving an emergency grievance alleging an client is subject to a substantial risk of imminent sexual abuse, the Department shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours and shall issue a final Department decision within 5 calendar days. The initial response and final Department decision shall document the Department's determination whether the client is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
15. The Department may discipline a client for filing a grievance related to alleged sexual abuse only where the Department demonstrates that the client filed the grievance in bad faith.

## Procedures

- 1) All allegations and grievances alleging sexual abuse will bypass the standard grievance procedure and be directed to the immediate attention of the Department PREA officer, without regard to the timeliness of the grievance or staff who may be the subject of the complaint.

## General Policies and Procedures

- 2) In any event where the PREA officer is the subject of a sexual abuse grievance, the grievance should be handled by the District Director or the District Director's Designee of a person or persons not subject to the sexual abuse complaint.
- 3) Staff members who are subjects of a sexual abuse complaint shall not have any part in the grievance investigation.
- 4) The PREA officer, the District Director or the District Director's designee shall issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
- 5) The Department may claim an extension to respond to a sexual abuse grievance of up to 70 days if the allotted 90 days is insufficient to make an appropriate decision. Staff shall notify the client in writing of such extension and provide the client a date a decision will be made.
- 6) If a resident is not given a decision within the time allotted for reply, including any properly noticed extension, the resident can consider the absence of a response to be a denial at that level.
- 7) Third parties with the consent of the resident alleging sexual abuse can assist the resident in filing requests for administrative remedies to include but not limited to staff members, family members and attorney.
- 8) After receiving an emergency grievance alleging a client is subject to a substantial risk of imminent sexual abuse, the PREA Officer, The District Director or the District Director's designee has 48 hours to provide an initial response and 5 calendars to provide a final Department decision.
- 9) The PREA Officer may impose discipline on a resident for filing a grievance related to alleged sexual abuse if the PREA officer demonstrates that the resident filed the grievance in bad faith.

## GEN14D.05 Policy on Client Access to Outside Confidential Support Services § 115.53

1. The Department shall provide clients with access to outside victim advocates for emotional support services related to sexual abuse by giving clients mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State or national victim advocacy or rape crisis organizations, and by enabling reasonable communication between clients and these organizations, in as confidential a manner as possible.
2. The Department shall inform clients, 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.
3. The Department shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide clients with confidential emotional support services related to sexual abuse. The Department shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

## Procedures

- 1) Upon request or recognized need, staff will provide residents with information and access to victim advocates for emotional support services related to sexual abuse through Family Resources of Davenport, Iowa. The information provided includes:

## General Policies and Procedures

- a. Walk in crisis facility which is staffed from 08:30 hours to 17:30 hours and located at 2800 Eastern Avenue, Davenport, Iowa 52803
  - b. Phone Contact information (563) 326-6431
  - c. 24 hour regional Iowa Crisis Line for Sexual Assault (800) 228-1625
  - d. Web address info@famres.org
- 2) The Department in conjunction with Family Resources will inform residents on the extent of Family Resources mandatory reporting guidelines applicable to the residents reported information.
  - 3) The Department will attempt to enter into memoranda of understanding or other agreements with Family Resources who provide our residents with confidential emotional support services related to sexual abuse.

## GEN14D.06 Policy on Third Party Reporting § 115.54

The Department 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 a resident.

## Procedure

1. Residents will be given information on how to provide third party reports of sexual abuse during intake and that information will also be posted on a public entry way to the facilities.



## CHAPTER 14E

### Official Response Following a Resident Report

#### GEN14E.01 Policy on Staff and Department Reporting Duties § 115.261

1. Staff are required to immediately report any knowledge, suspicion or information regarding an incident of sexual abuse or sexual harassment that occurred in a Department, whether or not it is part of the Department; retaliation against clients or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
2. 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, to make treatment, investigation and other security and management decisions.
3. Unless otherwise precluded by Federal, State, or local law, mental health practitioners shall be required to report sexual abuse pursuant to paragraph (1) of this section and to inform clients of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
4. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the Department shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.
5. The Department shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the Department's designated investigators.

#### Procedures

- (1) Department staff will immediately report any knowledge, suspicion or information regarding an incident of sexual abuse or sexual harassment that occurred in the Department to the PREA Officer. Staff shall treat all reported information as confidential and share only information necessary for treatment and or investigation purposes.

#### GEN14E.02 Policy on Agency Protection Duties § 115.262

1. When the Department learns that a client is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the client.

#### Procedures

- 1) When the Department learns that an client is subject to a substantial risk of imminent sexual abuse, immediate action will be taken to protect the client to include but not limited to:
  - a. Make immediate room or floor reassignments
  - b. Transfer the victim or perpetrator from one District Facility to another District Facility
  - c. Place the perpetrator on a temporary jail hold pending investigation
  - d. Release the victim to street supervision.

#### GEN14E.03 Policy on Reporting to Other Confinement Facilities §115.263

- A. Upon receiving an allegation that an client was sexually abused while confined at another facility, the PREA Coordinator or designee shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.

## General Policies and Procedures

- B. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- C. The PREA Coordinator shall document 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.

## Procedures

- 1) Upon receiving an allegation that an client was sexually abused while confined at another Department, the District Director or his designee will within 72 hours report the information as follows:
  - a) If the sexual abuse allegation took place at another District Community Based facility, the Director of that District should be contacted.
  - b) If the sexual abuse allegation took place at a prison institution, the institution warden should be notified.
  - c) If the sexual abuse allegation took place in a Federal Prison, Annie Paris of the Federal Client Service should be notified.
- 2) All information regarding the sexual abuse allegation should be documented under confidential information in ICON.

## GEN14E.04 Policy on Staff First Responder Duties § 115.264

- 1. Upon learning of an allegation that an client was sexually abused, the first staff member to respond to the report shall be required to:
  - a. Separate the alleged victim and abuser;
  - b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
  - c. 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

## Procedures

- 1) First responders to allegations that an client was sexually abused shall
  - a. Separate the alleged victim and abuser, if the victim and abuser are roommates, that room should be closed to the victim, the abuser and to all staff not a part of the investigation to preserve any possible evidence.
  - b. The victim and the abuser should be prevented from taking any action that could destroy evidence including but not limited to showering, washing clothes, brushing teeth, urination, drinking and eating.

## GEN14E.05 Policy on Coordinated response § 115.265

- 1. Not Applicable to CBC

## GEN14E.06 Policy on Agency Protection against Retaliation § 115.267

- 1. The Department shall protect all clients and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from

## General Policies and Procedures

- retaliation by other clients or staff. Multiple protection measures, such as housing changes or transfers for client victims or abusers, removal of alleged staff or clients' abusers from contact with victims and emotional support services will be employed for clients or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
2. The Department shall employ multiple protection measures, such as housing changes or transfers for client victims or abusers, removal of alleged staff or client abusers from contact with victims and emotional support services for clients or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
  3. Following a report of sexual abuse, the Department shall monitor the conduct and treatment of clients or staff who reported the sexual abuse and of clients who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by clients or staff, and shall act promptly to remedy any such retaliation
  4. In the case of clients, such monitoring shall also include periodic status checks for 90 days.
  5. If any other individual who cooperates with an investigation expresses a fear of retaliation, the Department shall take appropriate measures to protect that individual against retaliation.
  6. The Department's obligation to monitor shall terminate if the Department determines that the allegation is unfounded.

## Procedures

- 1) The Department shall take all reasonable steps to provide clients and staff protection against retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. These steps may include but not limited to
  - a. Client / Staff facility changes
  - b. Victim or abuser removal
  - c. Close conduct monitoring of Client / Staff
  - d. Provide emotional support services to Client/Staff if needed

## CHAPTER 14F INVESTIGATIONS

### GEN14F.01 Policy on Criminal and Administrative Investigations § 115.71

1. When the Department 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.
2. Where sexual abuse is alleged, the Department shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.234.
3. 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.
4. When the quality of evidence appears to support criminal prosecution, the Department shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
5. 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 client or staff. No Department shall require a client 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.
6. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse and 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.
7. 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.
8. Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution.
9. The Department shall retain all written reports referenced in paragraphs (6) and (7) of this section for as long as the alleged abuser is incarcerated or employed by the Department, plus five years.
10. The departure of the alleged abuser or victim from the employment or control of the Department shall not provide a basis for terminating an investigation.
11. When outside agencies investigate sexual abuse, the Department shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

### Procedures

- 1) All in house administrative investigations into allegations of sexual abuse and sexual harassment shall be done promptly by the PREA Officer
- 2) The PREA officers' investigation shall include:

## General Policies and Procedures

- a. Gathering and preservation of direct and circumstantial evidence to include DNA, electronic monitoring data,
  - b. Interviews with alleged victims, suspected perpetrators and witnesses.
  - c. Review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- 3) When the quality of evidence appears to support criminal prosecution, the department shall conduct compelled interviews only after consulting with the Scott County Attorney's Office.
  - 4) Credibility of an alleged victim, suspect or witnesses shall be determined on an individual basis and not by status of client / staff.
  - 5) The Department shall not use a polygraph or other truth telling device as a condition of proceeding with allegations of sexual abuse or harassment.
  - 6) The PREA Officer shall make an effort to determine whether staff actions or failures to act contributed to the abuse and 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.
  - 7) The departure of the alleged abuser or victim from the employment or control of the Department shall not provide a basis for terminating an investigation
  - 8) The Department shall remain informed and cooperate with the Scott County Attorney's Office, the Davenport Police Department or other outside agencies investigating sexual abuse in the Department.

## GEN14F.02 Policy on Evidentiary Standard for Administrative Investigations § 115.72

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

## GEN 14F.03 Policy on Reporting to Clients § 115.273

1. Following an investigation into a client's allegation of sexual abuse suffered in a Department, the Department shall inform the client as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.
2. If the Department did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the client.
3. Following an client's allegation that a staff member has committed sexual abuse against the client, the Department shall subsequently inform the client (unless the Department has determined that the allegation is unfounded) whenever:
  - d. The staff member is no longer in the client's Department;
  - e. The staff member is no longer employed at the Department;
  - f. The Department learns that the staff member has been indicted on a charge related to sexual abuse within the Department; or
  - g. The Department learns that the staff member has been convicted on a charge related to sexual abuse within the Department.
4. The Department learns that the staff member has been convicted on a charge related to sexual abuse within the Department.
  - a. The Department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the Department; or

## General Policies and Procedures

- b. The Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the Department.
5. All such notifications or attempted notifications shall be documented.
6. The Department's obligation to report under this standard shall terminate if the client is released from the Department's custody.

## Procedures

- 1) Upon conclusion of an investigation into a client's allegation of sexual abuse suffered in our Department, The PREA Officer shall inform the client as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. The PREA Officer shall also report to the client relevant information on investigations conducted by an outside agency.
- 2) Following an client's allegation that a staff member has committed sexual abuse against the client, unless the allegation is unfounded the PREA Officer shall inform the client whenever:
  - a. The staff member is no longer in the client's facility
  - b. The Department learns that the staff member has been indicted on a charge related to sexual abuse within the Department or
  - c. The Department learns that the staff member has been convicted on a charge related to sexual abuse with the facility.
  - d. The Department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the Department or
  - e. The Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- 3) The PREA Officer shall document all such notifications or attempted notifications.
- 4) The PREA Officer is not obligated to report under this standard if the client is released from the Department's custody.

## CHAPTER 14G

## DISCIPLINE

## GEN14G.01 Policy on Disciplinary Sanctions for Staff § 115.76

1. Staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
2. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.
3. Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed the staff member's disciplinary history and the sanctions imposed for comparable offenses by other staff with similar histories.
4. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

## Procedures

- 1) Refer to PER 10.05 Termination with cause and 10.07 Disciplinary Action

## GEN14G.02 Policy on Corrective Action for Contractors and Volunteers § 115.77

1. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with clients and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
2. The Department shall take appropriate remedial measures, and shall consider whether to prohibit further contact with clients, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

## Procedures

- 1) Contractors and Volunteers who engage in sexual abuse shall immediately be referred to the Department PREA Officer who will

Refer any criminal sexual abuse to the Davenport Police Department

## GEN14G.03 Policy on Disciplinary Sanctions for Clients § 115.78

1. Clients shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the client engaged in client-on-client sexual abuse or following a criminal finding of guilt for client-on-client sexual abuse.
2. Sanctions shall be commensurate with the nature and circumstances of the abuse committed the client's disciplinary history and the sanctions imposed for comparable offenses by other clients with similar histories.
3. The disciplinary process shall consider whether a client's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

## General Policies and Procedures

4. If the Department offers therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse, the Department shall consider whether to require the offending client to participate in such interventions as a condition of access to programming or other benefits.
5. The Department may discipline a client for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
6. 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.
7. The Department may, in its discretion, prohibit all sexual activity between clients and may discipline clients for such activity. The Department may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

## Procedures

- 1) All allegations of client on client sexual abuse and coerced client on staff sexual abuse shall be investigated by the Department's PREA Officer
  - a. Should the PREA Officer find that the offense is a criminal sexual abuse; the PREA Officer shall refer the case to the Davenport Police Department or the Scott County Attorney's officer for prosecution.
  - b. Should the PREA officer find that the offense is non-criminal but substantiated; the client shall be referred to the facility hearing process for appropriate sanctions to be impose.



## CHAPTER 14H

## Medical and Mental Health Care

## GEN14H.01 Policy on Access to Emergency Medical and Mental Health Services § 115.82

1. Client 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.
2. Client 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.

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.

## Procedures

- 1) Refer to procedures outline in GEN14.10 Policy on evidence protocol and forensic medical examinations § 115.221

## GEN14H.02 Policy on Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers § 115.83

1. The Department shall offer medical and mental health evaluation and, as appropriate, treatment to all clients who have been victimized by sexual abuse in any prison, jail, lockup or juvenile Department.
2. 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.  
The Department shall offer medical and mental health evaluation and, as appropriate, treatment to all clients who have been victimized by sexual abuse in any prison, jail, lockup or juvenile Department.
3. Client victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
4. If pregnancy results from conduct specified in paragraph (4) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
5. Client victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
6. 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.
7. The Department shall attempt to conduct a mental health evaluation of all known client-on-client abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

## Procedures

General Policies and Procedures

- 1) Refer to procedures outline in GEN14.10 Policy on evidence protocol and forensic medical examinations § 115.221

## CHAPTER 14I

## Data Collection and Review

## GEN14I.01 Policy on Sexual Abuse Incident Reviews § 115.86

1. The Department 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.
2. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
3. The review team shall include upper-level management officials, with input from line supervisors, investigators and medical or mental health practitioners.
4. The review team shall:
  - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; 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 Department;
  - c. Examine the area in the Department where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - d. Assess the adequacy of staffing levels in that area during different shifts;
  - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - f. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (4)(a) through (4)(d) of this section, and any recommendations for improvement, and submit such report to the District Director and PREA compliance manager.
5. The Department shall implement the recommendations for improvement, or shall document its reasons for not doing so.

## Procedures

- 1) Sexual Abuse Incident Reviews will be conducted on all substantiated sexual abuse investigations. The investigation team will consist of PREA Officer, Residential Supervisors, and Assistant. Input from Genesis West Hospital and Vera French Mental Health will be sought based upon need.

## GEN14I.02 Policy on Data Collection § 115.87

1. The Department 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.
2. The Department shall aggregate the incident-based sexual abuse data at least annually.
3. 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.

## General Policies and Procedures

4. The Department shall maintain, review and collect data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews.
5. Upon request, the Department shall provide all such data from the previous calendar year to the Department of Justice no later than June 30. Procedures
  - 1) To ensure that the Department collects accurate, uniform data for every allegation of sexual abuse at facilities, the PREA officer will utilize the US Department of Justice form SSV-2, Survey of Sexual Victimization, to record all sexual abuse investigations.

## GEN14I.03 Policy on 115.288 Data review for corrective action.

1. The Department shall review data collected and aggregated pursuant to § 115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training, including:
  - a. Identifying problem areas;
  - b. Taking corrective action on an ongoing basis; and
  - c. Preparing an annual report of its findings and corrective actions.
2. 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 Department's progress in addressing sexual abuse.
3. The Department's report shall be approved by the District Director and made readily available to the public through its Web.
4. The Department may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a Department, but must indicate the nature of the material redacted.

## Procedures

- 1) The PREA office shall have a data review corrective action meeting with residential supervisors and assistant director quarterly at minimum or immediately after any sexual abuse investigation. At the conclusion of the meeting, the PREA Officer will prepare a report on the findings and recommendations coming out of the meeting for the approval of the District Director.

## GEN14I.04 Policy on Data storage, Publication and Destruction § 115.289

1. The Department shall ensure that data collected pursuant to § 115.287 are securely retained.
2. The Department 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 Web site.
3. Before making aggregated sexual abuse data publicly available, the Department shall remove all personal identifiers.
4. The Department shall maintain sexual abuse data collected pursuant to § 115.287 for at least 10 years after the date of the initial collection unless Federal, State or local law requires otherwise.

## Procedures

General Policies and Procedures

- 1) The PREA Officer shall maintain an aggregated sexual abuse data base from both the 605 Facility and the Residential Corrections Facility. This data base shall be made available to the public through the 7th District web site after removing all personal identifiers. All data shall remain active for 10 years after the initial collection.

## CHAPTER 14J

### AUDITS

#### GEN14J.01 Audit of Standards § 115.93

1. Audits shall be conducted pursuant to § 115.401 through 115.405.

#### GEN14J.02 Frequency and Scope of Audits § 115.401

1. During the three-year period starting on August 20, 2012, and during each three-year period thereafter, the Department shall ensure that each residential facility operated by the Department is audited at least once.
2. The Department of Justice may send a recommendation to a Department for an expedited audit if the Department has reason to believe that a particular Department may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the Department with PREA-related issues.
3. The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.
4. The Department shall bear the burden of demonstrating compliance with the standards.
5. The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits and accreditations for each Department.
6. The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
7. The auditor shall have access to, and shall observe, all areas of the audited facilities.
8. The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).
9. The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.
10. The auditor shall interview a representative sample of clients and of staff, supervisors, and administrators.
11. The auditor shall review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
12. The auditor shall be permitted to conduct private interviews with clients.
13. Clients shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
14. Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the Department.

#### Procedures

- 1) The 7th District shall completely cooperate with all scheduled audits and make available to the auditor all reasonably request documents, videos and personnel.

## CHAPTER 14K

### Auditing and Corrective Action

#### GEN14K.01 Policy on Auditor Qualifications § 115.402

1. An audit shall be conducted by:
  - a. A member of a correctional monitoring body that is not part of, or under the authority of, the Department (but may be part of, or authorized by, the relevant State or local government);
  - b. A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the Department; or
  - c. Other outside individuals with relevant experience.
2. All auditors shall be certified by the Department of Justice. The Department of Justice shall develop and issue procedures regarding the certification process, which shall include training requirements.
3. No audit may be conducted by an auditor who has received financial compensation from the Department being audited (except for compensation received for conducting prior PREA audits) within the three years prior to the Department's retention of the auditor.
4. The Department shall not employ, contract with or otherwise financially compensate the auditor for three years subsequent to the Department's retention of the auditor, with the exception of contracting for subsequent PREA audits.

#### Procedures

- 1) The 7th District shall only use auditors who:
  - a. Are certified by the Department of Justice
  - b. Have never received financial compensation from the Department except payments for prior audits
  - c. Will not be employed or contracted by the 7th District three years subsequent to the Department's retention of the auditor with the exception of subsequent PREA audits.

#### GEN14K.02 Policy on Audit Contents and Findings § 115.403

1. Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the Department under review.
2. Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.
3. For each PREA standard, the auditor shall determine whether the audited Department reaches one of the following findings: Exceeds Standard (substantially exceeds requirement of standard); Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period); Does Not Meet Standard (requires corrective action). The audit summary shall indicate, among other things, the number of provisions the Department has achieved at each grade level.
4. Audit reports shall describe the methodology, sampling sizes and basis for the auditor's conclusions with regard to each standard provision for each audited Department, and shall include recommendations for any required corrective action.

## General Policies and Procedures

5. Auditors shall redact any personally identifiable client or staff information from their reports, but shall provide such information to the Department upon request, and may provide such information to the Department of Justice.
6. The Department shall ensure that the auditor's final report is published on the Department's website.

## Procedures

The District Director shall ensure that all auditors' final report is published on the Departments website.

## GEN14K.03 Policy on Audit Corrective Action Plan § 115.404

1. A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.
2. The auditor and the Department shall jointly develop a corrective action plan to achieve compliance.
3. The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of a Department.
4. After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the Department has achieved compliance with those standards requiring corrective action.
5. If the Department does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that it has achieved compliance.

## Procedures

The 7th District will cooperate with all reasonable corrective action plans to achieve compliance to audits and request subsequent audits at the Department's expense after achieving any needed achieved compliance

## GEN14K.04 Audit Appeals § 115.405

1. The Department may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be lodged within 90 days of the auditor's final determination.
2. If the Department determines that the Department has stated good cause for a re-evaluation, the Department may commission a re-audit by an auditor mutually agreed upon. The Department shall bear the costs of this re-audit.
3. The findings of the re-audit shall be considered final.



## Former CHAPTER 14.00

### Former CHAPTER 14.00 - PREA

#### Former Gen14.1 Introduction and Background

In 2002 President George Bush signed into law the Prisoner Rape Elimination Act. The intent of the act was to eliminate sexual assaults and sexual misconduct in the corrections setting. It mandated certain actions be taken by each state to comply with the Act, as well as proposed many voluntary actions, technical assistance, and provided limited grant funding for implementation. The Iowa Department of Corrections was awarded an implementation grant in 2004.

This chapter provides Policies and requirements and related procedures and references for employees to comply with DOC requirements.

#### Former GEN14.02 Policy on PREA

The Seventh Judicial District Department of Correctional Services shall fully support the concepts and initiatives provided in the PREA legislation. The Department believes that clients and employees should be safe in the corrections environment and never a victim of sexual assault or sexual misconduct. The District Director shall develop procedures to implement these Policies.

#### Former GEN14.03 Policy on Sexual Assaults

The Department shall provide a safe, humane and secure environment, free from the threat of sexual assault for all clients, by maintaining a program of education, prevention, detection, response, investigation and tracking. All clients alleged to have been sexually assaulted while a resident by another person shall be referred to treatment, medical services, and investigation in addition to a forensic examination if necessary. This may include referral to an outside rape advocacy center.

#### Former GEN14.04 Policy on Sexual Misconduct by Employees

All employees, volunteers, visitors and contractors are prohibited from engaging in sexual misconduct with clients. The potential abuse of power inherent in staff-client relationships is at the core of staff sexual misconduct. The inherent difference in power between staff and clients makes any consensual relationship between staff and clients impossible. Sexual contact between staff and a client is considered sexual misconduct and is never consensual. This type of behavior is considered a serious breach of required professional behavior and will not be tolerated. Engaging in an unauthorized relationship or sexual misconduct may result in criminal prosecution and/or employment termination. The Code of Iowa provides criminal penalties for sexual conduct between corrections employees and clients.

#### Former GEN 14.05 Department of Corrections Policies

For additional information the following Iowa Department of Corrections Policies should be consulted: (Insert links to DOC policies on AD-GA-19 PREA, AD-GA-20 Staff Sexual Misconduct with Clients, and AD-GA-21 Client on Client Sexual Assault

#### Former GEN14.06 Employee Training Requirements

All employees will be provided required training on these Policies and relevant procedures. New employees will be provided training on PREA as part of new employee orientation.

## General Policies and Procedures

## Former GEN14.07 Client Information Requirements

All new residents who have not previously been provided information on PREA will be provided an overview of these policies and their rights and responsibilities regarding sexual assault and misconduct. They should be informed of the methods to report sexual assault or misconduct. Resident handbooks and intake procedures should provide for information on these policies and procedures.

New clients under field services supervision who have not already been provided information on PREA will be provided the District provided information and provided an opportunity to review it and discuss it.

ICON generic notes will be used to note that PREA overview was provided.

## Former GEN14.08 Reporting and Investigation Requirements

Employees and clients are encouraged to report any incidents of sexual assault or misconduct. All employees and clients will cooperate fully and truthfully with any investigation. All incidents shall be reported to the District Director who will direct the methods and personnel to be involved in the investigation.

## Former GEN14.09 Statistical Reporting

The Department will submit the required reporting information on this subject as required by the Department of Corrections. In order to report correctly, incidents must be reported.

## Former GEN14.10 Sexual Harassment

For related information see Personnel Policies and Procedures Chapter 16 on Sexual Harassment