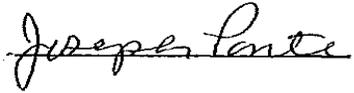


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CHAPTER 6: VICTIM SERVICES		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: May 19, 2008	LATEST REVISION: October 09, 2013	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403 and 17-A M.R.S.A Sections 253, 255-A, 260, and 760.

II. APPLICABILITY

Entire Department of Corrections

III. POLICY

In accordance with the United States Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. Sections 15601 *et seq.*, and 17-A M.R.S.A Sections 253, 255-A, 260, and 760, it is the policy of the Department of Corrections to prohibit staff, which includes Department employees and persons providing services by agreement with or under contract with the Department, and volunteers from engaging in sexual misconduct with a client or sexual harassment of a client. It is also the policy of the Department to require the reporting of any sexual misconduct or sexual harassment or suspicion of either. Any staff or volunteer who engages in or threatens to engage in, fails to report, or otherwise fails to take appropriate steps in response to sexual misconduct with a client or sexual harassment of a client is subject to appropriate action, up to possible criminal prosecution.

It is also the policy of the Department of Corrections to prohibit any prisoner or resident from engaging in sexual misconduct with another prisoner or resident. Any prisoner or resident who engages in sexual misconduct with another prisoner or resident is subject to disciplinary action and may be subject to criminal prosecution.

Any staff or volunteer who fails to report, or otherwise fails to take appropriate steps in response to sexual misconduct between prisoners or residents, is subject to

appropriate action, up to possible criminal prosecution. The Department has zero tolerance toward all forms of sexual misconduct or sexual harassment.

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VI. PROCEDURES

Procedure A: PREA, Sexual Misconduct, and Sexual Harassment, General

1. This policy implements the United States Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. Sections 15601 *et seq.*, and 17-A M.R.S.A Sections 253, 255-A, 260, and 760 by, among other things, prohibiting sexual misconduct and sexual harassment toward prisoners, residents, and persons under the supervision of the Department.
2. "Sexual misconduct" is defined to include a "sexual act" as set out in 17-A M.R.S.A. section 251(1)(C), "sexual contact" as set out in 17-A M.R.S.A. section 251(1)(D), and "sexual touching" as set out in 17-A M.R.S.A. section 251(1)(G) or the threat of any of the above. These definitions also include attempt, solicitation, or participation as an accessory. (See Attachment A).
3. For the purpose of this policy, "sexual misconduct" is also defined to include any other act, criminal or non-criminal, for the purpose of arousing or gratifying sexual desire, including, but not limited to, kissing, exposure of genitals or buttocks, and, in the case of a female, exposure of breast or soliciting another person to engage in any of these acts. It also includes peering at or taking images of a person's naked body or of a person performing bodily functions for reasons unrelated to official duties.
4. For the purpose of this policy, sexual harassment is defined as harassment by words, gesture, or other behavior that is motivated by the person's gender, sexual orientation, or similar circumstance. It includes, but is not limited to, threats, jokes, ridicule or gestures of a sexual nature, sexually suggestive or derogatory comments about a person's gender, sexual orientation, body or clothing, or sexual advances or requests for sexual favors.
5. Any conduct encompassed within any of these definitions is prohibited, regardless of any claim that the client consented.
6. Each Chief Administrative Officer and Regional Correctional Administrator shall ensure that all staff and volunteers are informed and acknowledge that sexual misconduct between prisoners or residents is prohibited, that sexual misconduct with a prisoner, resident, or person under supervision of the Department is prohibited, that a claim of consent shall not be accepted as an excuse for engaging in any form of sexual misconduct, and that a prisoner, resident, or person under supervision has a right to report if sexual misconduct occurs. Staff shall receive Attachments A and C. Volunteers shall receive Attachments A and D.

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7. If any staff or volunteer learns that a prisoner or resident is at a substantial risk of being a victim of imminent sexual misconduct, the staff or volunteer shall immediately notify the facility Chief Administrative Officer, or designee, for a determination of whether the prisoner or resident is subject to such a risk and, if so, to take immediate remedial action.
8. This policy shall be posted on the Department’s website.

Procedure B: Department PREA Coordinator and Facility PREA Monitors

1. The Department PREA Coordinator shall develop, implement, and oversee the Department efforts to comply with PREA standards in all of its facilities and shall receive reports and track responses to reports of sexual misconduct elsewhere in the Department.
2. Duties of this position include, but are not limited to:
 - a. Serving as the primary contact and resource for the Department on PREA related inquiries;
 - b. Collaborating with the Department’s Policy Development Coordinator to develop policy and procedures in compliance with federal and state statutes, national standards, and Departmental goals concerning PREA issues;
 - c. Receiving reports of complaints and alleged incidents of PREA violations from the facility PREA monitors;
 - d. Reviewing PREA investigations as well as the resolution of complaints and alleged incidents;
 - e. Assisting in the development, implementation, and evaluation of all PREA related training;
 - f. Collaborating with the Department’s Policy Development Coordinator to provide updates regarding law, policy, or services related to PREA;
 - g. Collaborating with the Department’s Director of Operations to ensure that all new contracts and contract renewals for the confinement of prisoners outside the department includes the other facility’s obligation to adopt and comply with PREA Standards and monitoring by the Department for compliance;
 - h. Collaborating with the Department’s Director of Operations to ensure that when a new facility is designed or an existing facility is expanded or

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modified or facility monitoring technology is installed or updated, consideration is given to ways of enhancing protection of prisoners/residents from sexual misconduct and harassment;

- i. Collaborating with the Department’s Director of Health Services and Director of Training to ensure that all facility health care staff have been trained in the prevention of, detection of, preservation of evidence, response to and reporting of sexual harassment and sexual misconduct; and
 - j. Attempting to enter into a memorandum of understanding with the Maine Coalition Against Sexual Assault for the provision of support services to prisoners/residents.
3. Each facility’s Chief Administrative Officer shall designate a PREA monitor to coordinate the facility’s compliance with PREA standards. The designated PREA monitor must be a staff person who has a supervisory position at the facility.
4. The PREA monitor’s duties shall also include, but are not limited to, the following:
- a. Ensuring that all prisoners/residents are screened for risk of sexual victimization or abusiveness, in accordance with the timeframes set out in this policy.
 - b. Ensuring that all prisoners/residents are provided timely, comprehensive education, through written materials and/or video, regarding their rights to be free from sexual misconduct and sexual harassment and to be free from retaliation for reporting such incidents as well as Departmental policies and procedures for reporting and responding to such incidents. This education shall also include prevention, self protection, and the availability of treatment and counseling.
 - c. Ensuring that key information is continuously and readily available to prisoners/residents through posters, prisoner/resident handbooks, or other written materials.
 - d. Reporting or ensuring the reporting of all PREA related complaints and alleged incidents to the PREA Coordinator within twenty-four (24) hours of the complaint or allegation.
 - e. Working with the facility’s investigator to ensure that all complaints/allegations of PREA violations are appropriately investigated.

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- f. Submitting a detailed report to the PREA Coordinator within three (3) weeks from the date of the complaint or allegation, to include a thorough description of the alleged incident, as well as any investigative steps taken.
- g. Tracking each complaint/allegation of sexual misconduct on an ongoing basis using the PREA Monitor Check List (Attachment K).
- h. Conducting and documenting unannounced rounds to identify and deter staff sexual misconduct and sexual harassment. These rounds shall be conducted on all shifts and shall be documented in unit logbooks. Staff may not alert other staff that these rounds are occurring.
- i. Assisting in review and data collection relating to alleged incidents of sexual misconduct.
- j. Developing and, as necessary, revising a plan, to be reviewed at least once a year with the PREA Coordinator, to protect prisoners/residents against sexual misconduct. When developing the facility's plan, the following shall be considered:
 - 1. Generally accepted correctional practices;
 - 2. Any findings of inadequacy by courts or by federal or state investigative or oversight agencies;
 - 3. All components of the facility's physical plant (including "blind-spots" or areas where staff or prisoners may be isolated) and availability of video monitoring;
 - 4. The composition of the prisoner/resident population;
 - 5. The number and placement of staff, including supervisory staff;
 - 6. Facility programs occurring on a particular shift;
 - 7. Any applicable state laws, regulations, or standards;
 - 8. The prevalence of substantiated and unsubstantiated incidents of sexual misconduct; and
 - 9. Any other relevant factors.
- k. Developing a written facility plan to coordinate actions taken in response to an incident of sexual misconduct and harassment among security staff, first responders, medical and mental health staff, investigators and facility management.
- l. Monitoring compliance with the plans to ensure that they are not deviated from except in emergencies and to ensure that the reasons for any deviations are documented.

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Procedure C: Training

1. The Department PREA Coordinator shall ensure that all staff and volunteers who may have contact with a prisoner, resident, or person under supervision of the Department receive initial training with respect to:
 - a. The person's right to be free from sexual misconduct and sexual harassment and zero-tolerance for sexual misconduct and sexual harassment;
 - b. How to fulfill their responsibilities with respect to sexual misconduct and sexual harassment prevention, detection, reporting, and response policies and procedures; and
 - c. The right of prisoners, residents, persons under supervision, families, staff, volunteers, and others to be free from retaliation for reporting sexual misconduct and sexual harassment.
2. Such training shall include subject areas specific to each gender, effective and professional communication with persons of each gender and all sexual orientations, and other gender-related circumstances.
3. The Department PREA Coordinator shall ensure that all staff and volunteers receive refresher training every year.
4. All training shall be documented in the staff's or the volunteer's training file and shall include, at a minimum:
 - a. subject/topic areas covered;
 - b. date training received;
 - c. signature of persons receiving training;
 - d. name of trainer/instructor; and
 - e. results of performance evaluations and/or testing, if applicable.
5. The Department PREA Coordinator shall ensure that facility correctional investigative officers, in addition to the training provided to all staff, receive training in conducting investigations of sexual misconduct in facility settings. This training shall be documented in the officer's training file. This training shall include techniques for interviewing victims of sexual misconduct, including, techniques specific to juvenile victims, proper use of Miranda and Garrity warnings, sexual misconduct evidence collection in facility settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

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Procedure D: Screening and Assessment

1. The PREA monitor's duties with respect to screening prisoners/residents for risk of sexual victimization or abusiveness shall include, but are not limited to, the following:
 - a. Ensuring the screening of all new prisoners by the intake Correctional Caseworker or all new residents by the unit Social Worker (or if no Social Worker is on duty at the juvenile facility, by a unit Juvenile Program Worker) to assess the risk of sexual victimization or abusiveness using the relevant PREA screening instrument (see Attachment B). This screening shall take place upon intake to the reception facility, if possible, and in every case within twenty-four (24) hours of admission to the facility.
 - b. Ensuring that within a set time period, not to exceed fourteen (14) days from the prisoner's/resident's admission to the facility, that the classification committee reassess the prisoner/resident using the relevant PREA assessment instrument (Attachment B) and any additional relevant information received by the facility since the intake screening.
 - c. Ensuring that a prisoner's/resident's risk level is reassessed by the prisoner's Correctional Caseworker/Correctional Care and Treatment Worker or the resident's Social Worker using the relevant PREA assessment instrument any other time when warranted due to a referral, request, incident of sexual misconduct, regardless of whether it results in discipline, or receipt of new or additional information that relates to the prisoner's/resident's risk of sexual victimization or abusiveness.
 - d. Ensuring that a prisoner's unit management team or a resident's unit treatment team reassesses the prisoner/resident using the relevant PREA assessment instrument at the prisoner's annual or semi-annual review or the resident's quarterly review.
 - e. Ensuring that a prisoner's unit management team or a resident's unit treatment team reassesses the prisoner/resident using the relevant PREA assessment instrument upon transfer to another facility.
 - f. Ensuring that prisoners/residents are not disciplined for refusing to answer or for not disclosing complete information in response to any questions asked as part of screening for risk of sexual victimization or abusiveness.
 - g. Ensuring that if a prisoner/resident is identified as possibly being at risk, security staff and other appropriate facility staff are notified to determine

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an appropriate housing assignment and to take any other necessary safety and security measures.

- h. Ensuring that information from the risk screening is considered when making housing, work, education and other program assignments with the goal of keeping separate those prisoners/residents at high risk of being sexually victimized from those at high risk of being sexually abusive and ensuring that determinations about how to ensure the safety of each prisoner/resident are individualized.
- i. Ensuring that information from the risk screening is otherwise kept confidential.

Procedure E: Education

1. Within ten (10) days of intake to the facility, each prisoner or resident shall receive the comprehensive education described in Procedure E. The prisoner or resident shall receive Attachments A and E. A prisoner shall also receive Attachment F. A resident shall also receive Attachment G.
2. Current prisoners/residents who have not received such education shall receive it within one (1) year of the effective date of the national PREA standards (August 20, 2013) as well as the relevant attachments.
3. All prisoners/residents shall receive such education upon transfer to a different facility to the extent that the practices of the prisoner's/resident's new facility differ from those of the previous facility.
4. This education shall be in formats accessible to all prisoners/residents, including, but not limited to, those who are limited English proficient, hearing impaired, visually impaired, developmentally disabled, or have limited reading skills. Receipt of this education shall be documented for each prisoner/resident.

Procedure F: Special Management Housing or Protective Custody Housing

1. Prisoners/residents screened as at high risk for sexual victimization shall not be placed in a special management housing unit or protective custody housing unit due to this risk unless there has been a consideration of all possible available alternatives, and it is determined that there is no available alternative means of separation from likely perpetrators.
2. If such a determination cannot be made immediately, the prisoner/resident may be housed in a special management housing unit or protective custody housing unit for no more than twenty-four (24) hours, pending the determination.

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3. If a determination has been made that there is no available alternative means of separation from likely perpetrators, the initial placement in a special management housing unit or protective custody housing unit shall only last until there is available an alternative means of separation and, in any case, the initial placement shall not exceed thirty (30) days.
4. The placement must be reviewed at least every thirty (30) days to verify whether it is necessary to retain the prisoner/resident in a special management housing unit or protective custody housing unit.
5. Any placement or retention of a prisoner/resident in a special management housing unit or protective custody housing unit shall be documented in accordance with Departmental policies and procedures.
6. Any prisoners/residents placed in a special management housing unit or protective custody housing unit due to this risk shall have access to programs, privileges, education, and work opportunities similar to prisoners/residents in the general population, except to the extent that they must be limited consistent with reasonable precautions designed to protect prisoner/resident safety, security and orderly management of the facility and shall otherwise receive treatment in accordance with Departmental policies and procedures.
7. Any restrictions shall be documented in accordance with Departmental policies and procedures.

Procedure G: Lesbian, Gay, Bisexual, Transgender, or Intersex (LGBTI) Prisoners/Residents

1. Facility staff shall not search or physically examine a transgender or intersex prisoner/resident for the sole purpose of determining the person’s genital status. If the person’s genital status is unknown, it may be determined by discussing the matter with the prisoner/ resident, reviewing medical records, and, if necessary, by a health care provider performing a general physical health assessment that is not viewed by other staff.
2. The determination whether to assign a transgender or intersex prisoner/resident to a facility for male or female prisoners/residents and other housing and program assignments shall be individualized, take into account the views of the prisoner/resident, and be based on protecting the prisoner’s/resident’s safety and mental health and preventing security problems.
3. Facility, housing, and program assignments for each transgender or intersex prisoner/resident shall be reviewed through the facility classification process at

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least every six (6) months to consider any threats to safety experienced by the prisoner/resident.

4. Transgender and intersex prisoners/residents shall be given the opportunity to shower at separate times from other prisoners/residents.
5. Lesbian, gay, bisexual, transgender, or intersex prisoners/residents shall not be housed in dedicated facilities, units, or wings solely on the basis of such identification or status.

Procedure H: Reporting Sexual Misconduct or Sexual Harassment

1. A prisoner/resident may report to any staff person within the Department that he/she has been a victim of sexual misconduct or sexual harassment by a staff person, a volunteer, or another prisoner or resident.
2. If a staff person or volunteer observes, receives a report of, or otherwise discovers what appears to be sexual misconduct or sexual harassment between prisoners or residents or sexual misconduct or sexual harassment by a staff person or volunteer with a prisoner or resident, that person shall immediately verbally report the incident to the facility Chief Administrative Officer, or designee, and, as soon as possible, to the facility PREA Monitor, who shall then immediately report it to the Department's PREA Coordinator.
3. The reporting staff person or volunteer shall then make a written report prior to leaving the facility and forward it to the facility Chief Administrative Officer, or designee, with a copy to the facility PREA Monitor, who shall immediately forward a copy to the Department's PREA Coordinator.
4. The reporting staff person or volunteer shall otherwise keep the report and its contents confidential, except as necessary to facilitate any investigation of the report and any administrative or criminal proceedings.
5. As an alternative, a staff person or volunteer may make a report directly to the Department's PREA Coordinator, either by writing to or calling the hotline number for the PREA Coordinator, who shall, if requested, keep confidential the identity of the staff person or volunteer.
6. Any staff person or volunteer found to have failed to report sexual misconduct or sexual harassment is subject to disciplinary or other appropriate action, including dismissal, termination of contract, or being barred from Departmental property, and may also be subject to criminal prosecution.

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7. If the alleged victim is under the age of 18 or is considered a dependent or incapacitated adult under 22 M.R.S.A Section 3472 and the allegation is one of sexual misconduct, the Chief Administrative Officer, or designee, shall report the allegation to the Department of Health and Human Services. If the Chief Administrative Officer, or designee, is uncertain as to whether the allegation is required to be so reported, the Chief Administrative Officer, or designee, shall contact the Department's legal representative in the Attorney General's Office for advice.
8. A staff person or volunteer shall not attempt to deter any person from reporting sexual misconduct or sexual harassment and shall not take retaliatory action against any person who reports sexual misconduct or sexual harassment or who otherwise provides information related to an allegation of sexual misconduct or sexual harassment.
9. Any staff person or volunteer found to have attempted to deter any person from reporting sexual misconduct or sexual harassment or taken retaliatory action against any person who reports sexual misconduct or sexual harassment or who provides information related to alleged sexual misconduct or sexual harassment is subject to disciplinary or other appropriate action, including dismissal, termination of contract, or being barred from Departmental property, and may also be subject to criminal prosecution.
10. Retaliatory action shall be reported and investigated in the same manner as described above for reports of sexual misconduct or sexual harassment.
11. The Chief Administrative Officer, or designee, shall provide multiple internal processes for prisoners/residents to report sexual misconduct or sexual harassment, attempts to deter them from reporting sexual misconduct or sexual harassment, retaliation for reporting sexual misconduct or sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents, including verbally, in writing, anonymously, and by way of third parties.
12. The Chief Administrative Officer, or designee, shall provide the means for prisoners/residents to make reports directly to the Department's PREA Coordinator, either by writing to or calling the hotline number for the PREA Coordinator, who shall, if requested, keep confidential the identity of the prisoner/resident.
13. The Chief Administrative Officer, or designee, shall also provide the means for prisoners/residents to make reports of sexual misconduct to sexual assault response services agencies in the community by providing the contact information for local agencies.

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14. Upon receiving an allegation that a resident under the age of 18 was subjected to sexual misconduct, the Chief Administrative Officer of a juvenile facility, or designee, shall contact the Department's legal representative in the Attorney General's Office for advice on whether or not to notify the resident's parents or legal guardians or attorney.
15. The Department shall establish a method to receive third-party reports of sexual misconduct or sexual harassment and shall distribute through its website information on how to report sexual misconduct or sexual harassment on behalf of a prisoner/resident.
16. Upon receiving an allegation that a prisoner/resident was subjected to sexual misconduct or sexual harassment while confined at another detention or correctional facility or while receiving community corrections services, in addition to notifying the Department's PREA Coordinator, the Chief Administrative Officer, or designee, of the facility where the allegation was made shall notify the Chief Administrative Officer, or designee, of the facility where the alleged sexual misconduct or sexual harassment occurred, or the Regional Correctional Administrator, or designee, of the region where the community corrections staff alleged to have perpetrated the sexual misconduct or sexual harassment worked.
 - i. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after its receipt by the Chief Administrative Officer, or designee.
 - ii. The Chief Administrative Officer, or designee, providing the notification shall document that such notification has been provided.
 - iii. The Chief Administrative Officer, or designee, of the facility where the prisoner/resident is currently confined shall ensure that the prisoner/resident is offered any appropriate services that would have been available if the allegation had been that the alleged sexual misconduct or sexual harassment occurred at that facility.
 - iv. The Chief Administrative Officer, or designee, of a Department facility who receives such notification, shall ensure that the allegation is investigated in accordance with these standards.

Procedure I: Responding to a Report of Sexual Misconduct or Sexual Harassment

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1. The first staff person discovering an incident of sexual misconduct involving a sexual act shall ensure that the prisoner/resident is advised, if appropriate, that he/she should not shower, bathe, brush his/her teeth, clean his/her nails, or otherwise clean himself/herself, should not use the bathroom, should not eat, drink liquids, or smoke, should not change clothes, and should not take any other action that could damage or destroy evidence before it is collected.
2. The first staff person discovering an incident of sexual misconduct involving a sexual act shall ensure that all efforts are made to immediately secure the place where the incident occurred and secure any evidence, including, if appropriate, by arranging for the alleged perpetrator's placement in a dry cell.
3. The first staff person discovering an incident of sexual misconduct involving a sexual act or the Chief Administrative Officer, or designee, to whom the staff person has reported the incident shall ensure that if medical treatment is needed for a physical injury that it is offered immediately by facility medical staff, or, if there is no medical staff at the facility, shall ensure that the prisoner/resident is immediately transported to a hospital.
4. Regardless of whether the prisoner/resident received medical treatment at the facility for a physical injury, the Chief Administrative Officer, or designee, to whom the report of sexual misconduct involving a sexual act is made shall ensure that, if the sexual misconduct is alleged to have occurred within the prior 72 hours, the prisoner/resident is immediately transported to a hospital for examination by medical personnel skilled in the collection of sexual forensic evidence and is offered by the hospital the option of being supported by a victim advocate during the examination.
5. If the prisoner/resident has not been offered testing for sexually transmitted diseases at the hospital, the facility medical staff shall offer it as soon as possible upon the return of the prisoner/resident to the facility and shall offer antibiotic and/or anti-viral treatment, as deemed medically appropriate by the facility medical provider. If a female prisoner/resident has not been offered emergency contraception at the hospital, the facility medical staff shall offer to return the prisoner/resident to the hospital for this purpose as soon as possible upon the return of the prisoner/resident to the facility, as deemed medically appropriate by the facility medical provider.
6. If the alleged perpetrator of sexual misconduct is a prisoner/resident, the first staff person discovering the incident shall ensure that the perpetrator is immediately separated from the alleged victim.
7. If the alleged perpetrator is a prisoner/resident, the Chief Administrative Officer, or designee, shall ensure that they remain separated, using special

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management housing as appropriate, at least until the investigation into the alleged incident is completed.

8. If the alleged perpetrator is a staff person or volunteer, the Chief Administrative Officer, or designee, shall ensure that staff person or volunteer has no contact with the alleged victim at least until the investigation into the alleged incident is completed.
9. The Chief Administrative Officer, or designee, shall ensure that the alleged victim is referred upon return from the hospital to the facility mental health care staff for assessment, counseling, and/or treatment, as appropriate. Facility mental health care staff shall ensure that a prisoner/resident is informed of the option of referral to a community sexual assault response services agency and shall ensure that a prisoner/resident who requests it is referred to a community sexual assault response services agency for the provision of services in the facility or after release.
10. The Chief Administrative Officer, or designee, shall ensure that the alleged victim is offered the option of having a facility mental health care staff member present during any investigatory interview to provide support.
11. If the report is one of sexual harassment, the Chief Administrative Officer, or designee, shall take appropriate steps in response to the report, including but not limited to, ensuring that contact between the alleged perpetrator and alleged victim is restricted, if appropriate.
12. The chief Administrative Officer, or designee, shall ensure that a prisoner/resident or staff who reports sexual misconduct and the prisoner/resident who is alleged to have been the victim of the sexual misconduct is monitored for 90 days and longer if appropriate, any signs of possible retaliation, including but not limited to, monitoring of disciplinary reports, housing status or program changes, and negative performance reviews. Monitoring shall include periodic checks directly with the person. The Chief Administrative Officer, or designee, shall also ensure that any prisoner/resident or staff cooperates with an investigation is similarly monitored if the person expresses a fear of retaliatory or it otherwise deemed appropriate. If an allegation is determined, after investigation, to be unfounded, the Chief Administrative Officer, or designee, may terminate the monitoring process even if 90 days has not yet passed.

Procedure J: Medical and Mental Health Care for Prior Incidents

1. If a screening indicates or staff otherwise receives information that a prisoner/resident has experienced prior sexual misconduct or has previously perpetrated sexual misconduct, whether it occurred in an institutional setting or

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in the community, staff shall ensure that the prisoner/resident is offered a referral to facility mental health staff within seven (7) days. If medical treatment is needed for a physical injury, staff shall ensure that it is offered immediately. If pregnancy testing or other pregnancy-related services or testing or treatment for sexually transmitted diseases are medically appropriate, staff shall ensure that they are offered.

2. Any information related to prior sexual misconduct that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to facilitate treatment plans and security and management decisions, including housing, bed, work, education and program assignments, unless the victim was under the age of 18 or was a dependent or incapacitated adult at the time of sexual misconduct.
3. Staff shall obtain informed consent from a prisoner/resident before reporting information about prior sexual misconduct that did not occur in an institutional setting, unless the victim was under the age of 18 or was a dependent or incapacitated adult at the time of sexual misconduct.
4. Mental health care staff shall offer counseling to the prisoner/resident and shall continue to monitor the mental health needs of the prisoner/resident.
 - a. Mental health care staff shall also notify the Unit Manager or Juvenile Program Manager, or designee, of the risk of sexual victimization or sexually predatory behavior and the Unit Manager or Juvenile Program Manager, or designee, shall note the prisoner's/resident's risk in CORIS.
 - b. The Unit Manager or Juvenile Program Manager, or designee, shall ensure that the safety needs of the prisoner/resident continue to be monitored.

Procedure K: Investigation of a Report of Sexual Misconduct or Sexual Harassment

1. The Chief Administrative Officer, or designee, shall immediately forward a written report of suspected sexual misconduct rising to the level of a criminal offense or juvenile criminal offense to the Commissioner, or designee, who shall assign it to a facility Correctional Investigative Officer, or other facility law enforcement officer, for investigation. The investigator assigned must have received special training in sexual abuse investigations.
2. The investigating officer shall secure the place where the incident occurred and secure any evidence, both direct and circumstantial, including any available physical and DNA evidence; shall interview the alleged victim, suspected perpetrator, and witnesses; and shall review prior complaints and reports of

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sexual misconduct involving the alleged victim and suspected perpetrator. The investigating officer shall oversee credibility on an individual basis without regard to the person's status as a prisoner/ resident, staff, or otherwise.

3. The investigation of a report of sexual misconduct with a resident of a juvenile facility shall be handled as set out in Policy 7.2, Allegations of Misconduct or Neglect promptly. Thoroughly and objectively and
4. The Correctional Investigator, or other facility law enforcement officer, conducting the investigation of a report of sexual misconduct shall do so in accordance with Policy 7.1, Investigations by Correctional Investigative Officers, and shall consult and coordinate with the Department's Human Resources staff and the Investigations Division of the Attorney General's office, as provided in Policy 7.1.
5. An investigation shall not be terminated due to the release from custody of the alleged victim or alleged perpetrator or, in the case of a staff person alleged to be the perpetrator; the staff person's leaving employment.
6. If sexual misconduct is substantiated, the investigating officer shall also determine whether staff actions or failures contributed to the sexual misconduct.
7. The investigating officer shall forward a copy of the investigation report, all supporting documents, and the Investigation Check List (see Attachment H) to the Department's Commissioner, or designee and PREA Coordinator within three (3) weeks of the date of the allegation, unless extenuating circumstances require a lengthier investigation.
8. The investigating officer shall ensure that the report of the investigation and all evidence relating to the investigation including, but not limited to, physical evidence, test results, and supporting documents (including photographs or videos), audio or video recordings of interrogations or interviews, summaries or transcriptions of interrogations or interviews, and investigative notes, are retained in accordance with applicable Departmental policies for the retention of records and evidence.
9. If the investigating officer conducting the investigation determines that a staff person or volunteer has knowingly made a false report of sexual misconduct or knowingly made a false statement related to a report of sexual misconduct, the investigating officer shall refer the matter for disciplinary or other appropriate action, including dismissal, termination of contract, or being barred from Departmental property, and may also refer the matter for criminal prosecution.

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10. The investigating officer shall refer a report of sexual misconduct that is substantiated to the appropriate criminal or juvenile criminal prosecuting authority, i.e., the Attorney General's office or a District Attorney's office and shall notify the Commissioner, or designee, and the Department's PREA Coordinator of the referral. If the substantiated report is one of sexual misconduct by a corrections officer, the Chief Administrative Officer, or designee, shall refer the report to the Maine Criminal Justice Academy.
11. If the report is one of sexual harassment by a Department employee or sexual misconduct not rising to the level of a criminal or juvenile criminal offense by a Department employee, the Commissioner, or designee, in consultation with the Department's Director of Human Resources, or designee, shall take appropriate steps to have it investigated as a personnel investigation by appropriate staff.
12. If the report is one of sexual harassment or sexual misconduct not rising to the level of a criminal or juvenile criminal offense and does not involve a Department employee, the Commissioner, or designee, shall take appropriate steps to have it investigated as an administrative investigation by appropriate staff.
13. The Chief Administrative Officer, or designee, shall also ensure that written or verbal reports from third parties, including anonymous third parties, are referred for investigation in accordance with this procedure.
14. Following an investigation into a prisoner's/resident's allegation that he or she suffered sexual harassment or sexual misconduct in a Department facility, the Chief Administrative Officer, or designee, shall inform the prisoner/resident in writing as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded, if the alleged perpetrator is a prisoner, resident, volunteer, or staff person who is not a state employee. The Chief Administrative Officer, or designee, shall also inform the prisoner/resident whenever the alleged perpetrator has been indicted on a charge related to the alleged sexual misconduct or has been convicted on a charge related to the sexual misconduct. If the alleged perpetrator is a state employee, this information is confidential and may not be disclosed to the prisoner/resident, except as set out below.
15. Following a prisoner's/resident's allegation that the prisoner suffered sexual harassment or sexual misconduct by a staff person who is a state employee, the Chief Administrative Officer, or designee, shall inform the prisoner/resident in writing whenever:
 - a. The staff person is no longer posted within the prisoner's/resident's unit;
 - b. The staff person is no longer employed at the facility;
 - c. The staff person has been indicted on a charge related to the alleged sexual misconduct; or

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- d. The staff person has been convicted on a charge related to the sexual misconduct.

Procedure L: Sanctions and Other Actions in Response to Substantiated Sexual Misconduct or Sexual Harassment

1. Disciplinary sanctions for a violation of this policy by a Department employee shall be commensurate with the nature and circumstances of the employee’s act or failure to act, the employee’s disciplinary history, and the sanctions imposed for comparable violations by other employees with similar histories, in accordance with applicable collective bargaining agreements or civil service rules.
 - a. Termination shall be the presumptive disciplinary sanction for an employee who has engaged in sexual misconduct.
 - b. All terminations of Department employees for violations of this policy or resignations by Department employees who would have been terminated if not for their resignation, shall be reported to the appropriate criminal prosecuting authority, i.e., the Attorney General’s office or a District Attorney’s office, unless the activity was clearly not criminal, and to any relevant licensing bodies.

2. Actions taken against a staff person who is not a Department employee (i.e., persons providing services by agreement with or under contract with the Department) or against a person who is a volunteer for a violation of this policy shall be commensurate with the nature and circumstances of the person’s act or failure to act, the person’s history, and the actions taken for comparable violations by other persons with similar histories.
 - a. Barring the person from Department property and other contact with prisoners/residents shall be the presumptive action for a person who has engaged in sexual misconduct.
 - b. All barring of a person from Department policy and other contact with prisoners/residents shall be reported to the appropriate criminal prosecuting authority, i.e., the Attorney General’s office or a District Attorney’s office, unless the activity was clearly not criminal, to relevant licensing bodies, and, if determined appropriate after consultation with the Department’s legal representative in the Attorney General’s office, to the person’s employer or agency to which the person is affiliated.

3. Disciplinary sanctions for a violation of this policy by a prisoner/resident shall be commensurate with the nature and circumstances of the person’s act, the

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person's disciplinary history, and the sanctions imposed for comparable violations by other prisoners/residents with similar histories, in accordance with the applicable Department disciplinary policy.

- a. A prisoner/resident may not be disciplined for sexual activity with staff, except upon a finding that the staff person did not consent to such activity.
 - b. A prisoner/resident may be disciplined for knowingly making or soliciting a false report of sexual misconduct or sexual harassment or otherwise knowingly making or soliciting a false statement related to a report of sexual misconduct or sexual harassment. A statement made or solicited in good faith shall not constitute making a false statement, even if an investigation does not establish evidence sufficient to substantiate the statement.
4. If the investigation is of a report of sexual harassment, the Chief Administrative Officer, or designee, shall ensure that appropriate steps are taken in response to the investigation.

Procedure M: Grieving Sexual Misconduct

1. A prisoner or resident who is alleging that he or she has been a victim of sexual misconduct by a Departmental staff person or a victim of sexual misconduct by a volunteer or another prisoner or resident, for which he or she believes a Departmental staff person is responsible, in addition to, or as an alternative to, making a report of sexual misconduct under Procedure (H.1.), may file a written grievance with the facility Grievance Review Officer as set out below. It is anticipated that prior to filing a lawsuit, a prisoner, or resident will attempt to resolve his or her allegation by using this grievance process.
2. The prisoner or resident may be assisted in filing the grievance by any Departmental staff person or by any other person with whom the prisoner or resident is permitted to have contact. Such a person may also file the grievance on behalf of the prisoner or resident, provided that the prisoner or resident consents to the filing. If there is any question about consent, the Grievance Review Officer may personally speak to the prisoner or resident to ascertain whether he or she consents to the filing of the grievance on his or her behalf. If he or she does not consent, the Grievance Review Officer shall document that fact.
3. The grievance, which may be submitted by a letter or other writing, must be clearly marked as a grievance about sexual misconduct. It must be addressed to the facility Grievance Review Officer and may be submitted in a sealed envelope or by another means that does not reveal its content or subject matter

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to a casual observer. If the facility Grievance Review Officer is the subject of the grievance, it must be submitted to the Chief Administrative Officer.

4. No subject other than sexual misconduct may be brought up in the grievance. The grievance must describe the nature of the alleged sexual misconduct and must name or sufficiently describe the perpetrator of the alleged sexual misconduct. If the alleged perpetrator is not a Departmental staff person, the grievance must explain the basis for believing that a Departmental staff person is responsible for the alleged sexual misconduct and must name or sufficiently describe the person believed responsible. If the information provided is not sufficient, the Grievance Review Officer shall immediately send the grievance to the prisoner or resident, along with a note outlining what is missing. The Grievance Review Officer shall make a copy of the grievance and the note for the file. The missing information must be provided by the prisoner or resident within thirty (30) days of the date the Grievance Review Officer signs the note and sends out the note and the grievance. Sexual misconduct alleged in a grievance that is dismissed for failure to supply the missing information within this timeline may be the subject of a later grievance.
5. There is no time limit on the filing of the grievance, and there is no requirement that the prisoner or resident attempt an informal resolution of the grievance. The investigation and other steps in the formal resolution of the grievance must be done only by those who are not named or described in the grievance as a perpetrator or staff person responsible for the sexual misconduct.
6. If the matter being grieved might also be the subject of or otherwise involve a criminal investigation, the Grievance Review Officer shall immediately contact the Department's Assistant Attorney General for instruction as to how to respond to the grievance. The Grievance Review Officer shall not inform the prisoner that the subject has been referred to the Attorney General's Office and shall not provide any other information to the prisoner prior to receiving this instruction.
7. The Grievance Review Officer shall send to the prisoner or resident a response to the grievance, in writing, within thirty (30) days of its receipt. If a response cannot be made within the thirty (30) days, the Grievance Review Officer shall so advise the prisoner or resident in writing and shall indicate when the response will be made, which must not be later than an additional ten (10) days.
8. If the prisoner or resident is not satisfied with the response from the Grievance Review Officer, he or she may file a clearly marked appeal, by letter or other writing, to the facility Chief Administrative Officer within fifteen (15) days of the date the Grievance Review Officer signs and sends out the response. The prisoner or resident must file the grievance appeal on his or her own behalf.

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9. The facility Chief Administrative Officer, or designee, shall send to the prisoner or resident a response to the appeal, in writing, within thirty (30) days of its receipt. If a response cannot be made within the thirty (30) days, the facility Chief Administrative Officer, or designee, shall so advise the prisoner or resident in writing and shall indicate when the response will be made, which must not be later than an additional ten (10) days.
10. If the prisoner or resident is not satisfied with the response from the facility Chief Administrative Officer, or designee, he or she may file a clearly marked appeal, by letter or other writing, to the Commissioner of Corrections within fifteen (15) days of the date the facility Chief Administrative Officer, or designee, signs and sends out the response. The prisoner or resident must file the grievance appeal on his or her own behalf.
11. The Commissioner of Corrections, or designee, shall send to the prisoner or resident a response to the appeal, in writing, within thirty (30) days of its receipt. If a response cannot be made within the thirty (30) days, the Commissioner of Corrections, or designee, shall so advise the prisoner or resident in writing and shall indicate when the response will be made, which must not be later than an additional ten (10) days.
12. If the grievance contains a claim that the prisoner or resident is at a substantial risk of being a victim of imminent sexual misconduct, the grievance must be clearly marked as an emergency grievance. If the facts alleged support the claim, the Grievance Review Officer shall immediately forward the claim to the Chief Administrative Officer, or designee, for a determination of whether the prisoner or resident is subject to such a risk and, if so, to take immediate remedial action. The Chief Administrative Officer, or designee, shall make an initial response to the claim within forty-eight (48) hours and, a final response to the claim within five (5) days. The rest of the grievance shall be processed in the normal way.
13. If the Grievance Review Officer otherwise learns that a prisoner or resident is at a substantial risk of being a victim of imminent sexual misconduct, the Grievance Review Officer shall immediately notify the Chief Administrative Officer, or designee, for a determination of whether the prisoner or resident is subject to such a risk and, if so, to take immediate remedial action.
14. No prisoner/resident using this grievance process in good faith shall be subjected to retaliation in the form of an adverse action or the threat of an adverse action for using this grievance process. However, a prisoner/resident may have his/her access to this grievance process suspended and/or may be subjected to disciplinary action for abuse of this grievance process.

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Procedure N: Community Corrections

1. Each Regional Correctional Administrator, or designee, shall ensure that all community corrections staff in the region receive and become familiar with information about sexual misconduct for adult and juvenile community corrections clients (Attachment J). Clients shall receive a copy of Information about Sexual Misconduct for Adult and Juvenile Community Corrections Clients (Attachment J) at intake.
2. If an adult or juvenile community corrections staff person observes, receives a report of, or otherwise discovers what appears to be sexual misconduct or sexual harassment by another community corrections staff person with a client, that person shall immediately verbally report the incident to the Regional Correctional Administrator, or designee, who shall then report it, as soon as possible, to the Department's PREA Coordinator.
3. The staff person shall then make a written report prior to going off duty and forward it to the Regional Correctional Administrator, or designee, who shall immediately forward a copy to the Department's PREA Coordinator.
4. The staff person shall otherwise keep the report and its contents confidential, except as necessary to facilitate any investigation of the report and any administrative or criminal proceedings.
5. As an alternative, a staff person may make a report directly to the Department's PREA Coordinator, either by writing to or calling the hotline number for the PREA Coordinator, who shall, if requested, keep confidential the identity of the staff person contacting the Coordinator.
6. Any staff person found to have failed to report sexual misconduct or sexual harassment is subject to disciplinary or other appropriate action, including dismissal.
7. If the alleged victim is under the age of 18 or is considered a dependent or incapacitated adult under 22 M.R.S.A Section 3472 and the allegation is one of sexual misconduct, the Regional Correctional Administrator, or designee, shall report the allegation to the Department of Health and Human Services. If the Regional Correctional Administrator, or designee, is uncertain as to whether the allegation is required to be so reported, the Regional Correctional Administrator, or designee, shall contact the Department's legal representative in the Attorney General's Office for advice.
8. A staff person shall not attempt to deter any person from reporting sexual misconduct or sexual harassment and shall not take retaliatory action against

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any person who reports sexual misconduct or sexual harassment or who otherwise provides information related to an allegation of sexual misconduct or sexual harassment.

9. Any staff person found to have attempted to deter any person from reporting sexual misconduct or sexual harassment or taken retaliatory action against any person who reports sexual misconduct or sexual harassment or who provides information related to alleged sexual misconduct or sexual harassment is subject to disciplinary or other appropriate action, including dismissal, and may also be subject to criminal prosecution.
10. Retaliatory action shall be reported and investigated in the same manner as described above for reports of sexual misconduct or sexual harassment.
11. The first staff person discovering an incident of sexual misconduct involving a sexual act or the Regional Correctional Administrator, or designee, to whom the staff person has reported the incident, shall ensure the client is encouraged to obtain any necessary medical treatment for any physical injury and any necessary testing and treatment for sexually transmitted diseases.
12. The first staff person discovering an incident of sexual misconduct or the Regional Correctional Administrator, or designee, to whom the staff person has reported the incident shall ensure the client is encouraged to obtain any necessary mental health assessment, counseling and/ or treatment, as appropriate.
13. Upon receiving a written report of sexual misconduct or sexual harassment by a community corrections staff person, the Department's PREA Coordinator shall contact the Department's Director of Operations.
14. All reports of sexual misconduct or sexual harassment by community corrections staff shall be investigated as determined by the Department's Director of Operations, in consultation with the appropriate Associate Commissioner, and, as appropriate, the Department's Director of Human Resources, or designee.
15. Following an investigation into a community corrections client's allegation that he or she suffered sexual misconduct or sexual harassment by community corrections staff, the Regional Correctional Administrator, or designee, shall not inform the client as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded, except as set out below.
16. Following a community corrections client's allegation that he or she suffered sexual misconduct by a community corrections staff person, the Regional Correctional Administrator, or designee, shall inform the client whenever:

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- a. The staff person is no longer supervising or otherwise having contact with the client;
 - b. The staff person is no longer employed by the Department;
 - c. The staff person has been indicted on a charge related to the alleged sexual misconduct; or
 - d. The staff person has been convicted on a charge related to the sexual misconduct.
17. Disciplinary sanctions for a violation of this policy by a Department employee shall be commensurate with the nature and circumstances of the employee's act or failure to act, the employee's disciplinary history, and the sanctions imposed for comparable violations by other employees with similar histories, in accordance with applicable collective bargaining agreements or civil service rules.
- a. Termination shall be the presumptive disciplinary sanction for an employee who has engaged in sexual misconduct.
 - b. All terminations of Department employees for violations of this policy or resignations by Department employees who would have been terminated if not for their resignation, shall be reported to the appropriate criminal prosecuting authority, i.e., the Attorney General's office or a District Attorney's office, unless the activity was clearly not criminal, and to any relevant licensing bodies.
18. Upon receiving an allegation that a community corrections client was subjected to sexual misconduct or sexual harassment while confined at a detention or correctional facility, in addition to notifying the Department's PREA Coordinator, the Regional Correctional Administrator, or designee, shall notify the Chief Administrative Officer, or designee, of the facility where the alleged sexual misconduct or sexual harassment occurred.
- a. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after its receipt by the Regional Correctional Administrator, or designee.
 - b. The Regional Correctional Administrator, or designee, providing the notification shall document that such notification has been provided.
 - c. The Regional Correctional Administrator, or designee, shall ensure that the community corrections client is encouraged to obtain any appropriate services.
 - d. The Chief Administrative Officer, or designee, of a Department facility who receives such notification shall ensure that the allegation is investigated in accordance with these standards.

Procedure O: Review and Data Collection

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1. The facility PREA Monitor, or designee, shall ensure that a sexual misconduct incident review is conducted at the conclusion of every sexual misconduct investigation, including where the allegation has been determined to be unsubstantiated, unless the allegation has been determined to be unfounded.
 - a. Such review shall ordinarily occur within thirty (30) days of the conclusion of the investigation.
 - b. The review team shall include upper-level management officials, with input from line supervisors, investigators, the PREA Monitor, and medical or mental health care staff. The Department’s PREA Coordinator shall also be invited to be a member of the review team.
 - c. The review team shall:
 1. Consider whether the allegation or investigation indicates a need to change policy, procedure, or practice to prevent, detect, or respond to sexual misconduct;
 2. Consider whether the incident or allegation was motivated by race; ethnicity; gender; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 3. Examine the area in the facility where the incident allegedly occurred to determine whether physical layout or barriers in the area might enable misconduct;
 4. Assess the adequacy of staffing levels in that area during different shifts;
 5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 6. Prepare a report of its findings, including but not necessarily limited to, determinations required to be made as set out above, and any recommendations for improvement, and submit such report to the Chief Administrative Officer and the Department’s PREA Coordinator.
 - d. The Chief Administrative Officer shall implement the recommendations for improvement made by the review team or shall document any reasons for not doing so.
2. Each facility’s PREA Monitor shall ensure the collection of incident-based sexual misconduct data and shall report that data to the Department’s PREA Coordinator at least annually, who shall aggregate it for all Department facilities.

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- a. The incident-based data collected shall include, at a minimum, the date necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
 - b. The Department's PREA Coordinator shall collect and review data as needed from all available incident-based documents, including reports, investigation files, and sexual misconduct incident reviews.
 - c. The Department's PREA Coordinator shall maintain the data reported or collected for at least ten (10) years.
 - d. Upon request, the Department's PREA Coordinator shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
 - e. At least annually, all aggregated sexual misconduct data shall be made readily available to the public through the Department's website, after all personal identifiers have been removed.
3. The Department's PREA Coordinator shall review data collected and totaled in order to assess and improve the effectiveness of the Department's sexual misconduct prevention, detection, and response policies, procedure, practices, and training, including by identifying problem areas, taking corrective action on an ongoing basis, and preparing an annual report of findings and corrective actions for each facility, as well as the Department as a whole.
- a. 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 misconduct.
 - b. The report shall be approved by the Commissioner and made readily available to the public through the Department's website.
 - c. The Commissioner, or designee, shall redact specific material from the report when publication would present a clear and specific threat to the safety and security of a facility or would violate state or federal confidentiality laws, provided the type of material redacted is specified.

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Procedure P: Audits

The Department shall conduct audits pursuant to the PREA National Standards 115.401-.405.216. See attachment I.

VII. PROFESSIONAL STANDARDS

ACA:

ACI - 4-4281 Written policy, procedure, and practice protect prisoners from personal misconduct, corporal punishment, personal injury, disease, property damage, and harassment.

ACI - 4-4281-1 Written policy, procedure, and practice ensure that information is provided to offenders about sexual misconduct/assault including:

- prevention/intervention
- self-protection
- reporting sexual misconduct/assault
- treatment and counseling

The information is communicated orally and in writing, in a language clearly understood by the offender, upon arrival at the facility.

ACI - 4-4281-2 Prisoners are screened within 24 hours of arrival at the facility for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Housing assignments are made accordingly.

ACI - 4-4281-3 Written policy, procedure, and practice require that an investigation is conducted and documented whenever a sexual assault or threat is reported.

ACI - 4-4281-4 Written policy, procedure, and practice require that prisoners identified as high risk with a history of sexually assaultive behavior are assessed by a mental health or other qualified professional. Prisoners with a history of sexually assaultive behavior are identified, monitored, and counseled.

ACI - 4-4281-5 Written policy, procedure, and practice require that prisoners identified as at risk for sexual victimization are assessed by a mental health or other qualified professional. Prisoners at risk for sexual victimization are identified, monitored, and counseled.

ACI - 4-4281-6 Written policy, procedure, and practice ensure that sexual conduct between staff and prisoners, volunteers, or contract personnel and prisoners, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions.

ACI - 4-4281-7 Written policy, procedure, and practice provide that prisoners who are victims of sexual misconduct have the option to report the incident to a designated staff person other than an immediate point-of-contact line officer.

ACI - 4-4281-8 Written policy, procedure, and practice provide that all case records associated with claims of sexual misconduct, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release

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treatment and/or counseling are retained in accordance with established schedule.

ACI - 4-4406 Victims of sexual assault are referred under appropriate security provisions to a community facility for treatment and gathering of evidence, or if these procedures are performed in-house, the following guidelines are used:

- A history is taken by health care professionals who conduct an examination to document the extent of physical injury and to determine if referral to another medical facility is indicated. With the victim's consent, the examination includes the collection of evidence from the victim, using a kit approved by the appropriate authority.
- Provision is made for testing of sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis, and other diseases) and counseling, as appropriate.
- Prophylactic treatment and follow-up for sexually transmitted diseases are offered to all victims, as appropriate.
- Following the physical examination, there is availability of an evaluation by a mental health professional to assess the need for crisis intervention counseling and long-term follow-up.
- A report is made to the facility or program administrator or designee to assure separation of the victim from his or her assailant.

4-JCF-3A-02 Juveniles are not subjected to sexual harassment.

4-JCF-3B-03 Juveniles are not subjected to corporal or unusual punishment, humiliation, disease, property damage, mental or personal misconduct or harassment, personal injury, or punitive interference with the daily functions of living, such as eating or sleeping.

4-JCF-3C-16 When a juvenile allegedly commits an act covered by criminal law, the case is referred to appropriate court or law enforcement officials for consideration for prosecution.

4-JCF-3D-01 All instances of child misconduct and/or neglect consistent with appropriate state law or local laws.

4-JCF- 3D-02 Information is provided to juveniles about sexual misconduct/assault including:

- Prevention/intervention
- Self-protection
- Reporting sexual misconduct/assault
- Treatment and counseling

The information is communicated orally and in writing, in a language clearly understood by the juvenile, upon arrival at the facility.

4-JCF-3D-03 Juveniles are screened within 24 hours of arrival at the facility for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Housing assignments are made accordingly.

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- 4-JCF-3D-04** An investigation is conducted and documented whenever a sexual assault is alleged, threatened, or occurs.
- 4-JCF-3D-05** Juveniles identified as high risk with a history of assaultive behavior are assessed by a mental health or other qualified professional. Such juveniles are identified, monitored, counseled, and provided appropriate treatment.
- 4-JCF-3D-06** Juveniles identified as at-risk for sexual victimization are assessed by a mental health or other qualified professional. Such juveniles are identified, monitored, and counseled.
- 4-JCF-3D-07** Sexual conduct between staff and juveniles, volunteers, or contract personnel and juveniles, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions.
- 4-JCF-3D-08** Juveniles who are victims of sexual misconduct have the option to report the incident to a designated staff person other than an immediate point of contact line staff person.
- 4-JCF-3D-09** All case records associated with claims of sexual misconduct, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are retained in accordance with an established schedule.
- 4-JCF-4C-50** Victims of sexual assault are referred, under appropriate security provisions, to a community facility for treatment and gathering of evidence. If these procedures are performed in-house, the following guidelines are used:
1. A history is taken by a qualified health-care professional who conducts an assessment to document the extent of physical injury and to determine if referral to another medical facility is indicated. With the victim's consent, the examination includes the collection of evidence from the victim, using a kit approved by the appropriate authority.
 2. Provision is made for testing for sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis, and other diseases) and counseling, as appropriate.
 3. Prophylactic treatment and follow-up for sexually transmitted diseases are offered to all victims, as appropriate.
 4. Following the physical examination, an evaluation by a qualified health-care or mental health-care professional is available to assess the need for crisis intervention counseling, and long-term follow-up.
 5. Following the physical examination, a qualified health-care or mental health-care professional is available to evaluate the need for crisis intervention counseling, and long-term follow-up.
 6. A report is made to the facility or program administrator or designee to assure separation of the victim from his or her assailant(s).
- 4-JCF-5B-03** Single-occupancy rooms shall be available, when indicated, for the following:
1. Juveniles with severe medical disabilities
 2. Juveniles suffering from serious mental illness
 3. Sexual predators
 4. Juveniles likely to be exploited or victimized by others
 5. Juveniles who have other special needs for single housing

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