

# Policy Development

Responding to Inmate on Inmate  
Sexual Violence

March 11-16, 2007

A.T. Wall



# Objectives:



- Define policies needed to respond to inmate on inmate sexual violence
- Understand what a PREA guided policy is
- Identify policy considerations and decisions
- Define what makes a good policy

# Policies Needed to Respond to Inmate on Inmate Sexual Violence

- Classification
- Sexual Assault
- Medical and Mental Health
- Sexual Behavior
- Sexual Assault Response Teams (SART)
- Investigations
- Reporting
- Grievance

# Classification Policies

- Risk Assessment Tools
- Who is responsible for Classification
- Housing
- Separation

# Classification

## ■ Kansas DOC

- Custody classification is the **means by which inmates are assessed regarding the risk they present to themselves, other inmates, staff and the community**, based upon a standard set of objective criteria. It provides guidelines to place inmates in the least restrictive level of supervision required based upon their assessed level of risk.
- Just as there are classification factors that must be considered in making the determination as to the most suitable **housing** for the inmate, there are **inmate characteristics** that may either expand or limit the level of risk that the department is willing to accept in considering the appropriate level of housing.

# Sexual Assault Policies

- Employee Training
  - prevention, detection, response, investigation
- Inmate Training
  - prevention, self-protection, reporting, treatment
- Screening
  - predators, prey, housing, separation
- Medical and Mental Health
  - reporting, confidentiality, victim services, examinations
- Data Collection

# Sexual Assault

- Ohio DOC

- It is the policy of the Department of Rehabilitation and Correction to provide a safe, humane and appropriately secure environment, free from the threat of sexual misconduct for all inmates, by maintaining a program of prevention, detection, response, investigation and tracking. The Department shall maintain a zero tolerance for sexual misconduct in its institutions. Sexual misconduct among inmates and by staff towards inmates is strictly prohibited. This policy applies to all inmates, persons employed by the Department of Rehabilitation and Correction, volunteers, and independent contractors, assigned to an institution.

# Medical/ Mental Health Policies

- Reporting and Confidentiality
  - incident reports, reporting up the chain of command
- Procedures
  - Evidence collection, off-site medical care, referral for mental health services
- Providing emergency care
- Consent of victim for services
- Follow up

# Medical/ Mental Health

- Iowa DOC

- Offenders who allege they have been sexually assaulted while incarcerated, will be offered psychological (mental health) and medical services, and when appropriate, forensic examination (rape kit examination) will be completed.

# Sexual Behavior

- Conjugal/ Family Visitation
- What if any sexual behavior is allowed
  - Masturbation, touching, fondling
- What type of publications will be allowed
  - Pornography

# Sexual Behavior

## ■ Colorado DOC

- An offender commits this non-contact offense when he subjects another person to verbal or written statements or gestures of a sexual nature and:
  - He uses obscene or profane language, makes demeaning references to gender or derogatory comments about body or clothing, or,
  - Makes **sexually harassing gestures**, or,
  - Makes threats of physical force or improper pressure for sexual acts, or requests for sexual acts, or
  - **Displays his/her anus, genitals, or breasts (female) to another person**, or,
  - **Masturbates** in the presence or **direct vision** of another person, or
  - To include **any behavior** of a sexual or romantic nature whether **verbal or non-verbal**.

# Investigative Policies

- Reporting and Notification
- Evidence Collections
- Medical and Mental Health Services Responsibilities
- Separation of victim
- Procedures
  - Recent v non-recent sexual assaults
- Administrative v Criminal Cases
- Timeframes

# Investigations

- Dane County, Wisconsin
  - It is the policy of the Sheriff's Office to **accept and investigate all complaints** of alleged misconduct, determine whether the allegations are valid, and **take appropriate corrective action**.

# Reporting Policies

- Procedure for reporting
- Staff required to report
- Inclusions in report
- Record keeping

# Reporting

- Tennessee DOC

- An inmate may report a sexual assault to any employee. Any employee who receives a report of sexual assault or possible assault, whether verbally or in writing, **shall immediately notify the shift commander and complete an incident report.** The shift supervisor shall ensure that the alleged victim/inmate and inmate aggressor are **physically separated**, either through the placement of one or both inmates in segregation or some other effective means.

# SART Policies

- Composition of SART
- Procedures for calling in SART
- Procedures
  - Moving victims, reporting, timeframes, evidence collection
- Victim Assessment
  - Housing, medical and mental health, threat of harm

# SART

- Oregon DOC

- SARTs **meet regularly** and as needed for a sexual assault case. These teams are made up of **confidential employees**, so they can speak freely about case management— because they are management, they can be **called day or night** without extra cost to the DOC
- Teams are comprised of:
  - A **health services** manager,
  - **Counseling and treatment services** manager
  - A designee of the Superintendent of each institution, usually a **security manager**.

# Grievance Procedures

- Authority and responsibility
- Contents of grievance
- Procedure for filing a grievance
- Procedural requirements
- Responding to a grievance
  - timeframes
- Emergency procedures
- Record-keeping

# Grievance

## ■ Massachusetts DOC

- Forms - Inmates may process their grievance by obtaining an **institution grievance form** from those locations and **staff persons** designated by the Superintendent. Grievance forms shall **be readily available to all inmates, including those in segregated units**.
- Content of Grievance Forms - All grievances should be legible and must contain the following information:
  - (A) the **date** of occurrence of the incident;
  - (B) the **name of current institution**;
  - (C) the **name of institution of complaint**;
  - (D) a brief statement of **facts**;
  - (E) the **remedy** being requested;
  - (F) the **signatures** of both the inmate and staff recipient.

# Grievance

- Filing - Completed grievance forms **may be filed** as follows:
  - (A) **directly with the Superintendent, Deputy Superintendent, Facility Administrator, or Institutional Grievance Coordinator;** or;
  - (B) by **depositing the completed form in a locked mailbox or drop box.** All mailboxes or drop boxes identified for inmate grievances **shall be opened at least once each working day;**
  - (C) All grievances shall be **forwarded to the Institutional Grievance Coordinator on the date received.** The Institutional Grievance Coordinator shall sign, date-stamp and number each grievance received.

# PREA Guided Policies

- Definitions
- Data Collection: methodology and responsibility
- Division Responsibilities
  - Operations: programs, facilities management
  - Support: training, compliance
- Standard Operating Procedures

# PREA Guided Policies

- Staff and inmate training
- Prevention and detection efforts
- Monitoring culture
  - Gang activity, drug trafficking, racial tensions
- Safety of vulnerable populations
- SART
- Victim safety and support

# PREA Guided Policies

- Medical and mental health
  - examination and treatment
  - communicable diseases
  - Confidentiality v. mandated reporting
- Timelines for responses
- Investigative responsibility and procedure
- Reporting
  - who, to whom, when, procedure

# Policy Considerations:

- Compliance with state and federal law
- Implementation standards
- Review and update
- Culture: institutional and inmate
- Gender differences
- Challenges and dilemmas
- Measuring effectiveness

# Policy Decisions:

- Actions to include
- Responsibility assignments
- Reporting structures
- Safety v. confidentiality
- Sanctions
- Data Collection

# What makes a good policy?

- Clear and inclusive definitions
- Clear and inclusive responsibilities for staff
- Clear and inclusive procedures
- Clear sanctions for not following policy

# Policy Review Guides

- [PREA Review Guide](#)

Developed by The Moss Group, Inc. under cooperative agreement with the National Institute of Corrections,  
U.S. Department of Justice.

- [Community Corrections](#)

Developed by CIPP, Inc. under cooperative agreement with the National Institute of Corrections,  
U.S. Department of Justice.

- [Jails](#)

Developed by CIPP, Inc. under cooperative agreement with the National Institute of Corrections,  
U.S. Department of Justice.

# Summary

- It is essential that written policy exists and is inclusive
- Operational practices need to follow policy
- Establish a zero-tolerance standard
- Evaluate and update policies often
- Be sure to have policies that are in compliance state and federal laws