

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

103 DOC 519

SEXUALLY ABUSIVE BEHAVIOR PREVENTION
AND INTERVENTION POLICY

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MASSACHUSETTS DEPARTMENT OF CORRECTION	DEPUTY COMMISSIONER
SEXUALLY ABUSIVE BEHAVIOR PREVENTION AND INTERVENTION POLICY	103 DOC 519

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

- Inmate perpetrator against inmate victim; or
- Department employee, contractor or volunteer perpetrator against inmate victim.

REFERENCES: M.G.L., c. 124 § 1, M.G.L., c. 268 § 21A
Prison Rape Elimination Act ("PREA") of 2003, Public Law 108-79

APPLICABILITY: Department Employees PUBLIC ACCESS: Yes
Contractors
Volunteers
Inmates

LOCATION: Department Central Policy File/Institutional Policy Files
Central and Regional Personnel Unit Policy Files
Office of Affirmative Action Policy File
Inmate Law Libraries

STAFF RESPONSIBLE FOR IMPLEMENTATION AND MONITORING OF POLICY:
Deputy Commissioner
PREA Manager
Assistant Deputy Commissioner(s)
Superintendents
Chief of Office of Investigative Services

EFFECTIVE DATE: 08/05/2007

CANCELLATION: 103 DOC 519.00 cancels all previous Department policies, procedures, directives, bulletins, orders, notices, rules and regulations regarding sexually abusive behavior prevention and intervention that are inconsistent with 103 DOC 519.00.

SEVERABILITY CLAUSE: If any part of this policy is, for any reason, held to be unconstitutional, contrary to statute or in excess of the authority of the Commissioner, such decisions shall not affect any other part of this policy.

519.01 POLICY STATEMENT

The Massachusetts Department of Correction (hereinafter "Department") is committed to the prevention and elimination of sexual abuse perpetrated against inmates by staff members or by other inmates. Meeting the objectives set forth within the Prison Rape Elimination Act of 2003 shall be a major priority for the Department and an ongoing focus for staff efforts at all levels of this organization. The Department shall develop a strategic plan to ensure a comprehensive approach toward confronting this issue. The Department shall embrace the standards set forth by the National Prison Rape Reduction Commission and the American Correction Association for all state correctional jurisdictions in this regard while transforming its prevention strategies into sound correctional practice.

Incidents of sexually abusive behavior involving staff on staff or inmate on staff shall be covered in 103 DOC 522, Internal Affairs Unit and 103 DOC 407, Victim Service Unit policies. This policy addresses the security, treatment and management issues relating to inmate victims.

All intentional acts of sexually abusive behavior or intimacy between an inmate and a Department employee, contractor or volunteer, or an inmate and an inmate, regardless of consensual status, are prohibited and the perpetrator shall be subject to administrative and criminal and/or disciplinary sanctions. The Department of Correction is committed to investigating, disciplining, and referring for prosecution, Department employees, contractors, volunteers and inmates who engage in sexually abusive behavior. The Department is equally committed to providing crisis intervention and ongoing treatment or referrals to the victims of these acts.

The Department of Correction resolves to:

- Increase the timely reporting of incidents by Department employees, contractors or volunteers and inmates;
- Accurately identify and track perpetrators and inmate victims of sexually abusive behavior;
- Develop a process to identify and manage inmates who are potentially at risk;
- Provide ongoing education to Department employees, contractors, and volunteers regarding their responsibility toward prevention, intervention, and reporting when incidents are observed or made known to them;

- Provide effective and ongoing orientation to inmates regarding how to avoid victimization and how to report incidents of sexual abuse;
- Provide for a thorough investigation of reported incidents and certain discipline and/or prosecution of perpetrators when appropriate;
- Provide effective short and long-term treatment for victims of sexually abusive behavior.

519.02 DEFINITIONS

Allegation: Any event that has been reported to a Department staff person, contractor, or volunteer but which has not yet been verified or investigated.

At Risk: Inmates who exhibit characteristics consistent with potential victims or perpetrators of sexually abusive behavior. The Department is committed to working with the National Institution of Corrections and other outside agencies to develop tools to increase the likelihood of identifying potential victims and perpetrators.

Intimacy: Any behavior not defined as sexual contact or sexual abuse of an inmate including kissing, touching parts of the body not defined under sexual abuse or other related acts including, but not limited to, sending/receiving personal letters/cards/gifts or receiving phone calls from an inmate. Intimate relationships between staff and inmates are expressly prohibited.

Physical Assault: Any action taken by an individual, which is deemed as causing injury or potential injury to another individual. Any deliberate contact, either physical, via an object or through bodily fluids, perpetrated by one individual toward another.

PREA: Prison Rape Elimination Act: Federal legislation (Public Law No. 108-79), enacted in 2003 to provide for the analysis of the incidence and effects of prison rape in federal, state, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.

PREA Steering Committee: A committee appointed by the Commissioner to provide ongoing advice and counsel to the PREA Manager.

PREA Environmental Safety Plan: A plan devised to ensure that facility physical plants and operational systems are assessed periodically in relation to PREA objectives and performance measures.

PREA Incident Review Panel: A multi-disciplinary panel of senior managers who routinely meet to review cases of sexually abusive behavior on inmates.

PREA Manager: The manager, as appointed by the Commissioner, who is responsible for implementing and monitoring the Sexually Abusive Behavior Prevention and Intervention Policy, and with the PREA Steering Committee coordinates the Department's compliance with the Prison Rape Elimination Act of 2003.

DOC Victim Advocate: The staff member(s) assigned by the Director of Victim Services to meet with inmates victimized by sexually abusive behavior in order to educate them as to the treatment services available to them, and to inform them as to the status of the investigation, disciplinary, and classification processes pertaining to the alleged claim of sexually abusive behavior.

SANE (Sexual Assault Nurse Examiner) Program: Delivers coordinated expert forensic and medical care necessary to increase successful prosecution of sex offenders and to assure essential medical intervention to victims of assault who are examined at SANE designated emergency departments.

Sexual Abuse: Shall include, but not be limited to the subjecting of another person who is incapable of giving consent by reason of his/her custodial status, to sexual contact by persuasion, inducement, enticement or forcible compulsion.

Sexual Contact: Shall include but not be limited to carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling or molestation of a person (doesn't matter whether or not it's against their will), rape, or otherwise sexually exploiting another person, e.g. compelling them to perform acts of prostitution.)

Sexually Abusive Behavior: The term used in this policy to describe all prohibited sexual behavior. Sexually abusive behavior includes acts of intimacy, sexual contact, sexual abuse and staff sexual misconduct as defined in this section.

Sexual Assault Investigator: Department employee assigned by the Superintendent and/or Chief of the Office of Investigative Services to investigate allegations of sexually abusive behavior.

Staff Sexual Misconduct: Any verbal, physical or offensive conduct of a sexual nature by a Department employee, contractor, volunteer, directed toward an inmate under the care, custody, and supervision of the Department. Prohibited sexual acts include, but are not limited to: an attempt, threat, request or the completed act of the intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks, either directly or through clothing, with the intent to abuse, arouse, or gratify sexual desire; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification. Sexual advances, requests for sexual favors or other verbal, physical or offensive conduct of a sexual nature are also expressly prohibited. Examples of sexual harassment include, but are not limited to: demeaning references to an inmate's gender, derogatory comments about an inmate's body or clothing, jokes about sex or gender specific traits, abusive, threatening, profane or degrading sexual comments, touching, attention or conduct of a sexual nature, or threats of retaliation for refusing sexual advances. All sexual contact between an inmate and an employee, contractor, volunteer, is considered sexual misconduct even if the inmate seemingly "consents" because inmates are deemed incapable of "consent."

519.03 GENERAL PROCEDURES

All allegations and incidents of inmate on inmate or staff on inmate sexually abusive behavior shall immediately be reported by Department employees, contractors and volunteers to the shift commander verbally and followed up with an incident report to the Superintendent before the end of his/her shift. During non-business hours, these allegations shall be reported to the shift commander who shall ensure that the Superintendent is immediately notified. Failure of any Department employee, contractor or volunteer to report these allegations may result in disciplinary action, up to and including termination.

The Superintendent shall notify his/her respective Assistant Deputy Commissioner of incidents of alleged sexually abusive behavior. The Superintendent shall also immediately notify the Office of Investigative Services and the PREA Manager. The respective Assistant Deputy Commissioner shall ensure that the Deputy Commissioner is immediately notified of all alleged

incidents of sexually abusive behavior. If the allegations involve a possible violation of state law, the Superintendent shall immediately notify the jurisdictionally appropriate district attorney's office.

519.04 PREVENTION

All Department employees, contractors, and volunteers are responsible for contributing to the prevention of sexually abusive behavior perpetrated by staff on inmates or by inmates on inmates as outlined in this policy.

Inmates are responsible for familiarizing themselves with the Department of Correction's orientation material on sexual abuse prevention and intervention. They are also responsible for reporting allegations in a timely fashion to a staff person, contractor, or volunteer in order to ensure their safety and the safety of others.

The Department shall be responsible for planning and implementing measures to prevent sexually abusive behavior from occurring. The Department strives to create a safer environment for staff and inmates, which is free from sexual harassment and exploitation. In this regard the Department shall provide for the following resources and practices:

A. Training and Education

The Division of Staff Development in conjunction with the Office of Communication and Outreach and the PREA Manager shall develop and maintain a training plan to ensure that all Department employees and contractors are educated regarding their responsibilities to prevent and report incidents of sexually abusive behavior. The Director of Program Services is responsible for educating volunteers regarding their responsibilities to prevent and report incidents of sexually abusive behavior.

The Division of Staff Development in conjunction with the Office of Communications and Outreach and the PREA Manager shall develop and implement a communication plan to provide updated information concerning this initiative.

B. Identification and Reporting

- (1) Inmates at risk or who have a history of inmate sexual abuse victimization

- (a) All inmates entering a Department institution, and upon subsequent transfers between institutions, shall be screened by a qualified medical professional for a history of and the risk for inmate sexual abuse victimization in accordance with 103 DOC 630, Medical Services. Inmates identified through self reports or medical reports as having a history of sexual abuse victimization and/or at risk of being a victim of inmate sexual abuse shall be referred to a mental health clinician for assessment, monitoring, and counseling. Such reports shall be documented in the appropriate IMS screen and a confidential incident report written to the Superintendent to ensure that appropriate steps (e.g., investigation, housing assignment) are taken.
 - (b) Upon learning that an inmate has been identified as having been a victim or predator, or is at risk for such, the Superintendent shall carefully assess the immediate needs and housing assignment of the inmate. Where double bunking is necessary, the staff members making assignments shall rely upon standard guidelines for cell matching and good judgment in selecting a cellmate for the inmate. Similar consideration shall be given for placement of an inmate in a dormitory setting.
- (2) Inmates with a history of or at risk of inmate predatory sexually abusive behavior.

The Department of Correction is committed to working with the National Institute of Correction and other outside agencies to develop tools to increase the likelihood of identifying potential predators of sexually abuse behavior. Where those tools exist and can be administered, those identified shall be referred to appropriate institutional programming. The program referral shall be made part of the inmates individualized program plan and shall be monitored in accordance with 103 CMR 420, Classification. Every effort shall be made to have programming available to these identified inmates.

- (3) Inmates with a history of engaging in sexually abusive behavior

- (a) All inmates entering a Department of Correction institution, and upon subsequent transfer between institutions, shall be screened within twenty-four (24) hours of their arrival by a qualified medical professional for a history of sexually abusive behavior in accordance with 103 DOC 630, Medical Services. Inmates identified through self reports or medical reports as having a history of sexually abusive behavior shall be documented in the appropriate IMS screen and a confidential incident report written to the Superintendent to ensure that appropriate steps (e.g. investigation, housing assignment, referral to treatment program) are taken.

- (b) Booking officers and CRPU staff shall also screen inmates for a history of sexually abusive behavior by conducting a review of criminal record information, (e.g., judgment and commitment orders; 6 part record; board of probation). Inmates identified as having a history of sexually abusive behavior not previously identified, shall be documented in the appropriate IMS screen and a confidential incident report submitted to the Superintendent.

C. Inmate Education

- (1) The PREA Manager shall work closely with the Office of Communications and Outreach and the Director of Victim Services to develop a communication plan which shall be implemented to educate and inform inmates about prisoner sexual violence (PSV). The plan shall include the provision of oral and written information regarding prevention/intervention, self-protection, reporting sexual abuse/assault, and treatment and counseling. It is the responsibility of the PREA Manager in concert with Superintendents to include a section which addresses these issues in all inmate orientation booklets, and other media concerning prisoner sexual violence.

- (2) Each Superintendent and the PREA Manager shall ensure that new inmates to the Department receive oral and video presentations about prisoner sexual violence in English and/or Spanish. All written

orientation materials about sexually abusive behavior will be provided in Spanish when appropriate. Other non-English speaking inmates shall receive translation into their own language via the telephonic interpreter service. When a literacy problem exists, a staff member assists the inmate in understanding the problem.

- (3) The content provided consistent with this communication plan shall be gender specific as appropriate and shall comply with 103 DOC 401, Booking and Admissions.

D. Public Education

The Director of Communications and Outreach shall work closely with the PREA Manager to develop and implement a communication plan in order to inform inmate family members, agency constituents, other state agencies, work release employers, and the general public regarding the PREA initiative undertaken by the Department and how they can support these efforts. This may include informational pamphlets, video presentations, discussion forums, postings on the Department Internet page and news releases as appropriate.

519.05 DATA COLLECTION/ANALYSIS

Documentation of all incidents of sexually abusive behavior is critical to the success of the Department's PREA initiative. All incidents of this nature shall be documented in a timely and accurate manner by referencing specific definitions consistent with those found in the PREA policy and disciplinary charges found in 103 CMR 430, Inmate Discipline. All such information shall be recorded in the Inmate Management System (IMS) to ensure a single source for historical data.

Other sources may be queried to develop intelligence information which may become useful to prevent sexually abusive behavior. These may include but not be limited inmate correspondence, inmate grievances, and institution climate reports.

519.06 INTERDICTION

- A. Pursuant to Department of Correction protocol a vulnerability assessment of each facility shall be conducted as needed. The vulnerability reports shall be

confidential and submitted directly to the Commissioner for appropriate action.

- B. Superintendents shall routinely review operational practices in light of the PREA initiative. It is important that Superintendents make every attempt to identify and eliminate blind spots within their facilities. Each Superintendent shall develop and maintain a PREA environmental safety plan which documents areas of concern within the facility and management issues relating to prevention that may require prevention strategies unique to that facility.
- C. Superintendents shall be required to maintain and monitor a list of victims and predators assigned to their facility.
- D. Superintendents shall ensure that reports by Department employees, contractors, and volunteers regarding suspicions of sexually abusive behavior or related activities are included in the weekly climate reports. Local investigators should follow-up on such reports by interviewing staff and inmates, and developing intelligence as appropriate.
- E. On an annual basis, Superintendents shall insure that all Department employees, contractors and volunteers' home phone numbers be checked against the inmate telephone database. Any positive matches (hits) shall be reported to the Chief of the Office of Investigative Services for appropriate action.
- F. A hotline shall be designated within the inmate telephone system that inmates may use to alert appropriate staff about possible cases of sexually abusive behavior. The hotline telephone number is 508-668-5498. This number shall allow for universal and unimpeded access by all inmates within the Department.
- G. The PREA Manager and the PREA Steering Committee shall work collaboratively with the Security Technology Committee in accordance with 103 DOC 759 to identify viable applications of new technologies to support the PREA objectives, contingent on available funding.

519.07 INTERVENTION

The maintenance of the security and safety of all persons, whether Department employees, contractors, volunteers or inmates, is a fundamental objective of the Department. As such, it is an integral part of everyone's job to prevent and report sexually abusive behavior.

A. Immediate Response to Sexually Abusive Behavior Complaints

In the event that an inmate reports that he/she has been sexually abused by an inmate or a staff member, the Department employee, contractor or volunteer receiving such complaint shall take the following steps:

- (1) Immediately notify the Shift Commander.
- (2) Request that the Shift Commander secure the scene, if warranted, for subsequent crime scene processing.
- (3) Make note of the behavior and appearance of the inmate(s) and identify any witnesses to the event.
- (4) Ensure that the inmate victim is immediately taken to the institution health services unit for emergency medical care/mental health treatment.
- (5) Enter detailed information into IMS incident screen before the end of the shift.

B. Medical Response to Sexually Abusive Behavior Complaints

- (1) A qualified health care professional shall evaluate the extent of the physical injury and provide emergency medical treatment as needed.
- (2) An emergency mental health referral to the on-site mental health professional shall be made following the completion of the medical evaluation.
- (3) Upon completion of the medical and mental health evaluation, the Superintendent or designee, in consultation with medical and mental health personnel, shall determine whether a referral to an outside hospital with a rape crisis unit is warranted. Factors to be considered are the time frame between the alleged assault and complaint, as well as the

extent and nature of the allegation as described in 103 DOC 630, Medical Services.

- (4) If the determination is made that the inmate victim should be sent to an outside hospital, and if the inmate victim consents, the inmate victim shall be transported to an outside hospital with a SANE program where they shall receive essential medical intervention to include preventative treatment for HIV, sexually transmitted diseases and pregnancy, if appropriate. The guidelines for referring an inmate to an outside hospital for rape crisis intervention services shall be found in 103 DOC 521, Outside Hospital Security.
- (5) Upon return from the outside hospital, the inmate victim shall be brought to the Health Services Unit for appropriate follow-up care, to include a mental health screening by qualified contractual health care personnel. If during this screening there are any indications that the inmate victim is at risk to hurt his or herself or others, a mental health professional shall be immediately notified. Otherwise, the inmate victim shall be seen by a mental health professional within twenty-four (24) hours or no later than the next business day to assess the need for crisis intervention and long-term counseling pursuant to 103 DOC 650, Mental Health Services.
- (6) To avoid the potential for secondary victimization an inmate victim may be allowed to refuse rape crisis intervention treatment at an outside hospital. In these situations, the inmate victim shall be permitted to refuse treatment at the institution. Before the refusal is accepted, the Department's contractual medical and mental health provider shall attempt to persuade the inmate to go to the outside hospital for treatment.

In cases where the inmate victim continues to refuse, the inmate victim shall be required to sign a Refusal of Treatment form pursuant to 103 DOC 630, Medical Services. Provisions shall be made for testing sexually transmitted diseases (e.g., HIV, gonorrhea, hepatitis) as well as prophylactic treatment, follow-up care and counseling pursuant to 103 DOC 631,

Communicable Disease, 103 DOC 620, Special Health Care Practices and 103 DOC 650, Mental Health Services.

- (7) Once cleared by medical and mental health staff, the Superintendent shall determine an appropriate housing assignment for the inmate victim.
- (8) A victim advocate shall be assigned to meet with the inmate victim within seventy-two (72) hours of the reported incident. The advocate shall keep the inmate victim informed of his/her status and as appropriate, the disciplinary and criminal prosecution of the alleged perpetrator. The advocate shall make the inmate victim aware of the short and long term services available to them.

C. Security Response to Sexually Abusive Behavior Complaints

- (1) Evidence collected at an outside hospital involving allegations of inmate on inmate sexually abusive behavior shall be retained by the transporting officer in accordance with 103 DOC 518, Investigations. In instances where the alleged perpetrator is a staff member, the outside hospital staff shall notify the State Police who shall transport any evidence collected to the State Police Crime Lab for analysis.
- (2) The Department employee, contractor or volunteer receiving such a complaint shall follow institutional notification procedures, including the filing of an incident report.
- (3) The Office of Investigative Services shall be notified during business hours (Monday-Friday 7:00am - 5:00pm) by telephone at 508-473-9509. The Investigative Services Duty Officer shall be notified during non-business hours via the duty station at 508-668-2760.
- (4) If the Superintendent believes that a felony may have been committed, the jurisdictionally appropriate district attorney's office and the State Police detective unit assigned to said district attorney's office shall be notified and the Department shall seek assistance and begin a cooperative investigation with these agencies. Each Superintendent shall identify in writing, as an attachment to this policy, the phone numbers of the jurisdictionally appropriate district

attorney's office and the State Police assigned to the district attorney's office.

- (5) If an inmate's involvement in the alleged sexually abusive behavior is suspected, he/she shall be placed in a secure setting pending investigation.
- (6) The Superintendent shall ensure that appropriate documentation is entered into IMS as required by 103 DOC 426, Conflicts policy.

D. Investigation Response to Sexually Abusive Behavior

- (1) The assigned sexual assault investigator shall ensure that all evidence collected at any hospital (Sexual Assault Evidence Collection Kit/Rape Kit) is transported to the State Police Laboratory as soon as possible. Evidence retained in excess of twenty-four (24) hours (weekends/holidays), shall be properly refrigerated.
- (2) Any potential witnesses shall be interviewed in an attempt to corroborate the victim's statements or to identify any suspect(s). Care should be taken to ensure the safety and security of potential witnesses from retribution or retaliation, and if necessary and warranted, potential inmate witnesses shall be afforded opportunities for changes in housing placement, more secure housing, and/or accelerated classification for transfer.
- (3) If sufficient information or evidence is obtained during the investigation, a disciplinary report shall be issued pursuant to 103 CMR 430.00, Inmate Discipline.

E. Classification Response to Sexually Abusive Behavior Complaints

The Superintendent shall ensure that the institutional Director of Classification is notified of sexually abusive complaints of sexual abuse. The institutional Director of Classification, upon such notification, shall schedule an Internal Classification Status Review of the inmate predator and/or inmate victim, when sufficient facts are known, in order to determine appropriate classification in accordance with 103 CMR 420, Classification.

519.08 INVESTIGATION OF SEXUALLY ABUSIVE BEHAVIOR COMPLAINTS

The Department shall use all available means to fully investigate and address all allegations and incidents of sexually abusive behavior. Within seventy-two (72) hours of the reported incident, it shall be the responsibility of the PREA Manager and Superintendent to review and assess all reports of allegations and incidents of sexually abusive behavior and determine if the appropriate course of action has been followed.

A. Sexually Abusive Behavior Between Inmates

Investigations of reported incidents of alleged sexually abusive behavior between inmates shall be initiated by the Superintendent utilizing facility investigative staff or, upon request to the Chief of the Office of Investigative Services (OIS), in conjunction with an investigator from OIS. The investigator assigned by the Superintendent shall be responsible for producing an investigative report within thirty (30) days unless the time is extended by the respective Assistant Deputy Commissioner. The Superintendent and the Chief of the Office of Investigative Services shall provide a monthly status report to the PREA Manager concerning their respective investigations.

B. Staff Accused of Sexually Abusive Behavior with Inmates

If a staff member is accused of sexually abusive behavior with an inmate, the Superintendent shall initiate a Category II investigation pursuant to 103 DOC 522, Internal Affairs Unit, and alert the PREA manager. The staff member may be placed by the Superintendent or Department Head on "no inmate contact status" or "detached with pay status" by the Commissioner pending an investigation of the matter. Contractors who are accused of sexually abusive behavior may be removed from the facility until the investigation is completed. All volunteers who are accused shall be barred from entering any correctional facility until the investigation is completed.

The Chief of the Office of Investigative Services shall provide access to the complaint intake and status screens for PREA cases for review by the PREA Manager as defined by 103 DOC 522, Internal Affairs Unit. The format for the investigative report shall follow the procedures set forth in 103 DOC 518, Investigations.

C. Retaliation

Retaliation by any employee against another employee, contractor, or volunteer or an inmate for reporting complaints of sexually abusive behavior, assisting in making such a report, or for cooperating in the investigation of such a complaint regardless of the merits or disposition of the complaint is prohibited. Any such occurrence is a very serious matter that may result in discipline up to and including termination.

519.09 FALSE ALLEGATIONS

If the Department investigation reveals that an inmate, Department employee, contractor or volunteer has knowingly made false allegations or made a material statement, which he/she, in good faith, could not have believed to be true, then the department may take appropriate disciplinary action, and/or criminal action under the Massachusetts General Laws, as appropriate. This information shall be included in any orientation booklet as well as within the training provided to Department employees, contractors or volunteers and inmates.

519.10 PREA INCIDENT REVIEW PANEL

All incidents of sexually abusive behavior perpetrated by inmates on other inmates shall be investigated by the Superintendent. Upon completion of the investigation, the Superintendent shall submit a copy of the report to the PREA Manager. The PREA Manager shall schedule the case for review by the PREA Incident Review Panel. The panel shall review the case and make a critical assessment of the facility's response. A report of the panel's findings and recommendations shall be submitted to the Commissioner for appropriate action.

519.11 EMERGENCIES

Whenever, in the opinion of the Commissioner or the Superintendent of a state correctional institution, an emergency exists which requires suspension of all or part of this policy, the superintendent may order such suspension. However, any such suspension lasting beyond forty-eight (48) hours must be authorized by the Commissioner.