
 <p>State of Connecticut Department of Correction</p> <p>ADMINISTRATIVE DIRECTIVE</p>	Directive Number 6.12	Effective Date 7/20/15	Page 1 of 19
	Supersedes Sexual Assault Prevention Policy, dated 11/02/2014		
Approved By  Commissioner Scott Semple	Title Inmate Sexual Abuse/Sexual Harassment Prevention and Intervention		

1. Policy. The Department of Correction shall maintain a zero tolerance policy on inmate sexual abuse/ sexual harassment. All employees, inmates, contractors, volunteers, vendors and visitors shall be subject to this zero tolerance policy. Violations of the policy may result in administrative and/or criminal sanctions. Each facility shall establish procedures for inmate sexual abuse/ sexual harassment prevention and intervention.
2. Authority and Reference.
 - A. Public Law 108-79, Prison Rape Elimination Act of 2003.
 - B. 28 C.F.R. 115, Prison Rape Elimination Act National Standards.
 - C. Connecticut General Statutes, Sections 18-81, 18-81cc 53a-70, 53a-71, 53a-71a, 53a-72a and 53a-73a.
 - D. Administrative Directives 1.6, Monthly and Annual Reports; 1.10, Investigations; 2.3, Employee Selection, Transfer and Promotion; 2.6 Employee Discipline; 2.7, Training and Staff Development; 2.15, Custodial Staff Deployment; 2.17, Employee Conduct; 2.24, Employee Arrests, Restraining Orders and Criminal Summons; 3.13, Contracts Administration; 4.7, Records Retention; 5.1, Projects, Capital Projects, Leases; 6.1, Tours and Inspections; 6.6, Reporting of Incidents; 6.9, Control of Contraband and Physical Evidence; 8.1, Scope of Health Services Care; 8.5, Mental Health Services; 9.2, Offender Classification; 9.3, Admissions, Transfers and Discharges; 9.5 Code of Penal Discipline; 9.9, Protective Management; 10.4, Volunteer and Recreation Services; 10.8 Religious Services; 10.12, Inmate Orientation; 10.19, Americans with Disabilities Act.
 - E. University of Connecticut Health Center, Correctional Managed Health Care, Policy B 5.01, Sexual Contact/Assault.
 - F. American Correctional Association, Standards for Adult Correctional Institutions, Fourth Edition, January 2003, Standards 4-4281-1 through 4-4281-8 and 4-4406.
 - G. American Correctional Association, Performance-Based Standards for Adult Local Detention Facilities, Fourth Edition, June 2004, Standards 4-ALDF-2A-29, 4-ALDF-4D-22, 4-ALDF-4D-22-1 through 4-ALDF-4D-22-8 and 4-ALDF-7B-10.
 - H. National Commission on Correctional Health Care, Prison Health Standards, 2003, Standard P-G-09.
 - I. Parole and Community Services Policy & Procedure Manual.
3. Definitions and Acronyms. For the purposes stated herein, the following definitions and acronyms apply:
 - A. Agency PREA Coordinator. A person appointed by the Commissioner of Correction or his/her designee shall serve as the agency PREA Coordinator for the Connecticut Department of Correction.
 - B. Abusive Sexual Contact. Contact of any person without his or her consent, or of a person who is unable to consent or refuse AND the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, without his or her consent, or of a person who is unable to

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- consent or refuse; excluding incidents in which the intent of the contact is to harm or debilitate rather than to sexually exploit. Abusive sexual contact shall also include any unwanted and/or forced kissing and hugging.
- C. Community Supervision. The supervision and management of inmates in the community. Such supervision includes but is not limited to locations outside of a correctional facility where they are required to reside as part of a term of imprisonment or as a condition of release prior to end of sentence.
- D. Exigent Circumstances. Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.
- E. Facility PREA Compliance Manager. A supervisory employee assigned by the Unit Administrator or his/her designee shall serve as the Facility PREA Compliance Manager at each facility.
- F. HIV. Human Immunodeficiency Virus
- G. Intersex. A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- H. Nonconsensual Sexual Act. Contact of any person without his or her consent, or of a person who is unable to consent or refuse AND one of the following: (1) contact between the penis and the vagina or the penis and the anus including penetration, however slight; or (2) contact between the mouth and the penis, vagina, or anus; or (3) penetration of the anal or genital opening of another person by a hand, finger, or other object.
- I. PREA. Prison Rape Elimination Act.
- J. Preponderance of Evidence. Proof by information that, compared with information opposing it, leads to the conclusion that the fact at issue is more probably true than not.
- K. Separation Profile. A record specifying the need and reason for keeping two (2) or more individuals apart from each other.
- L. Sexual Abuse. For the purposes of this Directive, sexual abuse shall be defined as the following conduct between persons regardless of gender. There are two categories of sexual abuse:
- 1) Sexual abuse of an inmate by another inmate includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - (b) Contact between the mouth and the penis, vulva, or anus;
 - (c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and:
 - (d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to physical altercation.
 - 2) Sexual abuse of an inmate by a staff member, vendor, contractor, or volunteer includes any of the following acts, with or without consent of the inmate:
 - (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - (b) Contact between the mouth and the penis, vulva, or anus;
 - (c) Contact between the mouth and any body part where the staff member, contractor, vendor or volunteer has the intent to abuse,

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- arouse, or gratify sexual desire;
- (d) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (e) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (f) Any attempt, threat, or request by a staff member, contractor, vendor or volunteer to engage in the activities described in paragraphs (a) through (e) of this section;
- (g) Any display by a staff member, contractor, vendor or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, and;
- (h) Voyeurism by a staff member, contractor, vendor or volunteer.
- M. Sexual Harassment. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, directed toward another; and repeated verbal comments or gestures of a sexual nature to an inmate, by a staff member, contractor, vendor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- N. STARS. Statistical Tracking Analysis Reporting System.
- O. Substantiated Allegation. An allegation that was investigated and determined based upon the preponderance of the evidence to have occurred.
- P. Transgender. A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
- Q. Unfounded Allegation. An allegation that was investigated and determined based on the preponderance of the evidence not to have occurred.
- R. Unsubstantiated Allegation. An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- S. Voyeurism. An invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.
4. Staffing Plan. The agency PREA Coordinator shall assist in the development and documentation of a staffing plan that provides for adequate levels of staffing in all facilities, and, where applicable, video monitoring to protect inmates against sexual abuse. Each facility must document and justify all deviations from the staffing plan. Whenever necessary, but at least once a year for each facility, the agency PREA Coordinator shall, in consultation with others in the agency, assess, determine and document whether adjustments are needed to the staffing plan, video and other monitoring technology, and the resources the facility has available to adhere to the staffing plan.

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5. Community Confinement. Any contract entered into by the Department of Correction with a private entity that provides for the housing of residents in the community must include a requirement that the private entity adopt and comply with PREA standards and shall provide for monitoring by the Department to ensure the private entity's compliance with PREA standards. Only in emergency circumstances in which all reasonable attempts to find a private entity in compliance with PREA standards have failed may the Department contract with a private entity that fails to comply with PREA standards. In such a case, the unsuccessful attempts to find a private entity in compliance with PREA standards must be documented.

6. Staff Selection

A. Hiring New Staff. The Department of Correction shall not hire anyone who may have contact with inmates who is known to the Department of Correction to have:

1. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, institution housing persons who are mentally ill or disabled or retarded or chronically ill or handicapped, or institution providing skilled nursing or intermediate or long-term care or custodial or residential care;
2. Been convicted of engaging in or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
3. Was civilly or administratively adjudicated to have engaged in the activity described in subsection (2) of this section.

The Department of Correction shall consider any known incidents of sexual abuse/harassment in determining whether to hire anyone who may have contact with inmates.

Before hiring new employees who may have contact with inmates, the Department of Correction shall:

1. Perform a criminal background check; and
2. Consistent with Federal, State and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of resident or detainee sexual abuse/harassment or any resignation pending an investigation of such allegations.
3. Ask the applicant in a written application or interview directly about whether they have been found to have engaged in sexual abuse/ harassment in a prison, jail, lockup, community confinement facility, juvenile facility, institution housing persons who are mentally ill or disabled or retarded or chronically ill or handicapped, or institution providing skilled nursing or intermediate or long-term care or custodial or residential care. Material omissions regarding such misconduct, or the provision of materially false information regarding such misconduct may be grounds for termination.

B. Continuing Duty to Disclose. Any current or newly hired staff member has a continuing duty to disclose any finding that they have engaged in sexual abuse/ harassment in a prison, jail, lockup, community confinement facility, juvenile facility, institution

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housing persons who are mentally ill or disabled or retarded or chronically ill or handicapped, or institution providing skilled nursing or intermediate or long-term care or custodial or residential care. Material omissions regarding such misconduct, or the provision of materially false information regarding such misconduct may be grounds for termination. Staff are also subject to the reporting requirements of Administrative Directives 2.17 and 2.24 with respect to arrests, restraining orders and criminal summons. The Department of Correction shall also perform a criminal background records check at least every five years of current employees.

7. Staff Promotion. The Department of Correction shall not promote any employee who may have contact with inmates who is known to the Department of Correction to have:
- A. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, institution housing persons who are mentally ill or disabled or retarded or chronically ill or handicapped, or institution providing skilled nursing or intermediate or long-term care or custodial or residential care;
 - B. Been convicted of engaging in or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - C. Was civilly or administratively adjudicated to have engaged in the activity described in this section.
 - D. The Department of Correction shall consider any incidents of inmate sexual harassment in determining whether to promote anyone who may have contact with inmates. In addition, the Department of Correction shall ask the candidate for promotion in a written application or interview directly about whether they have been found to have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, institution housing persons who are mentally ill or disabled or retarded or chronically ill or handicapped, or institution providing skilled nursing or intermediate or long-term care or custodial or residential care. Material omissions regarding such misconduct or the provision of materially false information regarding such misconduct may be grounds for termination.
8. Selecting Contractors, Vendors and Volunteers. The Department of Correction shall not enlist the services of any contractor, vendor or volunteer who may have contact with inmates who is known to the Department of Correction to have:
- A. Engaged in sexual abuse/harassment in a prison, jail, lockup, community confinement facility, juvenile facility, institution housing persons who are mentally ill or disabled or retarded or chronically ill or handicapped, or institution providing skilled nursing or intermediate or long-term care or custodial or residential care;
 - B. Been convicted of engaging in or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - C. Was civilly or administratively adjudicated to have engaged in the activity described in this section.
 - D. The Department of Correction shall consider any known incidents of inmate sexual abuse/harassment in determining whether to enlist

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the services of any contractor, vendor or volunteer who may have contact with inmates.

Before enlisting the services of any contractor, vendor or volunteer who may have contact with inmates, the Department of Correction shall perform a criminal background check, which shall be repeated every five years (if necessary).

9. Staff Training

A. Pre-Service Orientation Training. Newly hired staff with direct inmate contact shall receive training on inmate sexual abuse/ sexual harassment prevention prior to being assigned to a facility. Staff shall be trained regarding:

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

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

B. In-Service Training. Staff with direct inmate contact shall receive refresher training on sexual abuse/ sexual harassment prevention, intervention and follow-up procedures annually. Such training shall be tailored to the gender of the inmates at the employee's facility so that the employee receives training specific to the gender he or she supervises, even if the employee has previously worked in a facility with inmates of a different gender. The Department of Correction shall document, through employee signature or electronic verification that employees understand the training they have received. Investigators and Health Practitioners shall receive additional training specific to their areas of responsibility. All contractors and volunteers who have contact with inmates must be trained on their responsibilities under the agency's sexual abuse prevention and intervention policy. The level and type of training provided to volunteers, vendors and contractors shall be based on

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the services they provide and the level of contact they have with inmates, but all volunteers, vendors and contractors who have contact with inmates shall be notified of the agency's zero tolerance policy for inmate sexual abuse and harassment and informed on how to report any incidents. The agency shall maintain documentation confirming that volunteers, vendors and contractors understand the training they received.

- C. Roll Call Notices. Each facility shall update staff as needed via roll call notices as directed by the Unit Administrator in consultation with the Agency PREA Coordinator.
10. Inmate Education. During intake processing each inmate shall receive orientation that includes a presentation of the PREA video titled "PREA- What you need to know" in accordance with Administrative Directive 10.12, Inmate Orientation. Each inmate shall sign the designated form acknowledging receipt of such materials which shall be maintained in the inmate's Master File. Inmates assigned to a restrictive status or inmates whose status and/or behavior preclude them from attending group orientation sessions shall receive a "Sexual Abuse/ Sexual Harassment Prevention for Inmates" handout as well as the Inmate Handbook with information regarding the Prison Rape Elimination Act and personal safety. During orientation, inmates shall be made aware of DOC's zero tolerance policy for Inmate Sexual Abuse and Sexual Harassment and at least two internal methods of reporting sexual abuse/ sexual harassment and one method of reporting sexual abuse to an external entity that is not part of the Department of Correction. Third party and anonymous reporting must be allowed. Additionally, inmates shall be provided with contact information for victim advocacy groups that provide services to victims of sexual abuse. Inmates with disabilities that prevent them from being able to access the materials in the format(s) in which they are regularly provided shall be accommodated in a way appropriate to their disability in accordance with Administrative Directive 10.19 American with Disabilities Act.
11. Screening for Risk of Victimization and Abusiveness.
- A. On Intake to the Facility. During intake as a direct admit, inmates shall be screened by qualified staff members using A.D.9.3, Attachment-B Intake Health Screening (HR 001) form and CN 9306 Inmate Intake Form. During inter-facility transfer, inmates shall be screened by qualified staff members using A.D. 9.3, Attachment- I Transfer Summary (HR 005) form and CN 9306/2 Inmate Intake Form. Screening shall incorporate the use of best practices in making a determination of the inmate's risk of being sexually abused by other inmates or sexually abusive towards other inmates. This screening shall ordinarily take place upon intake processing, unless exigent circumstances exist, then not later than 72 hours of arrival at the facility. The intake screening shall consider, at minimum, the following criteria to assess inmates for risk of sexual victimization or abusiveness:
- Whether the inmate has a mental, physical, or developmental disability;
 - The age of the inmate;
 - The physical build of the inmate;
 - Whether the inmate has previously been incarcerated;
 - Whether the inmate's criminal history is exclusively nonviolent;

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- Whether the inmate has prior convictions for sex offenses against an adult or child;
- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- Whether the inmate has previously experienced sexual victimization;
- Whether the inmate has previously engaged in sexual abusiveness towards another person;
- The inmate's own perception of vulnerability, and
- Whether the inmate is detained solely for civil immigration purposes.

Inmates may not be subject to disciplinary action for refusing to Answer or failing to disclose information during the screening Process related to the following subjects:

- Having a physical, mental or developmental disability;
- Being perceived as gay, lesbian, bisexual, transgender, intersex or gender non-conforming;
- Being a victim of prior sexual victimization; and,
- Perception of their own vulnerability.

1) Inmates at high risk for sexual victimization shall not be placed involuntarily in restrictive housing unless an assessment of all available housing alternatives has been made and a determination has been made that there is no available alternative housing means of separation from likely abusers. If the facility cannot perform such an alternative housing assessment immediately, the facility may hold the inmate involuntarily in restrictive housing on Administrative Detention status per A.D. 9.4 Restrictive Status for less than 24 hours while completing the alternative housing assessment.

2) Inmates placed in restrictive housing for this purpose shall have access to programs, privileges, education or work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document: (1) the opportunities that have been limited; (2) the duration of the limitation; and (3) the reasons for such limitations.

3) The facility shall assign such inmates to involuntary restrictive housing on Administrative Detention status only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days. If an involuntary restrictive housing assignment is made, the facility shall document: (1) the basis for the facility's concern for the inmate's safety; and (2) the reason why no alternative means of separation can be arranged. Every 30 days, the facility shall review the circumstances to determine whether there is a continuing need for separation from the general population.

B. After Intake to the Facility. Within 30 days from the inmate's arrival at the facility, qualified staff must reassess the inmate's risk of victimization or abusiveness with documentation on the inmate classification history form, based on any additional, relevant information received by the facility since the initial intake screening. An inmate's risk of victimization or abusiveness shall also be reassessed when warranted due to a referral, request, incident of sexual abuse/harassment, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

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- C. Use of Screening Information. The Department shall use screening information to enhance housing, bed, work, education and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. The Department will make individualized determinations on how to ensure the safety of each inmate. Information obtained through screening shall be kept confidential and only shared to the extent that it is necessary to do so to inform treatment plans, security and management decisions (including housing, bed, work, education and program assignments) or as otherwise required by Federal, State or local law. Medical and mental health practitioners must obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under 18. If screening indicates that an inmate has experienced prior sexual victimization or has previously perpetrated sexual abuse the inmate shall be offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening no matter where the sexual victimization or abuse occurred.
- D. Transgender and Intersex Inmates. In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the Department shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year by the unit counselor to review any threats to safety experienced by the inmate. The results of the review shall be documented on the inmate classification history form in section 5 of the inmate master file. A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates. The Department shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.
- E. Showering and Bodily Functions. Inmates shall be permitted to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staff of the opposite gender must announce their presence when entering an inmate housing unit when no other staff of the opposite gender is present.
12. Inmate and Third Party Reporting of Sexual Abuse and Sexual Harassment.
- A. Inmate Reporting. The Department has multiple methods for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse or harassment, and staff neglect or violation of responsibilities that may have

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contributed to such incidents.

Inmates may report such incidents in the following ways:

1. Reporting to any staff member either verbally or in writing (verbal reports must be documented promptly);
2. Calling the PREA hotline;
3. Writing an inmate request;
4. Writing an anonymous note;
5. Calling the Connecticut State Police;
6. Inmates detained solely for civil immigration purposes may also contact any relevant consular officials and relevant officials at the United States Department of Homeland Security. Staff shall provide contact information to such inmates upon request.

In addition, staff shall, to the extent necessary, take steps to aid inmates with disabilities and non-English speakers to report such incidents. Staff use of inmate language interpreters shall normally be prohibited. Except in exigent circumstances where a delay in obtaining an effective non-inmate interpreter could jeopardize the safety or well being of any involved party. Delays which may significantly hinder the performance of an employee's duties of information gathering, reporting and/or assisting an alleged victim must be properly documented.

Inmates who file reports of sexual abuse and/or sexual harassment that are deemed to be false and unfounded after proper investigation may be subject to disciplinary action in accordance with Administrative Directive 9.5, Code of Penal Discipline and/or criminal charges according to applicable State laws.

- B. Third Party Reporting. Staff shall accept reports of sexual abuse, sexual harassment, retaliation for reporting sexual abuse and harassment or staff neglect or violation of responsibilities from inmates not directly involved in the incident in question. Such inmates may report these incidents in any manner set forth above.

Inmates who file third party reports of sexual abuse and/or sexual harassment that are deemed to be false and unfounded after proper investigation may be subject to disciplinary action in accordance with Administrative Directive 9.5, Code of Penal Discipline and/or criminal charges according to applicable State laws.

Staff shall also accept such reports from individuals outside the correctional facility. These individuals may make reports by:

1. Writing to or calling the Commissioner, Deputy Commissioner, District Administrator or Unit Administrator of the facility in which the incident allegedly occurred;
2. Contacting the PREA Coordinator;

The Department shall make the above information about reports from third parties outside the correctional facility available on its website.

13. Staff Monitoring and Intervention (Sexual Abuse). Staff, volunteers, vendors and contractors shall treat any observation of sexual activity as potential sexual abuse. All staff, vendors, volunteers and contractors shall report any instance of suspected, alleged or actual sexual abuse, retaliation against staff or inmates for reporting sexual abuse, or staff neglect or violation of responsibilities contributing to sexual abuse to a

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shift supervisor as soon as practical and provide documentation in accordance with Administrative Directive 6.6, Reporting of Incidents.

Supervisory staff on all shifts shall conduct random, unannounced tours throughout their area(s) of responsibility in accordance with Administrative Directive 6.1, Tours and Inspections. Staff shall not alert other staff to the fact that these tours are occurring, unless doing so is related to legitimate operational concerns. The use of video surveillance cameras shall be used to augment staff tours for increased observation. Each facility shall identify blind spots where sexual abuse is at higher risk of occurring and develop a strategy to compensate for such areas.

The following responsibilities apply to situations involving inmates housed in a Correctional facility:

A. Staff Action. If a staff member including medical staff, suspects, or an inmate or third party alleges that he/she or another inmate may have suffered from sexual abuse, the following actions shall be implemented:

1. Identify, separate and secure inmates involved, if necessary.
2. Identify the crime scene and maintain the integrity of the scene for evidence gathering.
3. Notify a shift supervisor of the incident as soon as practical.
4. Do not allow any inmates involved to shower, wash, drink, brush teeth, eat, defecate, urinate, or change clothes until examined if doing so could be reasonably expected to destroy biological, forensic or physical evidence related to such sexual abuse.
5. Promptly document incident on CN 6601, Incident Report and forward to a shift supervisor in accordance with Administrative Directive 6.6, Reporting of Incidents.
6. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

If the incident reported allegedly occurred in a facility that is not under the jurisdiction of the Department of Correction, or at a facility/ site under the jurisdiction of the Department of Correction other than where it is reported the Unit Administrator or designee shall notify the administrator of the other facility of the allegation within 72 hours of the reporting of the incident.

B. Supervisory Action. In addition to the requirements of Section 13(A) above, the supervisor shall:

1. Contact the facility duty officer as soon as practical.
2. Alert health services staff as soon as practical. Escort the victim to the Health Services Unit for a private medical and mental health assessment as soon as possible.
3. Take appropriate steps to ensure that the victim is not left alone.
4. Offer or make arrangements for the victim to speak with the facility's religious service representative.
5. Ensure timely access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
6. Complete all necessary reports in accordance with this

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Directive and Administrative Directive 6.6, Reporting of Incidents.

7. Complete CN 61201- PREA Incident Checklist.
8. Forward the reports through the appropriate chain of command for review and follow up investigation.
9. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

If the incident reported allegedly occurred in a facility that is not under the jurisdiction of the Department of Correction, or at a facility/ site under the jurisdiction of the Department of Correction other than where it is reported, the Unit Administrator or designee shall notify the administrator of the other facility of the allegation within 72 hours of the reporting of the incident.

C. Medical Staff Action. The following actions shall be undertaken by facility medical staff in response to a reported incident of sexual abuse:

1. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any facility. (An inmate may refuse such treatment in writing utilizing HR-301; Refusal of Health Services) any such refusal must be documented by the Supervisor completing the PREA Incident Checklist (CN61201).
2. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
3. Medical and mental health staff must inform the alleged victim of their duty to report allegations of sexual abuse and limitations of confidentiality regarding that topic at the initiation of services.
4. The facility shall provide such victims with medical and mental health services consistent with the community level of care.
5. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests and timely information about and access to emergency contraception.
6. Inmate victims of sexual abuse while incarcerated shall be offered timely access to information about and access to sexually transmitted infections prophylaxis and tests for sexually transmitted infections all as medically appropriate.
7. Treatment services relative to sexual abuse shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
8. All facilities shall attempt to conduct a mental health evaluation of all known inmate-on-inmate aggressors within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.
9. If pregnancy results from the conduct described in this

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directive, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

10. If the inmate is under 18 or otherwise subject to any mandatory reporting laws, report the incident to the Department of Children and Families or relevant agency.
11. Complete and submit all required documentation.
12. Offer a forensic examination.

D. Community Supervision Staff Action. If a Community Supervision Staff suspects or an inmate alleges that he/she or another inmate may have suffered from sexual abuse the following actions shall be implemented:

1. Notify immediate supervisor as soon as practical.
2. Notify appropriate law enforcement agency and parole staff.
3. Identify the crime scene and attempt to maintain the integrity of the scene for possible evidence gathering (If practical).
4. Complete all required documentation.
5. Ensure that inmate receives appropriate medical care (If circumstances dictate).

14. Staff Monitoring and Intervention (Sexual Harassment). All staff, volunteers, vendors and contractors shall report any instance of suspected, alleged or actual sexual harassment, retaliation against staff or inmates for reporting sexual harassment, or staff neglect or violation of responsibilities contributing to sexual harassment to a shift supervisor as soon as practical and provide documentation in accordance with Administrative Directive 6.6, Reporting of Incidents. The following responsibilities apply to situations in a Correctional Facility:

A. Staff Action. If a staff member suspects or an inmate or third party alleges that he/she or another inmate may have suffered from sexual harassment the following actions shall be implemented:

1. Identify and separate inmates involved, if necessary.
2. Notify a shift supervisor of the incident as soon as practical.
3. Document incident on CN 6601, Incident Report and forward to a shift supervisor in accordance with Administrative Directive 6.6, Reporting of Incidents.

B. Supervisory Action. In addition to the requirements of Section 14(A) above, the supervisor shall:

1. Notify the facility duty officer.
2. Complete HR-501, Request for Mental Health Services.
3. Complete all necessary reports in accordance with this Directive and Administrative Directive 6.6, Reporting of Incidents.
4. Complete CN 61202-PREA Incident Checklist.
5. Forward all documents through chain of command for review/follow-up investigation.

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- C. Medical Staff Action. The following actions shall be undertaken by facility medical staff in response to a reported incident of sexual harassment:
1. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual harassment in any facility.
- D. Community Supervision Staff Action. If a Community Supervision Staff suspects or an inmate alleges that he/she or another inmate may have suffered from sexual harassment the following actions shall be implemented:
1. Notify immediate supervisor as soon as practical.
 2. Complete all required documentation.
 3. Forward completed documentation through chain of command for follow-up investigation.
15. Evidence Protocol/Securing the Area. The area of any attempted or actual sexual abuse shall be treated as a possible crime scene in accordance with Administrative Directive 6.9, Control of Contraband and Physical Evidence. Once the inmate is removed from the area, care shall be taken not to disturb the suspected crime scene. Items shall not be cleansed or removed. Photos shall be taken of the suspected crime scene and any suspected physical evidence. Sketches and notes should be made of the location if items are/were removed. Only authorized personnel shall be allowed to enter the area. The collection of physical evidence shall be conducted by the Connecticut State Police or in instances when authorized by the Connecticut State Police, Department employees shall collect, secure and store physical evidence. If required, authorized and trained Department of Correction personnel shall collect evidence as follows:
- A. Latex or rubber gloves shall be worn while handling/ processing any evidence items.
 - B. Each specific item of physical evidence shall be placed in a separate paper bag, envelope or container so as to avoid disturbing or compromising the integrity of the physical evidence.
 - C. The storage container shall be tagged utilizing CN 6901, Contraband/Physical Evidence Tag and Chain of Custody.
 - D. Physical evidence items when removed from the scene shall be placed in the physical evidence storage area or turned over to the Connecticut State Police.
 - E. Once the Connecticut State Police have cleared the crime scene, the Unit Administrator or designee may issue the orders for the area to be cleaned and inventoried.
16. Investigation of Sexual Abuse/ Sexual Harassment. The Connecticut State Police shall serve as the primary investigating authority in all incidents of sexual abuse within the Department of Correction. When inmates are being housed within the community confinement centers with which the Department contracts, the appropriate law enforcement agency shall be the investigating authority. All such referrals to police shall be documented. The Department's PREA Investigation Unit shall assist the appropriate law enforcement agency as needed and shall conduct a separate internal investigation into the incident in accordance with Administrative Directive 1.10, Investigations. The PREA Investigation Unit or designee shall serve as the primary investigating authority for all incidents of sexual harassment. All PREA investigators shall complete specialized training in accordance with Administrative Directive 1.10.

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In the event the appropriate law enforcement agency refuses to investigate a sexual abuse allegation, such refusal shall be documented on an Incident Report Form CN 6601 and the Unit Administrator immediately notified.

17. Reporting to Inmates Making an Allegation of Sexual Abuse. Following an investigation into an inmate's allegation that he or she suffered sexual abuse in a facility, the PREA Unit shall inform the inmate when an allegation is found to be substantiated. If the investigation was performed by the State Police and not the PREA Unit, the PREA Unit shall request the relevant information from the State Police in order to inform the inmate.
- A. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the facility shall subsequently inform the inmate (unless the allegation has been determined to be unfounded or unsubstantiated) whenever:
- (1) the staff member is no longer in the inmate's housing unit;
 - (2) the staff member is no longer employed at the facility;
 - (3) the Department learns that the staff member has been arrested on a charge related to sexual abuse within the facility; or
 - (4) the Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- B. Following an inmate's allegation that he or she has been sexually abused by another inmate, the Department shall inform the alleged victim whenever:
- (1) the Department learns that the alleged abuser has been arrested on a charge related to sexual abuse in the facility; or
 - (2) the Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

All such notifications shall be documented on the CN 9202 Offender Classification History form in section 5 of the inmate's master file. The Department's obligation to report under this standard shall terminate if the alleged victim is released from the Department's custody.

18. Post Allegation Protection of Inmates and Staff from Retaliation. No inmate or staff should be retaliated against for reporting inmate sexual abuse or inmate sexual harassment. For at least 90 days following a report of sexual abuse, the facility shall monitor the conduct and treatment of inmates or staff who reported the alleged sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items the PREA Unit should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The PREA Unit should also include periodic status checks of any alleged inmate victims. The PREA Unit shall continue the monitoring beyond 90 days if the initial monitoring indicates a continuing need for monitoring. If any other individual who cooperates with the investigation expresses a fear of retaliation, the PREA Unit shall recommend appropriate actions (if any) to protect the individual against retaliation. The agencies PREA Director Unit's obligation to monitor shall terminate if an investigation determines that the allegation is unfounded.

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19. Classification. Victims/alleged victims of sexual abuse and aggressors/alleged aggressors shall be identified and tracked. Inmates involved in sexual abuse shall be kept separate from each other by means of a separation profile utilizing CN 9902, Separation Profile Entry/Update/Deletion Request. The establishment or modification of a separation profile, to include updating the appropriate RT screen(s), shall be completed in accordance with Administrative Directive 9.2, Offender Classification.

Inmates who are perceived as sexual aggressors or potential sexual aggressors by the Unit Administrator/designee based on past and/or present sexual behavior, classification information, a clinical assessment conducted by a licensed healthcare provider or other verifiable information, shall be appropriately housed at the facility or may be transferred to another facility for the purposes of separation from victims and potential victims.

20. Upgrades to Facilities and Technologies. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect the inmates from sexual abuse. When installing or updating a video monitoring system, electronic surveillance system or other monitoring technology, the Department shall consider how such technology may enhance the Department's ability to protect inmates from sexual abuse.

21. Disciplinary Sanctions.

A. Staff Discipline In accordance with Administrative Directives 2.6 Employee Discipline and 2.17 Employee Conduct, staff shall be subject to disciplinary sanctions up to and including termination for violating agency inmate sexual abuse and/or harassment policies. Termination is the presumptive disciplinary sanction for staff who have been found to have engaged in sexual abuse. All terminations for violations of agency inmate sexual abuse or harassment policies or resignations by staff who would have been terminated but for their resignation shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

B. Corrective Action for Contractors, Vendor and Volunteers. Any contractor, vendor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency inmate sexual abuse or sexual harassment policies by a contractor or volunteer.

C. Inmate Discipline. Inmates shall be subject to disciplinary sanctions in accordance with Administrative Directive 9.5 Code of Penal Discipline if an investigation finds that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact. A report of sexual abuse, made in good faith based on a reasonable belief

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that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. However, if an investigation concludes that the report of sexual abuse was not made in good faith, an inmate may be subject to discipline in accordance with Administrative Directive 9.5 Code of Penal Discipline.

All sexual activity between inmates is prohibited and inmates may be disciplined for engaging in this activity. However, if the activity is not coerced, inmates engaging in the activity will not be found guilty of sexual abuse, although they may be subject to other disciplinary sanctions.

22. Review by Facility of Sexual Abuse Incidents. Each facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation unless the incident has been determined to be unfounded. The review shall ordinarily occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials, with input from line supervisors, investigators and medical or mental health practitioners. The review team shall: (1) consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; (2) consider whether the incident or allegation was motivated by race, ethnicity, gang affiliation, gender identity, status or perceived status as lesbian, gay, bisexual or intersex, or was motivated or otherwise caused by other group dynamics at the facility; (3) examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; (4) assess the adequacy of staffing levels in that area during different shifts; (5) assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and (6) prepare a report of its findings, including but not necessarily limiting the report to the areas laid out herein as well as any recommendations for improvement. The report shall be submitted to the facility's unit administrator and the PREA Director.

The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.

23. Reporting. Documentation and reporting of sexual abuse/ sexual harassment or related behavior shall be as follows:
- A. Internal Reporting. All sexual abuse/ sexual harassment shall be documented on CN 6601, Incident Report in accordance with Administrative Directive 6.6, Reporting of Incidents and included in the monthly STARS report in accordance with Administrative Directive 1.6, Monthly and Annual Reports. Each documented report of sexual abuse/ sexual harassment shall be reviewed by the facility PREA Compliance Manager. Such review shall be documented on CN 61203; PREA Incident Post-Investigation Facility Review. The STARS report shall list all the reports of sexual abuse/ sexual harassment including:
1. Substantiated Allegations
 2. Unsubstantiated Allegations
 3. Unfounded Allegations

This information shall also be compiled for each residential facility with which the Department contracts for the housing of inmates.

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The information described in this section shall be made readily available to the public at least annually through the Department's website. The sexual abuse data collected shall be retained for at least 10 years after the date of initial collection unless Federal, State or local law requires otherwise.

B. External Reporting. Annually, sexual abuse/ sexual harassment statistics shall be provided to the United States Department of Justice (Bureau of Justice Statistics). The annual report shall include the statistics in the following categories:

1. Nonconsensual sexual acts that were: (a) reported; (b) substantiated; (c) unsubstantiated; (d) unfounded; (e) on which investigation is ongoing;
2. Abusive sexual contacts that were: (a) reported; (b) substantiated; (c) unsubstantiated; (d) unfounded; (e) on which investigation is ongoing;
3. Staff sexual misconduct that was: (a) reported; (b) substantiated; (c) unsubstantiated; (d) unfounded; (e) on which investigation is ongoing;
4. Staff sexual harassment that was: (a) reported; (b) substantiated; (c) unsubstantiated; (d) unfounded; (e) on which investigation is ongoing;
5. Total number of substantiated incidents.

The annual report shall be forwarded to the U.S. Department of Justice (Bureau of Justice Statistics) via Internet transmission to the following address: <http://harvester.census.gov/ssv>. Upon request by the Department of Justice, the Department shall also provide all such data for the previous calendar year.

C. Tracking. The Department's PREA Investigation Unit shall track all allegations of sexual abuse/ sexual harassment to include investigation results and any actions taken by the Department, Connecticut State Police and/or the courts.

The agency PREA Coordinator shall review data collected and aggregated to assess and improve the effectiveness of the Department's sexual abuse prevention, detection, and response, policies, practices and training by: (1) identifying problem areas; (2) recommending corrective action on an ongoing basis; and (3) preparing an annual report of the findings and corrective actions for each facility as well as the Department as a whole. This report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse. The report shall be approved by the Commissioner and be made readily available to the public through the Department's website. Prior to being made publicly available, information that would present a safety and security threat if made public can be redacted from the report with an explanation as to the nature of the redacted information.

24. AUDITS

During the three-year period starting in 2013 and continuing for each three year period thereafter, the Department shall ensure that each facility it operates and each community confinement center with which it contracts for the housing of inmates in the community is audited at least once. Each year the Department shall ensure the audit of at least a third of its jails, prisons and community confinement centers. Auditors must be appropriately qualified and certified. The Department shall not use the

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services of an auditor who has received compensation from the Department in the past three years (except for payment for PREA audits) and the Department shall not employ, contract with, or otherwise financially compensate the auditor for three years following the audit (except for subsequent PREA audits).

The auditor shall be given access to all areas of the audited facilities and shall be permitted to receive copies of any relevant documents, tapes and other electronically available data that is relevant to the audit. The auditor shall be permitted to conduct private interviews with inmates, residents and staff, supervisors and administrators. Inmates shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

If an audit makes a "Does Not Meet Standard" finding on one or more standard, the Department shall work jointly with the auditor to develop a corrective action plan to achieve compliance. The Department shall cooperate with the auditor's attempts to verify implementation of the corrective action plan.

25. Forms and Attachments. The following forms and attachments are applicable to this Administrative Directive and shall be utilized for the intended function;
 - a. CN 61201, PREA Incident Check Sheet-Initial Report Or Allegation Of Sexual Abuse.
 - b. CN 61202, PREA Incident Check Sheet- Initial Report Or Allegation Of Sexual Harassment.
 - B. CN 61203, PREA Incident Post-Investigation Facility Review Form.
26. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner of Correction.