



**Request for Inclusion or Revision to an
Administrative Directive
Connecticut Department of Correction**

CN 1301
REV 07/25/16

Administrative Directive Number: 9.5

Title: Code of Penal Discipline

☒ I recommend the following inclusion or revision to the above referenced Administrative Directive (provide detailed explanation):

The following is being recommended to close a loophole between AD 6.12 and AD 9.5 in regards to unwanted kissing.

An unwanted kiss falls under sexual abusive contact definition in 6.12, section 3(B):

- 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 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.

However unwanted kissing does not fall under Sexual Abuse in 6.12, section 3(L):

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, 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.

Unwanted kissing also doesn't fall under sexual abuse in 9.5, section 3(W):

W. Sexual Abuse. Includes any of the following acts between Persons regardless of gender, consent, coercion, force or threat.

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

Hence it does not fall under Sexual Misconduct as a charge in 9.5, section 12(CC):

CC. Sexual Misconduct. Involvement in activities as defined in Section 3, Subsections (W) and (X) of this directive and/or Sexual Abuse and/or Sexual Harassment as defined in A.D. 6.12, Inmate Sexual Abuse/Sexual Harassment Prevention and Intervention.

An unwanted kiss (when confirmed) results in a founded PREA allegation however only a Class B DR for Insulting Language or Behavior can be issued. Recommend that AD 9.5 section be updated for the DR of Sexual Misconduct to include anything included in section 3-B of 6.12 as well.

CC. Sexual Misconduct. Involvement in activities as defined in Section 3, Subsections (W) and (X) of this directive and/or Sexual Abusive Contact, Sexual Abuse and/or Sexual Harassment as defined in A.D. 6.12, Inmate Sexual Abuse/Sexual Harassment Prevention and Intervention.



**Request for Inclusion or Revision to an
Administrative Directive**
Connecticut Department of Correction

CN 1301
REV 07/25/16

<input type="checkbox"/> See attached documents			
ORIGINATOR			
Name: Christopher Brunelle		Title: Captain	Date: 5/18/17
Signature:		Facility/Unit: York CI	
UNIT/DISTRICT/DIVISION RECOMMENDATIONS			
Approved	Denied	Unit Administrator's signature:	Date: 6/20/17
<input checked="" type="checkbox"/>	<input type="checkbox"/>	District Administrator's signature: (only needed if originating from facility)	Date: 6-22-17
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Division Administrator's signature:	Date: 3/5/18
Reviewed by: <input checked="" type="checkbox"/>		Office of Standards and Policy Staff signature:	Date: 3/20/18
COMMISSIONER'S DECISION			
This request is: <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DENIED Effective date of request:			
<input type="checkbox"/>	The language/provisions of this inclusion/revision shall be effective as of and subsequently added to the Administrative Directive at the next update:		Date: 3/9/18
<input type="checkbox"/>	This inclusion/revision shall be added to the Administrative Directive prior to:		Date:
<input type="checkbox"/>	This inclusion/revision shall be added immediately to the Administrative Directive.		
Commissioner's signature:			Date: 3/9/18