


**Rhode Island Department of Corrections
POLICY UNIT**

TO: RIDOC Employees

FROM: Patricia Coyne-Fague, Acting Director 

VIA: Jayne M. Del Sesto, Chief/Program Development

DATE: March 5, 2018

SUBJECT: **9.49-4 DOC; PREA (Prison Rape Elimination Act) Policy;
03/05/18**

The enclosed policy, effective 03/05/18, supercedes policy #9.49-3 DOC and contains numerous revisions.

ALL staff are strongly encouraged to read this policy in its entirety.

Unless otherwise specified, unit/program/facility managers are responsible for ensuring subordinate staff is adequately trained in the contents of this policy.

This policy is approved for inmates / public access.

This policy is available in Spanish.

RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE



POLICY NUMBER:
9.49-4 DOC

EFFECTIVE DATE:
03/05/18

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SUPERCEDES:
9.49-3 DOC

DIRECTOR:

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SECTION:
SECURITY AND CONTROL

SUBJECT: PREA (Prison Rape Elimination Act) Policy

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director

REFERENCES: Prison Rape Elimination Act of 2003 (P.L. 108-79); 28 CFR Part 115 National Standards To Prevent, Detect, and Respond to Prison Rape - Final Rule; RIGL § 11-25-24, Correctional employees - sexual relations with inmates - Felony; HIPAA; NCCHC Standard J-55 (Sexual Assault); the most recent version of RIDOC Policy #'s 1.13 DOC, [Limited English Proficiency](#); 3.05 DOC, [Sexual Harassment](#); 3.14 DOC, [Code of Ethics and Conduct](#); 3.30 DOC, [Reasonable Accommodation](#); 4.03 DOC, [Orientation and Entrance-Level Training for Non-Correctional Officer Employees, Volunteers, Mentors, Interns](#); 5.01 DOC, [Management of Semi-Active and Archival Records](#); 9.06 DOC, [Institutional Log Book System](#); 9.14 DOC, [Detecting and Confiscating Contraband on or in the Possession of Inmates/Detainees \(Including Frisk, Strip and Body Cavity Searches\) or in Inmate Transport Vehicles](#); 9.16 DOC, [Procedure for Protecting, Gathering, and Preserving Evidence](#); 9.31 DOC, [Reporting of Events in the Division of Institutions and Operations](#); 11.01 DOC, [Code of Inmate Discipline](#); 12.26 DOC, [Special Management of Juvenile Offenders](#); 18.30 DOC, [Receiving Screening and Mental Health Evaluation of New Commitments](#); 18.59 DOC, [Confidentiality of Inmate Health Information to Include Electronic Medical Record \(EMR\) and Paper Documents](#); 24.02 DOC, [Inmate Telephone Privileges/Monitoring](#); [PREA Investigations SOP](#); (RIGL) § 11-25-24 Correctional employees – Sexual relations with inmates – Felony; (RIGL) § 11-37-3.1 Duty to report sexual assault; (RIGL) § 11-37-3.3 Failure to report – Penalty

INMATE / PUBLIC ACCESS? X YES

AVAILABLE IN SPANISH? X YES

I. **PURPOSE:**

To establish guidance for staff and inmates regarding the prevention, detection and response efforts of the Rhode Island Department of Corrections (RIDOC) to eliminate incidents of sexual abuse and sexual harassment of inmates in RIDOC facilities.

II. **POLICY:**

A. RIDOC mandates zero tolerance of inmate sexual abuse and sexual harassment.

1. Every allegation of inmate sexual abuse and sexual harassment is thoroughly investigated and, where warranted by evidence, proportional sanctions up to and including criminal prosecution are implemented.
2. RIDOC's Special Investigations Unit (SIU) investigates allegations of inmate-on-inmate sexual abuse and sexual harassment, and the Office of Inspections (OI) investigates allegations of sexual abuse and sexual harassment of inmates involving staff, contractors, and volunteers.
3. RIDOC prohibits disciplinary action for a report of sexual abuse or sexual harassment that is made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.
4. Intentionally false reports made of sexual abuse and sexual harassment are subject to disciplinary action and referral for criminal prosecution.

B. A comprehensive training program is administered to all staff, contractors, volunteers, and inmates in order to emphasize the importance of preventing inmate sexual abuse and sexual harassment, and to promote awareness of the serious impact of sexual victimization within the correctional setting.

C. In the best interest of the inmate population and the overall safety of the department, all allegations of inmate sexual abuse and sexual harassment that an inmate, or any other person makes, to a RIDOC employee, volunteer, contractor or third party are immediately reported to a Superior Officer or supervisor, and are thoroughly investigated by SIU or OI, pursuant to the most recent version of RIDOC Standard Operating Procedure (SOP); [PREA Investigations](#).

It is the responsibility of Superior Officers and supervisors to notify SIU or OI of every incident of inmate sexual abuse and sexual harassment whether observed, reported or suspected.

- D. SIU's Chief Investigator ensures there is a timely response to every report of inmate-on-inmate sexual abuse and sexual harassment and oversees a comprehensive investigation to determine the nature of the incident and the role of each person involved in the incident.

OI's Chief Inspector ensures there is a timely response to every report of sexual abuse and sexual harassment of inmates involving staff, contractors, and volunteers and oversees a comprehensive investigation to determine the nature of the incident and the role of each person involved in the incident.

In addition, OI reviews every RIDOC sexual abuse investigation in an effort to determine if there were any contributing factors to the abuse.

If it is determined that the evidence appears to support criminal prosecution, the SIU's Chief Investigator or the OI's Chief Inspector, as appropriate, shall immediately notify the Rhode Island State Police (RISP), which becomes the lead agency in the investigation.

- E. Aware of the physical, psychological and emotional effects suffered by the victims of sexual abuse and sexual harassment while incarcerated, RIDOC shall make every reasonable effort to maintain the confidentiality of victims involved in these incidents, and provide appropriate medical and mental health services.
- F. RIDOC shall establish a data collection system to accurately track allegations of inmate sexual abuse and sexual harassment. This system shall facilitate identification of the core causal factors and contribute to an annual review which shall incorporate lessons learned into improved operations and services.

III. DEFINITIONS:

1. Agency PREA Coordinator - an administrator responsible for the development, implementation and oversight of the Department's compliance with the PREA Standards in all RIDOC facilities, as appointed by the Director.
2. Contractor - a person who provides services on a recurring basis pursuant to a contractual agreement with RIDOC.
3. Employee - a person employed by the State of Rhode Island and who is working at the RIDOC. This includes uniform and non-uniform staff members.
4. 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.

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5. Facility PREA Compliance Manager - supervisory-level staff person at each facility, designated by the Warden, or his/her designee, to communicate with the Agency PREA Coordinator and coordinate the facility's efforts to comply with the PREA standards.
 6. PREA - the Prison Rape Elimination Act, a federal law enacted in 2003 to eliminate sexual abuse in confinement settings. PREA mandated the development of national standards. The final standards became effective on June 20, 2012.
 7. Sexual Abuse -
 - a. **Sexual abuse of an inmate or detainee by another inmate or detainee**, 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:
 - (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.
 - b. **Sexual abuse of an inmate or detainee by a staff member, contractor or volunteer**, includes any of the following acts, with or without consent of the inmate or detainee:
 - (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) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

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- (4) 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;
 - (5) Any other intentional touching either directly or through the clothing, of 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;
 - (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (i.) - (vi.) of this section;
 - (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate or detainee, and
 - (8) Voyeurism by a staff member, contractor, or volunteer.
8. Sexual Harassment - includes
 - a. 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 or detainee directed toward another; and
 - b. Repeated verbal comments or gestures of a sexual nature to an inmate or detainee by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
 9. Substantiated Allegation - an allegation that was investigated and determined to have occurred.
 10. 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.
 11. Unfounded Allegation - an allegation that was investigated and determined not to have occurred.
 12. 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.

13. Volunteer - an individual who donates time and effort on a recurring basis to enhance the activities and programs of the RIDOC.
14. Voyeurism - an invasion of privacy of an inmate or detainee by a staff member, contractor, or volunteer 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 parts of an inmate's naked body or of an inmate performing bodily functions.
15. Youthful Inmate/Juvenile Offender - any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

IV. PROCEDURES:

A. **Training**

1. RIDOC Employees (PREA Standard 115.31)

All RIDOC employees shall receive training which includes, but is not limited to, the following:

- a. notification of RIDOC's zero tolerance mandate for inmate sexual abuse and sexual harassment;
- b. how to fulfill their responsibilities regarding the prevention, detection, reporting and response to allegations of inmate sexual abuse and sexual harassment;
- c. inmates' right to be free from sexual abuse and sexual harassment;
- d. right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- e. dynamics of sexual abuse and sexual harassment in prison;
- f. common reactions of sexual abuse and sexual harassment victims;
- g. how to detect and respond to signs of threatened and actual sexual abuse;
- h. how to avoid inappropriate relationships with inmates;

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- i. how to effectively and professionally communicate with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
 - j. how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
 2. All training shall be tailored to prepare staff to know and understand the requirements for working in a cross-gender facility (i.e. male staff working in a facility that houses only female inmates or female staff working in a facility that houses only male inmates). Staff shall be familiar with facility specific Standard Operating Procedures (SOP) to ensure PREA compliance (i.e. - a facility's knock and announce procedure).
 3. RIDOC shall provide each employee with refresher training every two (2) years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures.

In years in which an employee does not receive refresher training, RIDOC shall provide refresher information on the agency's current sexual abuse and sexual harassment policies.

4. Volunteers and Contractors (PREA Standard 115.32)
 - a. All RIDOC volunteers and contractors who have contact with inmates shall be trained on their responsibilities relating to RIDOC's sexual abuse and sexual harassment prevention, detection and response policies and procedures.
 - b. This training shall include, but not be limited to;
 - (1) notification of RIDOC's zero tolerance mandate regarding sexual abuse and sexual harassment of inmates;
 - (2) the consequences of such actions; and
 - (3) how to report such incidents.
5. Investigators (PREA Standard 115.34)
 - a. All staff in RIDOC's SIU and OI shall receive specialized training in conducting sexual abuse and sexual harassment investigations in a prison setting in addition to the standard RIDOC employee PREA training. The SIU and OI staff shall follow the most recent version of

the RIDOC Standard Operating Procedure (SOP); [PREA Investigations](#).

- b. This training shall include, but not be limited to:
 - (1) techniques for interviewing sexual abuse victims;
 - (2) proper use of Miranda and Garrity warnings;
 - (3) sexual abuse evidence collection in a prison setting; and
 - (4) the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

6. Medical and Mental Health Care (PREA Standard 115.35)

- a. All full-time and part-time medical and mental health practitioners who regularly work in facilities shall receive specialized training related to sexual abuse and sexual harassment in addition to the standard RIDOC PREA training, for employees or for contractors and volunteers depending upon the practitioner's status.
- b. This training shall include, but not be limited to:
 - (1) how to detect and assess signs of sexual abuse and sexual harassment;
 - (2) how to preserve physical evidence of sexual abuse;
 - (3) how to respond effectively and professionally to victims of sexual abuse and sexual harassment;
 - (4) how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

7. Documentation of Training

The RIDOC Training Academy shall maintain a record of all individuals (i.e., employees, volunteers, and contractors) who receive, as applicable, standard RIDOC PREA training, PREA refresher training, specialized PREA training (investigative and/or medical/mental health), and PREA refresher information. (PREA Standards 115.31, 115.32, 115.34 and 115.35)

- a. For employees, RIDOC shall verify, through employee signature, that employees understand the PREA training they have received. (PREA Standard 115.31)
- b. For volunteers and contractors, RIDOC shall maintain documentation confirming that those trained understand the PREA training they have received. (PREA Standard 115.32)

B. Inmate Education (PREA Standard 115.33)

1. During the intake and commitment process to each facility, inmates shall receive information explaining the RIDOC's zero tolerance policy regarding sexual abuse and sexual harassment, and how to report such incidents or suspicions. (See the most recent version of RIDOC Policy #14.01 DOC; [Intake/Committing Process](#)).
2. Within thirty (30) days of intake to a facility, the facility shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding RIDOC's policies and procedures for responding to such incidents.
3. Inmates with Disabilities and Limited English Proficiency (PREA Standard 115.16)
 - a. Each facility shall ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

For more information, please see the most recent version of RIDOC Policy #3.30 DOC; [Reasonable Accommodation](#).
 - b. Each facility shall provide inmates with limited English proficiency with meaningful access to all aspects of the agency's efforts to prevent, detect and respond to sexual abuse and sexual harassment, including access to interpreters.
 - c. The RIDOC prohibits use of inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegations.

For more information, please see the most recent version of RIDOC Policy #1.13 DOC; [Limited English Proficiency](#).

4. As part of his/her responsibilities, the Facility PREA Compliance Manager in each facility shall:
 - a. provide inmate education in formats accessible to all inmates, including those with limited English proficiency, who are deaf, visually impaired, have limited reading skills or are otherwise disabled;
 - b. ensure that key information, including, but not limited to, reporting phone numbers, is continuously and readily available or visible to inmates through posters, inmate rulebooks or other written formats; and
 - c. make sure that inmate receipt of PREA intake information and comprehensive PREA education is documented.

- C. **Supervision, Monitoring, and Limits to Cross-Gender Viewing** (PREA Standards 115.13, 115.14, and 115.15)
 1. The Assistant Director, Institutions & Operations (ADIO), or his/her designee shall ensure that each facility develops, documents and makes its best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing and, where applicable, video monitoring to protect inmates against sexual abuse.
 2. In calculating adequate staffing levels and determining needs for video monitoring, the following, along with any other relevant factors, shall be taken into consideration:
 - a. generally accepted detention and correctional practices;
 - b. any judicial findings of inadequacy;
 - c. any findings of inadequacy from Federal investigative agencies;
 - d. any findings of inadequacy from internal or external oversight bodies;
 - e. all components of the facility's physical plant;
 - f. composition of inmate population;

- g. number and placement of supervisory staff;
 - h. institutional programs occurring on a particular shift;
 - i. applicable State or local laws, regulations or standards; and
 - j. prevalence of substantiated or unsubstantiated incidents of sexual abuse.
 3. Facility Wardens shall document and justify any deviations from the staffing plan.
 4. Facility Wardens, in consultation with the Agency PREA Coordinator, shall no less frequently than once each year, or whenever necessary, assess, determine and document whether adjustments are needed to;
 - a. the established staffing plan;
 - b. the facility's deployment of video monitoring systems and other monitoring technologies; and
 - c. the resources that RIDOC has available to ensure adherence to the staffing plan.
 5. The Facility Warden, Deputy Warden(s), or Shift Commander(s) shall conduct at least one (1) PREA unannounced round of all areas of the facility on each shift, with a minimum of one (1) PREA unannounced round per shift per month, in order to prevent sexual abuse and sexual harassment. Please refer to the most recent version of RIDOC Policy #9.05 DOC; [Institutional Log Book System](#).

Staff is prohibited from alerting other staff members to supervisory rounds unless such an announcement is related to the legitimate operational functions of the facility.
6. Each facility shall allow inmates 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.
7. All RIDOC staff shall announce their presence when entering an inmate housing unit of the opposite gender where there is not already another cross-gender staff present.

8. Under no circumstances shall youthful inmates/juvenile offenders be housed with adult inmates. Please refer to the most recent version of RIDOC Policy #12.26 DOC; [Special Management of Juvenile Offenders](#).

D. Internal and Third Party Reporting (PREA Standards 115.51 and 115.54)

1. Staff shall accept all reports of sexual abuse and sexual harassment whether made verbally, in writing, anonymously or from third parties.

NOTE: There is no time limit on when an inmate may report an incident of sexual abuse or sexual harassment.

2. Inmates are afforded multiple ways to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff, and staff neglect or violation(s) of responsibilities that may have contributed to such incidents. These methods include, but are not limited to:
 - a. reporting to any staff member, contractor or volunteer – verbally or in writing;
 - b. calling or writing to RIDOC’s Special Investigations Unit (SIU) – (401) 462-2282;
 - c. calling or writing to RIDOC’s Office of Inspections (OI) – (401) 462-2551;
 - d. calling the Rhode Island State Police (RISP) – (401) 462-2650;
 - e. calling the Helpline toll-free number – 1 (800) 494-8100; or calling ICE – 1 (888) 351-4024.
3. Inmates may also report sexual abuse and sexual harassment to a public or private entity or office that is not part of RIDOC by telephone or mail.
4. Staff has the option of reporting known or suspected acts of sexual abuse and sexual harassment up the chain of command, or privately to SIU or OI.

E. Inmate Access to Outside Confidential Support Services (PREA Standard 115.53)

1. Each facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates

the mailing address and toll-free hotline number for Day One, a local victim advocacy/rape crisis organization.

- a. Day One, 100 Medway Street, Providence, RI 02906-4402; and
 - b. The Helpline 1-800-494-8100.
2. Communication between inmates and victim advocacy/rape crisis organizations shall be in as confidential a manner as possible. However, inmates shall also be aware of the extent to which communication will be monitored and the extent to which reports of abuse will be forwarded to SIU, OI, or other authorities in accordance with mandatory reporting laws. For more information on communication monitoring, see the most recent version of RIDOC Policy #24.02 DOC; [Inmate Telephone Privileges/Monitoring](#).

F. Official Response

1. Reporting Duties (PREA Standards 115.61 and 115.81)
 - a. All RIDOC employees, contractors and volunteers are PREA mandatory reporters.
 - b. Staff shall immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
 - (1) Staff shall make all PREA reports up the chain of command or privately to SIU or OI.
 - (2) Unless otherwise precluded by Federal or State law, medical and mental health practitioners shall be required to report sexual abuse and to inform inmates of the practitioner's duty to report and the limits of confidentiality at the initiation of services;

For more information on inmate-patient confidentiality, please see the most recent version of RIDOC Policy #18.59 DOC; [Confidentiality of Inmate Health Information to Include Electronic Medical Record \(EMR\) and Paper Documents](#).

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- c. Apart from reporting to designated supervisors, SIU or OI, individuals shall not reveal any information relating to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions;
 - d. Non-uniform staff, contractors and volunteers shall report all allegations of sexual abuse and sexual harassment to the nearest Superior Officer, Shift Commander, SIU or OI.
 - e. Each facility shall report all allegations of sexual abuse and sexual harassment to SIU or OI.
 - f. If the alleged victim is under the age of 18, SIU/OI, as appropriate, shall report the allegation to the Department Children Youth & Families (DCYF) via DCYF's Child Abuse Hotline [1-(800) - RI - CHILD (1-800-742-4453)];
 - g. If the alleged victim is 60 years of age or older, SIU/OI, as appropriate, shall report the allegation to the Division of Elderly Affairs, Protective Services Unit at (401) 462-0555.
 - h. Medical and mental health practitioners shall 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 the age of 18. For more information, please see the most recent version of RIDOC Policy 18.59 DOC; [Confidentiality of Inmate Health Information to Include Electronic Medical Record \(EMR\) and Paper Documents](#).

2. Reporting to Other Confinement Facilities (PREA Standard 115.63)

Upon receiving an allegation that an inmate was sexually abused while confined in another facility, the Warden of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged sexual abuse occurred.

- a. Such notification shall be provided as soon as possible, but no more than 72 hours after receiving the allegation.
- b. The reporting facility shall document that it has provided such notification.

- c. Upon receiving notification from another correctional facility that an inmate was sexually abused while incarcerated at the RIDOC, the facility that receives the report shall forward it immediately to RIDOC's Agency PREA Coordinator, SIU and OI. The allegation shall be investigated in accordance with this policy and the PREA Standards.

3. First Responder Duties & Coordinated Response (PREA Standards 115.64 and 115.65)

- a. RIDOC employees, volunteers, and contractors shall follow the most recent version of RIDOC Standard Operating Procedure (SOP); [PREA Investigations](#), with respect to first responder duties.

Each Facility PREA Compliance Manager shall ensure that facility staff comply with the most recent version of the RIDOC Standard Operating Procedure (SOP); [PREA Investigations](#).

- b. Each facility has a written PREA Sexual Abuse Incident Coordinated Response Plan that outlines the actions that are to be taken in response to an incident of sexual abuse, among first responders, medical and mental health practitioners, investigators, and facility leadership.

NOTE: Contact the Facility PREA Compliance Manager to review the facility's most recent version of its PREA Sexual Abuse Coordinated Response Plan.

4. Protection Against Retaliation (PREA Standard 115.67)

- a. All third-party reporters (inmates and staff who report sexual abuse or sexual harassment), alleged inmate victims (inmates who were reported to have suffered sexual abuse or sexual harassment while incarcerated), and any other individual who cooperates with an investigation who expresses a fear of retaliation shall be protected by RIDOC from retaliation by other inmates or staff.
- b. For at least ninety (90) days following a report of sexual abuse or sexual harassment, the Warden/designee shall monitor the conduct and treatment of the alleged inmate victim(s) to see if there are changes that may suggest possible retaliation by other inmates or staff. The Warden/designee shall:

- (1) act promptly to remedy any such retaliation;

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- (2) continue to monitor beyond ninety (90) days if the initial monitoring indicates a continued need; and
 - (3) terminate the monitoring if it is determined that the allegation is unfounded.
 - c. For at least ninety (90) days following a report of sexual abuse or sexual harassment, SIU or OI (depending on which unit is investigating the PREA allegation) shall monitor the conduct and treatment of third party reporters and any other individual who cooperates with an investigation who expresses a fear of retaliation to see if there are changes that may suggest possible retaliation by other inmates or staff. SIU or OI shall:
 - (1) act promptly to remedy any such retaliation;
 - (2) continue to monitor beyond ninety (90) days if the initial monitoring indicates a continued need; and
 - (3) terminate the monitoring if it is determined that the allegation is unfounded.
 - d. Inmate monitoring shall include periodic status checks.
 - e. All retaliation monitoring shall be documented.
 5. Access to Emergency Medical and Mental Health Services (PREA Standard 115.82)

Inmate victims of sexual abuse while incarcerated shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health services according to their professional judgment.

- a. Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- b. Treatment services shall be provided to the inmate victim of sexual abuse while incarcerated without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

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6. Ongoing Medical and Mental Health Care (PREA Standard 115.83)
- a. The evaluation and treatment of inmate victims of sexual abuse while incarcerated 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.
 - b. The facility shall provide the inmate victims of sexual abuse while incarcerated with medical and mental health services consistent with the community level of care.
 - c. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
 - d. If pregnancy results from the conduct described in paragraph (c) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
 - e. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
 - f. Treatment services shall be provided to the inmate victim of sexual abuse while incarcerated without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
 - g. RIDOC shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by mental health services.

G. **Reporting to Inmates** (PREA Standard 115.73)

- 1. Following an investigation into an allegation that an inmate suffered sexual abuse or sexual harassment **by another inmate**, SIU shall inform the alleged victim as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. SIU shall also inform the alleged victim of **sexual abuse** whenever:
 - a. SIU learns that the alleged abuser has been **indicted on a charge** related to sexual abuse within the facility; or

- b. SIU learns the alleged abuser has been **convicted on a charge** related to sexual abuse within the facility

If SIU did not conduct the investigation, it shall request the investigation report from the appropriate investigatory agency and review it. Once this review is complete, SIU will advise the alleged victim of the findings.

2. Following an allegation that a **staff member** has committed sexual abuse or sexual harassment against an inmate, OI shall inform the alleged victim as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. OI shall also inform the alleged victim of **sexual abuse** whenever:
 - a. the staff member is no longer posted within the inmate's unit;
 - b. the staff member is no longer employed at the facility;
 - c. OI learns that the staff member has been **indicted on a charge** related to sexual abuse within the facility, or
 - d. OI learns that the staff member has been **convicted on a charge** related to sexual abuse within the facility.

NOTE: OI is not obligated to notify the alleged victim of sexual abuse of the elements contained in items IV. G.2.a. to d. if it has determined that the allegation of sexual abuse was unfounded.

If OI did not conduct the investigation, it shall request the investigation report from the appropriate investigatory agency and review it. Once this review is complete, OI will advise the alleged victim of the findings.

3. All notifications or attempted notifications shall be documented by SIU or OI, as appropriate.
4. RIDOC's obligation to report to the inmate terminates if the inmate is released from RIDOC's custody.

H. **Inmate Sanctions** (PREA Standard 115.78)

1. All sexual activity between inmates is prohibited and subject to disciplinary action.
 - a. All reports of sexual activity shall be documented as possible PREA incidents until a full investigation by SIU or OI indicates otherwise.

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- b. Sexual activity between inmates shall not be found to be sexual abuse if it is determined after an investigation that the activity was consensual and not coerced.
 2. Inmates may be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
 3. Inmates who commit acts of inmate-on-inmate sexual abuse or sexual harassment shall be punished in accordance with the most recent version of RIDOC Policy #11.01 DOC; [Code of Inmate Discipline](#), up to and including criminal prosecution.
 - a. All incidents of sexual abuse shall be considered “highest predatory offenses” as documented in the Department’s Code of Inmate Discipline.
 - b. The Code of Inmate Discipline outlines all of the possible sanctions that may be imposed when inmates are found guilty of committing acts of sexual abuse or sexual harassment.
 - c. SIU shall designate any substantiated perpetrator of inmate-on-inmate sexual abuse as a Security Risk Group (SRG) Level I offender, and enter this information into the INFACETS database.
 4. The disciplinary process shall consider whether the inmate’s mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed.
 5. Inmates who are inmate-on-inmate perpetrators of sexual abuse are eligible for participation in a sex offender treatment program if they meet the criteria and obligations of that program.

Therapy, counseling or other interventions designed to address and correct underlying reasons or motivation for the sexual abuse shall be considered when determining whether to allow inmate access to programming or other privileges.
 6. Every inmate-on-inmate perpetrator of sexual abuse who is found guilty during the disciplinary process of committing a Class 1, Highest Predatory Sexual offense is automatically referred to the RISP and/or the Rhode Island Attorney General for possible criminal prosecution.

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- I. **Staff, Volunteers and Contractor Sanctions** (PREA Standards 115.76 and 115.77)
1. RIDOC employees, volunteers, or contractors who commit acts of sexual abuse or sexual harassment toward inmates shall be sanctioned in accordance with the most recent version of RIDOC Policy #3.14 DOC; [Code of Ethics and Conduct](#), up to and including termination and criminal prosecution (i.e., RIGL § 11-25-24).
 2. Disciplinary sanctions for staff who commit acts of sexual abuse or sexual harassment shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed on other staff with similar histories for comparable offenses.
 3. All terminations for violations of RIDOC policy, or resignations by staff who would have been terminated if not for their resignations, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing authorities.
 4. Any contractor or volunteer who engages in sexual abuse or sexual harassment shall be prohibited from contact with inmates, banned from entering secure RIDOC facilities, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any licensing authorities.
- J. **Sexual Abuse Incident Reviews** (PREA Standard 115.86)
1. The Warden/designee shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
 2. Sexual abuse incident reviews shall occur within thirty (30) days of the conclusion of the investigation.

NOTE: The thirty (30) days shall commence on the date that the Warden/designee receives a copy of the investigation outcome letter from SIU or OI.
 3. The review team shall include, at a minimum, the Warden/designee, the Facility PREA Compliance Manager, line supervisors, SIU (for reviews involving inmate-on-inmate sexual abuse), OI (for all inmate sexual abuse reviews) and health care services or mental health practitioners, as well as any other "ad hoc" members deemed necessary.

4. The review team shall consider:
 - a. whether the allegation or investigation indicates a need for change in policy or practice to better prevent, detect or respond to sexual abuse;
 - b. whether the incident or allegation was motivated by;
 - race,
 - ethnicity,
 - gender identity,
 - lesbian, gay, bisexual, transgender or intersex identification, status or perceived status,
 - gang affiliation, or
 - was motivated or otherwise caused by other group dynamics;
 - c. examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may have enabled abuse;
 - d. assess adequacy of staffing levels in that area during different shifts; and
 - e. assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
 5. The Warden/designee shall prepare a report of the Sexual Abuse Incident Review findings and any recommendations for improvement, implement the recommendations for improvement or document the facility's reasons for not doing so.
 6. The Warden/designee shall distribute copies of the Sexual Abuse Incident Review Report to the Director of Corrections, the ADIO and the Agency PREA Coordinator.
- K. Hiring and Promotion Decisions (PREA Standard 115.17)**
1. RIDOC shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor or volunteer who may have contact with inmates who has;
 - a. engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);

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- b. been convicted of engaging 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. been civilly or administratively adjudicated to have engaged 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.
 2. RIDOC shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor or volunteer, who may have contact with inmates.
 3. Before hiring new employees and as part of any promotional process, RIDOC shall conduct appropriate background checks on all applicants and employees.

Consistent with Federal, State, and local law, RIDOC shall make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

4. Employees shall have a criminal background check conducted at least every five (5) years.
5. Contractors and volunteers shall have a criminal background check conducted at least every two (2) years.
6. RIDOC shall ask all applicants and employees who may have contact with inmates about previous misconduct, as described in 1.a. through 1.c. above, in written applications or interviews for hiring or promotions, and in any interviews or written self-evaluations conducted as part of reviews of current employees. Said individuals shall complete the Prison Rape Elimination Act Supplemental Questionnaire for this purpose.
7. Employees have a continuing affirmative duty to disclose any such misconduct. Material omissions regarding such misconduct, or the provision of materially false information, may be grounds for termination. For more information about employees' duty to disclose, please see the most recent version of RIDOC Policy #3.14 DOC; [Code of Ethics and Conduct](#).

8. Unless prohibited by law, RIDOC's OI shall provide information on **substantiated** allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom the former employee has applied to work.
 - a. Any employee who receives a request for a reference or release of employment information, including information on **substantiated** allegations of sexual abuse or sexual harassment, on a current or former employee shall immediately forward the request to the Office of Human Resources.
 - b. No employees, other than the Office of Human Resources or those expressly authorized by the Department Director or his/her designee, shall disclose such information. For more information on employment references, please refer to the most recent version of RIDOC Policy #3.31 DOC; [Employment References](#).

For more information on background checks for prospective RIDOC employees, and current employees, contractors and volunteers, please see the most recent versions of RIDOC Policy #'s 3.32 DOC; [Pre-Employment Background Investigations](#) and 3.06 DOC; [Selection, Retention and Promotion](#), respectively.

L. **Data Collection and Review** (PREA Standards 115.87 and 115.88)

RIDOC's Planning & Research Unit shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its control, using standardized instruments and set definitions. RIDOC's Planning & Research Unit shall aggregate the incident-based sexual abuse data at least annually.

The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

RIDOC's Planning & Research Unit shall provide such data from the previous calendar year to the Department of Justice no later than June 30th of the current calendar year.

1. Classification of Investigation Outcomes

Consistent with the investigation outcomes developed by the U.S. Department of Justice's Survey of Sexual Violence, the findings of all of SIU and OI investigations of incidents of sexual abuse or sexual harassment toward inmates are categorized as:

- Substantiated Allegation;
- Unsubstantiated Allegation;
- Unfounded Allegation; or
- Investigation Ongoing.

2. Data Review for Corrective Action

RIDOC's Agency PREA Coordinator shall review collected and aggregated data to assess and improve the effectiveness of RIDOC's sexual abuse prevention, detection, and response policies, practices, and training. To achieve this end, RIDOC shall:

- a. identify problem areas and take corrective action; and
- b. prepare an annual report of its findings and corrective actions for each facility, as well as the agency as a whole;
 - (1) the annual 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 RIDOC's progress in addressing sexual abuse; and
 - (2) the annual report shall be approved by the Director of Corrections and made readily available to the public through the RIDOC website.

NOTE: When RIDOC redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility, and/or the confidentiality of the alleged victims and/or perpetrators.

3. Data Storage, Publication and Destruction (PREA Standard 115.89)

- a. RIDOC's Planning & Research Unit shall ensure that data collected is securely retained.
- b. RIDOC's Planning & Research Unit shall make all aggregated sexual abuse data collected from facilities readily available to the public at least annually through its website.

NOTE: Before making sexual abuse data publicly available, personal identifiers will be removed.

- c. Sexual abuse data shall be maintained for at least ten (10) years by RIDOC's Planning & Research Unit unless Federal, State or local law requires otherwise.