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A. PURPOSE AND SCOPE

This policy provides uniform guidelines and procedures to reduce the risk of prison sexual violence and ensure compliance with the Prison Rape Elimination Act (PREA). Management & Training Corporation (MTC) is committed to a zero-tolerance standard toward all forms of sexual abuse and sexual harassment. (CFR 115.11(a)-1)

B. POLICY

It is the policy of MTC to provide uniform guidelines and procedures to reduce the risk of prison Sexual Violence. MTC is committed to a zero-tolerance standard for sexual violence.

1. This policy outlines procedures and expectations related to MTC's approach to preventing, detecting and responding to sexual abuse and sexual harassment. This policy is developed in compliance with the PREA standards for adult prisons and jails. Facilities will adhere to this policy and may develop local policy in accordance with this policy while complying with customer agency policy, federal and state laws appropriate to the jurisdiction in which the institution is located. In the event that this policy conflicts with a particular customer agency policy, federal law or state statutes, the customer agency policy, federal or state law shall supersede this policy unless the customer agency policy, federal or state law does not meet the PREA standards, in which case MTC policy requirements will be adhered to. (115.11(a)-2)
2. MTC will aggressively respond to, investigate, and support the prosecution of incidents of sexual violence in all MTC operated prisons, through internal administrative disciplinary processes and external partnerships with law enforcement and county prosecutors.
3. Sexual contact between staff and offenders, volunteers, and offenders or contract personnel and offenders, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions.
4. Through continual education of staff, offenders, volunteers, vendors and contractors, MTC increases awareness of safe reporting mechanisms and available services to victims, thereby creating institutional cultures that discourage sexual violence.
5. Through improvements to institution architecture, where feasible, MTC identifies, separates where appropriate and carefully monitors both sexually abusive perpetrators and vulnerable offenders.
6. MTC will establish data collection systems to accurately track sexual violence, facilitate identification of the core causal factors, and annually incorporate 'lessons learned' into improved operations, employee training, offender orientation and services toward a sustainable zero-tolerance standard.
7. MTC protects the confidentiality of the victim and provides all services necessary for recovery.

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C. APPLICABILITY

This policy shall be applicable to all persons, including visitors and volunteers, employed by, under contract with, or supervised by MTC, including professional staff and any person who is involved directly or indirectly in the care and custody of offenders.

D. GENERAL DEFINITIONS

Agency means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

Agency head means the principal official of an agency.

Community confinement facility means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.

Contractor means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Detainee means any person detained in a lockup, regardless of adjudication status.

Direct staff supervision means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee means a person who works directly for the agency or facility.

Exigent circumstances means 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.

Facility means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

Facility head means the principal official of a facility.

Full compliance means compliance with all material requirements of each standard except for de minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance.

Gender nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.

Inmate means any person incarcerated or detained in a prison or jail.

Intersex means 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.

Jail means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to

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confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

Juvenile means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

Juvenile facility means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Law enforcement staff means employees responsible for the supervision and control of detainees in lockups.

Lockup means a facility that contains holding cells, cell blocks, or other secure enclosures that are:

- a) Under the control of a law enforcement, court, or custodial officer; and
- b) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

Medical practitioner means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental health practitioner means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified mental health practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Pat-down search means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

Prison means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Resident means any person confined or detained in a juvenile facility or in a community confinement facility.

Secure juvenile facility means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

Security staff means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

Staff means employees.

Strip search means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

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Transgender means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

Youthful inmate means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

Youthful detainee means any person under the age of 18 who is under adult court supervision and detained in a lockup.

E. DEFINITIONS OF PROHIBITED BEHAVIORS (115.6)

Sexual abuse includes—

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident 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.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (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;
- (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 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

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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 (1)-(5) 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, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident 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.

Sexual harassment includes:

- 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, detainee, or resident directed toward another; and
- Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident 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.

F. PROCEDURES

1. SANCTIONS FOR PARTICIPATION IN PROHIBITED BEHAVIORS (115.11(a)-4)

- a) Any staff member who is found to have perpetrated sexual abuse or sexual harassment will be disciplined in accordance with MTC policy 203.10 Employee Discipline and 203.01 Rules of Conduct and subject to employment termination. The employee will also be subject to criminal prosecution. An offender engaging in sexual violence with an employee may be subject to discipline contingent upon the particular facts and consistent with the offender rules of conduct, as well as criminal prosecution.
- b) Any inmate, detainee or resident who is found to have perpetrated sexual abuse or sexual harassment will be disciplined in accordance with sanctions outlined in the facilities' inmate, detainee or resident handbook. MTC Anti-Harassment policy prohibits retaliation against staff or offenders for filing complaints; however, the offender may be subject to discipline for intentionally making a false allegation that is proven to be false.

2. STRATEGIES AND RESPONSES TO REDUCE AND PREVENT SEXUAL ABUSE AND SEXUAL HARASSMENT OF INMATES (115.11(a)-5)

- a) MTC shall develop and promote a BIONIC culture in each of its facilities. BIONIC is an acronym for "Believe It Or Not I Care" and it is representative of our overall strategy. It conveys how much we care and applies to the communities in which we operate, the staff employed at our facilities, and the offenders assigned to our facilities. All levels of the organization shall find ways to incorporate the BIONIC culture which facilitates the staffs' ability to foster positive change within a correctional facility. Within corrections, accountability, respect and integrity are the

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hallmarks of an environment where staff care enough to hold offenders responsible for their progress toward change.

- b) Reducing and preventing sexual abuse and sexual harassment is a subset of this overall BIONIC approach. MTC will systematize efforts in coordination with the efforts of the respective customer agencies to:
- prevent incidents from taking place,
 - respond appropriately when they do take place,
 - provide appropriate training to staff and inmates,
 - screen for risk of sexual victimization and abusiveness,
 - establish effective reporting and response protocols,
 - perform or refer investigations for all allegations,
 - administer disciplinary sanctions for staff, contractors, volunteers and inmates,
 - establish protocol for medical and mental health care, and
 - collect and review data.
- c) To carry out these responsibilities MTC will designate an upper-level PREA coordinator for the company (115.11(b)-1) who has sufficient time and authority to develop, implement, and oversee MTC's efforts to comply with the PREA standards in all of the facilities. (115.11(b)-2)
- d) Each facility will designate a PREA compliance manager (115.11(c)-1) who has sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. (115.11(c)-2)

3. SUPERVISION AND MONITORING

- a) MTC facilities will develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring to protect inmates against abuse. (115.13(a)-1) Each time the staffing plan is not complied with, the facility documents and justifies all deviations from the staffing plan. (115.13(b)-1)
- b) At least once every year the facility, in collaboration with the PREA coordinator, reviews the staffing plan to see whether adjustments are needed in (a) the staffing plan, (b) the deployment of monitoring technology or (c) the allocation of agency/facility resources to commit to the staffing plan to ensure compliance. (115.13(c)-1)
- c) Intermediate-level and higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Documentation shall be generated on the unannounced rounds which over time shall be performed on all shifts and all areas of the facility occupied by inmates. Staff shall not alert other staff of the conduct of such rounds. (115.13(d) 1-4)

4. YOUTHFUL INMATES/DETAINEES

- a) Youthful inmate means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail. Youthful detainee means any person under the age of 18 who is under adult court supervision and detained in a lockup.
- b) MTC prohibits placing youthful inmates in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through

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use of a shared dayroom or other common space, shower area, or sleeping quarters. In areas outside of housing units, MTC shall either: (1) maintain sight and sound separation between youthful inmates and adult inmates, or (2) provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact. (115.14 (a)-1)

- c) Facilities will make best efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, agencies shall not deny youthful inmates daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible. (115.14(c)-1)

5. LIMITS TO CROSS-GENDER VIEWING AND SEARCHES

- a) The facility will not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. (115.15 (a)-1)
- b) The facility will not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. (115.15(b)-1) The facility will document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of female inmates. (115.15(c)1-2) Facility shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. (115.15(b)-2)
- c) The facility will enable inmates to shower, perform bodily functions, and change clothing without non-medical 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. The facility will maintain a log of exigent circumstances. (115.15(d)-1)
- d) The facility will develop a system by which staff of the opposite gender shall announce their presence when entering an inmate housing unit. (115.15(d)-2)
- e) The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. (115.15(e)-1)
- f) Security staff shall be trained in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. (115.15(f)-1)

6. INMATES WITH DISABILITIES AND INMATES WHO ARE LIMITED ENGLISH PROFICIENT

- a) MTC will take appropriate steps to ensure inmates with disabilities and who are limited English proficient have an equal opportunity to participate in or benefit from all aspects of MTC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment by:
- Contracting with interpreters or other professionals (including designated facility staff) hired to ensure effective communication with inmates who are limited English proficient.

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- Developing written materials used for effective communication about PREA with inmates with disabilities or limited reading skills.
 - Training staff on PREA compliant practices for inmates with disabilities. (115.16(a) 1-2)
- b) For PREA related activities, MTC prohibits the 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 under §115.64, or the investigation of the inmate's allegations. (115.16(c)-1)
7. HIRING AND PROMOTION DECISIONS
- a) MTC prohibits hiring and/or promoting staff who have contact with inmates who have engaged in sexual abuse and/or sexual harassment.
- b) Material omissions or the provision of materially false information by staff is prohibited as detailed in MTC policy 203.01.B.8.b.18 Rules of Conduct. (115.17(g)-1)
- c) Contractors having contact with inmates require a background check before enlisting services and every five years of continued service in accordance with MTC policy 13.20 Purchase Policy. (115.17(d)-1) (115.17(e)-1)
8. UPGRADES TO FACILITIES AND TECHNOLOGY
- a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, MTC will consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse. (115.18(a)-1)
- b) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, MTC will consider how such technology may enhance the facility's ability to protect inmates from sexual abuse. (115.18(a)-2)
9. EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMINATIONS
- a) To the extent MTC is responsible for investigating allegations of sexual abuse, MTC will follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. (115.21(a)-3) The protocol shall be developmentally appropriate for youth where applicable.
- b) MTC will offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, (115.21(c)-1) without financial cost, (115.21(c)-2) where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. (115.21(c)-3) If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. (115.21(c)-4) MTC will document efforts to provide SAFEs or SANEs. (115.21(c)-5)
- c) MTC will attempt to make available to the victim a victim advocate from a rape crisis center. (115.21(d)-1) If a rape crisis center is not available or unwilling to provide victim advocate services, the agency shall make available to provide these

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services a qualified staff member from a community-based organization, or a qualified MTC staff member. If an MTC staff member is used to provide services, documentation of qualifications will be maintained. (115.21(d)-3)

- d) If requested by the victim, a victim advocate, qualified MTC staff member, or qualified community-based organization staff member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information, and referrals. (115.21(e)-1)
- e) If MTC is not responsible for investigating allegations of sexual abuse and relies on another agency to conduct these investigations, MTC will request (through agreement/MOU) that the responsible agency follow PREA requirements for evidence protocol and forensic examinations. (115.21(f)-1)

10. REFERRALS OF ALLEGATIONS FOR INVESTIGATIONS

- a) MTC will ensure an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment (including inmate-on-inmate sexual abuse or staff-on-inmate sexual misconduct). (115.22(a)-1)
- b) MTC requires allegations of sexual abuse or sexual harassment be referred for investigation to an agency with the legal authority to conduct criminal investigations unless the allegation does not involve potentially criminal behavior. (115.22(b)-1)
- c) Facilities will document all referrals of allegations of sexual abuse or sexual harassment for criminal investigation. (115.22(b)-3) If administrative or criminal investigations of alleged sexual abuse are performed by an entity other than MTC, efforts will be made to obtain the agencies investigative policy. MTC will make the entity aware of investigative requirements under PREA. (115.22(d)-1) (115.22(e)-1)

11. EMPLOYEE TRAINING

- a) MTC trains all employees on matters related to PREA as detailed in MTC Policy 901D.02 Training Requirements. (115.31(a)-1) (115.31(b)-1) (115.31(b)-2) (115.31(d)-1)

12. VOLUNTEER AND CONTRACTOR TRAINING

- a) MTC will train all volunteers and contractors who have contact with inmates as detailed in MTC Policy 901D.02 Training Requirements. (115.32(a)-1) (115.32(b)-1) (115.32(b)-2) (115.32(c)-1)

13. INMATE EDUCATION

- a) Inmates receive information at time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or harassment. (115.33(a)-1) Training may also include:
 - Definition of Sexual Violence.
 - Specifics about the Prison Rape Elimination Act.
 - Rights as a Victim.
 - Prevention/Intervention.
 - Self-protection.

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- Reporting Sexual Violence.
- Treatment and counseling.
- Information about the effects of Sexual Violence on Victims.
- Who to contact if an offender feels vulnerable.
- How to contact outside Victim service providers.
- How to report Incidents that happen to others.
- Ways to avoid Sexual Violence.
- What happens if an offender makes a false report?
- Confidentiality.

- b) Inmates who are transferred from one facility to another will be educated regarding their rights to be free from both sexual abuse/harassment and retaliation for reporting such incidents and on MTC policies and procedures for responding to such incidents to the extent that the policies and procedures of the new facility differ from those of the previous facility. (115.33(c)-3)
- c) Inmate PREA education is available in accessible formats for all inmates including those who are limited English proficient, deaf, visually impaired, otherwise disabled, or limited in their reading skills. (115.33(d)-1)
- d) MTC maintains documentation of inmate participation in PREA education sessions. (115.33(e)-1)
- e) MTC ensures that key information about MTC's PREA policies is continuously and readily available or visible through posters, inmate handbooks, or other written formats. (115.33(f)-1)

14. SPECIALIZED TRAINING: INVESTIGATIONS

- a) If MTC conducts its own investigations of allegations of sexual abuse, investigators are trained in conducting sexual abuse investigations in confinement settings. (115.34(a)-1) Documentation of such training will be maintained showing that investigators have completed the required training. (115.34(c)-1)
- b) If an external agency or Department of Justice component conducts investigations of allegations of sexual abuse (including inmate-on-inmate sexual and staff sexual misconduct), all agents and investigators are trained in conducting investigations in confinement settings. (115.34(d)-1)

15. SPECIALIZED TRAINING: MEDICAL AND MENTAL HEALTH CARE

MTC will ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in (115.35(a)-1):

- a) How to detect and assess signs of sexual abuse and sexual harassment;
- b) How to preserve physical evidence of sexual abuse;
- c) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- d) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- e) If medical staff employed by MTC conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.

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- f) MTC will maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the customer agency or elsewhere. (115.35(c)-1)
- g) Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.31 or for contractors and volunteers under § 115.32, depending upon the practitioner's status at the agency.

16. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

- a) MTC requires that inmates be screened using an objective screening instrument for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their intake. (115.41(a)-a) (115.41(b)-1) (115.41(c)-1) The facility may determine the screening instrument to be used in consultation with MTC PREA coordinator and the customer agency. The recommended instrument to be used is the MTC form Screening for Risk of Victimization and Abusiveness attachment 903E.02.F01.
- b) Within 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information that bears on the inmate's risk of sexual victimization or abusiveness. (115.41(f)-1) An inmate will be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness. (115.41(g)-1)
- c) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked regarding mental, physical, or developmental disability; 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; or the inmates own perception of vulnerability. (115.41(h)-1)
- d) MTC will implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this policy in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

17. USE OF SCREENING INFORMATION

- a) MTC will use information from the risk screening required to inform 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. (115.42(a)-1) Individualized determinations about how to ensure the safety of each inmate will be made. (115.42(b)-1) The housing assignments for transgender or intersex inmates will be made on a case-by-case basis. (115.42(c)-1)

18. PROTECTIVE CUSTODY

- a) MTC prohibits the placing of inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. (115.43(a)-1)

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- b) If an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population. (115.43(e)-1)

19. INMATE REPORTING

- a) MTC has established procedures allowing for multiple ways internal ways for inmates to report privately to MTC officials about sexual abuse or sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.(115.51(a)-1)
- b) MTC provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency.(115.51(b)-1)
- c) Inmates detained solely for civil immigration purposes are provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security. (115.51(b)-2)
- d) MTC also mandates that staff must accept reports of sexual assault and sexual harassment made verbally, in writing, anonymously, and from third parties with no exceptions.(115.51(c)-1) MTC will take appropriate steps to ensure that staff document verbal reports in a 24 hour timeframe. (115.51(c)-2)
- e) MTC has established procedures for staff to privately report sexual abuse and sexual harassment of inmates by documenting the incident and MTC facilities will develop, document, and make its best efforts to comply on a regular basis with a staffing plan and video monitoring to protect inmates against abuse. (115.51(d)-1-2)

20. EXHAUSTION OF ADMINISTRATIVE REMEDIES

- a) MTC has an administrative procedure for dealing with inmate grievances regarding sexual abuse. (115.52(a)-1) MTC allows an inmate to submit a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred. (115.52(b)-1)
- b) MTC shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve the issue with staff, for an alleged incident of sexual abuse.(115.52(b)-2)
- c) An inmate submitting a grievance alleging sexual abuse will not be referred to the staff member who is the subject of the complaint. (115.52(c)-2) Decisions on the merits of any grievance or portion of a grievance alleging sexual abuse will be made within 90 days of the filing of the grievance. (115.52(d)-1)
- d) MTC will notify the inmate in writing when the organization files for an extension, including notice of the date by which a decision will be made. (115.52(d)-6)
- e) MTC permits third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of inmates.(115.52(e)-1)
- f) If an inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, MTC documents the inmate's decision to decline. (115.52(e)-2)

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- g) To carry out these responsibilities, MTC has established procedures for filing an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. (115.52(f)-1) Each MTC facility will have a procedure for emergency grievances alleging substantial risk of imminent sexual abuse that require an initial response within 48 hours. (115.52(f)-2)
- h) MTC requires that an emergency grievance alleging substantial risk of imminent sexual abuse require that a final agency decision be issued within five days. (115.52(f)-5) MTC has a written policy that limits its ability to discipline an inmate for filing a grievance alleging sexual abuse to occasions where the facility demonstrates that the inmate filed the grievance in bad faith. (115.52(g)-1)
21. INMATE ACCESS TO OUTSIDE CONFIDENTIAL SUPPORT SERVICES.
- a) MTC facilities provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by doing the following:
- Giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for local, state, or national victim advocacy or rape crisis organizations.
 - Giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes.
 - Enables reasonable communication between inmates and these organizations in as confidential a manner as possible.(115.53(a)-1)
- b) Each MTC facility informs inmates, prior to giving them access to outside support services, the extent to which such communications will be monitored.(115.53(b)-1)
- c) MTC facilities will inform inmates, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law.(115.53(b)-2)
- d) MTC facilities maintain memoranda of understanding or other agreements with community service providers that are able to provide inmates with emotional support services related to sexual abuse and MTC also maintains copies and documentations of attempts to enter such agreements.(115.53(c)-1-2-4)
22. THIRD-PARTY REPORTING
- a) MTC provides a method to receive third-party reports of inmate sexual abuse or sexual harassment in accordance with MTC policy. (115.54(a)-1)
- b) MTC facilities publicly distribute information on how to report inmate sexual abuse or sexual harassment on behalf of inmates. (115.54(a)-2)
23. STAFF AND AGENCY REPORTING DUTIES
- a) MTC requires all staff to report immediately and according to MTC policy 203.10 Employee Discipline, any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the organization. (115.61(a)-1)

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- b) MTC requires all staff to report immediately any retaliation against inmates or staff who reported an incident of sexual abuse or harassment. (115.61(a)-2)
- c) MTC will require all staff to report immediately any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. (115.61(a)-3)
- d) Apart from reporting to the designated supervisors or officials and designated state or local services agencies, MTC's policy prohibits staff from revealing 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. (115.61(b)-1)

24. AGENCY PROTECTION DUTIES

- a) When MTC learns that an inmate is subject to a substantial risk of imminent sexual abuse, MTC requires immediate action to protect the inmate (i.e., it takes some action to assess appropriate protective measures without unreasonable delay). (115.62(a)-2)

25. REPORTING TO OTHER CONFINEMENT FACILITIES

- a) MTC has a policy requiring that, upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency/facility where sexual abuse is alleged to have occurred.(115.63(a)-1)
- b) Within 72 hours, MTC requires that the facility head provide such notification as soon as possible after receiving the allegation and provide documents. (115.63(b)-1) (115.63(c)-1)
- c) MTC's policy requires that allegations received from other facilities/ agencies are investigated. (115.63(d)-10)

26. STAFF FIRST RESPONDER DUTIES

- a) MTC has a first responder policy for allegations of sexual abuse. MTC's policy requires that, upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to
 - Separate the alleged victim and abuser,
 - Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence, and
 - If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
 - If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. (115.64(a)-1)
 - Confidentially (preferably by phone) notify your supervisor.

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- b) MTC's approach to preventing, detecting and responding to sexual abuse and sexual harassment requires that if the first staff responder is not a security staff member, that responder shall be required to
- Request that the alleged victim not take any actions that could destroy physical evidence and
 - Notify security staff (115.64(b)-1)

27. COORDINATED RESPONSE

- a) Each MTC facility will develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. (115.65(a)-1)

28. PRESERVATION OF ABILITY TO PROTECT INMATES FROM CONTACT WITH ABUSERS

- a) MTC and any other governmental entity that are responsible for collective bargaining on the agency's behalf has entered into or renewed any collective bargaining agreement or other agreement since August 20, 2012, or since the last PREA audit. (115.66(a)-1)
- b) MTC protects all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. (115.67(a)-1)
- c) MTC designates staff members or charges departments with monitoring for possible retaliation. (115.67(a)-2)

29. POST-ALLEGATION PROTECTIVE CUSTODY

- a) MTC may house inmates who are alleged to have suffered sexual abuse in restrictive housing for protective custody, subject to the requirements of PREA §115.43. (115.68(a)-1)

30. CRIMINAL AND ADMINISTRATIVE AGENCY INVESTIGATIONS

- a) Where MTC Investigators are involved, they shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. (115.71 (c)-1)
- b) When the quality of evidence appears to support criminal prosecution, MTC investigators typically will turn such evidence over to outside investigators. Should MTC investigators be involved, they shall conduct compelled interviews only after consulting with the Warden, prior to seeking out prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. (115.71 (d)-1)
- c) MTC will take appropriate steps to ensure that substantiated allegations of conduct that appear to be criminal are referred for prosecution. (115.71(h)-1)
- d) MTC retains all written reports pertaining to administrative or criminal investigation of alleged sexual assault or sexual harassment for as long as the alleged abuser is incarcerated or employed by MTC, plus five years. (115.71(i)-1)

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- e) Any state entity or Department of Justice component that conducts administrative or criminal investigations of alleged sexual assault or sexual harassment does so pursuant to the requirements of standard. (115.71(k)-1)
31. EVIDENTIARY STANDARDS FOR ADMINISTRATIVE INVESTIGATIONS
- a) MTC imposes a standard of a preponderance of evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated. (115.72(a)-1)
32. REPORTING TO INMATES
- a) MTC has a policy requiring that any inmate who makes an allegation that he or she suffered sexual abuse in an MTC facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfound following an investigation by MTC.(115.73(a)-1)
- b) If an outside entity conducts such investigations, MTC requests the relevant information from the investigative entity in order to inform the inmate as to the outcome of the investigation. (115.73(b)-1)
- c) Following an inmate's allegation that he or she has been sexually abused by another inmate in an MTC facility, MTC will take appropriate steps to ensure that MTC subsequently informs the alleged victim whenever the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility, or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. (115.73(d)-1)
- d) MTC has a policy that all notifications to inmates described under this standard are documented. (115.73(e)-1)
33. DISCIPLINARY SANCTIONS FOR STAFF
- a) MTC prohibits hiring and/or promoting staff who engage in sexual abuse/sexual harassment against inmates. Staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. (115.76(a&b))
- b) Disciplinary sanctions for violations of MTC policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. (115.76(c)-1)
- c) All terminations for violations of MTC sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. (115.76(d)-1)
34. CORRECTIVE ACTION FOR CONTRACTORS AND VOLUNTEERS.
- a) MTC policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. (115.77(a)-1)
- b) MTC facilities require that any contractor or volunteer who engages in sexual abuse be prohibited from contact with inmates. (115.77(a)-2)

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- c) MTC facilities take remedial measures and prohibit further contact with inmates in the case of any other violation of MTC sexual abuse or sexual harassment policies by a contractor or volunteer. (115.77(b)-1)

35. DISCIPLINARY SANCTIONS FOR INMATES

- a) Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse. (115.78(a)-1)
- b) Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on inmate sexual abuse. (115.78(a)-2)
- c) MTC facilities offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for abuse. (115.78(d)-1)
- d) While offering therapy, counseling, and other interventions designed to address and correct underlying reasons and motivations for abuse, MTC facilities consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits. (115.78(d)-2)
- e) MTC disciplines inmates for sexual conduct with staff only upon finding that the staff member did not consent to such contact. (115.78(e)-1)
- f) MTC prohibits disciplinary action for a report of sexual abuse 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. (115.78(f)-1)
- g) MTC prohibits all sexual activity between inmates. (115.78(g)-1)
- h) MTC prohibits all sexual activity between inmate and disciplines inmates for such activity. MTC also deems such activity to constitute sexual abuse only if it determines that the activity is coerced. (115.78(g)-2)

36. MEDICAL AND MENTAL HEALTH SCREENINGS; HISTORY OF SEXUAL ABUSE

- a) All inmates at MTC facilities who have disclosed any prior sexual victimization during a screening pursuant to 115.41 are offered a follow-up meeting with a medical or mental health practitioner. (115.81(a)-1) MTC will take appropriate steps to ensure that the follow-up meeting is offered within 14 days of the intake screening. (115.81(a)-2) MTC's medical and mental health staff maintain secondary materials (e.g., form, log) documenting compliance with the above required services. (115.81(a)-4)
- b) In MTC facilities, all prison inmates who have ever previously perpetrated sexual abuse are offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. (115.81(b)-1)

37. ACCESS TO EMERGENCY MEDICAL AND MENTAL HEALTH SERVICES

- a) MTC's medical and mental health staff maintain secondary materials (e.g., form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported;

and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis. (115.82(a)-1)

- b) Treatment services at MTC facilities are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. (115.82(d)-1)

38. ONGOING MEDICAL AND MENTAL HEALTH CARE FOR SEXUAL ABUSE VICTIMS AND ABUSERS.

- a) MTC facilities offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. (115.83(a)-1)
- b) Female victims of sexual abuse while incarcerated are offered pregnancy tests in MTC facilities. (115.83(d)-1)
- c) If pregnancy results from sexual abuse while incarcerated at an MTC facility, victims receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services. (115.83(e)-1)
- d) Inmate victims of sexual abuse while incarcerated at an MTC facility are offered tests for sexually transmitted infections as medically appropriate. (115.83(f)-1)
- e) MTC facilities attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offers treatment when deemed appropriate by mental health practitioners. (115.83(h)-1)

39. SEXUAL ABUSE INCIDENT REVIEWS

- a) MTC facilities conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. (115.86(a)-1)
- b) MTC requires that sexual abuse incident reviews are ordinarily conducted within 30 days of concluding the investigation. (115.86(b)-1)
- c) MTC's sexual abuse incident review team includes upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health practitioners. (115.86(c)-1)
- d) MTC facilities prepare a report of its findings from sexual abuse incident reviews, including but not necessarily limited to, determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submits such report to the facility head and PREA Compliance Manager. (115.86(d)-1)
- e) MTC facility implements the recommendations for improvement or documents its reason for not doing so. (115.86(e)-1)

40. DATA COLLECTION

- a) MTC collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. (115.87(a)-1)

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- b) The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice. (115.87(a)-2)
- c) MTC aggregates the incident-based sexual abuse data at least annually. (115.87(b)-1)
- d) MTC facilities maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. (115.87(d)-1)
- e) MTC will provided the Department of Justice with requested data from the designated time period year upon request. (115.87(f)-1)

41. DATA REVIEW FOR CORRECTIVE ACTION

- a) MTC reviews data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, and training, including:
 - Identifying problem areas;
 - Taking corrective action on an ongoing basis; and
 - Preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole. (115.88(a)-1)
- b) The annual report includes a comparison of the current year's data and corrective actions with those from prior years. (115.88(b)-1) The annual report provides an assessment of MTC's progress in addressing sexual abuse. (115.88(b)-2)
- c) With approval of the respective customer agencies, MTC will make its annual report readily available to the public at least annually through its website. (115.88(c)-1) The annual reports are approved by the head of MTC. (115.88(c)-3)
- d) With approval from and in coordination with customer agency policy and procedure, when MTC 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. (115.88(d)-1) MTC indicates the nature of material redacted. (115.88(d)-2)

42. DATA STORAGE, PUBLICATION, AND DESTRUCTION

- a) MTC ensures that incident-based and aggregate data are securely retained. (115.89(a)-1)
- b) MTC aggregated sexual abuse data from MTC facilities under its direct control are made readily available to the public at least annually through its website. (115.89(b)-1) Before making aggregated sexual abuse data publicly available, MTC removes all personal identifiers. (115.89(c)-1)
- c) MTC maintains sexual abuse data collected pursuant to 115.87 for at least 10 years after the date of initial collection, unless federal, state, or local law requires otherwise. (115.89(d)-2)

**SCREENING FOR RISK OF VICTIMIZATION AND ABUSIVENESS
MANAGEMENT & TRAINING CORP.**

Inmate's Name	Inmate Number	Institution

CFR 115.41: Requires staff to screen all inmates upon arrival for sexual abuse history and for the risk of victimization and/or abusiveness.

To complete this form,

- 1. For items 1-4, ask the inmate the questions and check the appropriate response in the yes/no columns**
- 2. For items 5-20, base your response on the inmate's file and all other official documents available.**
- 3. For items 2, 13, or 20, a "Yes" response requires a referral to Psychology Services.**
- 4. Total the score to determine a "risk of victimization" or "risk of abusiveness." If "Yes", refer to Psychology Services.**

AT RISK OF VICTIMIZATION	YES	NO
1. *Have you ever been approached for sex/threatened with sexual assault while incarcerated?	1 point	
2. *Have you ever been the victim of sexual assault?	1 point	
3. * Have you ever been placed in protective custody?	1 point	
4. * Do you have any reason to fear placement in general population?	1 point	
5. Younger or elderly inmate (</=21 or >/=65)	1 point	
6. Small physical stature (men: < 5'6" and <120 pounds) (women: <5'0" and <118 pounds)	1 point	
7. Developmental/mental/medical disability	1 point	
8. Is or is perceived to be Homosexual, Bisexual, Transgender, Intersex, or Gender Nonconforming	1 point	
9. First-time being incarcerated in a prison	1 point	
10. Detained solely on civil immigration charges	1 point	
11. Criminal history of sex offenses with adult/ child victims	1 point	
12. History of consensual sex while incarcerated	1 point	
Score of 3 or more on items 1-12 = "at risk of victimization"	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13. History of prior sexual victimization while incarcerated	" at risk victimization"	
AT RISK OF ABUSIVENESS		
14. Sex offender with adult victim	1 point	
15. History of domestic violence as a perpetrator	1 point	
16. Prior crimes of violence (excluding sex offenses, domestic violence)	1 point	
17. Incident reports for violent offenses (excluding sexual misconduct)	1 point	
18. Incident reports for sexual misconduct	1 point	
19. If #12 is answered yes, then add 1 point for each incident	1 point	
Score of 4 or more on items 14-19= "at risk of abusiveness"	<input type="checkbox"/> Yes	<input type="checkbox"/> No
20. History of prior sexual abuse perpetration while incarcerated	"at risk of abusiveness"	
Staff Signature	Date	Unit