

**MINIMUM STANDARDS: CHAPTER 5
ELIMINATION OF SEXUAL ABUSE & SEXUAL HARASSMENT IN CORRECTIONAL FACILITIES
EFFECTIVE JANUARY 2, 2017**

SECTION	ACTION
5-03 (“Zero Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator”)	<ul style="list-style-type: none"> • The Department (“DOC”) shall have a written zero tolerance policy in accordance with subdivision (a) of this section. • DOC shall employ or designate an upper-level, agency-wide PREA Coordinator in accordance with subdivision (b) of this section. • Each facility shall designate a PREA compliance manager in accordance with subdivision (c) of this section.
5-04(j), (k), and (l) (“Supervision and Monitoring”)	<ul style="list-style-type: none"> • DOC shall preserve video capturing a sexual abuse incident within the timelines prescribed in subdivision (j) of this section. • DOC shall conduct monitoring rounds in accordance with subdivision (k) of this section. • DOC shall issue a written directive to staff regarding monitoring rounds and provide this directive to the Board in accordance with subdivision (k) of this section. • DOC shall have a written policy requiring consideration of the feasibility of placing a surveillance camera in an area where sexual abuse is repeatedly reported or alleged to have occurred or consideration of alternative preventive measures in accordance with subdivision (l) of this section.
5-05 (“Youthful Inmates”)	<ul style="list-style-type: none"> • Sight, sound and physical contact separation in housing units shall be maintained between inmates under the age of 18 and inmates 18 years old or more in accordance with subdivision (a) of this section. • Sight and sound separation outside of housing units shall be maintained between inmates under the age of 18 and inmates 18 years old or more in accordance with subdivision (b)(1) of this section; or direct staff supervision shall be provided when any inmate under the age of 18 and any inmate over the age of 18 have sight, sound, or physical contact in accordance with subdivision (b)(2) of this section.
5-06(a)-(e) (“Limits to Cross-Gender Viewing and Searches”)	<ul style="list-style-type: none"> • DOC shall impose limitations on conducting cross-gender viewing and searches in accordance with subdivisions (a), (b), and (e) of this section. • DOC shall document all searches referenced in subdivision (c) of this section. • DOC shall implement policies and procedures in accordance with subdivision (d) of this section.

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5-07 ("Inmates with Disabilities and Inmates Who Are Limited English Proficient")	<ul style="list-style-type: none"> • DOC shall take the steps specified in subdivisions (a), (b) and (c) of this section to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of DOC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment
5-08 ("Hiring and Promotion Decisions")	<ul style="list-style-type: none"> • DOC shall make hiring and promotion decisions in accordance with the provisions of this section
5-09 ("Upgrades to Facilities and Technologies")	<ul style="list-style-type: none"> • DOC shall upgrade facilities and technologies in accordance with the provisions of this section
5-10(a), (b), and (c) ("Evidence Protocol and Forensic Medical Examinations")	<ul style="list-style-type: none"> • DOC shall develop and follow a uniform evidence protocol in accordance with subdivisions (a) and (b) of this section. • DOC shall offer all sexual abuse victims access to forensic medical examinations in accordance with subdivision (c) of this section.
5-11 ("Policies to Ensure Referrals of Allegations for Investigations")	<ul style="list-style-type: none"> • DOC shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment in accordance with the provisions of this section (subdivisions (a) and (c)). • DOC shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation in accordance with the provisions of this section (subdivision (b)). • DOC shall publish such policy on its website (subdivision (b)). • DOC shall document all referrals (subdivision (b)).
5-17 ("Screening for Risk of Victimization and Abusiveness")	<ul style="list-style-type: none"> • All inmates shall be assessed for their risk of being sexually abused by other inmates or sexually abusive toward other inmates in accordance with the provisions of this section.
5-18(a)-(g) ("Use of Screening Information")	<ul style="list-style-type: none"> • DOC shall implement subdivisions (a) through (g) of this section.
5-19(a)-(e) ("Protective Custody") 5-29(a)-(e) ("Post-Allegation Protective Custody")	<ul style="list-style-type: none"> • DOC shall place in involuntary segregated housing inmates at high risk for sexual victimization or who are alleged to have suffered sexual abuse, in accordance with subdivisions (a)-(e) of § 5-19 and § 5-29 by January 2, 2017, except DOC shall implement the documentation requirements in subdivisions (b) and (d) of § 5-19 by the dates specified therein.
5-22 ("Third-Party Reporting")	<ul style="list-style-type: none"> • DOC shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on

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	how to report such incidents on behalf of an inmate, including posting such information on its website.
5-23 (“Staff and Agency Reporting duties”)	<ul style="list-style-type: none"> • DOC and CHA shall report incidents of sexual abuse or sexual harassment that occur 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, in accordance with the provisions of this section.
5-24 (“Agency Protection Duties”)	<ul style="list-style-type: none"> • When DOC learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.
5-25 (“Reporting to Other Confinement Facilities”)	<ul style="list-style-type: none"> • In accordance with the provisions of this section, facilities receiving an allegation that an inmate was sexually abused while confined at another facility shall notify the facility where the alleged abuse occurred and the facility receiving such notification shall ensure that the allegation is investigated in accordance with these rules.
5-26 (“Staff First Responder Duties”)	<ul style="list-style-type: none"> • DOC and CHA first responders to an allegation that an inmate was sexually abused shall take action required by this section.
5-28(a), (b), and (e) (“Agency Protection against Retaliation”)	<ul style="list-style-type: none"> • DOC shall implement the provisions of subdivisions (a), (b), and (e) of this section.
5-30 (“Criminal and Administrative Agency Investigations”)	<ul style="list-style-type: none"> • When DOC conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so in accordance with the provisions of this section. • DOC shall provide to the Board each closing memorandum within five (5) business days after completing it in accordance with subdivision (r) of this section. • DOC shall issue a written directive to all Investigation Division (ID) staff incorporating the provisions of this section, and provide this directive to the Board (subdivision (t)).
5-31 (“Evidentiary Standard for Administrative Investigations”)	<ul style="list-style-type: none"> • DOC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

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5-32 ("Reporting to Inmates")	<ul style="list-style-type: none"> • DOC shall report to inmates about investigations of their allegations of sexual abuse and document such reporting in accordance with the provisions of this section.
5-33 ("Disciplinary Sanctions for Staff")	<ul style="list-style-type: none"> • Disciplinary sanctions for DOC and CHA staff who engage in sexual abuse or otherwise have violated agency sexual abuse or sexual harassment policies shall be in accordance with the provisions of this section.
5-34 ("Corrective Action for Contractors and Volunteers")	<ul style="list-style-type: none"> • DOC shall take remedial action with respect to contractors and volunteers who engage in sexual abuse of inmates or otherwise violate DOC's sexual abuse or sexual harassment policies in accordance with the provisions of section
5-35 ("Disciplinary Sanctions for Inmates")	<ul style="list-style-type: none"> • Inmates determined to have engaged in inmate-on-inmate sexual abuse shall be subject to disciplinary sanctions in accordance with the provisions of this section.
5-36 ("Medical and Mental Health Screenings; History of Sexual Abuse")	<ul style="list-style-type: none"> • DOC shall offer follow-up medical and/or mental health care to inmates who have been identified as prior victims of sexual abuse at a screening pursuant to § 5-17, in accordance with the provisions of § 5-36.
5-37 ("Access to Emergency Medical and Mental Health Services")	<ul style="list-style-type: none"> • Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services in accordance with the provisions of this section.
5-38 ("Ongoing Medical and Mental Health Care for Sexual Abuse Victims")	<ul style="list-style-type: none"> • CHA shall 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, in accordance with the provisions of this section.
5-39 ("Sexual Abuse Incident Reviews")	<ul style="list-style-type: none"> • DOC shall conduct a sexual incident review at the conclusion of every sexual abuse investigation in accordance with subdivisions (a) through (e) of this section. • DOC shall provide the Board with all sexual abuse incident review reports on a quarterly basis (subdivision (f)).
5-40(a), (b), (e), (l), (m), and (n) ("Data Collection and Review")	<ul style="list-style-type: none"> • DOC shall collect data in accordance with subdivisions (a), (b), (e), (l), (m), and (n) of this section.

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5-41 ("Audits")	<ul style="list-style-type: none">• DOC shall provide the Board with a copy of all audit material referenced in this section within two (2) business days after its submission to the auditors.