

GA-06.11, "Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment"

## SCDC POLICY

NUMBER: GA-06.11

TITLE: PREVENTION, DETECTION, AND RESPONSE TO SEXUAL ABUSE/SEXUAL HARASSMENT

ISSUE DATE: June 29, 2023

RESPONSIBLE AUTHORITY: OFFICE OF THE DEPUTY DIRECTOR OF LEGAL AND COMPLIANCE

POLICYMANUAL: GENERAL ADMINISTRATION

SUPERSEDES: GA-06.11 (August 10, 2022) (November 23, 2021); GA-06.11(July 8, 2020);  
SUPERCEDES SCDC POLICY OP-21.12

RELEVANT SCDC FORMS/SUPPLIES: 18-78, 19-29, 19-164A, 19-165, 19-169, 19-181, 19-182, 19-183,  
19-186, 19-187, 19-188, 19-189, 19-212

ACA/CAC STANDARDS: 4-4281-1 through 4-4281-8

STATE/FEDERAL STATUTES: Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79); Section 44-23-1150, South Carolina Code of Laws, 1976, as amended.

PURPOSE: To provide guidelines to address the requirements of the Agency pursuant to the Prison Rape Elimination Act.

POLICY STATEMENT: Pursuant to the Prison Rape Elimination Act (PREA), the South Carolina Department of Corrections (SCDC) has a zero-tolerance policy regarding all forms of sexual abuse and sexual harassment in all institutions operated by, or contracted with, SCDC for the confinement of inmates. SCDC will ensure all allegations of sexual abuse and sexual harassment are thoroughly investigated and will support the prosecution of anyone found to have contributed to criminal activity. SCDC will ensure all employees, volunteers, interns, contractors, and inmates are trained and aware of SCDC's zero-tolerance policies.

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### SPECIFIC PROCEDURES:

#### 1. PREVENTION:

##### 1.1 Training and Education:

1.1.1 Staff Education: All employees (temporary and grant), volunteers, interns, and contractors will be provided general training on PREA and the Agency's zero-tolerance policies. Direct care staff will have PREA training provided by the Division of Training and Staff Development during Agency On-boarding, Orientation, Security Basic Training, and annually as mandatory in-service annual training. PREA training will include, but is not limited to: [PREA Standard §115.31]

- Review of this policy and other SCDC policy provisions pertaining to inmate sexual abuse and sexual harassment prevention, detection, reporting and response, and how staff are to fulfill their responsibilities under these policies and procedures;
- The requirement that staff report immediately any knowledge or information regarding sexual abuse or sexual harassment;
- SCDC's zero-tolerance for the sexual abuse and sexual harassment of inmates;
- Inmates' rights to be free from sexual abuse and sexual harassment, and the right of inmates and staff to be free from retaliation for reporting such abuse;
- The dynamics of sexual abuse and sexual harassment in confinement, recognition of signs of threatened and actual sexual abuse, common reactions of sexual abuse victims and sensitivity to inmate reports of sexual abuse, confidentiality, recognition of signs of predatory inmates and inmates who are vulnerable to sexual abuse;

- How to avoid inappropriate relationships with inmates; and

- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

1.1.2 Specialized Education: All Criminaland Administrative Investigators, Medical Practitioners, Mental Health Practitioners, and anyone authorized or charged with specific aspects of the Agency's response to sexual abuse allegations are required to complete specialized PREA training in the area specific to their role. This training will be completed at least every two (2) years with a certificate of completion or signed training completion document placed in the employee's file. Each Institutional PREA Compliance Manager is responsible for documenting the completion of training on SCDC Form 19-181, "NIC Training Log for Investigations and Medical/Mental Health." [PREA Standard §115.35]

1.1.3 Inmate Education: All inmates will be provided training on PREA during the initial intake process at the Reception and Evaluation (R &E) Centers and within thirty (30) days of intake at all institutions. In the R &E Centers, training and information will be provided in two (2) stages: [PREA Standard §115.33]

- Intake education, which will be provided during the intake process (within twenty-four [24] hours of the inmate's arrival), and will include an explanation of SCDC's zero-tolerance policies toward sexual abuse and sexual harassment, and how to report incidents or suspicions of sexual abuse or sexual harassment; and

- Comprehensive education which will be provided within two (2) weeks of the inmate's arrival. PREA training will include, but is not limited to:

- Review of this policy and other SCDC policy provisions pertaining to inmate sexual abuse and sexual harassment prevention, detection, reporting and response, and how staff are to fulfill their responsibilities under these policies and procedures;

- Inmates' rights to be free from sexual abuse, sexual harassment, and retaliation for reporting;

- Prevention of sexual abuse and sexual harassment;

- Tips for staying safe from sexual abuse and sexual harassment;

- How to report incidents or suspicions of sexual abuse or sexual harassment;
- Availability of medical and mental health treatment and counseling for victimized inmates; and
- Disciplinary actions for participating in sexual abuse, sexual harassment, or making false allegations.

1.1.4 Inmate education sessions will be facilitated by a staff member who has been provided in-depth PREA training and is knowledgeable about the Agency's current policies and procedures addressing the sexual abuse and sexual harassment of inmates. The facilitator must be knowledgeable on the subject matter being discussed and be sensitive to past trauma of inmates. [PREA Standard §115.33]

1.1.5 The training and information provided will be communicated in a manner that can be clearly understood by the inmate; inmates will have the opportunity to ask questions and receive answers during each training session.[PREA Standard §115.33]

1.1.6 Inmates will be required to sign an acknowledgement of having received all PREA training at both the R &E Centers and the assigned institution on SCDC Form 18-78, "Certification of Prison Rape Elimination Act (PREA) Orientation." A copy of the 18-78 will be maintained in the inmate's institutional record. (4-4281-1) [PREA Standard §115.33]

1.1.7 During each inmate orientation and training session, inmate education materials will be provided in formats which are accessible to all inmates. This includes providing documentation and materials to inmates who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.(4-4281-1)[PREA Standard §115.33]

1.1.8 Institutional PREA training provided to inmates subsequent to training provided by the R &E Centers will include educating inmates about relevant procedures specific to each institution or those of the R &E Center.[PREA Standard §115.33]

1.1.9 Current inmates who have not received the required education shall be educated as promptly as possible. [PREA Standard §115.33]

1.1.10 In addition to the education outlined above, each SCDC facility will ensure that key information, including information about the right to be free from sexual abuse and sexual harassment, and how to make a report, is continuously and readily available or visible to inmates through posters and other written formats. [PREA Standard §115.33]

1.2 Inmate Intake, Screening, and Assessment:

1.2.1 Screening for Risk of Sexual Victimization and Abusiveness: All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. In addition, for any investigated case of sexual abuse that is found to be substantiated, both the victim and the perpetrator will receive a re-assessment to update his/her information. [PREA Standard §115.41]

1.2.1.1 Intake screening will be conducted utilizing the PREA Screening Application within seventy-two (72) hours of the inmate's arrival at any institution the inmate will be permanently or temporarily housed (exclude medical visits and temporary holds).

1.2.1.2 Information provided from the screening assessment will be used to determine the inmate's housing, bed, 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.

1.2.1.3 Inmates who self-identify as Transgender or Intersex will be assessed and provided the minimally necessary accommodations on a case-by-case basis. For those inmates who self-identify as Transgender, information will be provided to the Agency's Multidisciplinary Management and Treatment Team (MMTT) for individualized case management and review.

1.2.1.4 Inmates who self-identify as Transgender or Intersex during intake will be not be required to receive gender specific grooming standards until the institution's PREA Compliance Manager (PCM) provides instruction. The PCM will receive instructions from the Agency's PREA Coordinator (PC) or designee.

1.2.1.5 Those inmate cases that are brought before the Agency's MMTT will be discussed on a case-by-case basis with the intention of ensuring the inmate's health and safety, and whether the placement would present management or security problems.

1.2.1.6 No inmate will be placed specifically on their identity of lesbian, gay, bisexual, transgender, or intersex.

1.2.1.7 Inmates identified to be at high risk for sexual victimization will not be placed in protective custody or involuntarily segregated, unless there is no available location or method of keeping the inmate separated from likely abusers. These inmates will be assessed every 30 days while in Protective Custody.

1.2.2 Supervision and Monitoring: Each SCDC institution will develop through individual institutional leadership teams, and comply with, an Institutional Staffing Plan. This plan will be developed in coordination with the Agency's PC and must be approved by the institution's Warden and the Agency's PC annually. [PREA Standard §115.13]

1.2.2.1 All institutional staffing plans will include all specified items required by the National PREA Prison and Jail Standards, Standard 115.13.

1.2.2.2 The institution's PCM will be responsible for ensuring the completion and maintenance of the staffing plan to include yearly reviews.

1.2.2.3 The institution's PCM will ensure that any deviations from the approved staffing plan are documented in memorandum format or on SCDC Form 19-29A, "Incident Report," and filed for review during auditing. The Warden must document when the approved Staffing Plan is deviated from with a written justification for the deviation on SCDC Form 19-212, "Deviation From Staffing Plan."

1.2.2.3.1 All deviations from the staffing plan will include, but is not limited to, reasons for the deviation, corrective action plan, and a determination on whether the change is permanent or temporary.

1.2.2.4 All Wardens, Associate Wardens, and senior institutional supervisory officers are required to conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment of inmates and documenting such unannounced rounds utilizing SCDC Form 19-164A, "General Population Housing Unit Unannounced Rounds Log."

1.2.2.5 All staff, volunteers, interns, contractors, and visitors entering a living facility will have his/her presence announced. This announcement will be provided in a volume loud enough to provide all inmates the opportunity to hear such announcements.

1.2.2.6 Inmates under the age of 18 years old shall not be housed in a housing unit in which the inmate will have sight, sound, or physical contact with any inmate over the age of 18. This includes shared showers, sleeping quarters and other common spaces.

1.2.2.6.1 In areas outside the housing unit, inmates under the age of 18 years old, will remain in the sight and sound supervision of security staff.

1.3 For further procedures in prevention of sexual abuse and sexual harassment, see SCDC Policy GA-06.11B, "Applying the Prison Rape Elimination Act".

## 2. DETECTION:

2.1 Use of Screening Information: Inmates who admit to having committed prior acts of sexual abuse, have prior convictions for violent offenses, and/or have a history of prior institutional violence or sexual behavior that is known to the institution or the Agency will be identified and kept away from those found to be at high risk for victimization. This will be accomplished through the inmate classification system. [PREA Standard §115.42]

2.2 Inmate Reporting: Inmates incarcerated in an SCDC institution will have multiple ways of reporting actual or suspected acts of sexual abuse or sexual harassment. Inmates may make a report by utilizing the inmate phone system to call in an allegation by dialing \*22, or write or make a verbal report to any Agency employee, volunteer, intern, or contractor. Inmates may also utilize the kiosk system to write any staff

member regarding the allegation, notify medical personnel through the sick call procedure, write to the South Carolina Law Enforcement Division (SLED), or ask a family member or friend to file a report on their behalf through the PREA Tips page on the Agency's public website at <http://www.doc.sc.gov/preaweb/>. [PREA Standard §115.51]

2.2.1 SCDC employees, volunteers, interns, and contractors will accept and report all allegations of sexual abuse from an inmate no matter the source or location of the allegation.

2.2.2 A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

2.2.3 All allegations of sexual abuse or sexual harassment will be submitted to the institution's PCM for review and submission to the Agency's PC for review. Institutional PCMs are responsible for ensuring all documentation is provided for each allegation and filed as directed by the Agency PC.

2.2.4 Any inmate conclusively found to have filed an intentionally false report alleging sexual abuse will be subject to disciplinary action through the Inmate Disciplinary System and/or criminal charges.

2.3 Staff Reporting Procedures: All employees, volunteers, interns, agents, or contractors of the Agency who observe or receive information concerning sexual abuse or sexual harassment, including threats of sexual abuse or a substantial risk of imminent sexual abuse, toward an inmate and/or any person presently under the jurisdiction of the Agency, must report it immediately to one of the following: Institutional Investigator, Warden of the institution, PREA Compliance Manager, appropriate member of the Director's staff, Division Director of Human Resources, or the PREA Coordinator. [PREA Standard §115.61]

2.3.1 In the event of an actual or suspected case of sexual abuse/victimization, the security staff first responder(s) must complete the following steps:

2.3.1.1 Identify and separate the alleged perpetrator and alleged victim with instructions that the alleged perpetrator and alleged victim not bathe, change clothes, urinate, defecate, eat, drink, brush teeth, smoke, or anything that may destroy evidence; (4-4406)

2.3.1.2 Immediately take the alleged victim to Medical;

2.3.1.3 Escort alleged inmate perpetrator(s) to an isolated area, preferably in a dry cell with restricted access to a toilet or water;

2.3.1.4 Notify the Shift Supervisor, PREA Compliance Manager, and Warden, as well as the Office of Inspector General(OIG);

2.3.1.5 Identify and isolate any witnesses;

2.3.1.6 Secure the crime scene;

2.3.1.7 Document all incidents promptly on SCDC Form 19-29A, "Incident Report"; and

2.3.1.8 Only share information related to the incident with those people who need to know in order to ensure the alleged victim's safety, conduct the investigation, or provide treatment to the alleged victim or alleged perpetrator.

2.3.2 In the event of an actual or suspected case of sexual harassment, the security staff will complete the following steps:

2.3.2.1 Identify and separate the alleged perpetrator and alleged victim;

2.3.2.2 Notify the Shift Supervisor and PREA Compliance Manager;

2.3.2.3 Identify any witnesses;

2.3.2.4 Document the details of the alleged victim's allegations on SCDC Form 19-29A, "Incident Report."

2.3.3 Visitors, volunteers, agents or contractors who fail to report any knowledge of sexual abuse towards an inmate may lose their privileges with the Agency.

2.3.4 SCDC employee failure to report such information will result in corrective action up to, and including, termination pursuant to SCDC Policy ADM-11.04, "Employee Corrective Action." See SCDC Policy ADM-11.17, "Employee Conduct," for additional information.

2.3.5 Any employee, (to include contract and temporary) who knowingly or intentionally submits inaccurate or untruthful information concerning sexual abuse as defined by state statute is guilty of the misdemeanor of falsely reporting sexual abuse and, upon conviction, must be imprisoned for not more than one (1) year. In addition, such conduct will result in corrective action up to, and including, termination pursuant to SCDC Policy ADM-11.04, "Employee Corrective Action."

2.3.6 Any person who has knowledge of, or has received information of, sexual abuse and fails to report it to the appropriate law enforcement authority, or a person who threatens or attempts to intimidate a witness is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 or imprisoned for not more than six (6) months, or both.

2.4 Investigations: SCDC will ensure that all allegations of sexual abuse and sexual harassment are thoroughly investigated promptly. PREA allegations of sexual abuse or sexual harassment may be received in numerous ways to include:[PREA Standard §115.71]



- PREA Tips--SCDC public website page that the public can use to report an allegation of sexual abuse/sexual harassment;
- \*22 Hotline Call;
- Warden-to-Warden PREA Notification;
- Grievance;
- Request to Staff Member (RTSM) or Automated Request to Staff Member (ARTSM); or
- Note, letter, or verbally.

NOTE: Regardless of how an allegation of sexual abuse or sexual harassment is received, the PCM will ensure SCDC Form 19-29A, "Incident Report" is completed, along with an SCDC Form 19-169, "Incident Report Checklist for PREA Issues." The PCM will assign a case number to the PREA allegation on SCDC Form 19-186, "PREA Case Log." The PCM will interview the alleged victim to gather any other pertinent information regarding the case and ask the inmate to complete SCDC Form 19-187, "PREA Inmate Voluntary Statement." This information, along with a printed inmate face sheet (printed through the Internal Inmate Search Application), will be forwarded to the Agency's PREA Coordinator for review and confirmation that the case is PREA-related. Upon approval by the Agency's PC, the Agency's PC will forward all inmate-on-inmate sexual harassment cases back to the institutional PCM to begin their administrative investigation, or for those allegations of criminal sexual abuse or staff-on-inmate sexual harassment will be investigated by SCDC'sOIG.

2.4.1 Criminal Investigations: Any allegation that provides evidence of criminal sexual abuse will be forwarded to the proper authorities for prosecution.

2.4.1.1 Agents with SCDC'sOIG will gather and preserve direct and circumstantial evidence, including available physical evidence, and any available electronic monitoring data, interview alleged victim(s), perpetrator(s), and witnesses, and review prior complaints and reports of sexual abuse involving the alleged or suspected perpetrator.

2.4.1.2 All criminal investigations will be documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary

evidence where feasible.

2.4.2 Administrative Investigations: All allegations of sexual abuse or sexual harassment that do not meet the level of a criminal offense will be investigated for violations of Agency policies, procedures, rules, or guidelines.

2.4.2.1 Institutional PCMs are responsible for the thorough investigation of all non-criminal investigations. PCMs will gather and preserve direct and circumstantial evidence, including available physical evidence and any available electronic monitoring data, interview alleged victim(s), perpetrator(s), and witnesses, and review any available prior complaints and reports of sexual abuse or sexual harassment involving the alleged or suspected perpetrator.

2.4.2.2 All administrative investigations will be documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

2.4.2.3 Administrative investigations will utilize preponderance of the evidence as the standard for determining whether an allegation of sexual abuse or sexual harassment is substantiated.

2.5 For further procedures regarding detection of sexual abuse and sexual harassment, see SCDC Policy GA-06.11B, "Applying the Prison Rape Elimination Act".

### 3. RESPONSE:

3.1 All alleged inmate victims will be taken to the Medical Services area for an initial medical assessment. If medical personnel determine that a sexual assault may have occurred, the inmate will be taken to an outside medical facility. The outside medical facility will perform a medical forensic exam, as appropriate, collecting all evidence and maintaining the chain of custody to preserve the evidence. (4-4406) [PREA Standard §115.64]

3.2 Victim Support: An individual treatment plan shall be developed and initiated for each victim of sexual abuse to address post-traumatic stress resulting from the sexual abuse. The treatment plan shall include, at a minimum, mental health counseling, medical follow-up (i.e., baseline testing for infectious diseases, etc.). In the case of female inmates, a pregnancy test will be completed as appropriate. (4-4406) [PREA Standard §115.83]

3.3 Perpetrator Treatment Plan: An individual treatment plan shall be developed and initiated for each sexual perpetrator in order to decrease the individual's potential for continued sexual abuse within the correctional environment and after release to the community. The treatment plan shall include, at a minimum, a sex offender assessment and possible participation in sex offender programming. [PREA Standard §115.83 (h)]

3.4 Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an institution, the institution's PCM will ensure the alleged victim is provided notification of whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded by completing and having the inmate sign that he/she has received a copy of SCDC Form 19-165, "Disposition of PREA Report." The original is placed in the inmate's PREA case file in the PCM's office. [PREA Standard §115.73]

3.5 Incident Review and Corrective Action: Following an investigation into an allegation of sexual abuse, the institution's PCM will ensure an incident review is conducted within thirty (30) calendar days following the PCM receiving OIG's written investigative report, or upon the PCM's completion of an administrative investigation and completing SCDC Form 19-188, "PCM Report of Findings." [PREA Standard §115.86]

3.5.1 Incident Reviews will be conducted on a case-by-case basis for all substantiated and unsubstantiated allegations of sexual abuse.

3.5.2 Incident Reviews will be conducted in coordination with the Agency's PREA Coordinator's and General Counsel's offices.

3.5.3 Incident Reviews will be documented on SCDC Form 19-183, "PREA Incident Reviews". Completed forms will be filed as directed by the Agency's PREA Coordinator's office.

3.6 For further procedures in response to allegations of sexual abuse and sexual harassment, see SCDC Policy GA-06.11B, "Applying the Prison Rape Elimination Act".

4. RETALIATION: No inmate will be subjected to retaliation, reprisal, harassment, or disciplinary action by employees, volunteers, or other inmates for reporting allegations, knowledge, or cooperation with an investigation of sexual abuse against an inmate. Inmates may report retaliation using any of the procedures for reporting sexual abuse, as described in Section 2 of this policy. [PREA Standard §115.67]

4.1 No employee, volunteer, intern, or contractor will be subjected to any kind of retaliation for reporting of any wrongdoings.

4.2 In accordance with SCDC Policy ADM-11.15, "South Carolina Whistleblower Act" for more information. No employee, volunteer, intern, or contractor will be subjected to any kind of retaliation for reporting of any wrongdoings.

4.3 In accordance with SCDC Policy ADM-11.15, "South Carolina Whistleblower Act" and SC Code of Laws §8-27-10 - §8-27-50 [Supp. 2000], an employee must file a report of waste, fraud, mismanagement, or other wrongdoing by the Agency and/or by an SCDC employee to an appropriate authority within sixty (60) days of learning of the misconduct or wrongdoing. Such reports should be filed as quickly as possible.

4.4 Wardens will ensure that all alleged victims, employees, witnesses, and reporters of alleged sexual abuse or sexual harassment are monitored for retaliation or reprisal for a minimum of ninety (90) days while housed or employed at the same institution. Institutional PCMs will ensure all individuals monitored are

documented on SCDC Form 19-182, "Sexual Abuse Retaliation Monitoring" and this form is filed for auditing and review.

4.5 Any use of segregated housing to protect an inmate who is alleged to have suffered from sexual abuse shall be subject to SCDC Policy OP-22.23, "Statewide Protective Custody."

## 5. DATA COLLECTION/TRACKING: [PREA Standards §115.87 & §115.88]

5.1 The Agency's PREA Coordinator will be responsible for compiling records and reporting statistical data to the US Department of Justice (DOJ) as required by the Prison Rape Elimination Act passed in 2003, and to all state oversight agencies.

5.2 Case Records: All institutions operated by or contracted with SCDC will collect data regarding all allegations of sexual abuse and sexual harassment on a daily basis. All information regarding allegations, investigations, dispositions, and subsequent actions will be electronically filed and a hard copy retained by the institution.

5.3 All case records associated with claims of sexual abuse, including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings and recommendations for post-release treatment and/or counseling are retained in accordance with SCDC Policy OP-21.09, "Inmate Records Plan," and SCDC Policy HS-18.07, "Inmate Health Information". (4-4281-8)

5.3.1 Institutional PCMs are responsible for the management and production of PREA files for auditing and reviewing purposes. As a means of ensuring PCMs have complete documentation in these PREA Case files, PCMs should utilize SCDC Form 19-189, "PREA Investigative Folder Checklist."

5.3.2 Each SCDC institution is required to conduct quarterly PREA meetings with the intention of discussing each allegation and determining if changes are needed to the Agency's policies or institution's procedures and/or practices.

5.3.2.1 PCMs will review each allegation reported within the quarter with the institution's Sexual Assault Response Team (SART) and document the meeting utilizing meeting notes, which will be filed in the institution's provided electronic shared folder.

5.3.2.2 PCMs will utilize the "PREA Quarterly Meeting" outline provided by the Agency's PREA Coordinator's office as a reference to ensure the meeting covers all aspects which include, but are not limited to:

- Identifying problem areas;

- Training needs;

- Improvement needs;

- Corrective actions taken; and,

- Corrective action plans.

5.3.3 On a yearly basis, all SCDC institutions will conduct an annual PREA meeting to discuss and aggregate data from all allegations collected throughout the year. This meeting will involve all members of the institution's SART members and will review and report the statistical data collected of the prevalence of sexual abuse and sexual harassment in the institution.

5.3.3.1 The PCM will ensure the statistical data report is documented in a Corrective Action Plan format provided by the Agency's PREA Coordinator and includes the meeting notes and all data required to complete the DOJ's Annual Survey of Sexual Victimization.

## 6. DEFINITIONS:

Sexual abuse includes:

1. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
2. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

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 or with 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 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 the 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 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.
- 9.

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:

1. 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
2. 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.

Consensual sexual contact among inmates is prohibited, and will be referred through the Inmate Disciplinary System. Non-coercive sexual activity between inmates does not constitute sexual abuse, and the Agency may not deem it as such. It is thus beyond the scope of this policy. For further definitions, see SCDC Policy GA-06.11B, "Applying the Prison Rape Elimination Act."

SIGNATURE ON FILE

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s/Bryan P. Stirling, Director

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Date of Signature

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT.