

	LaSalle Corrections	
	Policy #:	2.11 SAPPI
	Chapter:	SECURITY
	Subject:	Sexual Abuse and Assault Prevention and Intervention
	Effective:	7/19/2019
		Supersedes:
<p>Related Standards: DHS Pre Audit Checklist for SAAP</p> <p>PBNDS-2011 STANDARD 2.11</p>		

PURPOSE

To Prevent, detect and respond to Sexual Abuse and Sexual Harassment of detainees and to address the safety and treatment of detainees that have been sexually abused or sexually harassed.

POLICY

It is the policy of the LaSalle Corrections (LC) to establish effective procedures that ensures the safety and well-being to all staff and detainees. All staff will be trained to identify and subsequently prevent sexually abusive behavior among detainees housed at this facility. LC maintains a zero-tolerance policy for all forms of sexual abuse or sexual harassment in compliance with applicable standards including National Standards to Prevent, Detect, and Respond to Prison Rape under the Prison Rape Elimination act; measures are taken to prevent sexual abuse or assault, including the designation of specific staff members responsible for staff training and detainees education regarding issues pertaining to sexual assault; procedures for immediate reporting of any allegations of sexual abuse or assault through LC’s chain of command procedures, and to ICE/ERO including written documentation requirements; procedures for detainees to report allegations; measures taken for prompt and effective intervention to address the safety and medical/mental health treatment needs of detainee victims, and to preserve and collect evidence; procedures for referral of incidents to appropriate investigative law enforcement agencies and OPR, and coordination with such entities; disciplinary sanctions for staff, up to and including termination when staff has violated agency sexual abuse policy; and data collection and reporting.

LC provides a safe and secure environment for all detainees, employees, contractors, and volunteers, free from the threat of sexual abuse or assault, by maintaining a Sexual Abuse and Assault Prevention and Intervention Program that ensures effective procedures for preventing, reporting, responding to, investigating, and tracking incidents or allegations of sexual abuse or assault. All detainee communications and notifications, forms, documents, etc., required by this policy are made in a language, and communicated in a manner, that each individual detainee can understand. This policy prohibits sexual conduct between Employees, Volunteers, Contractor, and detainees regardless of consensual status and is subject to administrative and criminal disciplinary sanctions. This prohibition includes conversations or correspondence of a romantic relationship or sexual nature. All

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Employees are expected to have a clear understanding that LaSalle Corrections, Immigration and Custom Enforcement, prohibit any type of sexual relationship with a detainee.

The Facility shall develop a written institutional plan to coordinate actions taken by staff first responders, medical and mental health practitioners, investigators, and facility leadership in response to an incident of sexual abuse.

DEFINITIONS:

A. General Definitions

1. **Agency**-means the unit of state, local, corporate, or nonprofit authority, or of the Department of Homeland Security, with direct responsibility for the operation of any facility that confines detainees, including the implementation of policy as set forth by the governing, corporate, or nonprofit authority.
2. **Company**-means LaSalle Corrections
3. **Contractor**-means a person who provides services or recurring basis pursuant to a contractual agreement with the Agency.
4. **Employee**-means a person employed by LaSalle Corrections or any operational subsidiary.
5. **Exigent Circumstances**- means any set temporary and unforeseen circumstances that require immediate action in order to combat to the security or institutional order of the facility.
6. **Facility**- means a place, institution, building (or not thereof), set of buildings, structure, or area that is used by an agency for the confinement of individuals.
7. **Facility Administrator**-means the principal official of a Facility (i.e. Warden).
8. **Gender Nonconforming**-means a person whose appearance or manner does not conform to traditional societal gender expectations.
9. **Individual in a LaSalle Facility or Program**-means detainee(s)
10. **Intersex**-means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definition of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
11. **LGBTI**- means individuals in a LaSalle Corrections Facility or Program who have identified themselves as lesbian, gay, bisexual, transgender or Intersex.
12. **Medical Practitioners**- 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 training for treating Sexual Abuse victims.
13. **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.
14. **Resident**-means a person confined in a Community Confinement Facility.
15. **Security Staff**-means Employees primarily responsible for the supervision and control of detainees in housing units, recreation areas, dining areas, and other program areas of the facility.
16. **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.

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17. **Volunteer**-means an individual, not an employee, who donates time and effort on a recurring basis to enhance the activities and programs of LaSalle Corrections.
18. **Youthful Inmate**-means any person under age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.
19. **Definition of LGBTI**
 - L-Lesbian
 - G-Gay
 - T-Transsexual
 - I-intersex
20. **PREA** -The Prison Rape Elimination Act of 2003, an Act signed into law with the goal of preventing, detecting, and responding to sexual abuse occurring in confinement facilities.
21. **SANE**- Acronym for “Sexual Assault Nurse Examiner.” Medical staff specially trained in the examination and collection of forensic evidence pursuant to a sexual assault.
22. **SAFE**- Acronym for “Sexual Assault Forensic Examiner.” Medical staff specifically trained to provide forensic examinations to sexual assault victims.
23. **Facility PREA Compliance Manager**-A staff member designated by the facility/district head at each facility to assist the facility/district head in ensuring elements of the PREA Act is met in a coordinated fashion.
24. **Voyeurism**- An invasion of privacy of an offender, detainee, by staff for reasons unrelated to official duties, such as: peering at an offender who is using a toilet in his or her cell to perform bodily functions; requiring an offender to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an offender’s naked body or of an offender performing bodily functions.

B. Definitions Related to Sexual Abuse

1. Sexual abuse of a detainee, or by another detainee includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
2. 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:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;

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- c. 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;
- d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in section;
- g. 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 Voyeurism by a staff member, contractor, or volunteer.

C. . Sexual harassment Includes:

- a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
- b. 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.
- c. **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.

Note: Sexual acts or contact between detainees and an Employee, Contractor or Volunteer even when no objections are raised by either party, are forbidden and illegal. Except in cases where the Employee, Contractor, or Volunteer is clearly the victim.

Sexual Activity: Physical contact between two or more detainees of the same or opposite sex for the purpose of sexual arousal or gratification where all involved detainees or Program independently expresses or implies consent. Such contact includes the following: active or passive contact or fondling of genitals, hands mouth, buttocks, anus, or breast.

Sexual Abusive Behavior: The term used in this policy to describe Sexual Abuse and Sexual Harassment as defined in this section.

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Sexual acts or contacts between a detainee and a staff member, volunteer or contract personnel regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions (ALDF-4D-22-5).

GUIDELINES

A. Policy

Zero Tolerance of sexual abuse; Prevention of Sexual Assault Coordinator

- B.** The LaSalle Corrections mandates zero tolerance towards all forms of Sexual Abuse and Sexual Harassment.

C. LaSalle Corrections PREA

1. PREA Coordinator

The LaSalle Corrections Regional Warden shall be the agency's PREA Coordinator, at the Corporate Level with enough time and authority to develop, implement, and oversee the facilities efforts to comply with the PREA standards

2. PREA Compliance Manager

The Facility Administrator will designate a Prevention of Sexual Assault Compliance Manager POC for ICE and PSA (PSA Coordinator) who will serve as the facility point of contact for the ICE. PSA Coordinator and who has sufficient time and authority to oversee facility efforts to comply with facility sexual abuse prevention and intervention policies and procedures. The Compliance Manager shall:

- a) assist with the development of written policies and procedures for the Sexual Abuse and Assault Prevention and Intervention Program, as specified above in this standard, and with keeping them current;
- b) assist with the development of initial and ongoing training protocols;
- c) serve as a liaison with other agencies;
- d) Coordinate the gathering of statistics and reports on incidents of sexual abuse or assault.
- e) review the results of every investigation of sexual abuse and assist in conducting an annual review of all investigations in compliance with the Privacy Act to assess and improve prevention and response efforts; and
- f) Review facility practices to ensure required levels of confidentiality are maintained.
- g) medical staff shall be trained in procedures for examining and treating victims of sexual abuse, in facilities where medical staff may be assigned these activities. This training shall be subject to the review and approval of the Field Office Director or other designated ICE official.

1. Allegations for Investigation

The LaSalle Corrections will ensure all allegations of Sexual Abuse and Sexual Harassment are referred for investigation to a law enforcement LaSalle Parish police department legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. Facilities shall document all referrals.

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- a. In the case where staff, contractors, and volunteers are suspected of perpetrating sexual abuse, they shall be removed from all duties requiring detainee contact pending the outcome of an investigation.
- b. The Facility shall not enter into or renew any collective bargaining agreement or other agreement that limits a Facility's ability to remove alleged Employee sexual abusers from contact with any detainee pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

3. Coordinated Response

- a. The Facility has developed a 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.
- b. The plans shall coordinate actions of staff responders, which are Medical and Mental Health Practitioners, facility investigators, PREA Coordinator, Duty Warden and any other staff deemed necessary by the Facility Administrator.
- c. The Facility PREA Compliance Manager shall be required participant and the Corporate PREA Coordinator shall be consulted as part of this coordinated response. The Corporate PREA Coordinator contact information

4. Contracting With Other Entities / Individuals

- a. The Facility shall ensure that all contracts with other entities for the confinement of individuals shall include in any new contracts or contract renewals the entity's obligation to adopt and comply with the PREA standards.
- b. Contractors providing services who have direct contact with Individuals in the LC or Program shall be obligated to comply with applicable PREA Standards and shall be incorporated into their new contract or contract renewal. Contractors shall be monitored to ensure compliance with these PREA standards.

D. Supervision and Monitoring (115.13)

- a. The Facility will maintain sufficient supervision of detainees through a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect detainees against sexual abuse.
- b. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:
 - (1) Generally accepted detention and correctional practices;
 - (2) Any judicial findings of inadequacy;
 - (3) Any findings of inadequacy from Federal investigative agencies;

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- (4)-Any findings of inadequacy from internal or external oversight bodies;
 - (5)-All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
 - (6)-The composition of the inmate population;
 - (7)-The number and placement of supervisory staff;
 - (8)-Institution programs occurring on a particular shift;
 - (9)- Any applicable State or local laws, regulations, or standards;
 - (10)-The prevalence of substantiated and unsubstantiated incidents of sexual abuse;
 - (11)-The Chief of security shall ensure the Shift Supervisor or designee is conducting weekly rounds and documenting PREA unannounced rounds. Both day and evening shift supervisors, while conducting these rounds shall be looking at cross-gender viewing, gender announcement, staff-detainee communication, identify and deter sexual abuse of detainees and ensuring PREA signs are posted in housing areas and holding rooms.
- c. Employees are prohibited from alerting other Employees that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the Facility.

1. Hiring and Promotions

- a. The Facility is prohibited from hiring anyone who may have contact with detainees, and shall not enlist the services of any contractor/volunteer who may have contact with detainees, who has engaged in sexual abuse in a prison, jail, holding facility, community confinement facility, juvenile facility, or other institution or has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or who has been civilly or administratively adjudicated to have engaged in such activity.
- b. The Facility when considering hiring or promoting staff shall ask all applicants who may have contact with detainees directly about previous misconduct, in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. LC, consistent with law, shall make its best effort to contact all prior institutional employers of any applicant for employment, to obtain information of substantiated allegations of sexual abuse or any resignation during a pending investigation of alleged sexual abuse.
- c. The Facility shall conduct criminal background checks and make its best effort to contact prior institutional employers to obtain information on substantiated allegations of Sexual Abuse or any resignation pending investigation of an allegation of Sexual Abuse, prior to hiring new Employees. Background checks shall be repeated for all Employees, Contractors, and Volunteers at least every five years.
- d. The Facility shall also impose upon Employees a continuing affirmative duty to disclose any such conduct. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

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- e. Unless prohibited by law, the Facility shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

2. Detainee Transportation

- a) Detainees identified as being “at risk” for sexual victimization shall be transported in accordance with that special safety concern.
- b) Transportation staff shall seat each detainee in accordance with written procedures from the facility administrator or designee, with particular attention to special needs of the victim who may need to be afforded closer observation for their own safety.
- c) When a transferal of a detainee victim from an ICE facility to another ICE facility, where permitted by law, inform them of need for medical or social services, unless victim request otherwise. If it’s an unknown facility, then the FOD is notified so they can determine notification.

3. Facility Upgrades and Technology

The Facility shall consider the effect any (new and upgrade) design, acquisition, expansion or modification of physical plant or monitoring technology might have on the Facility’s ability to protect individuals in a LaSalle Corrections from Sexual Abuse.

4. Accommodating Detainees with Disabilities or Limited English Proficiency

The Facility shall take appropriate steps to ensure that detainees with disabilities (including detainees who are deaf or hard of hearing those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have an opportunity to participate in or benefit from all aspects of the facility’s efforts to prevent, detect, and respond to sexual abuse.

- a. Providing access to in-person, telephonic, or video interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary.
- b. Providing access to written materials related to sexual abuse in formats or through methods that ensure effective communication.

5. Allegations of Sexual Abuse, Sexual Harassment

- a. The Facility Shall employ effective and receptive verbal communication techniques while communicating with detainees with disabilities in accordance with professionally accepted standards of care. Each facility shall provide detainees with disabilities and detainees with Limited English Proficiency with in-person or telephonic interpretation services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary. Interpretation services shall be provided by someone other than another

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detainee, unless the detainee expresses a preference for another detainee to provide interpretation and the agency determines that such interpretation is appropriate and consistent with DHS policy.

- b. When practicable, provisions for written translation of materials related to sexual abuse or assault shall be made for other significant segments of the population with limited English proficiency. Oral interpretation or assistance shall be provided to any detainee who speaks another language in which written material has been translated or who is illiterate.
- c. When alleged victim is under 18 or considered a vulnerable adult under a State or Local vulnerable person statute the FOD will be advised.

6. Victim Advocate Services

- a. The Facility shall utilize available community resources and services to provide valuable expertise and support in the areas of crisis intervention, counseling, investigation and the prosecution of sexual abuse perpetrators to most appropriately address victim's needs. shall make available, to the full extent possible, outside victim services following incidents of sexual abuse. The Facility shall also attempt to make available such victim services for any individuals identified as having experienced sexual victimization prior to entering DHS custody. shall provide postings in all housing units with the community resources mailing address and telephone numbers (including toll-free hotline numbers where available).
- b. LC shall maintain or attempt to enter into memoranda of understanding (MOU) or other agreements with community service providers or, if local providers are not available, with national organizations that provide legal advocacy and confidential emotional support services for immigrant victims of crime.
- c. The Facility shall enable reasonable communication between detainees and these organizations and agencies, in a confidential manner as possible. The Facility will inform detainees, prior to giving them access to outside resources, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

7. Prevention

All staff and detainees are responsible for being alert to signs of potential situations in which sexual assaults might occur, and if a facility staff member has a reasonable belief that a detainee is subject to a substantial risk of imminent sexual abuse, he or she shall take immediate action to protect the detainee.

E. Screening and Classification

1. Screening for Risk of Victimization and Abusiveness

- a. The Facility will ensure that information is provided to all detainees about sexual abuse. Assault including prevention, intervention self-protection, reporting sexual abuse and assault, treatment and counseling. This information is communicated orally and in writing, in a language clearly understood by the detainee upon arrival at the facility.

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- b. All detainees will be screened within 12 hours of their arrival at the facility for potential vulnerabilities or tendencies of acting out sexually aggressive behaviors. Housing assignments are made accordingly. Detainees identified as being at risk for sexual victimization are monitored and counseled and are placed in the least restrictive housing that is available and appropriate.
- c. Sensitive information shall be limited to need-to-know Employees only for the purpose of treatment, programming, housing and security and management decisions.
- d. The Facility shall assess all detainees upon intake to identify those likely to be sexual aggressors or sexual abuse victims and shall house detainees to prevent sexual abuse, taking necessary steps to mitigate any such danger. The Facility shall also use the information to inform assignment of detainees to recreation and other activities, and voluntary work. Each new arrival shall be kept separate from the general population until he/she is classified and may be housed accordingly.
- e. Detainees identified as having a history of sexually assaultive behavior or at risk for sexual victimization shall be assessed by a mental health or other qualified health care professional and monitored and counseled as determined by the professional.
- f. If the assessment indicates that a detainee has experienced prior sexual victimization or perpetrated sexual abuse, staff shall, as appropriate, ensure that the detainee is immediately referred to a qualified medical or mental health practitioner for medical and/or mental health follow-up as appropriate.
- g. Detainees considered at risk for sexual victimization shall be placed in the least restrictive housing that is available and appropriate.
- j. The following criteria will be used in screening to assess detainees for risk of sexual victimization and sexual abusive behavior:
 1. Whether the detainee has a mental, physical, or developmental disability
 2. The age of the detainee
 3. The physical build and appearance of the detainee
 4. Whether the detainee has previously been incarcerated or detained
 5. The nature of the detainee's criminal history
 6. Whether the detainee has any convictions for sex offenses against an adult or child
 7. Whether the detainee has self-identified as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming-
 8. Whether the detainee has self-identified as having previously experienced sexual victimization.
 9. The detainee's own concerns about his or her physical safety.

The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the facility, in assessing detainees for risk of being sexually abusive.

The Facility shall reassess each detainee's risk of victimization or abusiveness between 60 and 90 days from the date of initial assessment, and at any other time when warranted based

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upon the receipt of additional, relevant information or following an incident of abuse or victimization.

Detainees shall not be disciplined for refusing to answer or not disclosing complete information in response to questions (1), (7), (8), (9).

The Facility shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this screening in order to ensure that sensitive information is not exploited to the detainee's detriment by staff or other detainees.

Such Detainees should be assigned to administrative segregation for protective custody only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

2. Youthful Offenders

- a. A youthful inmate shall not be placed in a housing unit that have sight, sound, and physical contact separation from adult detainees.
- b. In areas other than housing units, sight and sound separation shall be maintained between Youthful detainees unless the Facility can provide direct Employee supervision over detainees in the area.
- c. LC shall not use isolation or denial of exercise, education, or other program, work opportunities in order to comply with these requirements.
- d. In the event the facility receives a Youthful detainee who is determined to be a juvenile during the intake process. The Youthful detainee will not be placed in housing units with adults, the detainee will be placed in Medical and ensure that the detainee does have sight, sound, or physical contact with an adult detainee. The facility will notify the AFOD so the youthful detainee can be transported to an appropriate facility.

3. Medical and Mental Health Screening; History of Sexual Abuse

- a. If during the intake screening assessment, Intake officers or Medical staff screening the detainees will be able to determine if a detainee in the has experienced prior sexual victimization or perpetrated sexual abuse, staff shall, as appropriate, ensure that the detainee is immediately referred to qualified medical or mental health practitioner for medical and/or mental health follow-up as appropriate.
- b. When a referral for medical follow is initiated, the detainee shall receive a health evaluation no later than two working days from the date of the assessment.
- c. When a referral for mental health follow-up is initiated, the detainee shall receive a mental health evaluation no later than 72 hours after the referral.
- d. Detainee victims of sexually abusive vaginal penetration by a male abuser while incarcerated shall be offered pregnancy tests. If pregnancy results from an instance of sexual abuse, the victim shall receive timely and comprehensive information about lawful pregnancy-related medical services and timely access to all lawful pregnancy-related medical services.

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- e. The Facility shall offer medical and mental health evaluation and, as appropriate, treatment to all detainees who have been victimized by sexual abuse while in immigration detention.
- f. The Facility shall provide such victims with medical and mental health services consistent with the community level of care.
- g. Evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- h. Any detainee in who is identified or who has previously experienced sexual victimization or abusiveness using the PREA assessment whether it occurred in an institutional setting or in the community, staff shall ensure that the detainee is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
- i. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
- j. Medical and mental health practitioners shall obtain informed consent from detainees before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the detainee is under the age of 18.
- k. Medical and mental health practitioners shall obtain informed consent from detainees before reporting information about prior sexual victimization that did not occur in an institutional setting, (unless the inmate is under the age of 18)
- l. All Detainees identified as having a history sexually abusive behavior must also be referred to the psychologist for further treatment. Detainees with a history of sexually abusive behavior are identified, monitored, and counseled. Detainees identified as at risk for sexual victimization are assessed by a mental health or other qualified professional. Detainees at risk for sexual victimization are identified, monitored, and counseled. Housing assignments are made accordingly.

4. Use of Screening Information

- a. Screening Information from the risk screening required to inform housing, bed, work assignments within the Facility in order to keep potential victims away from potential abusers. Detainees identified as being a risk for sexual victimized are monitored and counseled and placed in least restrictive housing that is available and appropriate.
- b. In making assessment and housing assignments, for Transgender and Intersex detainees shall consider the detainee's gender self-identification and an assessment of the effects of placement on the detainee's health and safety. Medical and mental health professionals shall be notified as soon as practicable on this assessment.
- c. The Facility shall not base placement decisions of transgender or intersex detainees solely on the identity documents or physical anatomy of the detainee; a detainee's

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self-identification of his/her gender and self-assessment of safety needs shall always be taken into consideration as well.

- d. The LaSalle Correctionss placement of a transgender or intersex detainee shall be consistent with the safety and security considerations of the facility, and placement and programming assignments for each transgender of intersex detainee shall be reassessed at least twice each year to review any threats to safety experienced by the detainee.
- e. LGBTI Individuals in the Facility shall not be placed in housing units solely based on their identification as LGBTI, unless such dedicated unit exists in connection with consent decree, legal settlement, or legal judgment for the purpose of protecting such detainee.
- f. Transgender and intersex detainees shall be given the opportunity to shower separately from other detainees.

F. Disability's and Education

1. Individuals with disabilities and detainees who are limited English proficient
 - a. The Facility shall ensure detainees with disabilities (including, detainees who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. will ensure effective communication with detainees who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
 - b. The Facility shall ensure that written materials are provided in formats or through methods that ensure effective communication with detainees with disabilities, including detainees who have intellectual disabilities, limited reading skills, or who are blind or have low vision. LC is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the ADA, 28 CFR35.164
 - c. The Facility will take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to detainees who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
 - d. In matters relating to allegations of sexual abuse, The Facility shall provide in-person or telephonic interpretation services that enable effective, accurate, and impartial interpretation by someone other than another detainee, unless the detainee expresses a preference for another detainee to provide interpretation and LC determines that such interpretation is appropriate and consistent with DHS policy. LC prohibits the provision of interpreter services by minors, alleged abusers, detainee who witnessed the alleged abuse, and detainee who have a significant relationship with the alleged abuser is not appropriate in matters relating to allegations of sexual abuse.

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- e. The Facility shall ensure posting are provided in all housing unit bulletin boards to include, DHS-prescribed sexual assault awareness notice; the name of the Prevention of Sexual Abuse Compliance Manager; and the name of local organizations that can assist detainees who have been victims of sexual abuse.

G. Detainee Orientation

1. Detainees shall be informed about LaSalle Correction's Sexual abuse and assault prevention and intervention program and zero-tolerance policy for sexual abuse and assault through the orientation program and the detainee handbook. Detainee notification, orientation, and instruction must be in a language or manner that the detainee understands.
2. Prohibits all forms of sexual abuse or assault staff on detainee, detainee on detainees;
 - prevention and intervention strategies;
 - definitions and examples of detainee-on-detainee sexual abuse, staff-on-detainee sexual abuse and coercive sexual activity;
 - explanation of methods for reporting sexual abuse or assault, including one or more staff members other than an immediate point-of contact line officer, (e.g., the compliance manager or a mental health specialist) the Detention and Reporting Information Line (DRIL), the DHS Office of Inspector General, and the Joint Intake Center;
 - information about self-protection and indicators of sexual abuse;
 - prohibition against retaliation, including an explanation that reporting an assault shall not negatively impact the detainee's immigration proceedings;
 - The right of a detainee who has been subjected to sexual abuse to receive treatment and counseling.
 - Each detainee shall receive a copy of the "Sexual Assault Awareness Information" pamphlet; a LaSalle Corrections Detainee Handbook; and an U.S. Immigration and Customs Enforcement National Detention Handbook in which both include information on how to report sexual abuse. A signed acknowledgment shall be kept in the detainee detention file.
- a. Detainee notification, orientation, and instruction must be in a language or manner that the detainee understands, including for those who are limited English proficient, deaf, visually impaired or otherwise disabled, as well as to detainees who have limited reading skills. shall maintain documentation of detainee participation in the instruction session.
- b. The Facility shall have a TTY machine available in the Intake Processing Area.
- c. The Facility shall ensure that detainees have multiple ways to privately report sexual abuse, retaliation for reporting sexual abuse, or staff neglect or violations of responsibilities that may have contributed to such incidents:
- d. The sexual abuse or assault prevention and intervention program shall provide detainees who are victims of sexual abuse or assault the option to report the incident or situation to a designated staff member other than an immediate point-of-contact line officer (e.g., the program coordinator or a mental health specialist). The Facility shall provide detainees with the name of the program coordinator or designated staff member and information on how to contact him or her. Detainees will also be informed that they can report any incident or situation regarding sexual

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abuse, assault, or intimidation to any staff member (as outlined above), the DHS Office of Inspector General, and the Joint Intake Center.

- e. The Facility shall provide instructions on how detainees may contact their consular official, the DHS Office of Inspector General, or as appropriate, another designated office, to confidentially and, if desired, anonymously report these incidents.
- f. The Facility shall inform the detainees of at least one way for detainees to report sexual abuse to a public or private entity or office that is not part of LaSalle Corrections.

H. Staff Training

1. Training on the facility's Sexual Abuse or Assault Prevention and Intervention Program shall be included in training for all employees and shall also be included in annual refresher training thereafter.
2. Employee training shall ensure facility staff are able to fulfill their responsibilities under this standard, and shall include:
 - a) The facility's zero-tolerance policies for all forms of sexual abuse;
 - b) definitions and examples of prohibited and illegal sexual behavior;
 - c) the right of detainees and staff to be free from sexual abuse, and from retaliation for reporting sexual abuse; and examples of prohibited and illegal sexual behavior
 - d) instruction that sexual abuse and/or assault is never an acceptable consequence of detention;
 - e) recognition of situations where sexual abuse and/or assault may occur;
 - f) how to avoid inappropriate relationships with detainees;
 - g) working with vulnerable populations and addressing their potential vulnerability in the general population;
 - h) recognition of the physical, behavioral and emotional signs of sexual abuse and/or assault and ways to prevent and respond to such occurrences;
 - i) the requirement to limit reporting of sexual abuse and assault to personnel with a need-to-know in order to make decisions concerning the detainee victim's welfare, and for law enforcement/investigative purposes;
 - j) The investigation process and how to ensure that evidence is not destroyed;
 - k) Prevention, recognition and appropriate response to allegations or suspicions of sexual assault involving detainees with mental or physical disabilities;
 - l) how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming detainees;
 - m) Instruction on reporting knowledge or suspicion of sexual abuse and/or assault; and
 - n) Instruction on documentation and referral procedures of all allegations or suspicion of sexual abuse and/or assault.
3. The Facility shall ensure that all volunteers and other contractors who have contact with detainees have been trained on their responsibilities under the facility's sexual abuse prevention, detection, intervention and response policies, and procedures. The

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level and type of training for volunteers and contractors will be based on the services they provide and their level of contact with detainees; however, all volunteers and contractors who have any contact with detainees must be notified of the zero-tolerance policy and informed how to report such incidents. In this paragraph “other contractor” means a person who provides services on a non-recurring basis to the facility pursuant to a contractual agreement with the agency or facility.

4. The Facility shall maintain written documentation verifying employee, volunteer, and contractor training. In addition to the general training provided to all employees, The Facility shall provide specialized training on sexual abuse and effective cross-agency coordination to facility investigators who conduct investigations into allegations of sexual abuse at immigration detention facilities. This training must cover, at a minimum, interviewing sexual abuse and assault victims, sexual abuse and assault evidence collection in confinement settings, the criteria, and evidence required for administrative action or prosecutorial referral, and information about effective cross-agency coordination in the investigation process.

I. Specialized training: Investigations

- a. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- b. The Facility shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.
- c. Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.

J. Specialized Training: Medical and Mental Health

- a. The Facility shall ensure that all full- and part-time medical and mental health care practitioners are provided with specialized training, to include:
 1. How to detect and assess signs of sexual abuse and sexual harassment;
 2. How to preserve physical evidence of sexual abuse; If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.
 3. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
 4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- b. The training department shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.
- c. 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.

K. Volunteers and Contractor Training

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1. Volunteer /Contractor Training

- a. The LC Employees, Contractors and Volunteers who have contact with detainees will have been trained on their responsibilities under the Sexual Abuse and Sexual Harassment prevention, detection, and response policies and procedures.
- b. The training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with detainees, but all volunteers and contractors who have contact with detainees shall be notified of the facilities' zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- c. If the volunteer and or contractor is the first responder, they shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then immediately notify security staff.
- d. Volunteers and Contractors who have contact with detainees shall receive PRA refresher training.
- e. The Facility shall maintain documentation confirming that volunteers and contractors understand the training they have received.

2. Volunteer Reporting Duties

- a. Knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of ; retaliation against detainees or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- b. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.
- c. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform detainees of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
- d. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.
- e. The facility shall report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, to the facility's designated investigators.

3. Corrective Actions for Contractors and Volunteers

- a. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
- b. Contractors and volunteers suspected of perpetrating sexual abuse shall be immediately removed from all duties requiring detainee contact pending the outcome of an investigation.

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- c. The Facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with detainees by contractors and volunteers who have not engaged in sexual abuse but have violated other provisions within these standards.

4. Hiring Contractors

- a. The Facility is prohibited from contracting with anyone (who may have contact detainees) who has engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in Sexual Abuse in confinement settings or in the community.
- b. The Facility shall consider any incidents of Sexual Harassment in determining whether to enlist the services for any Contractor who may have contact with detainees in LaSalle Corrections Facility.
- c. The Facility shall conduct criminal background checks and make its best effort to contact prior institutional employers to obtain information on substantiated of Sexual Abuse and Sexual Harassment any resignation pending investigation or an allegation of Sexual Abuse prior to enlisting the service of any Contractor, Background checks shall be repeated for all Contractors at least five years.

5. Limits to Cross Gender Viewing and Searches

- a. The Facility shall 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 including consideration of officer safety, or when performed by medical practitioners.
- b. The Facility shall not conduct cross-gender pat-down searches of male detainees unless, after reasonable diligence, staff of the same gender is not available at the time the pat-down search is required or in exigent circumstances.
- c. The Facility shall not conduct cross-gender pat-down searches of female detainees unless in exigent circumstances.
- d. The Facility shall not restrict female detainee's access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
- e. The Facility shall document all cross-gender strip searches, cross-gender visual body cavity searches, and all cross-gender pat-down searches.
- f. The Facility shall enable detainees to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine dorm checks or is otherwise appropriate in connection with a medical examination or monitored bowel movement. The Facility shall require staff of the opposite gender to announce their presence when entering a detainee-housing unit.
- g. The Facility shall not search or physically examine a transgender or intersex detainee for the sole purpose of determining the detainee genital status. If the detainee's genital status is unknown, it may be determined during conversations

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with the detainee, by reviewing medical records, or, if necessary, by learning that information as part of the standard medical examination that all detainees must undergo as part of the intake or other processing procedures conducted in private by a medical practitioner.

- h. The Facility shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex detainees, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

L. Detainee Reporting Procedures

1. Detainee Reporting

LC staff must all accept reports made verbally, in writing, anonymously, and from third parties and promptly document any reports and notify through the chain of command the Facility Administrator and the Field Office Director.

- a. The Facility shall ensure that detainees have multiple ways for detainees to privately report sexual abuse and sexual harassment, retaliation for reporting sexual abuse, or staff neglect or violations of responsibilities that may have contributed to such incidents. LC shall provide instructions on how detainees may contact their consular official, the DHS Office of the Inspector General or, as appropriate, another designated office, to confidentially and, if desired, anonymously, report these incidents.
- b. The Facility has one way for detainees to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials, allowing the detainees to remain anonymous upon request. Detainees shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.
- c. Employees shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
- d. The Facility shall provide a method for employees to privately report sexual abuse and sexual harassment of detainees.
- e. Information concerning the identity of a detainee victim reporting sexual abuse or harassment, and the fact of the report itself, are limited to those who have a need-to-know in order to make decisions concerning the detainee victim's welfare, and for law enforcement / investigative purposes.
- f. The Sexual Assault Awareness Notice along the names of PREA Compliance Manager and local organizations that can assist detainees who have been the victims of sexual assault is posted in the housing units. The Sexual Assault Awareness Information brochure is distributed to detainees.

2. Exhaustion of Administrative Remedies

- 1. No time limits will be set when a detainee may submit a grievance regarding an allegation of Sexual Abuse or Sexual Assault.)
- 2. The Facility staff shall be responsible on identifying and handle time-sensitive grievances that involve an immediate threat to detainees, health, safety, or welfare related to sexual abuse.

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3. Detainees have the right to submit grievances alleging Sexual Abuse to someone other than the alleged abuser. Such grievance is not referred to the staff member who is subject of the complaint.
4. The Facility shall be responsible to alert proper medical personnel of any sexual abuse-related medical emergencies.
5. Third parties (e.g. fellow detainees, Employees, family members, attorneys and outside advocates) may assist individual's detainees in filing requests for administrative remedies relating to allegations of Sexual Abuse and Sexual Harassment and may file such requests on behalf of the alleged victim.
6. The alleged victim must agree to have the request filed on his or her behalf; however, he/she is not required to personally pursue any subsequent steps in the administrative remedy process; if the detainee declines to have the request processed on his or her behalf, the facility shall document the detainee's decision.
7. Detainees are not required to use any informal grievance process or attempt to resolve with Employees an alleged incident of Sexual Abuse.
8. A Final decision shall be issued on the merits of any portion of the grievance alleging Sexual Abuse within 90 days of the initial filing of the grievance.
9. The Facility may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the detainee in writing of any such extension and provide a date by which a decision will be made

3. Employee Reporting to other Confinement Facilities

1. Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the agency or facility whose staff received the allegation shall notify the ICE Field Office and the administrator of the facility where the alleged abuse occurred.
2. The notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. shall document that it has provided such notification.
3. The Facility shall ensure all allegations are referred for investigation upon receiving such notification of sexual abuse from another confinement facility about a detainee who was previously detained at LC and shall immediately notify the ICE Field Office Director.

4. Third Party Reporting

LaSalle Corrections shall post publicly, third party reporting procedures on its public website to show its method receiving third-party reports of Sexual Abuse and Sexual Harassment.

1. All staff must immediately report any known or suspected incidents or allegations of sexual abuse or assault through the facility's chain of command.
2. If an employee chooses to contact outside the chain of command you can contact facility Human Resource Department, and the National Sexual Assault Hotline at 1-800-656-4673. All PREA related incidents must be immediately reported.
3. The facility administrator shall promptly report the incident to the ICE Field Office Director and refer all cases that appear potentially to support criminal prosecution to the appropriate law enforcement agency having jurisdiction for investigation.

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4. If an employee, contractor, or volunteer is alleged to be the perpetrator of detainee sexual abuse or assault, the facility administrator shall ensure that the incident is promptly referred to the appropriate law enforcement agency having jurisdiction for investigation, and reporting to the Field Office Director. The local government entity or contractor that owns and operates the facility.
5. Information concerning the identity of a detainee victim reporting a sexual assault, and the facts of the report itself, shall be limited to those who have a need-to-know in order to make decisions concerning the victim's welfare, and for law enforcement/investigative purposes.

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the facility administrator shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred as soon as possible, and no later than 72 hours after receiving the allegation. The facility administrator shall notify the detainee in advance of such reporting.

M. Staff and Agency reporting Duties

The Facility shall require all staff to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse that occurred in a facility; retaliation against detainees or staff who reported or participated in an investigation about such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. shall ensure that all staff are trained on:

- appropriate reporting procedures, including a method by which staff can report outside the chain of command;
- Staff members who become aware of alleged sexual abuse shall immediately follow reporting requirements set forth in LC's written policy and procedures; and
- Apart from such reporting, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to help protect the safety of the victim or prevent further victimization of other detainees or staff in the facility, or to make medical treatment, investigation, law enforcement, or other security and management decisions.

N. Facility Protection Duties

- a. When the Facility learns that a detainee is subject to substantial risk of imminent Sexual Abuse, it shall take immediate action to protect the alleged victim. Employees shall report and respond to all allegations of Sexually Abusive Behavior and Sexual Harassment. Employees should assume that all reports of sexual victimization, regardless of the source of the reports (i.e. third party") are credible and respond accordingly.
- b. Any detainee who alleges that he/ she has been sexually assaulted is offered immediate protection from the assailant and referred for a medical examination and / or clinical assessment for potential negative symptoms.
- c. Only designated Employees specified by this policy should be informed of the incident, as it is important to respect the victim's security, identity, and privacy.
- d. All allegations of Sexual Abuse shall be handled in a confidential manner throughout the investigation.
- e. All conversations and contact with the victim should be sensitive, supportive and non-judgmental.

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- f. The Facility will use a coordinated, multidisciplinary team approach to responding to sexual abuse, which includes a medical practitioner, a mental health practitioner, a security staff member, an investigator from the designated investigative entity, as well as representatives from outside entities that provide relevant services and expertise.
- g. The Facility shall protect detainees and staff against retaliation for reporting sexual abuse, or for cooperating with an investigation into an allegation of sexual abuse.

a) **Staff First Responder Duties**

Upon learning of an allegation that a detainee was sexually abused, the first security staff member to respond to the report shall be required to:

- a. Separate any detainee who alleges that he/she has been sexually assaulted from the alleged assailant.
- b. Immediately notify the Facility Administrator or on call supervisor and remain on the scene until relieved by responding personnel. In the event this occurred, the ICE AFOD or designee will be notified.
- c. Preserve and protect, to the greatest extent possible, any crime scene until appropriate steps can be taken to collect any evidence.
- d. If the abuse or sexual abuse occurred within a time period that still allows for the collection of physical evidence, do not let the alleged victim or abuser take any actions that could destroy physical evidence, including as appropriate, washing, brush teeth, changing clothes, urinating, defecating, smoking, drinking and eating.
- e. If the abuse occurred within time period that still allows for the collection of physical evidence, including, an appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- f. If the first responder is not security staff, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify security staff.
- g. It is important that all contact with alleged victim, be sensitive, supportive and non-judgmental.
- h. Apart from reporting to designated supervisors, Employees shall not reveal any information related to the incident to anyone other than to staff involved with investigating the alleged incident.

b) **Responsibilities When Sexual Abuse is Alleged**

In cases where there is a serious allegation that a detainee was sexually abused, responding supervisory staff shall:

- a. The Facility Ensure that the alleged victim and abuser are properly separated. They should not be allowed to communicate and should be held out of sight and sound of each other.
- b. The Facility will ensure the potential crime scene area is preserved until appropriate steps can be taken to collect any evidence by trained persons.
- c. The Facility Administrator, PREA Compliance Manager, Facility Investigator, Corporate PREA Coordinator, and other designated individuals and ICE AFOD or designee will be notified within two (2) hours of the occurrence.

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- d. For allegations of Sexual Abusive Behavior in which an Employee is the alleged abuser, only the Facility Administrator and facility investigator shall be notified of the specific of the allegation. They shall make notification and referrals to outside law enforcement and contracting officials as appropriate.
- e. The alleged victim and abuser should be placed in medical area where they cannot perform the following: washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; until the forensic examination can be performed. A Security staff member
- f. Victims of sexual assault are referred under appropriate security provisions to a community facility for treatment and gathering of evidence. If these procedures are performed in-house, the following guidelines are used:
 - 1. A history is taken by healthcare professionals who conduct an examination to document the extent of physical injury and to determine if referral to another medical facility is indicated. With the victim's consent, the examination includes collection of evidence from the victim, using a kit approved by the appropriate authority.
 - 2. Provision is made for testing for sexually transmitted diseases, prophylactic treatment and follow-up for sexually transmitted diseases are offered to all victims, as appropriate.
 - 3. shall attempt to conduct a mental health evaluation of all known detainee-on detainee abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.
 - 4. Following the physical examination, there are availability of an evaluation by a mental health professional to assess the need for crisis intervention counseling and long-term follow-up.
 - 5. A report is made to the facility or program administrator or designee to assure separation of the victim from his or her assailant.

c) Protective Custody

- a. Staff, contractors, and volunteers, and detainees, shall not retaliate against any person, including a detainee, who reports, complains about, or participates in an investigation into an allegation of sexual abuse, or for participating in sexual activity as a result of force, coercion, threats, or fear of force.
- b. The victim shall be housed in a supportive environment that represents the least restrictive housing option possible, and that will, to the extent possible, permit the victim the same level of privileges he/she was permitted immediately prior to the sexual assault.
- c. Detainee victims shall not be held for longer than five days in any type of administrative segregation, except in highly unusual circumstances or at the request of the detainee.
- d. If any of these requirements cannot be met, LC will consult with the ICE Field Office Director to determine if ICE can provide additional assistance.
- e. A detainee victim who is in protective custody after having been subjected to sexual abuse shall not be returned to the general population until completion of a proper re-assessment, taking into consideration any increased vulnerability of the detainee as a result of the sexual abuse.

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- f. The Facility shall notify the appropriate ICE Field Office Director whenever a detainee victim has been held in administrative segregation for 72 hours.
- g. For at least 90 days following a report of sexual abuse, shall monitor to see if there are facts that may suggest possible retaliation by detainees or staff, and shall act promptly to remedy any such retaliation.
- h. The Chief of Security shall monitor any detainee disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. DHS shall continue to monitor beyond 90 days for retaliation whenever a continuing need.
- i. A detainee who is subjected to sexual abuse or assault is not returned to general population until proper re-classification, taking into consideration any increased vulnerability of the detainee as a result of the sexual abuse or assault, is completed.
- j. shall employ multiple protection measures, such as housing changes, removal of alleged staff or detainee abusers from contact with victims, and emotional support services for detainees or staff who fear retaliation for reporting sexual abuse or for cooperating with investigations.
- k. Detainees at high risk for sexual victimization shall not be placed 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. If the facility cannot conduct such an assessment immediately, the facility may hold the detainee in involuntary segregated housing for less than 24 hours while completing the assessment.
- l. Detainees placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:
 - m. The opportunities that have been limited;
 - n. The duration of the limitation; and
 - o. The reasons for such limitations.
- p. The facility shall assign such detainees to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.
- q. If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document:
 - r. The basis for the facility's concern for the detainees' safety; and
 - s. The reason why no alternative means of separation can be arranged.
- t. Every 30 days, the facility shall afford each such a review to determine whether there is a continuing need for separation from the general population.

d) Post-allegation protective custody

Any use of segregated housing to protect a detainee who is alleged to have suffered sexual abuse.

O. Criminal and administrative agency investigations

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- a. Where sexual abuse is alleged, The Facility shall use investigators who are specially trained, qualified investigators in sexual abuse investigations and they must be prompt, thorough, objective and fair.
- b. When possible and feasible, appropriate staff preserve the crime scene, and safeguard information and evidence in coordination with the referral agency and consistent with established evidence gathering and evidence processing procedures.
- c. LC shall ensure that all allegations of sexual abuse or assault involving potentially criminal behavior are referred for investigation by an agency with the legal authority to conduct criminal investigations and shall document such referrals.
- d. Upon conclusion of a criminal investigation where the allegation was substantiated, an administrative investigation shall be conducted. Upon conclusion of a criminal investigation where the allegation was unsubstantiated, the facility shall review any available completed criminal investigation reports to determine whether an administrative investigation is necessary or appropriate. Administrative investigations shall be conducted after consultation with the appropriate investigative office within DHS, and the assigned criminal investigative entity.
- e. The departure of the alleged abuser or victim from the employment or control of The Facility shall not provide a basis for terminating an investigation.
- f. When outside agencies investigate sexual abuse, shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
- g. The LC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
- h. To the extent that LC is responsible for investigating allegations of sexual abuse involving detainees, it shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions
- i. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- j. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
- k. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- l. The agency shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years

1. Administrative investigations:

- a. Preservation of direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data;
- b. Interviewing alleged victims, suspected perpetrators, and witnesses;

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- c. Reviewing prior complaints and reports of sexual abuse involving the suspected perpetrator;
- d. Assessment of the credibility of an alleged victim, suspect, or witness, without regard to the individual's status as detainee, staff, or employee, and without requiring any detainee who alleges sexual abuse to submit to a polygraph;
- e. An effort to determine whether actions or failures to act at the facility contributed to the abuse;
- f. Documentation of each investigation by written report, which shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings; and
- g. Retention of such reports for as long as the alleged abuser is detained or employed by the agency or facility, plus five years.
- h. Such procedures shall govern the coordination and sequencing of administrative and criminal investigations to ensure that the latter is not compromised by the former, including the process for conducting internal administrative investigations only after consultation with the assigned criminal investigation entity or after a criminal investigation has concluded.
- i. The Warden shall ensure that the criminal investigation is not compromised by an internal administrative investigation.

2. Reporting to Detainees

- a. Following an investigation into a detainee's allegation that he or she suffered sexual abuse in the facility, The Facility shall inform the detainees as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- b. If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the detainee.
- c. Following a detainee's allegation that a staff member has committed sexual abuse against the detainee, the agency shall subsequently inform the detainee (unless the agency has determined that the allegation is unfounded) whenever:
 - 1. The staff member is no longer posted within the detainee's unit;
 - 2. The staff member is no longer employed at the facility;
 - 3. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - 4. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- 5. Following a detainee's allegation that he or she has been sexually abused by another detainee the agency shall subsequently inform the alleged victim whenever:
 - 6. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - 7. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- d. All such notifications or attempted notifications shall be documented.
- e. The departure of the alleged abuser or victim from the employment or control of the facility shall not provide a basis for terminating an investigation.

3. Disciplinary sanctions for staff

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1. The Warden shall ensure that staff be subject to disciplinary or adverse actions, up to and including removal from their position and from the Federal service, when there is a substantiated allegation of sexual abuse, or when there has been a violation of agency sexual abuse rules, policies, or standards.
2. Termination shall be the presumptive disciplinary sanction for staff who have engaged in, attempted, or threatened to engage in sexual abuse.
3. Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be 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.
4. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

P. Evidence protocol and forensic medical examinations

- a. is responsible for investigating allegations of sexual abuse; LC shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The protocol shall be developed in coordination with DHS and shall be developmentally appropriate for juveniles, where applicable.
- b. To the extent that LC is not responsible for investigating allegations of sexual abuse, LC shall request that the investigating agency follow the uniform evidence protocol requirements.
- c. The Facility shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside the facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The facility shall document its efforts to provide SAFEs or SANEs. The results of the physical examination and all collected physical evidence are provided to the investigative entity.
- d. The Warden shall consider how best to utilize available community resources and services to provide valuable expertise and support in the areas of crisis intervention and counseling to most appropriately address victim's needs.
- e. The Facility shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member. shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified to victims of sexual assault of all ages.
- f. As requested by the victim, the presence of his or her outside or internal victim advocate, including any available victim advocacy services offered by a hospital conducting a forensic exam, shall be allowed for support during a forensic exam and investigatory interviews.

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- g. A qualified agency staff member or a qualified community-based staff member means as individual who has received education concerning sexual assault and forensic examination issues in general. The outside or internal victim advocate shall provide emotional support, crisis intervention, information, and referrals.

Q. Reporting to other confinement facilities

- a. Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
- b. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- b. The agency shall document that it has provided such notification.
- c. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

R. Disciplinary sanctions for detainees

When a detainee(s) is alleged to be the perpetrator, the facility administrator shall ensure that the incident is promptly referred to the appropriate law enforcement agency having jurisdiction for investigation, and reported to the Field Office Director. All perpetrators of sexual abuse or assault shall be disciplined and referred for criminal prosecution as appropriate.

- (a) Detainees shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the detainee engaged in detainee-on-detainee sexual abuse or following a criminal finding of guilt for detainee-on-detainee sexual abuse.
- (b) Sanctions imposed shall be commensurate with the severity of the committed prohibited act and intended to encourage the detainee to conform with rules and regulations in the future.
- (c) The disciplinary process shall consider whether a detainee's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- (d) If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending detainee to participate in such interventions as a condition of access to programming or other benefits.
- (e) The facility may discipline a detainee for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- (f) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- (g) prohibit all sexual activity between detainee and may discipline detainees for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

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1. LC shall subject a detainee to disciplinary sanctions pursuant to a formal disciplinary process following an administrative or criminal finding that the detainee engaged in sexual abuse or assault.
2. At all steps in the disciplinary process any sanctions imposed shall be commensurate with the severity of the committed prohibited act and intended to encourage the detainee to conform with rules and regulations in the future.
3. LC detainee disciplinary system operates with progressive levels of reviews, appeals, procedures, and documentation procedure.
4. LC's disciplinary process shall consider whether a detainee's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
5. LC shall not discipline a detainee for sexual contact with staff unless there is a finding that the staff member did not consent to such contact.
6. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

S. Disciplinary sanctions for staff

1. Staff shall be subject to disciplinary or adverse action up to and including removal from their position and referred for criminal prosecution as appropriate.
2. LC shall report all removals or resignations in lieu of removal for violations of agency or facility sexual abuse policies to appropriate law enforcement agencies, unless the activity was clearly not criminal.
3. LC shall make reasonable efforts to report removals or resignations in lieu of removal for violations of agency or facility sexual abuse policies to any relevant licensing bodies, to the extent known.

T. Access to emergency medical and mental health services

- (a) Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature, and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- (b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to 115.62 and shall immediately notify the appropriate medical and mental health practitioners.
- (c) Detainee victims are provided emergency medical and mental health services and ongoing care as appropriate, including testing for sexually transmitted diseases and infections, prophylactic treatment, emergency contraception, following-up examinations for sexually transmitted diseases, and referrals for counseling (including crisis intervention counseling).
- (d) Detainee victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually

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transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

- (e) Emergency medical treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

U. Sexual Abuse Incident Reviews

1. PREA Manager shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
2. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
3. The review shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
4. The review team shall:
 5. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 6. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 7. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 8. Assess the adequacy of staffing levels in that area during different shifts;
 9. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
10. The Facility Administrator will ensure staff conduct a sexual abuse incident review at the conclusion of every investigation of sexual abuse and, where the allegation was not determined to be unfounded, prepare a written report within 30 days of the conclusion of the investigation recommending whether the allegation or investigation indicates that a change in policy or practice could better prevent, detect, or respond to sexual abuse.
11. The Warden shall implement the recommendations for improvement or shall document its reasons for not doing so in a written response. Both the report and response shall be forwarded to the Field Office Director, for transmission to the ICE PSA Coordinator.
12. The review team shall consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
13. The Warden shall conduct an annual review of all sexual abuse investigations and resulting incident reviews to assess and improve sexual abuse intervention, prevention and response efforts. If the facility has not had any reports of sexual abuse during the annual reporting period, then the facility shall prepare a negative report. The results and findings of the annual review shall be provided to the facility administrator and Field Office Director or his or her designee, who shall transmit it to the ICE PSA Coordinator.

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14. The Programs Coordinator reviews the results of every investigation of sexual abuse or assault to assess and improve prevention and response efforts.
15. The Program Coordinator shall review aggregate data on an annual basis and present the findings to the ICE Field Office Director and ICE/ERO headquarters for use in determining whether changes may be needed to existing policies and practices in order to further the goal of eliminating sexual abuse.
16. The Warden shall implement the recommendations for improvement or shall document its reasons for not doing so.

V. Data Collection, Review and Reporting

- a) All case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling, shall be maintained in the PREA Program Manager's office in a locked file cabinet, consistent with the confidentiality requirements of the Detention Standards on "Medical Care" and "Detention Files."
- b) The facility administrator shall maintain two types of files regarding incidents and/or of sexual abuse or assault:

1. General files include:

- The victim(s) and assailant(s) of a sexual assault
- the date, time, location, and nature of the incident
- the demographic background of the victim and the perpetrator (including citizenship, age, gender, and whether either has self-identified as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming).
- detailed reporting timeline, including the names of the individual who reported the incident and received the report of sexual assault, date and time the report was received, and steps taken to communicate the report up the chain of command.
- any injuries sustained by the victim
- all formal and/or informal action taken, including all post-report follow up response taken by the facility (e.g. housing placement/custody classification, medical examination, mental health counseling, etc.)
- all reports
- medical forms or other relevant medical information
- supporting memos and videotapes, if any
- any sanctions imposed on the perpetrator
- any other evidentiary materials pertaining to the allegation

2. Electronic Files

- Listing of names of sexual assault incidents occurring within the facility.
- Dates and location of all sexual assault incidents occurring within the facility.

The Facility Administration is required to cooperate with all ICE audits and monitoring of facility compliance with sexual abuse and assault policies and standards.

3. Administrative Investigative files include:

1. Medical forms (including documentation of any injuries sustained, and examinations, testing, or treatment administered).
2. Supporting memos and videotapes, if any
3. Any other evidentiary materials pertaining to the allegation.

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4. All information shall be shared only on a need-to-know basis with staff involved in the treatment of the victim or the investigation of the incident.
5. The facility will maintain in a secure area all case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment, if necessary, and/or counseling in accordance with these standards and applicable agency policies, and in accordance with established schedules.
6. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the facility or agency, as appropriate, shall consider the effect of the design, acquisition, expansion, or modification upon their ability to protect detainees from sexual abuse.
7. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology in an immigration detention facility, the facility or agency, as appropriate, shall consider how such technology may enhance their ability to protect detainees from sexual abuse and sexual harassment.

4. Data Review for Corrective Action

- a. The Facility shall review data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 - (1) Identifying problem areas;
 - (2) Taking corrective action on an ongoing basis; and
 - (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- b. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
- c. The report shall be approved by the Facility Administrator and made readily available to the public through its website or, if it does not have one, through other means.
- d. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility but must indicate the nature of the material redacted.

5. Data storage, publication, and destruction

- a. The Facility shall ensure that data collected pursuant to 115.87 are securely retained.
- b. The facility shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.
- c. Before making aggregated sexual abuse data publicly available, The Facility shall remove all personal identifiers.
- d) The agency shall maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires

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otherwise.

- e) No law enforcement sensitive documents or evidence stored at the facility.
- f) Facility PSA Compliance Manager and FA work with the FO and ICE PSA Coordinator to share data.
- g) Cooperation with any DHS audit on SAPPI information and permitted auditors unlimited access and make available space for interviews.
- h) Detainees permitted to have private interviews and to send information/correspondence to auditors.
 - i) Upon request from ICE to provide any results of any audits conducted by DOJ National Standards to Prevent, Detect, and Respond to Prison Rape.

Policy Approval		
Approved for Distribution	Brian Rodeen Operational Review & Training Director	Signature on file
Policy Approved	Rodney Cooper Executive Director	Signature on file