



LOUISVILLE METROPOLITAN DEPARTMENT OF CORRECTIONS

DEPARTMENTAL POLICY

Chapter: Institutional Services

Section: Health Care

Index Number:	04-4.11	Title:	Sexual Abuse/Assault Prevention and Intervention
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I. POLICY

This policy establishes a zero tolerance standard for all forms of sexual abuse/assault in accordance with the Prison Rape Elimination Act of 2003 (PREA) and the National Standards to Prevent, Detect and Respond to Prison Rape. Louisville Metro Department of Corrections (LMDC) shall enforce all federal, state and local laws pertaining to the sexual abuse or sexual harassment of inmates or threats of sexual abuse or intimidation by providing clear definitions of prohibited conduct, establishing uniform methods for prompt reporting and investigation of allegations of sex-related offenses or threat, identification of predators, protection of victims and prescribing sanctions for substantiated sexual offenses.

II. SOURCES

- 28 CFR 115 Subpart A, 5-6, 11, 17-18, 21-22, 31-35, 41-43, 51, 53-54, 61-67, 71, 73, 81-83, and 86-89 PREA National Standards
- 42 USC – Public Law 108-79 Prison Rape Elimination Act of 2003 (PREA)
- 501 KAR 3:010. Definitions for 501 KAR Chapter 3.
- 501 KAR 3:060. Security; control.
- 501 KAR 3:090. Medical services.
- 501 KAR 3:110. Classification.
- 501 KAR 3:120. Admission; searches and release.
- 501 KAR 3:140. Prisoner rights.
- ACA Standards for Adult Local Detention Facilities 4th Edition 4-ALDF-2A-29, 4D-22-1, 22-2, 22-3, 22-4, 22-5, 22-6*, 22-7 and 22-8
- ACA CORE Jail Standards 1st Edition 1-CORE-4D-13, 14, 15, and 16*
- KRS 508.090 Definitions for KRS 508.100 to 508.120

III. DEFINITIONS

Carnal Knowledge: Contact between the penis and the vulva or the penis and the anus, including penetration, of any sort, however slight.

Contractor: A person who provides services on a recurring basis pursuant to a contractual agreement with LMDC.

Detainee: Any Person detained in a lockup, regardless of adjudication status.

Employee: A person who works directly for LMDC.

Gender Nonconforming: A person whose appearance or manner does not conform to traditional societal gender expectations.

Intersex: A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

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

Jail: A confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

Lock Up: A facility that contains holding cells, cell blocks, or other secure enclosures that are:

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

PREA Checklist: LMDC form (04-4.11-1) documenting the initial response to a PREA allegation.

Prison: As defined by PREA, any confinement facility of a Federal, State or local government, whether administered by such government or by a private organization on behalf of such government, and includes:

1. Any local jail or police lockup; and
2. Any juvenile facility used for the custody or care of juvenile inmates-

Professional Standards Unit (PSU): The Department's investigative unit that monitors personnel for unethical practices, conducts background investigations, issues official photo Departmental ID cards and initiates and oversees incident investigations that involve employee actions and practices.

Prophylactic Treatment: Serving to defend against or prevent disease; a measure, drug or device.

Qualified Agency Staff Member: An individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

Sexual Abuse:

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

Sexual Abuse of an Inmate by Another Inmate: Any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual Abuse of an Inmate by a Staff Member, Contractor or Volunteer: Any of the following acts, with or without consent of the inmate, detainee, or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
8. Voyeurism by a staff member, contractor, or volunteer.

Sexual Harassment:

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Staff: LMDC employees.

Substantiated Allegation: An allegation that was investigated and determined to have occurred.

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

Unfounded Allegation: An allegation that was investigated and determined not to have occurred.

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

Volunteer: An individual who donates time and effort on a recurring basis to enhance the activities and programs of LMDC.

Voyeurism by a Staff Member, Contractor or Volunteer: 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.

IV. AUDIT FREQUENCY

This policy shall be reviewed annually.

V. APPLICABILITY

This policy is applicable to all staff, volunteers, contract employees and inmates of Louisville Metro Department of Corrections.

VI. PROTOCOL

Sexual conduct between inmates and staff, volunteers, contract personnel or other inmates, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions.

A. Prevention

- i. LMDC will employ an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities. Additionally, each of the three (3) facilities operated by LMDC shall designate a PREA compliance manager to coordinate the facility's efforts to comply with the PREA standards.
- ii. Inspections and reviews shall be in accordance with LMDC Policy 01-1.08 Facility Inspections and Director's Review.
- iii. Supervision and monitoring of inmates shall be in accordance with LMDC Policy 03-2.09 Inmate Supervision and Observation.
- iv. Cross gender supervision of inmates shall be in accordance with LMDC Policy 03-2.18 Searches.
- v. Inmates who are limited English proficient or have disabilities (including inmates 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.
- vi. LMDC shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who:

- a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
 - b. 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
 - c. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (vi)(b) of this section.
 - d. Additional LMDC hiring and promotion practices shall be in accordance with LMDC Policy 01-3.05 Employee Selection Process.
- vii. When planning any substantial expansion or modification of existing LMDC facilities, LMDC shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.
- viii. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, LMDC shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

B. Responsive Planning

1. Evidence Protocol: Forensic Medical Exams

- a. LMDC shall offer all victims of sexual abuse access to forensic medical examinations be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) at an outside facility and without financial cost to the victim.
- b. LMDC shall attempt to make available to the victim a victim advocate. If a rape crisis center advocate is not available to provide victim services, LMDC shall make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member.
- c. LMDC shall document efforts to secure services from rape crisis centers.

2. Investigations

- a. LMDC shall ensure that an administrative investigation is completed for all allegations of sexual abuse and sexual harassment.
- b. The Professional Standards Unit (PSU) and/or trained PREA Investigator shall immediately conduct an investigation to ascertain the validity of any allegation in accordance with LMDC Policy 01-8.01 Professional Standards Unit.
- c. If the allegation involves criminal behavior, LMDC shall ensure that the allegation is referred for investigation to the Louisville Metro Police Department Sex Crimes Unit.

3. Training and Education

a. Employee Training:

- i. LMDC shall train all employees who may have contact with inmates on:

- Its zero-tolerance policy for sexual abuse and sexual harassment;
 - How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - Inmates' right to be free from sexual abuse and sexual harassment;
 - The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - The dynamics of sexual abuse and sexual harassment in confinement;
 - The common reactions of sexual abuse and sexual harassment victims;
 - How to detect and respond to signs of threatened and actual sexual abuse;
 - How to avoid inappropriate relationships with inmates;
 - How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
 - How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- ii. LMDC shall provide each employee with refresher training every two (2) years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures.
- iii. In years in which an employee does not receive refresher training, LMDC shall provide refresher information on current sexual abuse and sexual harassment policies.
- iv. LMDC shall document, through employee signature or electronic verification that employees understand the training they have received.
- b. Volunteer and Contractor Training
- i. LMDC shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures and based on the services they provide and level of contact they have with inmates.
- ii. LMDC shall maintain documentation confirming that volunteers and contractors understand the training they have received.
- c. Inmate Education
- i. During the intake process, inmates shall receive information explaining LMDC's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- ii. Within thirty (30) days of intake, LMDC shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

- iii. Inmates shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.
 - iv. LMDC shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.
 - v. LMDC shall maintain documentation of inmate participation in these education sessions.
 - vi. LMDC shall ensure that key information is continuously and readily available to inmates through posters and inmate handbooks.
- d. Specialized Training: Investigators
- i. In addition to the general training provided to all employees LMDC shall ensure that its investigators have received training in conducting sexual abuse and sexual harassment investigations in confinement settings. 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.
 - ii. LMDC shall maintain documentation LMDC investigators have completed the required specialized training in conducting sexual abuse investigations.
- e. Specialized Training: Medical and Mental Health Care
- i. LMDC shall ensure that all full- and part-time medical and mental health care practitioners are trained in:
 - How to detect and assess signs of sexual abuse and sexual harassment;
 - How to preserve physical evidence of sexual abuse;
 - How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
 - How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
 - ii. LMDC shall maintain documentation that medical and mental health practitioners have received this training
 - iii. LMDC shall ensure that medical and mental health care practitioners shall also receive the training mandated for employees under section a above.

C. Screening for Risk of Sexual Victimization and Abusiveness

- 1. All inmates shall be assessed, as part of the classification assessment, during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.

2. Screenings shall ordinarily take place within twenty-four (24) hours of arrival at LMDC using an objective screening instrument.
3. The intake screening shall consider the following:
 - a. Whether the inmate has a mental, physical, or developmental disability;
 - b. The age of the inmate;
 - c. The physical build of the inmate;
 - d. Whether the inmate has previously been incarcerated;
 - e. Whether the inmate's criminal history is exclusively nonviolent;
 - f. Whether the inmate has prior convictions for sex offenses against an adult or child;
 - g. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - h. Whether the inmate has previously experienced sexual victimization;
 - i. The inmate's own perception of vulnerability; and
 - j. Whether the inmate is detained solely for civil immigration purposes.
4. 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 LMDC, in assessing inmates for risk of being sexually abusive.
5. Within thirty (30) days from the inmate's arrival at LMDC, the inmate will be reassessed for risk of victimization or abusiveness based upon any additional, relevant information received by LMDC since the intake screening.
6. An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
7. Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions during the risk assessment.
8. LMDC shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant risk assessments in order to ensure that sensitive information is kept in as confidential a manner as possible.
9. Inmates identified as high risk with a history of sexually assaultive behavior shall be assessed by a mental health or other qualified professional.
10. Inmates with a history of sexually assaultive behavior shall be identified, monitored and counseled.
11. Use of Screening Information

LMDC shall use information from the risk assessment to inform housing, bed, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

- a. In deciding whether to assign a transgender or intersex inmate to a housing unit for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.
- b. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
- c. A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.

- d. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
- e. LMDC shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

12. Protective Custody

- a. Inmates 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 LMDC cannot conduct such an assessment immediately, LMDC may hold the inmate in involuntary segregated housing for less than twenty-four (24) hours while completing the assessment.
- b. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If LMDC restricts access to programs, privileges, education, or work opportunities, LMDC shall document:
 - i. The opportunities that have been limited;
 - ii. The duration of the limitation; and
 - iii. The reasons for such limitations.
- c. LMDC shall assign such inmates 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 thirty (30) days.
- d. If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, LMDC shall clearly document:
 - i. The basis for LMDC's concern for the inmate's safety; and
 - ii. The reason why no alternative means of separation can be arranged.
- e. Every thirty (30) days, LMDC shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

D. Reporting and Support Services

- 1. LMDC provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
- 2. LMDC staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall document any verbal reports immediately in accordance with LMDC policy.
- 3. LMDC provides at least one resource for inmates to report abuse or harassment to an outside public entity and allows the inmate to remain anonymous upon request.
- 4. LMDC provides an internal grievance procedure outside of the chain of command so that staff can privately report sexual abuse and sexual harassment of inmates.

5. Inmate reports and administrative remedies shall be handled in accordance with LMDC Policy 03-5.02 Inmate Grievance Procedures.
6. LMDC shall receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.
7. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, LMDC's PREA Coordinator will notify the head of the facility or appropriate office of the agency where the alleged abuse occurred within seventy-two (72) hours of receiving the allegation and document notification.
8. LMDC shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse.
9. LMDC shall enable reasonable communication between inmates and outside victim advocates, in as confidential a manner as possible.
10. LMDC shall inform inmates of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities.
11. LMDC shall maintain memoranda of understanding (MOU) with outside victim advocates to provide inmates with confidential emotional support services related to sexual abuse.

E. Official Response Following an Allegation

1. Staff and agency reporting duties:
 - a. LMDC requires all staff to report immediately any 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 the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
 - b. LMDC staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary.
 - c. If the alleged victim is considered a vulnerable adult under K.R.S. 508.090, LMDC shall report the allegation to the Department of Corrections.
 - d. LMDC shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the designated investigators.
 - e. When LMDC learns that an inmate is subject to a substantial risk of imminent sexual abuse, immediate action shall be taken to protect the inmate.
2. First Responder Duties
 - a. Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:
 - i. Separate the alleged victim and abuser;
 - ii. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - iii. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and

- iv. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
 - b. If the first staff responder is not a security staff member, 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. Under no circumstances shall any staff, including Health Services staff, question the victim prior to PSU initiating an investigation.
3. Coordinated Response

LMDC shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and LMDC leadership.
4. Collective Bargaining Agreements

LMDC preserves the ability to protect inmates from contact with abusers. LMDC shall not enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
5. Protection Against Retaliation
 - a. LMDC shall protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff
 - b. The PREA Coordinator is charged with monitoring retaliation.
 - c. LMDC will employ the following to combat retaliation:
 - i. Housing changes or transfers for inmate victims or abusers
 - ii. Removal of alleged staff or inmate abusers from contact with victims,
 - iii. Emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
 - d. For at least 90 days following a report of sexual abuse, the PREA Coordinator shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse. Items the agency should monitor include:
 - i. Any inmate disciplinary reports
 - ii. Housing or program changes
 - iii. Status checks
 - iv. Negative performance reviews or reassignments of staff

- e. LMDC shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
- f. If any other individual who cooperates with an investigation expresses a fear of retaliation, LMDC shall protect that individual against retaliation.

F. Investigations

1. LMDC investigates all allegations of sexual abuse and harassment thoroughly and objectively. The Professional Standards Unit (PSU) and/or trained PREA Investigator shall immediately conduct an investigation to ascertain the validity of any allegation, and the need to contact the Louisville Metro Police Department (LMPD) Sex Crimes Unit.
2. If an allegation of sexual abuse/assault and/or threat of sexual abuse/assault is credible, PSU shall immediately request LMPD PIU Sex Crimes Unit conduct an investigation and document its findings for the consideration of the appropriate agency for the prosecution of the alleged offender.
3. If an inmate reports being the victim of or threatened with rape or sexual abuse/assault, the Shift Commander shall be notified immediately. The Shift Commander shall immediately utilize LMDC's PREA Checklist 04-4.11-1.
4. The investigation shall be conducted without jeopardizing the inmate's safety, identity and confidentiality.
5. Following an investigation into an inmate's allegation that he or she suffered sexual abuse in a LMDC facility, LMDC shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded in writing and documented in the inmate's file.
6. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, LMDC shall subsequently inform the inmate whenever:
 - a. The staff member is no longer posted within the inmate's unit;
 - b. The staff member is no longer employed at LMDC;
 - c. When LMDC learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - d. When LMDC learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
7. Following an inmate's allegation that he or she has been sexually abused by another inmate, LMDC shall subsequently inform the alleged victim whenever:
 - a. When LMDC learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. When LMDC learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
8. LMDC's obligation to report under subsection terminates when the inmate is released from the LMDC's custody.

G. Discipline

1. Staff will be disciplined in accordance with LMDC Policy 01-3.02 Employee Code of Ethics and Conduct.
2. Contractors and volunteers will be disciplined in accordance with LMDC Policy 01-3.02 Employee Code of Ethics and Conduct.

3. Inmates will be disciplined in accordance with LMDC Policy 03-4.01 Inmate Rules, Violations and Sanctions.

H. Medical and Mental Health Care

1. Medical and mental health screenings; history of sexual abuse:
 - a. If the risk assessment screening indicates that an inmate experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, LMDC shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within fourteen (14) days of the intake screening.
 - b. 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.
 - c. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.
2. Emergency Medical and Mental Health Services
 - a. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, as determined by medical and mental health practitioners according to their professional judgment.
 - b. Inmate victims of sexual abuse shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
 - c. If an assault is less than ninety-six (96) hours old and other injuries are not more severe, Health Services staff shall refer the victim to the University of Louisville Hospital Emergency Department for initial intake evaluation and evidence collection. The victim shall be requested not to bathe, shower, brush teeth, eat, drink, and use the toilet, etc., prior to evidence collection. LMDC Correctional or Medical Health Services staff shall not be involved in the collection of evidence in sexual abuse/assault cases, or attempt an examination to determine the extent of assault. All sexual abuse/assault examinations shall be conducted by University of Louisville Hospital Medical Staff. The victim may decline referral to the hospital. This refusal shall be documented on a Refusal of Medical Care form with the inmate's signature.
 - d. If the victim does not consent to evidence collection and refuses the SAFE exam or it is ninety-six (96) hours after the alleged assault, the victim shall be referred to LMDC Mental Health Staff for evaluation.
 - e. In all cases records associated with claims of rape, sexual abuse/assault and/or threats of rape, sexual abuse/assault, 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 by PSU and the PREA Coordinator and made

- available to the appropriate federal, state and local agencies upon request, and retained in accordance with established retention schedules.
- f. 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.
3. Ongoing Medical and Mental Health Care
 - a. LMDC shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
 - b. The 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.
 - c. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
 - d. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
 - e. 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.

I. Incident Reviews

1. LMDC 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. Reviews shall occur within 30 days of the conclusion of the investigation.
3. The LMDC's PREA Review Team shall include:
 - a. PREA Coordinator;
 - b. PREA Compliance Manager;
 - c. Upper-level management;
 - d. PSU;
 - e. Front line supervisors;
 - f. Medical;
 - g. Mental Health; and
 - h. LMPD Sex Crimes.
4. The review team shall:
 - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - b. 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 LMDC;
 - c. Examine the area in LMDC where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - d. Assess the adequacy of staffing levels in that area during different shifts;

- e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - f. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (a)-(e) of this section, and any recommendations for improvement and submit such report to the department head and PREA compliance manager.
5. LMDC shall implement the recommendations for improvement, or shall document its reasons for not doing so.

J. Data Collection Storage and Review

Collection of data and records of claims associated with rape, sexual abuse/assault or threats of rape, sexual abuse/assault shall be maintained by the Professional Standards Unit (PSU) and the PREA Coordinator.

1. LMDC shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using the Bureau of Justice Statistics and Department of Justice established definitions under the Survey of Sexual Victims 1 and 28 CFR Part 115 §115.5 and §115.6.
2. LMDC shall aggregate the incident-based sexual abuse data at least annually.
3. The incident-based data collected shall include the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
4. LMDC shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
5. Upon request, LMDC shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
6. LMDC shall ensure that data collected are securely retained.
7. LMDC shall make all aggregated sexual abuse data, from facilities under its direct control, readily available to the public at least annually through its website removing all personal identifiers.
8. A written report pertaining to the collected data on incidents involving rape, sexual abuse/assault and threats of rape and sexual abuse/assault shall be prepared and forwarded to the Director/designee annually. The 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.
9. LMDC 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 otherwise.
10. LMDC shall review data collected in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 - a. Identifying problem areas;
 - b. Taking corrective action on an ongoing basis; and
 - c. Preparing an annual report of its findings and corrective actions for each facility, as well as LMDC as a whole.