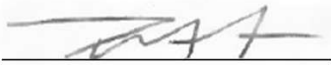


POLICY TITLE: SEXUAL MISCONDUCT (PREA AND MAINE STATUTES), PREVENTION POLICY NUMBER: 6.11.2 CHAPTER 6: VICTIM SERVICES		PAGE 1 OF 6
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
EFFECTIVE DATE: May 19, 2008	LATEST REVISION: July 30, 2026	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Entire Department of Corrections

III. POLICY

It is the policy of the Department to use all appropriate means to prevent sexual misconduct and sexual harassment.

IV. DEFINITIONS

1. Facility law enforcement officer – facility correctional investigative officer (detective) or facility Special Investigations and Intelligence Unit (SII) officer.
2. Security staff – for purposes of this policy, corrections officer, corrections supervisor, or correctional investigative officer (detective), or other facility law enforcement officer.
3. Sexual misconduct – for purposes of PREA, sexual misconduct is referred to as sexual abuse. See Department Policy 6.11, Sexual Misconduct (PREA and Maine Statutes), General, for additional information about what constitutes sexual misconduct.
4. Staff – for purposes of this policy, Department employee or a person in a facility providing services to an adult resident or a juvenile resident by agreement with or under contract with the Department (e.g., facility health care staff), but not including a volunteer, student intern, delivery person, etc.

V. CONTENTS

Procedure A:	Training of Staff, Volunteers, and Student Interns
Procedure B:	Education of Residents
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Procedure E:	Special Housing
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VI. ATTACHMENTS

- Attachment A: [Staff Acknowledgment of Prohibition on Sexual Misconduct](#)
Attachment B: [Volunteer or Student Intern Acknowledgment of Prohibition on Sexual Misconduct](#)
Attachment C: [Resident Acknowledgment of Prohibition on Sexual Misconduct](#)
Attachment D: [Information for Residents – Sexual Misconduct](#)

VII. PROCEDURES

Procedure A: Training of Staff, Volunteers, and Student Interns

1. All staff, volunteers, and student interns who may have contact with an adult or juvenile facility resident or adult or juvenile community corrections client shall receive initial training with respect to:
 - a. the Department's zero-tolerance policy for sexual misconduct and sexual harassment;
 - b. the right of residents and community corrections clients to be free from sexual misconduct and sexual harassment;
 - c. the right of residents, community corrections clients, families, staff, volunteers, student interns, and others to be free from retaliation for reporting sexual misconduct and sexual harassment;
 - d. how staff, volunteers, and student interns are to fulfill their responsibilities with respect to sexual misconduct and sexual harassment prevention, detection, reporting, and response;
 - e. how to comply with relevant laws related to mandatory reporting of sexual misconduct to outside authorities;
 - f. how to avoid inappropriate relationships with residents and community corrections clients;
 - g. how to detect and respond to signs of threatened and actual sexual misconduct;
 - h. how to distinguish between consensual sexual acts, contact, and touching and nonconsensual sexual acts, contact, and touching between residents, including the relevant laws regarding the applicable age of consent;
 - i. how to communicate effectively and professionally with residents and community corrections clients, including lesbian, gay, bisexual, transgender, gender nonbinary, intersex, or gender nonconforming persons;
 - j. the dynamics of sexual misconduct and sexual harassment and the common reactions of victims as these relate to each gender, as well as to lesbian, gay, bisexual, transgender, gender nonbinary, intersex, or gender nonconforming persons; and
 - k. the dynamics of sexual misconduct and sexual harassment and the common reactions of victims as these relate to juveniles.

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2. All staff, volunteers, and student interns who may have contact with a facility resident or community corrections client shall sign the appropriate acknowledgment memo (Attachment A or B) at the time of the initial training.
3. All staff and volunteers shall receive refresher training on an annual basis.
4. All facility law enforcement officers, as well as other staff likely to conduct sexual misconduct and sexual harassment investigations, shall receive additional training in conducting investigations of sexual misconduct and sexual harassment, especially in facility settings. This training shall include, at a minimum, techniques for interviewing alleged victims of sexual misconduct and sexual harassment, including techniques specific to juvenile, female, transgender, gender nonbinary, and intersex persons, proper use of Miranda and Garrity warnings, sexual misconduct evidence collection in facility settings, and the criteria and evidence required to substantiate a case for administrative action and/or referral for criminal prosecution.
5. All training shall be documented in the staff's, volunteer's, or student intern's training file and shall include, at a minimum:
 - a. subject/topic areas covered;
 - b. date training received;
 - c. signature of person receiving training;
 - d. name of trainer/instructor; and
 - e. results of performance evaluations and/or testing, if applicable.

Procedure B: Education of Residents

5-ACI-3D-09 & 4-JCF-3D-02/5-JCF-3D-02

1. Within ten (10) days of intake to the facility, each newly admitted adult or juvenile resident shall receive information about sexual misconduct and sexual harassment, to include, but not be limited to, prevention/intervention, self-protection, reporting sexual misconduct and sexual harassment, treatment, and counseling, and shall be asked to sign the Resident Acknowledgement of Prohibition on Sexual Misconduct (Attachment C).
2. This education shall:
 - a. be in formats accessible to all residents, including, but not limited to, those who are limited English proficient, deaf or hard of hearing, visually impaired, developmentally disabled, or have limited reading skills;
 - b. include information as provided in Information for Residents – Sexual Misconduct (Attachment D); and
 - c. be documented in the Department's resident and client records management system for each resident.

Procedure C: Screening and Assessment

5-ACI-3D-10 & 4-JCF-3D-03/5-JCF-3D-03

1. All residents shall be screened and assessed with respect to risk of sexual vulnerability or sexual violence, which shall include the following:

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- a. all adult residents admitted to a reception facility or transferred between facilities shall be screened by a case manager or other staff trained to administer the PREA screening within twenty-four (24) hours of intake or transfer;
 - b. all juvenile residents admitted to a juvenile facility or transferred between facilities shall be screened by a social worker or other staff trained to administer the PREA screening within twenty-four (24) hours of intake or transfer;
 - c. all adult residents admitted to a reception facility or transferred between facilities shall be assessed by a case manager or other staff trained to administer the PREA assessment between fourteen (14) days and thirty (30) days after the PREA screening;
 - d. all juvenile residents admitted to a juvenile facility or transferred between facilities shall be assessed by a social worker or other staff trained to administer the PREA assessment between fourteen (14) days and thirty (30) days after the PREA screening; and
 - e. a resident's risk level shall be reassessed by the unit team using the relevant PREA assessment instrument when warranted due to a referral, request, incident of sexual misconduct, or receipt of additional information that bears on the resident's risk of sexual vulnerability or sexual violence.
2. Residents shall be asked all screening and assessment questions in person. A resident shall not be disciplined for refusing to answer or for not disclosing complete information in response to any questions asked as part of screening or assessment for risk of sexual vulnerability or sexual violence.
 3. If a resident is identified as possibly being at risk, security staff and other appropriate facility staff shall be notified to determine an appropriate housing assignment and to take any other necessary safety and security measures;
 4. Information from the risk screening and risk assessments shall be reviewed and considered by appropriate staff when making housing placements and work, education, and other program assignments so that those residents at high risk of being sexually vulnerable are kept separate from those identified as being at high risk for sexual violence and ensuring that determinations about the safety of each resident are individualized. Information from the PREA screening and PREA assessments shall otherwise be kept confidential.

Procedure D: Substantial Risk of Imminent Sexual Misconduct

1. If any volunteer or student intern becomes aware that there is a substantial risk that a resident may be a potential victim or perpetrator of imminent sexual misconduct, the volunteer or student intern shall immediately notify security staff.
2. If any staff becomes aware that there is a substantial risk that a resident may be a potential victim or perpetrator of imminent sexual misconduct, the staff shall take immediate action. This action shall include immediately separating the potential victim and potential perpetrator and any other steps deemed necessary to prevent an incident of sexual misconduct.

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3. The staff and, if applicable, the volunteer or student intern, shall make a written report prior to leaving the facility and forward it to the facility Chief Administrative Officer, or designee, with a copy to the facility PREA Monitor, or designee, who shall immediately forward a copy to the Department's PREA Coordinator.
4. The Chief Administrative Officer, or designee, shall determine, in collaboration with the PREA Monitor, or designee, and other appropriate staff, if there is a substantial risk of imminent sexual misconduct.
5. If it is determined that such a risk exists, the Chief Administrative Officer, or designee, shall take additional preventative or remedial action. This action may include, but is not limited to, changing a resident's housing, changing a program location, referring for an investigation, and any other steps deemed necessary to prevent an incident of sexual misconduct.

Procedure E: Special Housing

1. Adult residents screened or assessed as high risk for sexual vulnerability shall not be placed on protective custody status or administrative status due to this risk unless there has been a consideration of all possible available alternatives, and it is determined that there is no available alternative means of separation from likely perpetrators.
2. If such a determination cannot be made immediately, the resident may be placed on administrative status for no more than twenty-four (24) hours, pending this determination using the process set out in Department Policy 15.1, Administrative Status.
3. If a determination has been made that there is no available alternative means of separation from likely perpetrators, the placement on administrative status or protective custody status shall only last until there is available an alternative means of separation.
4. The placement shall be reviewed periodically and documented as set out in Department Policies (AF) 15.1, Administrative Status or (AF) 15.3, Protective Custody Status, as applicable.
5. Any adult residents placed on administrative status or protective custody status due to this risk shall have access to programs, privileges, education, and work opportunities similar to residents in the general population, except to the extent that they must be limited consistent with reasonable precautions designed to protect safety, security, and orderly management of the facility and shall otherwise receive treatment in accordance with applicable departmental policies.
6. Juvenile residents screened or assessed as high risk for sexual vulnerability shall be placed on protective custody status only if the criteria and other requirements of Department Policy 18.6 (JF), Protective Custody Status are met.
7. Any juvenile residents placed on protective custody status due to this risk shall have access to programs, privileges, education, and work opportunities similar to other residents, except to the extent that they must be limited consistent with reasonable precautions designed to protect safety, security, and orderly management of the facility and shall otherwise receive treatment in accordance with applicable departmental policies.

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Procedure F: Searches of Residents and Protection of Privacy

1. Searches of transgender, gender nonbinary, or intersex residents shall be conducted in accordance with Department Policies (AF) 23.8, Transgender, Gender Nonbinary, and Intersex Adult Residents and (JF) 18.8, Transgender, Gender Nonbinary, and Intersex Juvenile Residents, as applicable.
2. In addition, searches of all residents shall be conducted in accordance Department Policies (AF) 14.14.1, Searches of Adult Residents and (JF) 9.14, Search Procedures, General Guidelines.
3. Residents shall be allowed to shower, use toilet facilities, and change clothing privately, unless safety or security reasons require otherwise.
4. For a resident who is on a constant watch during a shower or clothing change, facility security staff shall be of the same gender as staff who are allowed to conduct searches of the resident, if available.
5. The presence of staff or another person of a different gender from the residents in any housing unit or other area with toilet or shower facilities shall be announced when the person enters that area, unless a person of the different gender is already present, and an announcement has already been made. This shall be recorded in the appropriate logbook.

VIII. PROFESSIONAL STANDARDS

ACA

- 5-ACI-3D-09** Written policy, procedure, and practice ensure that information is provided to offenders about sexual abuse/assault including:
- prevention/intervention
 - self-protection
 - reporting sexual misconduct/assault
 - treatment and counseling
- The information is communicated orally and in writing, in a language clearly understood by the offender, upon arrival at the facility.
- 5-ACI-3D-10** Prisoners are screened within 24 hours of arrival at the facility for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Housing assignments are made accordingly.
- 4-JCF-3D-02 & 5-JCF-3D-02** Information is provided to juvenile about sexual abuse/assault including:
- prevention/intervention
 - self-protection
 - reporting abuse/assault
 - treatment and counseling
- The information is communicated orally and in writing, in a language clearly understood by the juvenile, upon arrival at the facility.
- 4-JCF-3D-03 & 5-JCF-3D-03** Juveniles are screened within 24 hours of arrival at the facility for potential vulnerabilities or tendencies of acting out with the sexually aggressive behavior. Housing assignments are made accordingly.

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