
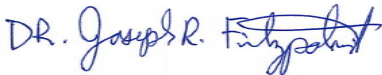


POLICY TITLE: SEXUAL MISCONDUCT (PREA AND MAINE STATUTES), COMMUNITY CORRECTIONS		PAGE 1 OF 5
POLICY NUMBER: 6.11.6		
CHAPTER 6: VICTIM SERVICES		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS:
EFFECTIVE DATE: May 19, 2008	LATEST REVISION: May 7, 2015	CHECK 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

Adult and Juvenile Community Corrections

III. POLICY

In accordance with 17-A M.R.S.A Sections 253, 255-A, 260, and 760, it is the policy of the Department of Corrections to prohibit staff, volunteers and student interns from engaging in sexual misconduct with a client or sexual harassment of a client. It is also the policy of the Department to require the reporting of any sexual misconduct or sexual harassment or suspicion of either. Any staff, volunteer, or student intern who engages in or threatens to engage in, fails to report, or otherwise fails to take appropriate steps in response to sexual misconduct with a client or sexual harassment of a client is subject to appropriate action, up to possible criminal prosecution.

The Department has zero tolerance toward all forms of sexual misconduct or sexual harassment.

IV. CONTENTS

Procedure A: Community Corrections

V. ATTACHMENTS

Attachment A: Staff Acknowledgement of Prohibition on Sexual Misconduct

- Attachment B: Volunteer/Intern Acknowledgement of Prohibition on Sexual Misconduct
- Attachment C: Information about Sexual Misconduct for Adult and Juvenile Community Corrections Clients.

VI. PROCEDURES

Procedure A: Community Corrections

1. Each Regional Correctional Administrator, or designee, in conjunction with the Department’s PREA Coordinator, shall ensure that all community corrections staff, volunteers, and student interns in the region receive training relating to the Department’s prohibition on sexual misconduct with clients, including, but not limited to, training with respect to the definitions of sexual misconduct set out in Department Policy 6.11, Sexual Misconduct (PREA and Maine Statutes), General.
2. Each Regional Correctional Administrator, or designee, shall ensure staff, volunteer and student interns receive and sign the appropriate acknowledgment memo (Attachment A or B) at the time of initial training and that they receive and become familiar with the Information about Sexual Misconduct for Adult and Juvenile Community Corrections Clients handout (Attachment C).
3. Each Regional Correctional Administrator, or designee, shall ensure that clients receive a copy of the Information about Sexual Misconduct for Adult and Juvenile Community Corrections Clients handout (Attachment C) at intake.
4. If an adult or juvenile community corrections staff person, volunteer or student intern observes, receives a report of, or otherwise discovers what appears to be sexual misconduct with a client or sexual harassment of a client by a staff person, volunteer or student intern, that person shall immediately verbally report the incident to the Regional Correctional Administrator, or designee, who shall then report it, as soon as possible, to the Department’s PREA Coordinator.
5. The person who made the verbal report shall then make a written report as soon as possible and forward it to the Regional Correctional Administrator, or designee, who shall immediately forward a copy to the Department's PREA Coordinator.
6. The person who made the report shall otherwise keep the report and its contents confidential, except as necessary to facilitate any investigation of the report and any administrative or criminal proceedings.

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7. As an alternative, a staff person, volunteer or student intern may make a report directly to the Department's PREA Coordinator, either by writing to or calling the hotline number for the PREA Coordinator, who shall, if requested, keep confidential the identity of the person contacting the Coordinator.
8. If the alleged victim is under the age of 18 or is considered a dependent or incapacitated adult under 22 M.R.S.A Section 3472 and the allegation is one of sexual misconduct, the Regional Correctional Administrator, or designee, shall report the allegation to the Department of Health and Human Services.
9. If the Regional Correctional Administrator, or designee, is uncertain as to whether the allegation is required to be so reported, the Regional Correctional Administrator, or designee, shall contact the Department's legal representative in the Attorney General's Office for advice.
10. Upon receiving an allegation that a community corrections client under the age of 18 was subjected to sexual misconduct, the Regional Correctional Administrator, or designee, shall contact the Department's legal representative in the Attorney General's Office for advice on whether or not to notify the client's parent(s) or legal guardian(s) or attorney.
11. If a staff person observes an incident of sexual misconduct involving a sexual act or a client who is the alleged victim of sexual misconduct involving a sexual act reports the incident to a staff person, that staff person or the Regional Correctional Administrator, or designee, to whom the staff person has reported the incident shall ensure the client is encouraged to obtain any necessary medical treatment for any physical injury and any necessary testing and treatment for sexually transmitted diseases, as appropriate.
12. If a staff person observes an incident of sexual misconduct or a client who is the alleged victim of sexual misconduct reports the incident to a staff person, that staff person or the Regional Correctional Administrator, or designee, to whom the staff person has reported the incident shall ensure the client is encouraged to obtain any necessary mental health assessment, counseling and/or treatment, as appropriate.
13. Upon receiving a written report of sexual misconduct or sexual harassment by a community corrections staff person, the Department's PREA Coordinator shall contact the Commissioner, or designee.
14. All reports of sexual misconduct or sexual harassment by community corrections staff shall be investigated as determined by the Commissioner, or designee, in consultation with the Department's Director of Human Resources, or designee, as appropriate. The investigation shall be

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consistent with the investigation described in Department Policy 6.11.3, Sexual Misconduct (PREA and Maine Statutes), Reporting and Investigation.

15. Following an investigation into a community corrections client's allegation that he or she suffered sexual harassment or sexual misconduct by a volunteer or student intern, the Regional Correctional Administrator, or designee, shall inform the client in writing as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
16. Following an investigation into a community corrections client's allegation that he or she suffered sexual harassment or sexual misconduct by a staff person, the Commissioner, or designee, or the Regional Correctional Administrator, or designee, as applicable, shall inform the client in writing that the investigation has been completed.
17. Following an investigation into a community corrections client's allegation that he or she suffered sexual misconduct or sexual harassment by community corrections staff, the Regional Correctional Administrator, or designee, shall not inform the client as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded, except as set out below.
18. Following a community corrections client's allegation that he or she suffered sexual misconduct or sexual harassment by a community corrections staff person, the Regional Correctional Administrator, or designee, shall inform the client whenever:
 - a. the staff person is no longer supervising or otherwise having contact with the client;
 - b. the staff person is no longer employed by the Department;
 - c. the staff person has been indicted on a charge related to alleged sexual misconduct; or
 - d. the staff person has been convicted on a charge related to sexual misconduct.
19. Upon receiving an allegation that a community corrections client was subjected to sexual misconduct or sexual harassment while confined at a detention or correctional facility, in addition to notifying the Department's PREA Coordinator, the Regional Correctional Administrator, or designee, shall notify the Chief Administrative Officer, or designee, of the facility where the alleged sexual misconduct or sexual harassment occurred.
 - a. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after its receipt by the Regional Correctional Administrator, or designee.

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- b. The Regional Correctional Administrator, or designee, providing the notification shall document that such notification has been provided.
 - c. The Regional Correctional Administrator, or designee, shall ensure that the community corrections client is encouraged to obtain any appropriate services.
 - d. The Chief Administrative Officer, or designee, of a Department facility who receives such notification shall ensure that the allegation is investigated in accordance with departmental policy.
20. The administrative sanctions imposed for a violation of a departmental sexual misconduct policy by a community corrections staff person, volunteer or student intern shall be consistent with the sanctions described in Department Policy 6.11.4, Sexual Misconduct (PREA and Maine Statutes), Administrative Sanctions and Grievances.

VII. PROFESSIONAL STANDARDS

None

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