
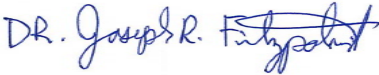


<b>POLICY TITLE: SEXUAL MISCONDUCT (PREA AND MAINE STATUTES), ADMINISTRATION</b>		<b>PAGE 1 OF 4</b>
<b>POLICY NUMBER: 6.11.1</b>		
<b>CHAPTER 6: VICTIM SERVICES</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b>  	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
<b>EFFECTIVE DATE:</b> May 19, 2008	<b>LATEST REVISION:</b> February 25, 2015	<b>CHECK ONLY IF</b> <b>APA [ ]</b>

**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**

In order to determine the factors involved in incidents of sexual misconduct and sexual harassment and to institute further corrective measures, it is the policy of the Department to collect and review related data and to conduct audits pursuant to the PREA national standards.

**IV. CONTENTS**

Procedure A: Review and Data Collection  
 Procedure B: Audits

**V. ATTACHMENTS**

Attachment A: Audit Requirements

## VI. PROCEDURES

### Procedure A: Review and Data Collection

1. The facility PREA Monitor, or designee, shall ensure that a sexual misconduct incident review is conducted at the conclusion of every sexual misconduct investigation, including when the allegation has been determined to be unsubstantiated, unless the allegation has been determined to be unfounded.
  - a. Such review shall ordinarily occur within thirty (30) days of the conclusion of the investigation.
  - b. The review team shall include upper-level management officials, with input from line supervisors, investigators, the PREA Monitor, and medical or mental health care staff. The Department's PREA Coordinator shall also be invited to be a member of the review team.
  - c. The review team shall:
    - 1) Consider whether the allegation or investigation indicates a need to change policy, procedure, or practice to prevent, detect, or respond to sexual misconduct;
    - 2) Consider whether the incident or allegation was motivated by race; ethnicity; gender; 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;
    - 3) Examine the area in the facility where the incident allegedly occurred to determine whether physical layout or barriers in the area might enable misconduct;
    - 4) Assess the adequacy of staffing levels in that area during different shifts;
    - 5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
    - 6) Prepare a report of its findings, including but not necessarily limited to, determinations required to be made as set out above, and any recommendations for improvement, and submit such report to the Chief Administrative Officer and the Department's PREA Coordinator.
  - d. The Chief Administrative Officer shall implement the recommendations for improvement made by the review team or shall document any reasons for not doing so.
2. Each facility's PREA Monitor shall ensure the collection of incident-based sexual misconduct data and shall report that data to the Department's PREA Coordinator at least annually, who shall aggregate it for all Department facilities.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
6.11.1 SEXUAL MISCONDUCT (PREA and Maine Statutes), Administration	6. Victim Services	Page 2 of 4 2/25/15R

- a. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
  - b. The Department's PREA Coordinator shall collect and review data as needed from all available incident-based documents, including reports, investigation files, and sexual misconduct incident reviews.
  - c. The Department's PREA Coordinator shall maintain the data reported or collected for at least ten (10) years.
  - d. Upon request, the Department's PREA Coordinator shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
  - e. At least annually, all aggregated sexual misconduct data shall be made readily available to the public through the Department's website; after all personal identifiers have been removed.
3. The Department's PREA Coordinator shall review data collected and totaled in order to assess and improve the effectiveness of the Department's sexual misconduct prevention, detection, and response policies, procedure, practices, and training, including by identifying problem areas, taking corrective action on an ongoing basis, and preparing an annual report of findings and corrective actions for each facility, as well as the Department as a whole.
    - a. 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 Department's progress in addressing sexual misconduct.
    - b. The report shall be approved by the Commissioner, or designee, and made readily available to the public through the Department's website.
    - c. The Commissioner, or designee, shall redact specific material from the report when publication would present a clear and specific threat to safety or the security of a facility or would violate state or federal confidentiality laws, provided the type of material redacted is specified.

**Procedure B: Audits**

1. The Commissioner, or designee, shall contract with a certified auditor to conduct audits pursuant to the PREA national standards. (See Attachment A).

**VII. PROFESSIONAL STANDARDS**

- 4-4017** Written policy, procedure, and practice provide for a system to monitor operations and programs through inspections and reviews. This monitoring is conducted by the warden/superintendent or designated staff at least annually.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
6.11.1 SEXUAL MISCONDUCT (PREA and Maine Statutes), Administration	6. Victim Services	Page 3 of 4 2/25/15R

**PREA:**

- 115.86 Sexual abuse incident reviews**
- 115.87 Data collection**
- 115.88 Data review for corrective action**
- 115.89 Data storage, publication, and destruction**
- 115.93 Audits of standards**
- 115.401 Frequency and scope of audits**
- 115.402 Auditor qualifications**
- 115.403 Audit contents and findings**
- 115.404 Audit corrective action plan**
- 115.405 Audit appeals**

<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
<b>6.11.1 SEXUAL MISCONDUCT (PREA and Maine Statutes), Administration</b>	<b>6. Victim Services</b>	<b>Page 4 of 4</b> <b>2/25/15R</b>