

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 410.30.01	Page 1 of 7
	Original Effective Date: 11/01/17	New Effective Date: 11/21/23
	Supersedes: 410.30.01	Dated: 05/24/21
	Administrator's Approval: Sarah Cooper, Administrator – 11/06/23	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> PIOC <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 410 Prison Rape Elimination Act		
Subject: Screening for Risk of Sexual Abusiveness and Sexual Victimization		

POLICY

The Division of Adult Institutions shall screen all PIOC upon admission to each facility, and thereafter as needed, for their risk of being sexually abused by other PIOC or sexually abusive toward other PIOC.

REFERENCES

34 U.S.C. §30301. Prison Rape Elimination Act of 2003.

28 C.F.R § Part 115, *et seq.* National Standards to Prevent, Detect and Respond to Prison Rape

Executive Directive 72 – Sexual Abuse and Sexual Harassment in Confinement (PREA)

DAI Policy 309.00.01 – PIOC Work Placement

DAI Policy 500.70.27 – Transgender Management and Care

DEFINITIONS, ACRONYMS AND FORMS

Confinement Setting - Includes jail, prison, community confinement or juvenile detention.

COMPAS – Correctional Offender Management Profiling for Alternative Sanctions

DAI – Division of Adult Institutions

DOC-1163A – Authorization for Use and Disclosure of Protected Health Information (PHI)

DOC-1408 – Inmate Work/Program Placement

DOC-2466 – Incident Report

DOC-2570 – Inmate Offsite Review

DOC-2781A – PREA Screening Tool – Adult Female Facility

DOC-2781B – PREA Screening Tool – Adult Male Facility

DOC-2933 – PREA Notification to External Confinement Facility

DOC-30 – Review of Inmate in Restrictive Housing

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DOC-68 – Review of Inmate in Temporary Lockup

HSU – Health Services Unit

Intersex – A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

PHI - Protected Health Information

PREA - Prison Rape Elimination Act

PSU – Psychological Services Unit

ROA - Risk of Abusiveness

ROV - Risk of Victimization

Sexual Abuse - As established in 28 CFR 115.6,

- A. Sexual abuse of an inmate by another inmate 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:
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.
- B. Sexual abuse of an inmate by an employee includes any of the following acts, with or without consent of the inmate:
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 employee 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 employee 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 buttock, that is unrelated to official duties or where the employee has the intent to abuse, arouse or gratify sexual desire;

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6. Any attempt, threat or request by an employee to engage in the activities described in paragraphs (1)-(5) of this section;
7. Any display by an employee of his or her uncovered genitalia, buttocks or breast in the presence of an inmate; and/or
8. Voyeurism by an employee.

SINC – Sensitive Information Network Communication

Transgender - A person whose transient or permanent gender identity (i.e. internal sense of feeling male or female) is different from the person's assigned sex at birth. A transgender individual may or may not qualify for a clinical diagnosis of Gender Dysphoria depending on the level of distress or impairment this causes.

Voyeurism - An invasion of privacy of PIOC by an employee for reasons unrelated to official duties, such as peering at PIOC who is using a toilet in his or her cell to perform bodily functions; requiring PIOC to expose his or her buttocks, genitals or breasts; or taking images of all or part of PIOC naked body or of PIOC performing bodily functions.

WICS – Wisconsin Integrated Corrections System

PROCEDURE

I. Screening

- A. PIOC shall be screened within 72 hours of admission to any DAI facility for risk of being sexually abused by other PIOC or sexually abusive towards other PIOC.
- B. Within 30 days of admission, PIOC shall be rescreened to determine if additional, relevant risk factors are present.
- C. Thereafter, PIOC may be referred for a follow-up rescreening by any staff member if and when:
 1. The PIOC is the alleged victim or suspect of sexual abuse;
 2. The PIOC discloses identification as lesbian, gay, bisexual, transgender or intersex and their identification was not revealed during the last screening;
 3. The PIOC discloses a past unwanted or abusive sexual experience(s) while confined and the experience(s) was not revealed during the last screening;
 4. The PIOC requests a rescreening;
 5. The PIOC is referred for a rescreening by facility staff; or
 6. Additional information is received that bears on PIOC risk of sexual victimization or abusiveness.
- D. Each facility shall identify the staff member(s) responsible for screening, including a coverage plan in the event the designated staff member(s) is away from the facility and unable to conduct screenings in a timely manner.

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- E. All screening shall be documented in WICS.
 - 1. DOC-2781 A or B shall be used when WICS is not immediately available.
 - 2. Responses recorded on DOC-2781 A or B shall be transferred to WICS as soon as possible and shredded immediately.
- F. Screening shall be administered to PIOC in a private location.
- G. Reviewing PHI may be necessary to determine PIOC risk. Staff shall review and record the minimum necessary to complete the task.
- H. PIOC may not be disciplined for refusing to answer or for failing to disclose responses to the screening questions.

II. Use of Screening Information

- A. Screening information shall be used to inform staff making housing and bed assignments. The expectation is to keep PIOC who score as a high risk of being sexually victimized separate from those scoring as a high risk for being sexually abusive.
 - 1. PIOC housed in a dormitory setting who are at risk of victimization or risk of abusiveness, and who cannot otherwise be separated by housing unit, shall be bunked at opposite sides of the dormitory.
 - 2. Those at risk of victimization shall be bunked in areas more likely to receive additional staff supervision.
- B. Screening information shall be used to inform staff making work, education and program assignments.
 - 1. Risk of abusiveness or victimization, and subsequently appropriateness of placement, shall be considered prior to work, education and program assignment.
 - 2. Any assignment which contains PIOC with ROV and ROA categories shall be under direct supervision.
 - 3. Facilities shall document the consideration of risk and any actions taken to mitigate risk on a DOC-1408, DOC-2570 or equivalent.
- C. Depending upon each PIOC responses and history, the screening tool categorizes each as being designated a ROV, ROA, or None. ROV and ROA categorizations shall be recorded as a security special handling type and security housing recommendation in WICS.
- D. Individualized determinations about how to ensure the safety of each PIOC shall be made.
- E. DAI shall not dedicate any facility, unit or wing for the sole purpose of housing PIOC who identify as transgender or disclose an intersex condition.

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- F. In accordance with DAI Policy 500.70.27, if PIOC identifies as transgender or discloses an intersex condition, the screener shall notify the facility's PSU Supervisor or designated staff member to, in consultation with classification, security and/or healthcare staff, ensure:
1. Housing and programming assignments are made on a case-by-case basis. Such placement decisions shall ensure the PIOC health and safety, which includes giving serious consideration to the PIOC own view of safety and any management or security problems.
 2. Transgender and intersex PIOC shall be given the opportunity to shower separately from other PIOC who are not transgender or intersex.
 3. Placement and programming assignments for each transgender or intersex PIOC shall be reviewed at a reclassification hearing a minimum of every six months to review any threats to safety experienced by the PIOC.
- G. If PIOC discloses sexual abuse that occurred at another confinement facility and there is no documentation of prior notification, the Warden/Superintendent shall notify the head of the confinement facility where the abuse allegedly occurred.
1. Notification via DOC-2933 shall be provided as soon as possible, but no later than 72 hours after receiving the disclosure.
 2. Notification shall be documented on a DOC-2466 and recorded in SINC as a follow-up action.
- H. If the screening indicates PIOC has experienced prior sexual victimization and/or previously perpetrated sexual abuse, whether it occurred in a confinement setting or in the community, the PIOC shall be offered a follow-up meeting with a medical or mental health practitioner.
1. If accepted, the screener shall make a prompt referral to PSU or HSU.
 2. A follow-up meeting shall be held within 14 days of the intake screening.
- I. Medical and mental health practitioners shall obtain informed consent from PIOC and document such consent on a DOC-1163A before reporting information about prior sexual victimization that did not occur in a confinement setting, unless the PIOC is under the age of 18.
- J. PIOC at high risk for sexual victimization shall not be separated from the general population unless an assessment of all available alternatives has been made and a determination has been made there are no available alternative means of separation from likely abusers.
- K. If an assessment cannot be conducted immediately, the facility may separate the PIOC involuntarily from the general population for less than 24 hours while completing the assessment.
1. If PIOC is involuntarily separated from the general population the facility shall document the basis for the facility's concern for the PIOC safety and the reason an alternate placement cannot be arranged.

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2. Involuntary separation from the general population shall only be until alternative means of separation from likely abusers can be arranged and shall not ordinarily exceed 30 calendar days.
 3. Every 30 days, the facility shall review the PIOC circumstances to determine whether there is a continuing need for separation from the general population and document accordingly.
 4. PIOC separated from the general population for this purpose shall have access to programs, privileges, education or work opportunities to the extent possible.
 5. If the facility restricts access to programs, privileges, education or work opportunities the facility shall document the opportunities limited, the reason for such limitations and the duration of the limitation on DOC-30 and DOC-68.
- L. Appropriate controls shall be placed on the dissemination of information gathered from the risk screening to ensure sensitive information is not exploited to the PIOC detriment by employees or other PIOC.
- M. Information related to sexual victimization or abusiveness occurring in a confinement setting shall be confidential and strictly limited to medical and mental health clinicians and other employees, as necessary, to inform treatment plans and security and management decisions, including, but not limited to: housing, bed, work, education and program assignments.

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 410.30.01	Page 7 of 7
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Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS AND FORMS

FACILITY PROCEDURE

- I.
 - A.
 - B.
 - 1.
 - 2.
 - a.
 - b.
 - c.
 - 3.
 - C.

II.

III.

RESPONSIBILITY

I. Staff

II. PIOC

III. Other