



**DEPARTMENT OF CORRECTIONS
DIVISION OF ADULT INSTITUTIONS**

Policy Title:	Sexual Misconduct Response
Policy Number:	410.60.01
Chapter:	410 Prison Rape Elimination Act
Original Effective Date:	03/11/26
New Effective Date:	03/11/26
Supersedes Date:	N/A
Date of Approval:	02/25/26
Administrator Approval:	Shannon Butcher
Required Posting	
<ul style="list-style-type: none"> • Person in Our Care: 	Yes
<ul style="list-style-type: none"> • All Staff: 	Yes
<ul style="list-style-type: none"> • Restricted: 	No

PURPOSE

The Division of Adult Institutions shall respond promptly and consistently to reports and incidents of sexual misconduct wherein a person in our care is the alleged victim.

SCOPE

This policy applies to all DAI facilities, staff, contractors, volunteers and persons in DOC custody who are involved in the reporting, responding to or reviewing of incidents or allegations of sexual misconduct in which a person in our care is identified as the alleged victim. It establishes the expectations, responsibilities and required actions for ensuring that all reports and incidents of sexual misconduct are addressed promptly, consistently and in a manner that prioritizes safety, dignity and compliance with state and federal standards.

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 306.00.14 – Protection, Gathering and Preservation of Evidence

DAI Policy 306.00.15 – Person in Our Care Investigations

DAI Policy 310.00.01 – Inmate Complaints Regarding Staff Misconduct

DAI Policy 410.50.06 – Coordinated Response Plan

DAI Policy 500.30.19 – Response to Sexual Abuse Health Services Unit

HR Policy 200.30.304 – Employee Disciplinary Investigations

DEFINITIONS, ACRONYMS AND FORMS

Confinement Facility – Includes a DOC facility, Wisconsin Resource Center, another state or federal prison, county jail, municipal lockup, youth facility or community confinement facility

DOC – Wisconsin Department of Corrections

DOC-2466 – Incident Report

DOC-2666D – PREA Reporting Form

DOC-2933 – PREA Notification to External Confinement Facility

DOC-2966 – Internal Affairs Office Case Referral Checklist

DOC-2981 – Sexual Abuse Response Checklist

DOC-4062 – PREA Report Checklist

HSU – Health Services Unit

PCM – PREA Compliance Manager; a designated regional- or facility-based employee who has the time and authority to coordinate an assigned facility's efforts to comply with the PREA standards.

POC-0105 – Sexual Abuse and Sexual Harassment Allegation Checklist

POC-0121 – ICE Sexual Misconduct Process

PREA – Prison Rape Elimination Act

PSU – Psychological Services Unit

Sexual Abuse – Sexual abuse of a person in our care by another person in our care 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.

Sexual abuse of a person in our care by a staff member includes any of the following acts, with or without consent of the person in our care:

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 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 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 staff member has the intent to abuse, arouse, or gratify sexual desire;
6. Any attempt, threat, or request by a staff member to engage in the activities described in paragraphs (1)-(5) of this section;
7. Any display by a staff member of their uncovered genitalia, buttocks, or breast in the presence of a person in our care; and
8. Voyeurism by a staff member.

Sexual Harassment – Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one person in our care directed toward another; and/or repeated verbal comments or gestures of a sexual nature to a person in our care by a staff member, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Sexual Misconduct – An umbrella term which captures sexual abuse, sexual harassment, and other unclarified reports or experiences of a sexual nature.

SINC – Sensitive Information Network Communication. Sexual misconduct report and investigation tracking database.

PROCEDURE

I. General Guidelines

- A. All staff shall immediately report any knowledge, information, or suspicion of sexual misconduct wherein a person in our care is the alleged victim. Reports may be made privately to any supervisor (e.g., administrator, warden, superintendent, immediate supervisor, etc.), the PREA Office or through the DOC's public website.
- B. Staff shall accept the report and take the actions described herein. Staff shall not redirect a reporter to the PREA hotline to make a report unless the person in our care specifically requests to dial the hotline.
- C. Any staff member tasked with gathering additional information related to an incident or report of sexual misconduct shall do so in a confidential location. Cell front inquiries are prohibited unless there is no other safer means of gathering information.
- D. Institution Complaint Examiners who receive a complaint of sexual misconduct shall process in accordance with DAI Policy 310.00.01 and POC-0121.

II. Initial Report of Sexual Abuse

- A. When an incident of sexual abuse is reported or identified, staff shall take the following immediate actions: (Order of action may depend on the circumstance. Some actions described below may not be applicable depending upon the circumstance; a security supervisor shall determine necessity of action.)
 - 1. All staff shall ask the reporter basic questions to learn who, what, where, and when. Questions shall be brief for the purpose of assessing; this is not an investigatory interview.
 - 2. All staff shall notify a security supervisor of the information gathered in A.1.
 - 3. Uniform staff shall separate the alleged victim and alleged subject from contact with one another.
 - 4. Uniform staff shall notify HSU and/or PSU if medical care or crisis intervention is needed. HSU shall take action in accordance with DAI policy 500.30.19.
 - 5. All staff shall request the alleged victim not take any action which may compromise physical evidence (i.e. brushing teeth, using toilet, showering, eating, etc.). Requesting allows for choice; do not force a person to refrain from the aforementioned examples unless a safety or security need is present.
 - 6. Uniform staff shall ensure the alleged subject not take any action which may compromise physical evidence. Subject is not given choice so as to protect the integrity of the investigation.

7. Uniform staff shall preserve and protect any crime scene or evidence until a supervisor responds. Evidence shall be preserved in accordance with DAI Policy 306.00.14.
8. All staff shall document in accordance with Section IV. Initial Report Documentation.

B. Security supervisors shall use DOC-2981 to guide their follow-up actions.

III. Initial Report of Sexual Harassment

- A. When an incident of sexual harassment is reported or identified, staff shall:
 1. Ask the reporter, if applicable, basic questions to learn who, what, where and when. Questions shall be brief for the purpose of assessing; this is not an investigatory interview.
 2. Immediately notify a security supervisor.
- B. The security supervisor shall determine intervention necessary to mitigate further sexual harassment or future sexual abuse and take prompt action.
- C. All staff shall document in accordance with Section IV. Initial Report Documentation.

IV. Initial Report Documentation

- A. The staff member who received a report or learned of sexual misconduct shall consult with a security supervisor and/or PCM to learn if the conduct has previously been reported and documented in SINC.
 1. If the conduct has not previously been reported and documented, the aforementioned staff member shall promptly complete DOC-2666D.
 2. If a response from a security supervisor and/or PCM prevents the above staff member from completing a DOC-2666D promptly, the staff member shall move forward and complete a DOC-2666D.
- B. The staff member who received a report or learned of sexual misconduct shall promptly complete DOC-2466 Incident Report.

V. Report Clarification

- A. Upon receipt of a report of sexual misconduct in SINC, if it is not clear whether the report constitutes sexual abuse or sexual harassment as defined by PREA, the PCM or designee shall assign a staff member to clarify.
- B. The report shall be clarified by the aforementioned staff member within 72 hours of receiving the report of sexual misconduct.
 1. Report clarification shall be conducted with the reporter of sexual misconduct.
 2. Questions shall be asked in an attempt to determine if the report constitutes sexual abuse or sexual harassment as defined by PREA. This is an interactive discussion, not an investigatory interview.

3. Staff may use POC-0105 or DOC-4062 to guide clarification.
 4. Results of clarifying interview shall be communicated to PCM.
- C. If the person responsible for clarifying has a SINC Facility Intake role, they shall document the information gathered in SINC. If the person responsible for clarifying does not have a SINC Facility Intake role the PCM shall be responsible for documenting.
- D. Documentation shall include:
1. Updating any incorrect or blank fields with learned or known information;
 2. Updating follow-up actions to include results of the clarifying conversation.
This section shall include:
 - a. The reported elements of sexual abuse or sexual harassment.
 - b. A determination of whether or not the reported elements constitute sexual abuse or sexual harassment as defined by PREA.
 - c. An explanation of actions taken to mitigate continued risk, correct other rule infractions or address potential work rule violations.
- E. Reports meeting the definition of sexual abuse or sexual harassment shall transition to an investigation. All investigations involving a staff subject shall be referred to Internal Affairs Office via DOC-2966 and in accordance with referral procedure. Investigations shall be conducted in accordance with DAI Policy 306.00.15 and Human Resources Policy 200.30.304.
- F. Reports not meeting the definition of sexual abuse or sexual harassment shall be closed as Non-PREA in SINC by the PCM.

VI. External Notification

- A. When a person in our care reports sexual abuse occurring outside of their current facility and at a different confinement facility, the staff member receiving the report shall promptly notify a security supervisor and/or PCM.
- B. The staff member who received a report or learned of external sexual abuse shall document in accordance with Section IV.
- C. PCM shall prepare DOC-2933 and forward to their Warden or Superintendent.
- D. Within 72 hours of receiving the initial report, Warden or Superintendent shall send an email notification, including DOC-2933, to the leadership of the facility where the alleged abuse occurred and carbon copy the PCM.
- E. In the event the Warden or Superintendent is unable (i.e. away from the office) to send the notification in a timely manner, the notification may be sent by their administrative assistant from the Warden or Superintendent's email address.

- F. PCM shall upload email notification and add the prepared DOC-2933 to the corresponding report in SINC; close as External PREA.

VII. Coordinated Response Plan

- A. Every facility shall maintain a coordinated response plan in accordance with DAI policy 410.50.06.
- B. All staff are considered first responders and shall be responsible for understanding their duties within this plan.

**DIVISION OF ADULT INSTITUTIONS
FACILITY IMPLEMENTATION PROCEDURES**

Facility:	
Policy Title:	
Policy Number:	
Chapter:	
Original Effective Date:	
New Effective Date:	
Supersedes Date:	
Will Implement	
<ul style="list-style-type: none"> • As Written: 	
<ul style="list-style-type: none"> • With below procedures for facility implementation: 	
Warden/Superintendent Approval:	

REFERENCES

DEFINITIONS, ACRONYMS AND FORMS

FACILITY PROCEDURE

RESPONSIBILITY