



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

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Casey Gerber

Name of Individual Certifying this Document/Proposed Document

Director, Office of Juvenile Offender Review

Title

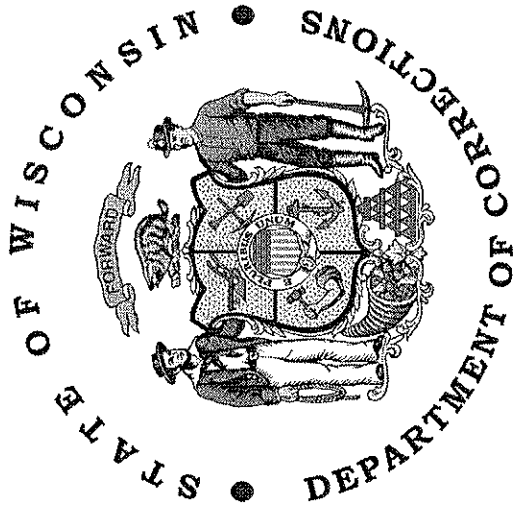
Casey Gerber

Signature

06/24/2019

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)



Wisconsin Department of Corrections
Division of Juvenile Corrections

Sexual Abuse and Sexual Harassment
Prevention and Intervention

A Resource for Youth

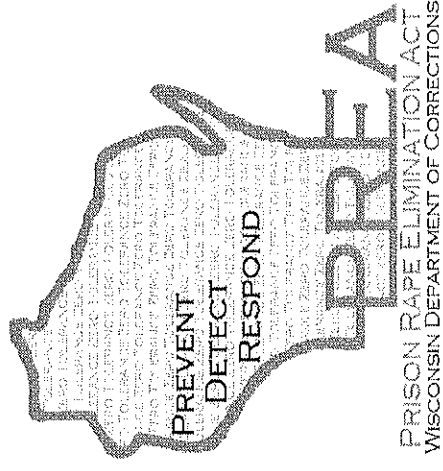
REFERENCE

PREA Standards 28 CFR Part 115

National PREA Resource Center

Just Detention International

The Wisconsin Department of Corrections created this document in accordance with the Prison Rape Elimination Act (2003).



POC-41A (Rev 5/2018)

In some situations, your housing may be changed to protect your safety. Protective confinement should only be used as a last resort until a more suitable option is available.

Following an investigation, you will be notified of the outcome.

If criminal charges are pursued you may be asked to testify during the criminal proceedings.

The investigative process is conducted in a confidential manner, meaning only those who “need to know” are included.

CONSEQUENCES FOR OFFENDERS

Victims or witnesses will never be punished for reporting sexual abuse or sexual harassment. However, a false report of sexual abuse and/or sexual harassment is a rules violation. Violators may receive a consequence.

Youth who have engaged in sexual abuse, sexual harassment or retaliation may face consequences, including criminal charges, increased time and/or a lifelong requirement to register as a sex offender.

Staff who violate DOC sexual abuse, sexual harassment or retaliation policies may face consequences, including termination. Offenders may also be referred to local law enforcement for investigation and criminal charges.

It is NEVER okay for a staff member to make sexual advances or comments, or to engage in sexual contact with a youth.

The Wisconsin Department of Corrections (DOC) values safety – that includes keeping you safe from others while you are serving your sentence.

The Wisconsin Department of Corrections has zero tolerance for sexual abuse and sexual harassment within its facilities.

Any staff member or youth who sexually abuses or sexual harasses another youth is breaking the law. Staff members and youth who sexually abuse or sexually harass other youth will be disciplined and may be referred for prosecution.

The Prison Rape Elimination Act (PREA) of 2003 created national standards to prevent, detect and respond to sexual abuse and sexual harassment.

In response, the Wisconsin Department of Corrections put policies and procedures in place to help keep you safe and to make it possible for you to get help if you’ve been sexually abused, sexually harassed or experience report related retaliation. DOC is committed to investigating ALL reports, offering support to ALL victims and pursuing discipline for ALL perpetrators.

This guidebook describes:

- Your rights and responsibilities
- Important definitions
- Tools to help keep you safe
- Steps to take if you’ve been sexually abused
- How to report sexual abuse or harassment
- The investigation process
- Opportunities for support and recovery following sexual abuse
- Potential consequences for violating the sexual safety of another

You have the
RIGHT
to be
FREE
from
SEXUAL ABUSE
and
SEXUAL
HARASSMENT

PRISON RAPE ELIMINATION ACT YOUR RIGHTS

- To be safe from sexual abuse, sexual harassment and report-related retaliation. No one has the right to pressure or force you to do sexual things.
- To receive information during intake about DOC's zero tolerance for sexual abuse, sexual harassment and retaliation. You will learn how to make a report and what may happen after a report is made.

- To receive safe housing and bed assignments with access to safe education and/or programming.
- Except in an emergency, to know when a staff member of the opposite gender enters your housing unit so that you may use the bathroom, shower and change clothing without being viewed.
- To be strip searched, with dignity and in private, by a staff member of the same gender except during an emergency.
- To anonymously and safely report, in a sexual abuse and sexual harassment, in several ways..
- To receive free medical care and counseling following an incident of sexual abuse or sexual harassment.
- To know the outcome of the sexual abuse or sexual harassment investigation.

YOUR RESPONSIBILITIES

- To respect others' right to be safe from sexual abuse, sexual harassment and retaliation.
- To never pressure someone to behave in a way that he/she does not want to.
- To avoid jokes and teasing about sexual topics.
- To tell someone you trust if you experience or witness sexual abuse or sexual harassment.

PROTECTION, SUPPORT AND RECOVERY

Victims of sexual abuse, sexual harassment or report-related retaliation are monitored by staff. Every effort will be made to assure the victim's protection without restricting access to education, exercise or programming.

Youth who have been sexually victimized are encouraged to seek assistance in recovering from this trauma. Youth have ongoing, free access to the following:

- Medical providers for related treatment, including pregnancy and STI tests;
- Mental health support;
- Chaplain support; and/or
- Crisis intervention and support from a local sexual assault agency (contact your facility's Victim Services Coordinator for contact information).

Victims may also receive support from local sexual assault service providers, who are trained to provide confidential support after sexual abuse. They will listen and provide information and education. Their services are free and not connected to DOC. Their contact information may be found inserted into this handbook and posted near telephone or information boards in your facility.

UNDERSTANDING THE INVESTIGATION PROCESS

After sexual abuse and/or sexual harassment is reported, DOC and/or the appropriate law enforcement agency will begin an investigation. The purpose of the investigation is to determine what happened and, ultimately, hold the perpetrator responsible for their actions. You may be asked to give a statement during the investigation. With your consent, the investigation may include a physical exam by a qualified medical professional in a local hospital; this free and confidential exam is conducted to ensure your health and to collect any evidence.

Survivors experience a wide range of emotional and physical reactions following sexual abuse. While these are common feelings and experiences, there is not a right or wrong way to feel following sexual abuse.

- Mood changes
- Disbelief
- Embarrassment
- Guilt
- Numbness
- Denial
- Anger
- Fear
- Depression
- Flashbacks
- Anxiety and panic
- Helplessness
- Hopelessness
- Calm
- Withdrawal
- Confusion
- Nightmares
- Change in sleep patterns
- Change in appetite
- Decreased ability to concentrate
- Lack of energy
- Headaches, stomachaches
- Suicidal thoughts

Did you know ...

Sexual abuse and sexual harassment happens to people of all ages, ethnic groups, social or economic statuses, sexual orientations or physical or mental abilities.

Sexual abuse and sexual harassment can happen to males and females.

Sexual abuse and sexual harassment are about power and control. It is not about love.

Sexual abuse and sexual harassment affect everyone; either directly or through the experiences of those we care about.

A victim may become sexually excited during the abuse. This does not mean they were not abused or gave consent; this is a normal, involuntary reaction of the body.

Sexual abuse does not have to involve force or violence. Just because you do not fight off your abuser does not mean that you consented.

IMPORTANT DEFINITIONS

Confidentiality

For the safety of all, information about the identity of a victim who reported sexual abuse or sexual harassment, and the facts of the report itself, are limited to those who “need to know.” This information will only be used to make decisions about the victim’s well-being and for law enforcement/investigative purposes. Information collected during medical exams is confidential.

Consent

Consent is when someone is willing and able to freely agree to be a part of an activity. If someone does not agree or is unable to agree because he/she is asleep, unconscious, drugged, afraid, feeling threatened or doesn’t understand what’s going on then he/she has not consented.

Because staff members have authority over youth, youth can never truly agree to sexual activity with a staff member even if they agree. It is **always** against the law for a staff member to engage in sexual activity with a youth.

All sexual activity between youth is a violation of DOC policy.

LGBTI

LGBTI stands for Lesbian, Gay, Bisexual, Transgender and Intersex.

A person whose gender identity (i.e. feeling male or female) is different from their assigned sex at birth may consider themselves transgender.

A person with a less common combination of hormones, chromosomes or anatomy may have an intersex diagnosis.

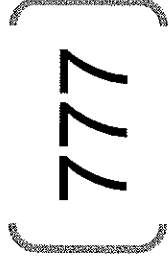
DOC works to protect all youth, especially those who consider themselves lesbian, gay, bisexual, transgender and/or intersex. Housing, bed and programming decisions are always made with safety in mind.

AFTER SEXUAL ABUSE

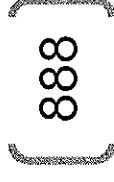
Reach out. Tell someone. Get help.

PREA Reporting Hotline

If you feel unsafe reporting directly to a staff member dial 777, which will allow you to report to DOC. A pin number is not needed to make this call. This hotline is a message line and is only monitored during business hours. If you choose not to tell a staff member, there will be a delay in responding to your immediate needs. All hotline reports are sent back to the facility for review and action. All reports are managed with appropriate measures of confidentiality.



If you chose to remain anonymous, dial 888. A pin number is not needed to make this call. This is also a message line and is only monitored during business hours. This hotline is monitored by an agency outside of DOC. However, the reports are sent back to the facility for review and action. The outside agency does not respond or investigate. A staff member from your facility will follow-up with you.



- Consider allowing medical staff to examine you for injuries, which may or may not be visible, and sexually transmitted infections.
- Consider talking with someone. Support may come from a trusted friend, family member, mental health or medical staff member, victim services coordinator or another staff member. Victims may also receive support from outside sexual assault agencies and advocates. Connect with your facility's Victim Services Coordinator for contact information.
- Please note, if a staff person suspects or receives a report that a minor (17 years old or younger) has been sexually abused a report to the appropriate protection agency will be made.

Retaliation

Harming someone because that person did or said something hurtful to you is considered retaliation. This may include threats of, or actual, physical or verbal harm after a victim (or third-party) reports an incident of sexual abuse or accuses someone of things they have not done. It may also include the limitation or removal of programming by a staff member after a victim (or third-party) reports an incident of sexual abuse.

Sexual Abuse

Sexual abuse by another youth is sexual activity that is not wanted or agreed to. It includes contact between the penis and the vulva or the penis and the anus, including penetration by a body part or object; contact between the mouth and the penis, vulva, or anus; and/or intentional touching of the genitalia, anus, groin, breast, inner thigh or buttocks.

Sexual abuse by a staff person includes ANY sexual activity. It includes contact between the penis and the vulva or the penis and the anus, including penetration of the anal or genital opening by a body part or object; contact between the mouth and the penis, vulva, or anus; contact between the mouth and any body part; intentional touching (that is unrelated to official duties) of the genitalia, anus, groin, breast, inner thigh or buttocks; any attempt, threat, or request to engage in the above activity; display of a staff person's genitalia, buttocks or breast; and/or voyeurism.

Sexual Harassment

Sexual harassment is repeated and unwanted sexual comments or gestures by a staff person or another youth. These comments or behaviors may be threatening, insulting, degrading or disrespectful. Sexual harassment may include requests for sexual favors, joking about sexual topics, remarks about someone's private body parts, and/or insults about someone's sexual orientation or gender identity.

AFTER SEXUAL ABUSE

- Get to a safe place.
- Even though you may want to clean up immediately after the abuse, consider waiting. It is important to save the evidence. Try not to use the bathroom, shower, wash, drink, brush your teeth, eat or change clothing.
- Report the abuse as soon as safely possible. Deciding to report sexual abuse is never easy. There is no time limit to report sexual abuse, however, sooner is better. You do not need to have evidence.

REPORTING METHODS

If you experience, witness or suspect sexual abuse or sexual harassment you can report in ANY of these ways:

- Tell ANY staff person.
- Send a request to ANY staff person.
- Call the PREA Reporting Hotline.
- Tell a family member, friend or outside support person. They may report on your behalf by telling any staff person or submitting a report at www.doc.wi.gov (click on "Prison Rape Elimination Act").
- File a complaint.
- Contact local law enforcement.

Staff

Staff means a person employed by DOC as a permanent, project or limited term employee; this includes volunteers and contractor staff.

Substantiated Report

A sexual abuse or sexual harassment report that was investigated and determined to have occurred is considered substantiated.

Unfounded Report

A sexual abuse or sexual harassment report that was investigated and determined not to have occurred is considered unfounded.

Unsubstantiated Report

A sexual abuse or sexual harassment report that was investigated and the evidence could not prove whether or not the incident occurred is considered unsubstantiated.

Voyeurism

An invasion of a youth's privacy by a staff member for reasons unrelated to their official duties. It may include a staff member watching a youth shower, use the bathroom, or dress/undress.

**No one deserves to be abused.
Sexual abuse and sexual harassment
are not part of your sentence.**

TOOLS TO HELP KEEP YOU SAFE

For your protection, the Wisconsin Department of Corrections put these procedures into practice:

- During intake and orientation, youth receive education about sexual abuse and sexual harassment. Youth with disabilities or special needs have an equal opportunity to participate in and benefit from awareness efforts. All staff are trained to prevent, detect and respond.
- All youths' needs are considered to determine the safest, most appropriate housing, bed, education and program locations.
- Youth are strip searched by a staff member of the same gender except in emergencies.
- When a staff member enters a housing unit with youth of the opposite gender their presence is announced. This gives youth an opportunity to cover up while using the bathroom, showering and changing clothing.
- Transgender and intersex youth are given the opportunity to shower separately.
- Established ways to safely and privately report sexual abuse and sexual harassment.
- Trained investigators and medical and mental health staff respond to reports of sexual abuse and sexual harassment.
- Every report of sexual abuse and sexual harassment is investigated. If the report is found to be true, the abuser will be appropriately disciplined up to and including criminal prosecution.
- All youth who report sexual abuse or sexual harassment are monitored for report-related retaliation for at least 90 days following the report.

While sexual abuse and sexual harassment are never the victim's fault, there are some things to you may do to protect yourself:

- Be alert. Stay away from drugs and alcohol.
- Be cautious of staff who share personal information with you, spend time alone or an unexplainable amount of time with you, allow you to enter unauthorized areas or show favoritism towards you.
- Be confident. If you feel frightened or anxious, try not to let those feelings show to other youth. Talk to your social worker or unit staff.
- Trust your instincts. If you sense a situation is dangerous, it probably is.
- Do not allow another youth to be your "protector." They may want something in return.
- Be direct, firm and say "no" when asked to participate in something you are uncomfortable with or which is against the rules.
- Do not accept gifts, loans, favors or contraband from others. They may want something in return.
- Choose your friends wisely. Avoid someone giving you special attention. Connect with people who are involved in positive groups and activities. Don't allow others to keep you from making and keeping friends who have a positive influence on you.
- Do not borrow, loan or trade property or canteen with others. Payback will be expected.
- Tell a staff person if you feel unsafe. Immediately report instances of sexual abuse or sexual harassment.
- Be aware of your physical surroundings. Avoid being alone or isolated where staff members can't see you. Stay in well-lit areas. Do not go into unassigned areas.
- If you feel a special attraction to another person, tell a staff member or another adult you trust. Talking about those feelings can help.