



DEPARTMENT OF CORRECTIONS

PRIDE: Professionalism, Respect, Integrity, Dignity, and Excellence



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ORDER TITLE Prison Rape Elimination Act (PREA)	SERIES NO. 90	SERIES TITLE/SUBJECT Prison Rape Elimination Act 2003 (PREA)	
TOPICS/REFERENCE 9 GCA Chapter 90, Government of Guam Rules and Regulations			APPENDICES None
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I. PURPOSE:

- A. This purpose of this policy to outline the Guam Department of Corrections (GDOC) approach to ensure compliance with the Prison Rape Elimination Act (“PREA”) OF 2003, through the application of a zero-tolerance policy toward all forms of sexual abuse, sexual harassment, and retaliation for reporting incidents in prison, jails, lockups, and community corrections centers.
- B. This policy is Department of Corrections proactive approach to preventing, detecting, and responding to sexual abuse and sexual harassment, while an offender is under the legal and physical custody of GDOC. The PREA Standards are guidelines or practices developed to prevent, reduce, eliminate, and investigate sexual abuse and/or sexual harassment; and to provide treatment to victims and prosecute violators, who commit sexual abuse and/or sexual harassment against and offender. The department will immediately respond to, investigate, and support the prosecution of sexual abuse and sexual harassment in Guam’s prisons, both internally and externally in partnership with other law enforcement agencies and the Guam Attorney General Office.

- C. Through continual education of staff and prisoners, the department will increase awareness of safe reporting mechanisms and available services to victims and concerned citizens, thereby creating institutional cultures that discourage sexual abuse and sexual harassment and misconduct.
- D. Through classification, assignment, review of new technologies, and improvements to institution architecture where feasible, the department will identify opportunities to separate and carefully monitor both sexually abused and vulnerable prisoners and sexual abusers and victims to reduce the incidence of sexual misconduct.
- E. The department will establish data collection systems to accurately track sexual abuse and sexual harassment, facilitate identification of the core causal factors, and annually incorporate 'lessons learned' into improved operations and services toward a sustainable zero-tolerance standard.

II. APPLICABILITY

This policy is applicable to GDOC staff, visitors, contractors, and volunteers, who have contact with inmates, and detainees. This policy applies to all prisons, jails, lock-up, and community corrections center under the direct custody and control of GDOC.

III. DEFINITIONS

- A. **Agency PREA Coordinator:** An administrator responsible for the development, implementation, and oversight of the department's compliance with the PREA standards in all of the department's facilities.
- B. **PREA Compliance Managers:** A management staff person designated by the Director of Corrections, with sufficient time and authority to coordinate the facility's efforts to comply with the federal PREA standards. There may be more than one Compliance Manager designated to cover a specific unit.
- C. **Gender Nonconforming:** A person whose appearance or manner does not conform to traditional societal gender expectations.
- D. **PREA Hotline:** Special posted telephone number(s) designated for prisoners and staff to call in and report any alleged misconduct on the part of any DOC prisoners(s) or staff. The caller provides information on a message answering machine that is reviewed every business day by Internal Affairs.
- E. **Intersex:** A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

- F. **Non-Assaultive Sexual Activity:** Engaging in sexual activity and the sexual activity is conducted without violence, threat of violence, coercion, or use of a weapon.
- G. **Sexual Abuse:** Sexual abuse of a prisoner by another prisoner and sexual abuse of a prisoner by a staff member.
- H. **Sexual abuse of a prisoner by another prisoner** 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
- I. Sexual abuse of a prisoner by a staff member, contractor or volunteer includes any of the following acts, with or without consent of the prisoner, detainee, or resident:
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, contractor, or volunteer 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, contractor, or volunteer, has the intent to abuse, arouse or gratify sexual desire;
 5. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to the official duties of the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described by paragraphs (i - v) of this section;
 7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a prisoner, detainee, or resident, and

8. Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor or volunteer means an invasion of privacy of a prisoner by staff for reasons unrelated to official duties, such as peering at a prisoner who is using a toilet in his or her cell to perform bodily functions; requiring a prisoner to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a prisoner's naked body or of a prisoner performing bodily functions.
- J. **Sexual Abuse Liaison:** A management staff person designated by the institution functional unit manager to coordinate response, reporting, and monitoring of prisoner abuse within that institution. The sexual abuse liaison shall be assigned as the Sexual Abuse Response Team (SART) leader.
- K. **Sexual Abuse Response Team (SART):** A team of institution staff consisting of (at a minimum) a Behavioral Health Services (BHS) staff member designated by BHS Administration, a Medical Services staff member, and the sexual abuse liaison who are designated by the institution functional unit manager to respond to all allegations of prisoner sexual abuse or sexual coercion. For the purposes of SART activation, minimum institutions that do not have BHS staff on site will be assigned a SART member by the Behavioral Health Services administrator. The SART is currently outside the Guam Department of Corrections agency.
- L. **Sexual Coercion:** Compelling or inducing another person to engage in sexual abuse by deceit, threats, force or intimidation or for personal favors.
- M. **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 prisoner directed toward another: and repeated verbal comments or gestures of a sexual nature to a prisoner by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- N. **Sexual Solicitation:** The solicitation of another person to engage in sexual activity.
- O. **Staff:** For purposes of this policy staff includes DOC employees, Corrections Officers, contract service providers, and volunteers.
- P. **Sexual Abuse Victim:** Any prisoner who, through documentation, evidence, or as result of reasonable suspicion on the part of staff, has suffered sexual coercion, sexual solicitation, sexual harassment or sexual abuse by another prisoner or a staff person during the immediate incarceration.
- Q. **Substantiated Allegation:** An allegation that was investigated and determined to have occurred.

- R. **Transgender:** A person whose gender identity (i.e., internal sense of feeling male or female) is different from a person's assigned sex at birth.
- S. **Unfounded Allegation:** An allegation that was investigated and determined not to have occurred.
- T. **Unsubstantiated Allegation:** An allegation that was investigated and produced insufficient evidence to make a final determination as to whether or not the event occurred.

IV. POLICY

It is the policy of the Department to prohibit any form of sexual abuse and/or sexual harassment of an offender. The Guam Department of Corrections has zero tolerance for sexual abuse or sexual harassment of any individual under the supervision of the Department. Anyone who engages in, fails to report, or knowingly condones sexual harassment or sexual abuse of an offender shall be subject to disciplinary action, up to and including termination, and may be subject to criminal prosecution. A resident, employee, contract service provider, visitor, volunteer, intern, and/or any individual who has business with or uses the resources of the Department is subject to disciplinary action and/or sanctions, including possible dismissal and termination of contracts and/or services, if he/she is found after an investigation to have engaged in sexual harassment or sexual abuse with a resident. A claim of consent will not be accepted as an affirmative defense for engaging in sexual harassment or sexual abuse of a resident.

A. PREVENTION PLANNING

1. DOC staff must be able to recognize the signs of sexual abuse and sexual harassment and understand their responsibility in the detection, prevention, response and reporting of an alleged sexual abuse or sexual harassment.
2. Security staffing standards and deployment of video monitoring systems or technology shall be assessed for adjustments and documented by the PREA Compliance Managers for facilities affected and communicate to Agency PREA Coordinator
3. Each facility shall require intermediate and higher-level supervisors to conduct and document unannounced rounds on all shifts to deter staff sexual abuse and sexual harassment. Staff is prohibited from alerting other staff members that the supervisory rounds are occurring.
4. Each facility shall implement policies and procedures that enable prisoners to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.

5. Opposite gender staff shall announce themselves prior to entering a prisoner housing unit by the method approved by the agency.
6. The Department of Corrections will, to the degree possible within limited resources and applicable laws, protect prisoner victims and reporters of sexual abuse, sexual solicitation, sexual harassment and sexual coercion from retaliation.
7. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the department shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect prisoners from sexual abuse.
8. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect prisoners from sexual abuse.
9. The department shall ensure that each facility it operates develops and documents a staffing plan that provides for adequate levels of staffing to protect prisoners against sexual abuse.
10. The agency shall not place lesbian, gay, bisexual, transgender, or intersex prisoners in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such prisoners.

B. TRAINING AND EDUCATION

1. Staff Training

- A. DOC employees will receive training, based on PREA employee training standards, on prisoner sexual abuse and sexual harassment every two years. The agency shall provide refresher information on current sexual abuse and sexual harassment policies on years when trainings are not conducted.
- B. The department shall train staff responsible for the supervision of prisoners in how to conduct cross-gender pat-down searches, and searches of transgender and intersex prisoners, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

- C. The department shall ensure that all volunteers and contractors who have contact with prisoners have been trained on their responsibilities based on the services they provide and level of contact they have with prisoners, but all volunteers and contractors who have contact with prisoners shall be notified of the agency's zero- tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- D. In addition to general training provided to all employees, contractors and volunteers the agency shall ensure that specialized training is required of Health Services professionals, SART members, DOC investigators, and other staff identified by the department.
- E. The Training Section will be responsible for the development and implementation of curriculum for new employee orientation and annual training in consultation with the Agency PREA Coordinator.
- F. All training PREA related training will be in accordance to federal standards and approved by the PREA Coordinator.

2. *Prisoner Education*

- A. Upon admission to DOC custody prisoners will receive information about:
 - 1. How to avoid risk situations related to sexual abuse and harassment;
 - 2. How to safely report allegations or suspicion of sexual abuse or sexual harassment, sexual coercion and sexual solicitation;
 - 3. How to obtain mental health services and/or medical services if victimized;
 - 4. What the risks and potential consequences are for engaging in any type of sexual activity while incarcerated;
 - 5. A prisoner's right to be free from sexual abuse and harassment;
 - 6. A prisoner's right to be free from retaliation from reporting such incidents; and
 - 7. The agencies policies and procedures for responding to such incidents.
- B. The department shall ensure that key information is continuously and readily available or visible to prisoners through posters or other written formats.
- C. Each institution will display posters or other materials, in appropriate locations to include housing units and common areas where prisoners gather, which are designed to inform all prisoners:
 - 1. That DOC has a zero-tolerance policy toward sexual abuse and sexual harassment;

2. That all prisoners are encouraged to report any and all instances of sexual abuse or sexual harassment; and
 3. The current methods available for reporting.
- D. GDOC shall provide prisoner education in formats accessible to all prisoners, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to prisoners who have limited reading skills.

C. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

The department shall provide housing assignments that reduce the likelihood of sexual abuse and sexual harassment while a prisoner is in DOC custody.

1. Prisoners will be assessed within 72 hours of arrival at all DOC facilities and again within 30 days to determine whether they meet specific criteria indicating either vulnerability or likelihood of perpetrating sexual abuse. Prisoners may not be disciplined for refusing to answer, or for failing to disclose information in regards to the assessment questions.
2. Vulnerable Prisoners: Prisoners will be evaluated at Intake to specifically determine their vulnerability to sexual abuse as indicated by the following risk factors:
 - a. Age;
 - b. Physical stature;
 - c. Mental, physical or developmental disability;
 - d. Sex offense convictions.
 - e. First time offender status, (first time in DOC custody);
 - f. Past history of sexual victimization Prisoner's own perception of vulnerability;
 - g. Whether the prisoner is or is perceived to be lesbian, gay, bisexual, transgender, intersex, or gender nonconforming.
 - h. Whether the prisoner's criminal history is exclusively nonviolent
3. Aggressive Prisoners: Prisoners will be evaluated to specifically determine if there are indications that he or she is a sexual abusive prisoner, prone to victimize other prisoners, especially in regard to sexual behavior. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing prisoners for risk of being sexually abusive.

4. A prisoner should be identified for vulnerability or potential aggressiveness by utilizing an objective risk screening tool unless there is sufficient documentation by the reviewer to warrant concern.
5. A prisoner's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the prisoner's risk of sexual victimization or abusiveness.
6. Prisoners at high risk for sexual victimization shall not be placed in administrative housing unless an assessment of all available alternatives determines that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the prisoner in administrative housing for less than 24 hours while completing the assessment.
7. Prisoners placed in administrative housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:
 - a. The opportunities that have been limited;
 - b. The duration of the limitation; and
 - c. The reasons for such limitations
8. The facility shall assign such prisoners to administrative housing only until an alternative means of separation from likely abusers can be arranged. Such an assignment shall not ordinarily exceed a period of 30 days. A prisoner placed in involuntary administrative housing exceeding 30 days shall be afforded a review to determine whether there is a continuing need for separation from the general population.
9. If an administrative housing assignment is made the officer-in-charge shall clearly document:
 - a. The basis for the facility's concern for the prisoner's safety; and
 - b. The reason why no alternative means of separation can be arranged.
10. Every 30 days, the facility shall afford each such prisoner a review to determine whether there is a continuing need for separation from the general population.
11. In deciding prisoner housing and programming assignments for transgender or intersex prisoners, the department shall consider on a case-by-case basis whether a placement would ensure the prisoner's health and safety, and whether the placement would present management or security problems.

12. If requested, transgender and intersex prisoners shall be given the opportunity to shower separately from other prisoners.
13. A transgender or intersex prisoner's own view with respect to his or her own safety shall be given serious consideration.
14. The PREA Compliance Manager will review placement and programming assignments for each transgender or intersex prisoner at least twice each year to review any threats to safety experienced by the prisoner.
15. The department makes individualized determinations about how to ensure the safety of each prisoner including housing, work assignments and access to services.
16. The department shall use information from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those prisoners at high risk of being sexually victimized from those at high risk of being sexually abusive.

D. REPORTING

1. Prisoner Reporting

- A. Access to services for the victim of non-abusive sexual activity, sexual abuse, sexual solicitation, sexual harassment or sexual coercion will not be dependent on the victim's willingness to report or provide testimony; however, in large measure, the reporting is critical to the timely delivery of necessary services to the victim and holding perpetrators accountable.
- B. Prisoners are encouraged to report when either of the following conditions exists:
 - a. The prisoner has been or is currently a victim of sexual abuse, sexual solicitation, sexual harassment or sexual coercion while incarcerated; or
 - b. The prisoner has knowledge or suspicions of sexual abuse, sexual solicitation, sexual harassment or sexual coercion having occurred or occurring in a correctional institution, or any staff neglect or violation of responsibilities that may have contributed to such an incident.
- C. Prisoners who report to DOC staff that they have been sexually abused or have knowledge or suspicions of another prisoner who has been sexually abused, sexually solicited, sexually harassed or sexually coerced, do so with the understanding that DOC staff will investigate and where appropriate, refer to the Guam Police Department and/or Guam Office of the Attorney General.

- D. Information provided by prisoners to DOC staff will be subject to verification by investigators. Information provided in confidential communications to the DOC staff listed below will be shared consistent with and according to the standards required by state statute, professional licensure, and ethical standards.
 - a. DOC Medical Services staff
 - b. Behavioral Health Services staff
 - c. Chaplains
- E. When interviewing prisoners concerning sexual abuse, sexual solicitation, sexual harassment and sexual coercion, all DOC staff will inform prisoners of any limits to confidentiality prior to conducting the interview.
- F. PREA information collected during investigations or intake assessments is considered sensitive and should only be shared with those staff with a need to know as part of their assigned duties.
- G. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as prisoner or staff. DOC will not require a prisoner who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- H. Prisoners who allege sexual abuse and sexual harassment by staff or other prisoners, and whose allegations are proven by investigators to be false will be held accountable through all means available to DOC. The agency may discipline a prisoner for alleging sexual abuse, only when it is in bad faith.
- I. Prisoner interpreters, prisoner readers, or other types of prisoner assistants should not be used except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the prisoner's safety, the performance of first-response duties or the investigation of the prisoner's allegations.

2. Staff Reporting

- A. All staff will report immediately any knowledge, suspicion, or information regarding sexual abuse, sexual harassment, retaliation by prisoner or staff for reporting, or staff neglect or violation of responsibility that may have contributed to such incidents. When a prisoner reports incident of sexual abuse, sexual solicitation, sexual harassment or sexual coercion to DOC staff members, staff will, except as noted elsewhere in this policy, contact the OIC or supervisor immediately.
- B. The OIC will initiate action as outlined in this policy and the OIC PREA Checklist to mitigate:

- a. Immediate harm to the victim or reporter; and/or
 - b. Damage to potential crime scenes or evidence.
- C. The Department of Corrections, shall offer a “PREA Hotline” to accept recorded reports of sexual abuse or sexual harassment in DOC institutions or other areas under DOC control.
- D. Staff may utilize the Guam Crime Stopper Hotline or the Governor’s Office to privately report all allegations of sexual abuse or sexual harassment. Such reports will be investigated within the limitations of information provided. When the victims of sexual abuse, sexual solicitation, sexual harassment or sexual coercion can be identified by investigators, they will be offered access to necessary services available through DOC, regardless of their willingness to report or provide testimony.
- E. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any reports. Upon notification by a prisoner that he/she has been sexually abused or coerced into unwanted sexual contact, the staff member shall immediately complete the Staff Reporting Responsibilities form. (See the attached PREA Reporting Chart.)

E. OFFICIAL RESPONSE FOLLOWING A PRISONER REPORT

1. Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
 - a. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
 - b. The agency shall document that it has provided such notification.
 - c. The facility head or agency office that receives such notification shall ensure that the allegation is investigated.
2. The PREA Compliance Manager shall be responsible for monitoring all prisoners and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other prisoners or staff.
 - a. Monitoring will continue for at least 90 days following a report of sexual abuse. The PREA Compliance Manager shall monitor the conduct and treatment of prisoners or staff who reported the sexual abuse and of prisoners who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by prisoners or staff, and shall act promptly to remedy any such retaliation.

- b. All actions taken to remedy any such retaliation will be documented and forwarded to the Agency PREA Coordinator and the sexual abuse liaison.
- c. Items the agency should monitor include:
 - 1. Prisoner disciplinary reports;
 - 2. Housing assignments;
 - 3. Program changes; and
 - 4. Negative performance reviews or reassignments of staff.
- d. In the case of prisoners, such monitoring shall also include periodic status checks.
- e. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
- f. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.
- g. An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

F. PRISONER ACCESS TO OUTSIDE CONFIDENTIAL SERVICES

- 1. The department shall make available to prisoners mailing addresses and telephone numbers, (including toll-free crisis line numbers where available), of local, State, or national victim advocacy or rape crisis organizations and outside victim advocates for emotional support services related to sexual abuse. The facility shall enable reasonable communication between prisoners and these organizations and agencies, in as confidential a manner as possible.
- 2. As requested by the prisoner, a victim advocate shall accompany and support the prisoner through the forensic medical examination and investigatory interview providing emotional support, crisis intervention, information, and referrals.

G. INVESTIGATIONS

- 1. Allegations of sexual abuse or sexual harassment of a prisoner by a staff member as defined in this policy will be reviewed and referred to the Guam Police Department and/or Office of the Attorney General appropriate investigation and case handling.

2. Allegations of sexual abuse or sexual harassment of a prisoner by a prisoner will be referred to the appropriate investigator.
3. Reporting to Prisoners: In the event of a prisoner allegation of sexual abuse, the PREA compliance manager shall:
 - a. Following an investigation into a prisoner's allegation that he or she suffered sexual abuse in an agency facility, the PREA Compliance Manager of that facility shall inform the prisoner as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded;
 - b. If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the prisoner.
 - c. Following a prisoner's allegation that a staff member has committed sexual abuse against the prisoner and the finding are substantiated or unsubstantiated; the PREA Compliance Manager or designee shall inform the prisoner whenever:
 1. The staff member is no longer posted within the prisoner's unit;
 2. The staff member is no longer employed at the facility;
 3. The department learns that the staff member has been indicted on a charge related to sexual abuse within the facility; and/or
 4. The department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
 - d. All such notifications or attempted notifications shall be documented by the PREA Compliance Manager.
 - e. The PREA Compliance Manager's obligation to report shall terminate if the prisoner is released from the department's custody.
 - f. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
 - g. DOC shall impose no standard higher than a preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

H. MEDICAL AND MENTAL CARE

It is the intention of DOC that there will be no long-term forfeiture of services and programs for victims of sexual abuse, sexual coercion, sexual harassment or sexual solicitation. Recognizing that the safety of the victim is paramount, the least restrictive housing program assignments will be implemented to achieve that goal.

1. **Medical:** Medical access to services for victims of sexual abuse will be handled in accordance with appropriate health services policy (GMH Clinic Policy and Procedures) that includes:
 - a. Timely, unimpeded access to emergency medical treatment without financial cost as determined by the medical practitioners' professional judgment;
 - b. Necessary post event treatment including coordination with community hospital;
 - c. Testing and prophylactic treatment for sexually transmitted disease (STD);
 - d. Comprehensive information and timely access to all lawful pregnancy related medical services;
 - e. Referral to Behavioral Health Services; and
 - f. Communication with the sexual abuse liaison regarding any information deemed not confidential.

2. **Behavioral Health Services:** Mental health services for victims of sexual abuse will be provided in accordance with Behavioral Health Service policies and procedures which include:
 - a. Timely, unimpeded access to appropriate mental health evaluation services without financial cost as determined by the mental health treatment providers' professional judgment;
 - b. Comprehensive information of limits of confidentiality and duty to report;
 - c. Completion of a mental health evaluation to include a suicide risk screening interview;
 - d. Notification to the OIC and Medical Services regarding recommended actions that may include suicide precautions;
 - e. Provision of follow-up mental health services.
 - f. Communication with the sexual abuse liaison regarding any information deemed not confidential; and
 - g. Consultation with the OIC and Medical Services regarding suicide precaution measures that will be implemented if the prisoner is housed at an institution where there are no mental health services on site.

I. DISCIPLINARY ACTIONS FOR STAFF, CONTRACTORS, AND VOLUNTEERS

1. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
2. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.
3. Disciplinary actions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
4. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.
5. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
6. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with prisoners, in the case of any other violation of agency sexual abuse or sexual harassment policies by contractor or volunteer.

J. SEXUAL ABUSE INCIDENT REVIEWS

- a. The department shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- b. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- c. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
- d. The review team shall:
 1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 2. Consider whether the incident or allegation was motivated by race; ethnicity; 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 assess whether physical barriers in the area may enable abuse;
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 made pursuant to paragraphs (d)(1) -(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.
7. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

K. DATA COLLECTION

1. The department shall collect information related to the purposes outlined at the beginning of this policy; specifically, to gather data that will help DOC reduce the risk that sexual abuse and/or sexual harassment would occur within DOC facilities.
2. The Agency PREA Coordinator shall be responsible to identify the specific data that must be collected and to work with the PREA Compliance Manager from each institution to assure data is submitted within the required timeframe. The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its prisoners. This data will be compiled into monthly and annual reports for submission to the Director. The purpose of these reports is to:
 - a. Establish a baseline of data documenting the prevalence of incidents involving sexual abuse as determined from all available sources; including misconduct reports, incident reports, and reports to PREA Hotline;
 - b. Provide information to DOC administrators concerning where efforts are needed for the improvement of institutional operations related to the reduction of sexual abuse;
 - c. Document that there is accountability for those who perpetrate sexual abuse by tracking:
 1. The adjudication of misconduct reports related to sexual abuse including the disposition of each case;
 2. The status of investigations conducted by the Special Investigations Unit and/or the Guam Police Department concerning suspected incidents of sexual abuse;

3. Referrals of sexual abuse cases for prosecution, including the status and outcome of such efforts within the judicial system; and
 4. The retention of all written reports referenced as long as the alleged abuser is incarcerated by the department, plus five years.
- d. Document that victims of sexual abuse receive appropriate follow-up care as outlined in this policy, including data related to each of the steps listed in that section.
 - e. Compile information collected directly from the prisoner population by means of various survey methods which relate to the prevalence of sexual abuse within the institutions, including the circumstances that contribute to this kind of behavior, in order to provide insight into potential strategies for its reduction or elimination by:
 1. Identifying problem areas;
 2. Taking corrective action on an ongoing basis;
 3. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole;
 4. Including an assessment of the agency's progress in addressing sexual abuse by comparing the current year's data and corrective actions with those from prior years.
 5. Ensuring the agency's report shall be approved by the agency head and made readily available to the public through its website; and
 6. Redacting specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, and indicating the nature of the material redacted.
 - f. 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. Upon request, the Agency PREA Coordinator shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
 - g. Ensure that annual audits include inspection for areas and situations where sexual abuse may be likely to occur and recommend mitigation for those areas and situations;
 - h. Collect and compile data and coordinate surveys to ensure continuity of services, operational improvements, and establishment of baselines;

- i. Produce an annual summary for the Director on the frequency and severity of sexual abuse/sexual harassment within DOC institutions including trends during the year, comparisons to previous years, and deficiencies identified in the annual audit.

L. POLICY CLARIFICATION

1. All employees, contractors and volunteers of the Department of Corrections shall sign the PREA Acknowledgement Statement.
2. As required by the Prison Rape Elimination Act, the Department of Corrections shall conduct criminal background records check at least every five years of permanent, temporary employees and contractors, volunteers and interns.

M. EFFECTIVE


This policy will be adopted immediately without further modification. DOC institutions may develop an institution-specific procedure or directives to implement this policy.

N. REVIEWS, REVISIONS AND CANCELLATIONS

1. This General Order will be reviewed each year by the Office of the Deputy Director or designee and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order 1.01 – Written Directives.
2. This policy is a living document that is subject to constant change. New laws, court decisions, new methodologies, emergencies, and other factors dictate the need for a continual review of this policy. Everyone in this organization have the ability to influence our policies and procedures, and are encouraged to provide feedback at any time by submitting a memorandum, via channels, with their ideas to the Deputy Director of Corrections or designee.
3. No policy, no matter how complete, can address all the situations we may encounter in performing our duties. There will be situations that occur that must be left to good judgement and discretion of the person(s) involved. This judgement and discretion must be employed with sound reason and promotes the interests of the citizens we serve, the department, and people who make-up this organization.

4. It is every employee's responsibility and duty to become thoroughly familiar with the contents of this policy. Employees are further responsible for the upkeep and maintenance of their individual copy, including keeping current as updates, amendments, or directives are issued which are intended to provide instructions and guidance for implementing PREA.

BY ORDER OF



ROBERT D. CAMACHO
Deputy Director of Corrections