



Illinois Department of Corrections

Administrative Directive

Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022
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Authorized by:	<i>[Original Authorized Copy on File]</i>	Rob Jeffreys Director
Supersedes:	04.01.301 effective 4/1/2021	

Authority: 725 ILCS 200/1 and 202/10 730 ILCS 5/3-2-2 410 ILCS 70/1a and 70/5 Title 42 USC Sections 15601-15609	Related ACA Standards: 5-ACI-1D-10, 5-ACI-1D-12, 5-ACI-1D-13, 5-ACI-2C-02, 5-ACI-3D-08-16, 5-ACI-6A-25, 5-ACI-6A-32, 5-ACI-6C-14
Referenced Policies: 01.12.105, 01.12.115, 01.12.120, 04.01.114, 04.01.115, 04.03.115, 05.01.101	Referenced Forms: DOC 0291 – Individual in Custody Orientation Receipt DOC 0434 – Incident Report DOC 0494 – Screening for Potential Sexual Victimization or Sexual Abuse DOC 0498 – PREA Retaliation Monitor – Individual in custody DOC 0499 – PREA Retaliation Monitor – Staff DOC 0531 – Daily Roster Review DOC 0593 – Sexual Abuse Incident Review

I. POLICY

The Department shall have a zero tolerance policy for sexual abuse and sexual harassment and shall establish and maintain a program for the prevention and intervention of sexual abuse and harassment in correctional facilities in accordance with the standards established by the Prison Rape Elimination Act of 2003.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish internal instructions to staff regarding prevention and intervention of individual in custody sexual abuse and harassment.

B. Applicability

This directive is applicable to all correctional facilities within the Department.

C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. Definitions

1. Prison Rape Elimination Act of 2003 (PREA) – legislation requiring agencies to comply with the

	Illinois Department of Corrections Administrative Directive	Page 2 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

national standards approved and promulgated by the Attorney General to eliminate sexual abuse and harassment in confinement settings.

2. Sexual abuse – for the purposes of this Directive shall mean sexual abuse of:
 - a. An individual in custody by another individual in custody, *if the victim does not consent, is coerced into such an act by overt or implied threats of violence, or is unable to consent or refuse including any contact between the penis and vulva or the penis and anus, including penetration, however slight; contact between the mouth and the penis, vulva, or anus; penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person excluding contact incidental to a physical altercation.*
 - b. An individual in custody by a staff member, with or without consent of the individual in custody, including:
 - (1) *Contact between the penis and the vulva or penis and the anus, including penetration, however slight; contact between the mouth and the penis, vulva, or anus; contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire; penetration of the anal or genital opening, however slight, by 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; any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire; any attempt, threat, or request to engage in any of the above; or*
 - (2) *Any display by staff of his or her uncovered genitalia, buttocks, or breast in the presence of an individual in custody; and voyeurism as defined as an invasion of an individual's privacy by staff for reasons unrelated to official duties, such as peering at an individual in custody who is using a toilet in his or her cell to perform bodily functions; requiring an individual in custody to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an individual's naked body or of an individual in custody performing bodily functions.*
3. Sexual harassment – for the purpose of this directive, shall mean *repeated and unwelcome sexual advances, request for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an individual in custody directed to another individual in custody; and repeated verbal comments or gestures of a sexual nature to an individual in custody by staff, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.*
4. Agency PREA Coordinator – the coordinator of the Sexual Abuse and Harassment Prevention and Intervention Program for the Department.
5. Facility PREA Compliance Manager – the staff person designated to ensure facility compliance with the Sexual Abuse and Harassment Prevention and Intervention Program at a facility.
6. Vulnerable individual in custody – an individual in custody identified by the Chief of Mental Health who may need special services because he or she has been a victim of sexual abuse in a correctional setting, or who is potentially vulnerable to sexual abuse in a correctional setting.
7. Predator – an individual in custody identified by the Chief of Mental Health as having a history of

	Illinois Department of Corrections Administrative Directive	Page 3 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

sexually abusive behavior determined to present a risk to other individuals in custody.

8. Staff – for the purpose of this directive shall mean any Department employee, contracted employee, employee of a vendor, or volunteer.
9. Chain of evidence – accounting for the continuous possession of evidence specimen from the time of collection until evidence is introduced into court.
10. Transgender – for the purpose of this directive means a condition whereby an individual’s gender identity is different from his or her assigned sex at birth.
11. Intersex – congenital disorder in which the development of chromosomal or anatomical sex is atypical.
12. Sexual Assault Nurse Examiner (SANE) / Sexual Assault Forensic Examiner (SAFE) – a physician, physician assistant, nurse, or nurse practitioner who has been specially educated and completed clinical requirements to perform a forensic medical examination.

F. General Provisions

1. The Sexual Abuse and Harassment Prevention and Intervention Program shall comply with all standards established by PREA and shall include, at a minimum:
 - a. Procedures to prevent sexually abusive and harassing behavior including:
 - (1) Providing training on the Department’s zero tolerance policy for sexual abuse and sexual harassment to all staff and any contractors or volunteers who have contact with individuals in custody; and
 - (2) The screening, classification and education of individuals in custody.
 - b. Prompt reporting and intervention if abuse or harassment is suspected or occurs, including medical, psychological, safety and security aspects;
 - c. Prompt investigation, disciplinary action, and referral for prosecution, where appropriate;
 - d. Identification of predators and vulnerable individuals in custody; and
 - e. Services available to individuals in custody following sexual abuse or harassment.
2. The Director shall designate an Agency PREA Coordinator who shall:
 - a. Develop, implement and oversee the Department’s Sexual Abuse and Harassment Prevention and Intervention Program.
 - b. Establish, maintain and review annually a PREA Sexual Abuse and Harassment Prevention and Intervention Program Manual that provides written direction for staff concerning the national standards approved and promulgated by the Attorney General pursuant to the Prison Rape Elimination Act of 2003.
 - c. Develop or approve standardized modules for training staff. Training shall include, but may not be limited to:
 - (1) The Department’s zero tolerance policy;

	Illinois Department of Corrections Administrative Directive	Page 4 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

- (2) The Department's Sexual Abuse and Harassment Prevention and Intervention Policy;
 - (3) An individual's right to be free from sexual abuse and harassment and to be free from retaliation for reporting sexual abuse and harassment;
 - (4) The dynamics of sexual abuse and sexual harassment in confinement;
 - (5) Common signs of sexually abusive or harassing behavior;
 - (6) Common signs of being a victim of sexual abuse or harassment;
 - (7) Protocol for initial response, including identification and separation of individuals in custody;
 - (8) Reporting procedures, including how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and
 - (9) Preservation of physical evidence of sexual abuse.
- d. Develop or approve specialized training modules for all staff responsible for investigating allegations of sexual abuse in confinement settings in accordance with 01.12.115.
- e. Develop or approve specialized training modules for all full- and part-time medical and mental health care practitioners who work regularly in facilities. Training shall include:
- (1) How to detect and assess signs of sexual abuse and sexual harassment;
 - (2) How to preserve physical evidence of sexual abuse;
 - (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
 - (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- f. Ensure each year at least one-third of the Department's facilities undergo a PREA audit performed by a contracted PREA auditor certified by the Department of Justice.
3. The Chief of Mental Health shall render a final determination for entry of predator or vulnerable individual in custody identifiers in Offender 360.
- NOTE:** Once the initial determination has been made, only the Chief of Mental Health may change the identifying entry.
4. The Chief Administrative Officer (CAO) of each correctional facility shall:
- a. Designate a facility PREA Compliance Manager:
 - (1) With sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards; and
 - (2) Is trained in sexual abuse crisis issues and has the knowledge, skills and abilities for program implementation and evaluation.

	Illinois Department of Corrections Administrative Directive	Page 5 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

- b. Designate a Backup PREA Compliance Manager to assist the PREA Compliance Manager and ensure a continuum of services in the PREA Compliance Manger's absence. Minimum training requirements shall be in accordance with Section II F.4.a.(2).
- c. Ensure all individuals in custody are provided with education on the Department's Sexual Abuse and Harassment Prevention and Intervention Program.
- d. Ensure all staff are provided training, including any specialized training where appropriate, on the Department's Sexual Abuse and Harassment Prevention and Intervention Program.
- e. Ensure the facility develops, documents, and makes its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect individuals in custody against sexual abuse.
 - (1) In calculating adequate staffing levels and determining the need for video monitoring, the facility shall consider:
 - (a) Generally accepted correctional practices;
 - (b) Any judicial findings of inadequacy;
 - (c) Any findings of inadequacy from Federal investigative agencies;
 - (d) Any findings of inadequacy from internal or external oversight bodies;
 - (e) All components of the facility's physical plant, including blind-spots or areas where staff or individuals in custody may be isolated.
 - (f) The composition of the custodial population;
 - (g) The number and placement of supervisory staff;
 - (h) Facility programming occurring on a particular shift;
 - (i) Any applicable State or local laws, regulations or standards;
 - (j) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - (k) Any other relevant factors.
 - (2) If circumstances arise where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan on the Daily Roster Review, DOC 0531, in accordance with 05.01.101.
 - (3) Whenever necessary, but no less frequent than once per year, the facility, in consultation with the Agency PREA Coordinator, shall assess, determine, and document whether adjustments are needed to:
 - (a) The staffing plan established herein.
 - (b) The facility's deployment of video monitoring systems and other

	Illinois Department of Corrections Administrative Directive	Page 6 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

monitoring technologies; and

- (c) The resources the facility has available to ensure adherence to the staffing plan.

5. The facility PREA Compliance Manager shall:
- a. Coordinate the facility's efforts to comply with the PREA Standards.
 - b. Ensure a program for the evaluation, treatment and counseling of victims and predators of sexual abuse or harassment is developed and maintained.
 - c. Identify community agencies, including advocacy and crisis organizations, where reports can be made or that provide assistance or support services to staff or individuals in custody in the prevention or intervention of sexual abuse and harassment.

NOTE: Contact information such as mailing addresses shall be provided via facility handbooks, bulletins, brochures, etc.

6. Access to information related to sexual abuse occurring in a correctional setting shall be treated as confidential and limited to staff directly related to the assessment, treatment, placement or investigation of the individual in custody to the extent possible while ensuring the safety and security of individuals in custody and staff. Informed consent shall be required before utilizing information regarding a sexual victimization that occurred outside of a correctional setting.

G. Requirements

The CAO of each correctional facility shall develop a written procedure to ensure compliance with the Department's Sexual Abuse and Harassment Intervention and Prevention Program and to establish response procedures for suspected, alleged or substantiated cases of sexual abuse and harassment. The procedure shall provide, at a minimum, for each of the following:

1. Screening and assessment to identify predators and vulnerable individuals in custody.
 - a. Staff shall make a reasonable effort to ensure the screening and assessment is conducted with consideration of sound confidentiality and sensitivity to the individual in custody.
 - b. Screening and assessment shall be documented on the Screening for Potential Sexual Victimization or Sexual Abuse, DOC 0494, or an electronic equivalent, and shall occur:
 - (1) Ordinarily within 24 hours of admission or transfer to any facility by staff designated by the CAO who shall screen each individual in custody for sexually abusive behavior or victimization.
 - (2) Ordinarily within 72 hours of admission or transfer to any facility and require:
 - (a) Clinical services staff to review the pre-sentence report, statement of facts and other material in the master file for sexually abusive behavior or victimization. Concerns shall be forwarded to the facility PREA Compliance Manager.
 - (b) Mental health professionals to inquire whether the individual in custody has been a victim of sexual abuse in the past.

	Illinois Department of Corrections Administrative Directive	Page 7 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

NOTE: Any supplemental findings or concerns shall be documented on the DOC 0494 completed in accordance with II.G.1.b.(1). A separate DOC 0494 shall not be required.

- (3) Within 30 days of admission or transfer to the facility. Each individual in custody, including any individual returned to Reception and Classification as a parole or mandatory supervised release violator, shall be screened again for sexually abusive behavior or victimization and potential predator or vulnerable designation based upon any additional, relevant information received by the facility since the intake screening.
- (4) When warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the individual in custody's risk of sexual victimization or abusiveness.

NOTE: Individuals in custody shall not be disciplined for refusing to answer, or not disclosing complete information in response to, questions asked during the screening for potential sexual victimization or sexual abuse.

- c. If the screening indicates the individual in custody has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff conducting the screening shall ensure the individual is offered a follow-up meeting with a mental health practitioner within 14 days of the screening. The offer, and referral, if applicable, shall be documented on the DOC 0494 or electronic equivalent.
- d. If the screening indicates the individual in custody has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff conducting the screening shall ensure the individual is offered a follow-up meeting with a mental health practitioner within 14 days of the screening. The offer, and referral, if applicable, shall be documented on the DOC 0494 or electronic equivalent.
- e. Any indication of sexually abusive behavior, victimization or potential victimization in a correctional setting identified at a Reception and Classification Center or at any assigned facility shall be referred to the facility PREA Compliance Manager.
- f. The facility PREA Compliance Manager shall promptly:
 - (1) Review any referrals to assess whether an individual should be identified as predator or vulnerable using the DOC 0494 and make recommendations regarding safety considerations and any treatment or counseling needs.
 - (2) Where appropriate, enter the predator or vulnerable identifier in Offender 360 and refer the individual in custody to the Chief of Mental Health for a final determination.
- g. The Chief of Mental Health, within two weeks of referral, shall review and make a final determination regarding any identifying entries. Once the determination has been made, the identifier cannot be changed unless requested by the CAO. This request shall be made to the Chief of Mental Health and only the Chief of Mental Health may change the identifying entry.

2. Housing

- a. Individuals in custody shall be able to shower, perform bodily functions, and change

	Illinois Department of Corrections Administrative Directive	Page 8 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except when such viewing is incidental to routine cell checks.

NOTE: The above prohibitions on opposite gender viewing shall also include viewing via video monitoring by non-medical staff.

- b. Staff of the opposite gender, whether assigned to the unit or not, shall make the following verbal announcement upon their arrival in a housing unit: *“Male/Female in the housing unit.”*
- c. Prior to housing an individual in custody identified as a predator with another individual, the proposed housing assignment shall be reviewed and approved by the CAO in consultation with the facility PREA Compliance Manager.
- d. An individual in custody identified as vulnerable shall not be housed with an individual identified as a predator. Prior to housing an individual in custody identified as vulnerable with another individual, the proposed housing assignment shall be reviewed and approved by the CAO in consultation with the facility PREA Compliance Manager.
- e. An individual in custody identified as vulnerable shall not be housed in restrictive housing for the sole purpose of providing protective custody unless no other means of separation can be arranged. The placement shall require the approval of the Deputy Director or Agency PREA Coordinator (no designee) and shall only continue until an alternative means of separation can be provided. Such placement in restrictive housing shall not ordinarily exceed a period of 30 days. The basis of such placement shall be documented.

3. Individual in Custody Education

- a. During the admission and orientation process, individuals in custody shall be provided with a presentation regarding the Department’s Sexual Abuse and Harassment Prevention and Intervention Program, including reporting procedures and available services, and the zero tolerance policy. Individuals in custody shall be informed that victims need not name their attacker to receive medical and mental health services.
- b. The facility orientation handbook shall include an explanation of reporting procedures and programs and services available to victims or predators of sexual abuse and harassment.
- c. The individual in custody’s participation in the orientation process shall be documented on the Individual in Custody Orientation Receipt, DOC 0291.

NOTE: The Department shall provide individual in custody education in formats accessible to all individuals, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to individuals in custody who have limited reading skills.

4. Coordinated Response

- a. Any individual in custody who alleges to be a victim of sexual abuse shall be:
 - (1) Immediately provided protection from the alleged abuser and the incident shall be investigated.
 - (2) Referred to health services for examination, treatment and evidence collection in accordance with Paragraph II.G.5. The decision to collect evidence shall be made on a case-by-case basis in accordance with standard investigative

	Illinois Department of Corrections Administrative Directive	Page 9 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

procedures.

- (3) Evaluated by mental health services or a crisis intervention team member within 24 hours to assess the need for counseling services.
- (4) Offered counseling and supportive services, such as psychological services, chaplaincy services, correctional counselors, group therapy, etc. and, if possible, be provided with a victim advocate from a rape crisis center.

NOTE: When necessary, referrals for continued care shall be made following the individual's in custody transfer to, or placement in, other facilities, or their release from custody.

- b. Staff responding to any allegation of sexual abuse shall take steps to ensure preservation of the area in which the alleged abuse occurred, including requesting that the alleged victim and abuser not take any action that may destroy physical evidence including changing clothes, showering, brushing teeth, urinating, defecating, drinking, eating, etc.

NOTE: A member of the security staff shall be promptly notified if the staff responding is other than security staff.

- c. Any individual in custody who alleges to be a victim of sexual harassment shall be:

- (1) Offered protection from the alleged harasser and the incident shall be investigated.
- (2) Offered counseling and supportive services.

NOTE: All response efforts, including efforts to secure advocacy services from a rape crisis center, shall be documented.

- d. Any verbal report or observance of sexual activity shall be treated as possible sexual abuse.
- e. Any report or observance of sexual abuse or harassment shall be documented on an Incident Report, DOC 0434, and reported to the facility PREA Compliance Manager in accordance with Paragraph II.G.6. All reports shall be investigated accordingly.
- f. Staff shall not rely on individuals in custody to act as interpreters when reporting or investigating allegations of sexual abuse or sexual harassment for other individuals in custody who do not speak English, or who may speak very limited English; except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the safety of the individual. Use of such interpreters shall be documented.
- g. Reports of sexual abuse or harassment occurring while an individual in custody was housed at a different facility shall be reported to the CAO of the facility where the incident occurred as soon as possible, but not later than 72 hours after the initial report was received. The CAO that receives such notification shall ensure the allegation is investigated in accordance with the procedures herein.

NOTE: Reports of sexual abuse or harassment occurring while an individual in custody was housed within a different jurisdiction, such as a municipal lockup, county jail, or correctional center in another state, shall be documented on a DOC 0434 and reported by the CAO of the facility that received the allegation to the CAO of the agency where the alleged abuse occurred within 72 hours.

	Illinois Department of Corrections Administrative Directive	Page 10 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

- h. The individual in custody's housing needs shall be reviewed to determine appropriate placement. If the individual in custody is transferred to another facility, the PREA Compliance Manager of the sending facility shall promptly notify the PREA Compliance Manager of the receiving facility of the alleged sexual abuse or harassment to ensure the individual in custody receives proper follow-up services.

5. Medical Treatment for Victims of Sexual Abuse

- a. Individuals in custody shall not be charged a co-payment for medical treatment, including a forensic medical examination, obtained for alleged sexual abuse. Where evidentiary or medically appropriate, treatment shall be provided by a certified Sexual Assault Forensic Examiner (SAFE) or a certified Sexual Assault Nurse Examiner (SANE) at a local emergency room as determined by the local facility.
- b. Victims of sexual abuse shall received timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgement.
- c. Victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- d. Female victims of sexual abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the sexual abuse, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
- e. The medical records shall not reflect any conclusions regarding substantiation of sexual abuse; however, shall identify:
 - (1) The individual in custody's name and identification number;
 - (2) A statement by the individual in custody indicating the date and time of the alleged incident;
 - (3) Type or description of sexual abuse (i.e. oral, anal, vaginal, etc.);
 - (4) The results of the physical examination, tests and, if applicable, referral to an outside medical facility for the collection of evidence by use of an evidence collection kit;
 - (5) The documentation of the presence or absence of cuts, scratches and bruises and any trauma; and
 - (5) Documentation of counseling.
- f. All reports contained in the evidence collection kit shall be completed and distributed appropriately, when applicable.

6. Reporting

- a. Staff shall accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties.

	Illinois Department of Corrections Administrative Directive	Page 11 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

- b. Any alleged sexual abuse or harassment shall be reported through chain of command as an unusual incident in accordance with Administrative Directive 01.12.105. All staff who observe the alleged abuse or harassment or to whom the initial report was made shall complete a DOC 0434 and may be required to be interviewed by an investigator or other staff designated by the CAO prior to leaving the facility at the end of their shift. A copy of the DOC 0434 shall be forwarded to the facility PREA Compliance Manager.
- c. All staff shall immediately report:
 - (1) Any knowledge, suspicion, or information they receive regarding an incident of sexual sexual abuse or sexual harassment that occurred in a facility, whether or not it is an IDOC facility.
 - (2) Any retaliation against individuals in custody or staff who reported an incident of sexual abuse or sexual harassment.
 - (3) Any staff neglect of violation or responsibilities which may have contributed to an incident of sexual abuse, sexual harassment, or retaliation.
- d. Staff, volunteers and contractors may utilize any of the reporting mechanisms offered to individuals in custody to privately report the allegation.

7. Investigation and Referral for Discipline or Prosecution

- a. All allegations of sexual abuse or harassment shall be investigated by trained investigators in accordance with Administrative Directive 01.12.120. The initial investigative report shall be provided to the CAO within 24 hours of the onset of the investigation. When notified, the CAO shall notify the respective Deputy Director and the Chief of Operations.

NOTE: The Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
- b. For reports of sexual abuse, the crime scene shall always be protected and investigators shall collect and tag evidence from the scene in accordance with established procedures. Evidence collected shall be submitted to the State Police within ten business days of receipt.
- c. All investigations shall include a review of:
 - (1) All direct and circumstantial evidence;
 - (2) Any physical barriers that may have enabled the abuse or harassment;
 - (3) The adequacy of staffing levels; and
 - (4) Technological needs of the facility with respect to the incident.
- d. Alleged victims of sexual abuse shall not be required to submit to truth verification examinations such as voice stress analysis or polygraph exam as part of or as a condition of the investigation.
- e. If an individual in custody is determined to be the possible assailant, he or she may be

	Illinois Department of Corrections Administrative Directive	Page 12 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

placed in investigatory status. For any allegation, the victim shall be protected from the alleged assailant.

- f. Upon conclusion of the investigation:
- (1) Disciplinary reports shall be completed, served and processed, where warranted.
 - (2) The results shall be forwarded to the Chief of Operations who shall report the incident to the Illinois State Police, where appropriate.
 - (3) The alleged victim shall be notified, in writing, of the outcome of the investigation. Investigation findings may be grieved in accordance with 20 Ill. Adm. Code 504 and Administrative Directives 04.01.114 and 04.01.115.
 - (4) If applicable, the case shall be reviewed with the appropriate State's Attorney for possible referral for prosecution.
 - (5) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would 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.
 - (6) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with individuals in custody and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

8. Incident Reviews

- a. The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, unless the allegation was determined to be unfounded. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- b. The review team, at minimum, shall include:
 - (1) Assistant CAO;
 - (2) Shift Commander or Lieutenant;
 - (3) A representative from Internal Affairs;
 - (4) Facility PREA Compliance Manager;
 - (5) A representative from Medical; and
 - (6) A representative from Mental Health.
- c. The review, including any report of findings or any recommendations for improvement, shall be documented on the Sexual Abuse Incident Review, DOC 0593.
- d. The DOC 0593 shall be forwarded to the CAO so recommendations for improvement may be considered.

NOTE: Any recommendations not implemented shall be documented on the DOC 0593, including justification for not doing so.

	Illinois Department of Corrections Administrative Directive	Page 13 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

9. Protection Against Retaliation

a. For a minimum of 90 days following the initial report of sexual abuse or harassment, the Department shall monitor the conduct and treatment of individuals in custody or staff who reported the sexual abuse and of individuals in custody who were reported to have suffered sexual abuse to observe if there are changes that may suggest possible retaliation by individuals in custody or staff. The Department shall act promptly to remedy any such retaliation.

(1) Individual in custody conduct and treatment shall be documented on the PREA Retaliation Monitor – Individual in Custody, DOC 0498. The review shall include, but not be limited to, disciplinary reports, housing or program changes and facility transfers, and include periodic status checks to ensure he or she displays no changes that may suggest retaliation.

(2) Staff conduct and treatment shall be documented on the PREA Retaliation Monitor – Staff, DOC 0499. The review shall include, but not be limited to, negative performance reviews and reassignments.

NOTE: The Department's obligation to monitor for retaliation shall terminate if the Department determines the allegation is unfounded; however, the Department shall continue such monitoring beyond the 90 days if the initial monitoring indicated a continuing need.

b. If any other individual who cooperates with an investigation expresses a fear of retaliation, the Department shall take appropriate measures to protect that individual against retaliation.

H. Program Evaluation

1. The CAO and facility PREA Compliance Manager at each facility shall conduct an annual evaluation of the Sexual Abuse and Harassment Prevention and Intervention Program at their respective facility and submit to the Agency PREA Coordinator a written report of the findings. The report shall be submitted to the Agency PREA Coordinator no later than May 31st of the year subsequent that of the reporting period and include, at a minimum:

a. A review of each incident of sexual abuse or harassment that occurred during the reporting period;

b. Program and procedural changes implemented based on the recommendations of the review team;

c. Training needs to ensure future safety and security of individuals in custody and staff or the needs of victims or predators of sexual abuse and harassment;

d. A record of referrals to outside community resources;

e. A record of referrals for post-release services; and

f. Statistical data including:

(1) The number of alleged incidents of sexual abuse.

(2) The number of alleged incidents of sexual harassment.

	Illinois Department of Corrections Administrative Directive	Page 14 of 14
Number: 04.01.301	Title: Sexual Abuse and Harassment Prevention and Intervention Program	Effective: 4/1/2022

- (3) The number of confirmed incidents of sexual abuse.
 - (4) The number of confirmed incidents of sexual harassment.
 - (5) The discipline imposed for sexual abuse or harassment.
 - (6) The number of referrals for criminal prosecution.
 - (7) The number of criminal prosecutions filed for sexual abuse, including the current status.
- g. Confirmation of a review of the facility's Staffing Plan.
2. Upon receipt of the annual reports from each facility, the Agency PREA Coordinator shall assess the overall effectiveness of the Department's Sexual Abuse and Harassment Prevention and Intervention Program and submit to the Director a written report that, at a minimum, provides:
- a. Statistical data and corrective action by facility;
 - b. Aggregated incident based sexual abuse or harassment data for the Department;
 - c. Perceived areas of concern and recommended or implemented improvements;
 - d. A comparison of the current year's statistical data and corrective actions with those of previous reporting periods; and
 - e. An assessment of the Department's progress in addressing sexual abuse or harassment overall.
3. The annual report shall be made available on the Department's website no later than June 30th of the year subsequent that of the reporting period. Upon request, the report shall be submitted to the Department of Justice.
- NOTE:** The final report shall not contain any personal identifiers. The Department may redact information on the posted report if said information would present a clear and specific threat to the safety and security of a facility or the Department, but must indicate the nature of the material redacted.
4. All reports and statistical data shall be retained for a period of no less than 10 years.
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