



Lake County Community Corrections

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POLICY AND ADMINISTRATIVE PROCEDURES

PRISON RAPE ELIMINATION ACT (PREA)

I. PURPOSE

The purpose of this policy is to maintain the expectation of zero tolerance for sexual abuse and/or sexual harassment in regards to residents and staff, in order to promote safety and security for everyone involved.

POLICY STATEMENT

Meeting the objectives of PREA is a priority of Lake County Community Corrections (LCCC). LCCC has **zero tolerance** for offender-on-offender sexual assault or abuse, or sexual misconduct or harassment towards offenders by staff, volunteers and contractors. This agency strives to provide a safe environment where offenders are free from such assault and sexual misconduct, and makes every effort to detect, prevent, reduce, and punish sexual abuse, assault, harassment, and misconduct. Sexual conduct by employees, volunteers, and contract personnel with offenders is prohibited. This operating procedure applies to all LCCC employees, contractors, volunteers, residents, and all persons who conduct business with Lake County Community Corrections.

II. COMPLIANCE

This operating procedure applies to all components operated by Lake County Community Corrections. Practices and procedures shall comply with applicable State and Federal laws and regulations, policies and regulations, ACA standards, PREA standards, and operating procedures.

III. DEFINITIONS

For purposes of this part, the term— §115.5

Agency means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

Agency head means the principal official of an agency.

Community confinement facility means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.

Contractor means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Detainee means any person detained in a lockup, regardless of adjudication status.

Direct staff supervision means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee means a person who works directly for the agency or facility.

Exigent circumstances mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

Facility head means the principal official of a facility.

Full compliance means compliance with all material requirements of each standard except for *de minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance.

Gender nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.

Inmate means any person incarcerated or detained in a prison or jail.

Intersex means 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.

Jail means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

Juvenile means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

Juvenile facility means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Law enforcement staff means employees responsible for the supervision and control of detainees in lockups.

Lockup means a facility that contains holding cells, cell blocks, or other secure enclosures that are:
(1) Under the control of a law enforcement, court, or custodial officer; and
(2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

Medical forensic exam—The medical forensic exam is a single exam with an overarching purpose to address patients’ health care needs and collect evidence when appropriate for potential use within the criminal justice system.

Medical practitioner means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Medical screening exam—A thorough medical assessment is the first step upon approaching the sexual assault patient to determine if the patient is seriously injured or impaired. Acute injury, trauma care and safety needs must be addressed before evidence collection. If a patient is unconscious or has an altered mental status, the examiner should follow facility policy regarding such patients and delay the start of the exam.

Mental health practitioner means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Pat-down search means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

Prison means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Resident means any person confined or detained in a juvenile facility or in a community confinement facility.

Secure juvenile facility means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

Security staff means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

Staff means employee, a person who works directly for the agency or facility.

Strip search means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia.

Transgender means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

Youthful inmate means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

Youthful detainee means any person under the age of 18 who is under adult court supervision and detained in a lockup.

Definitions Related to Sexual Abuse

For purposes of this part, the term—§115.6

Sexual abuse includes—

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, 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 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, 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 in paragraphs (1) -(5) 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 an inmate, 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 an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her designated bathroom to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes—

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident 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.

IV. PREVENTION PLANNING §§115.211-115.218

A. Zero Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator §115.211

1. LCCC prohibits and will not tolerate any fraternization or sexual misconduct by staff, contractors, or volunteers with offenders or between offenders as defined in this operating procedure. LCCC actively works to prevent, detect, report, and respond to any violation.
 - a) Any behavior of a sexual nature between employees and offenders is prohibited. Employees are subject to LCCC Standards of Conduct, (termination is the presumptive discipline for violations) and may be prosecuted under the Code of Indiana.
 - b) All staff, contractors and volunteers are required to report any suspicion of fraternization or sexual behavior by staff, contractors, or volunteers with offenders.
2. Staff with knowledge of such actions may be subjected to disciplinary action if they fail to report the behaviors.
3. Any behavior of a sexual nature by incarcerated offenders is prohibited and subject to disciplinary action and may result in criminal charges.
4. Consensual sexual activity among offenders will not be permitted. If offenders engage in this type of activity, they will be subject to disciplinary action in accordance with LCCC's policies and procedures.
5. When a facility learns that an offender is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the offender.
6. The Executive Director shall designate a staff member to assume the duties of the PREA Coordinator. This duty can be reassigned depending on the needs of the agency. Additionally, the Executive Director can also assign a staff person to serve as a PREA Compliance Manager. A job description outlining the duties/responsibilities of the PREA Coordinator/PREA Compliance Manager will be provided to the person/persons assigned to these roles. This person(s) shall be provided sufficient time and authority to develop, implement and oversee agency efforts to comply with all PREA standards.
7. Lake County Community Corrections is committed to swift prosecution of anyone involved in a substantiated sexual assault.

B. Supervision and Monitoring §115.213

1. The Director of Operations and Assistant Director of Operations shall develop and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring to protect residents against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, LCCC shall take into consideration: (1) the physical layout of the facility; (2) the composition of the resident population; (3) the prevalence of substantiated and unsubstantiated incidents of sexual abuse; and (4) any other relevant factors.

(See attached Staffing Plan)

2. Each time the staffing plan is not complied with, LCCC shall document and justify all deviations from the staffing plan in OTTS (or agency monitoring database).
3. Yearly, LCCC will review the staffing plan to see whether adjustments are needed in (1) the staffing plan; (2) prevailing staffing patterns; (3) the deployment of video monitoring systems and other monitoring technologies; or (4) the allocation of facility/agency resources to commit to the staffing plan to ensure compliance with the staffing plan.
4. The Director of Operations or Designee shall provide relief personnel in the event of vacations, training and other authorized and unauthorized absences that could possibly leave LCCC understaffed.

C. Limits to Cross-Gender Viewing and Searches §115.215

1. Strip searches and visual body cavity searches shall only be conducted by same sex staff.
2. Residents are able to shower, perform bodily functions and change clothing without staff of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine room checks. Including viewing via video camera. A critical incident form will be completed in the event of exigent circumstances.
3. Residents are not permitted to be in open viewing areas without clothing. Residents must change clothing in the designated changing area in their dorms with a closed curtain. Residents are required to sleep in either their issued uniforms, or a solid tee shirt with black shorts. Failure to do so will result in disciplinary action.
4. Staff of the opposite gender are required to announce their presence when entering a resident post, and must log their presence in the Opposite Gender Sign in Sheet. At no time are opposite genders permitted in the designated search areas.
5. At any given time, participants will be subject to body scans, pat searches, strip searches, locker searches, dormitory searches, vehicle searches, K9 searches and searches of cellular devices. Refusal to submit to any of these searches will result in disciplinary consequences and possibly expulsion from the program.
6. The agency does not conduct cross-gender strip searches or cross-gender visual body cavity search (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by a medical practitioner. All cross-gender strip searches and cross-gender visual body cavity searches shall be documented. All cross-gender pat-down searches of female residents shall also be documented.
7. LCCC staff shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

D. Residents with Disabilities and Residents who are Limited English Proficient §115.216

1. LCCC shall provide disabled residents equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect and respond to sexual abuse and sexual

harassment. LCCC shall take appropriate steps to ensure that offenders with disabilities (including, for example, offenders who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with offenders who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Written materials are provided in formats or through methods that ensure effective communication with offenders with disabilities, including offenders who have intellectual disabilities, limited reading skills, or who are blind or have low vision. LCCC is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans with Disabilities Act, 28 CFR 35.164.

2. LCCC will provide participants with limited English proficiency equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect and respond to sexual abuse and sexual harassment. All pertinent documents will be translated by an authorized translation service.
3. Staff will contact the agency's designated interpretation service for any participants requiring translation services, or will use a staff member who is fluent in their native language. The PREA Coordinator, Assistant Director of Operations, Case Management Supervisors, Chief Custody Supervisor, and Assistant Chief will contact translation services as needed
4. LCCC prohibits use of resident interpreters, resident readers or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties under §115.264, or the investigation of the resident's allegations.
 - (a) LCCC shall document the limited circumstances in individual cases where resident interpreters, readers or other types of resident assistants are used.

E. Hiring and Promotion Decisions §115.217

1. LCCC prohibits hiring or promoting anyone who may have contact with residents and prohibits enlisting the services of any contractor who may have contact with residents who:
 - (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (as defined in U.S.C. 1997);
 - (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section. (§115.217[a])
2. LCCC shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents.
3. Before hiring new employees, or enlisting the services of any contractors or volunteers, who may have contact with residents, LCCC agency shall:
 - (a) Perform a criminal background records check; and
 - (b) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
 - (c) LCCC shall also perform a criminal background record check before enlisting the services of any contractor or volunteer who may have contact with residents. All

volunteers are required to submit their contact information via the Volunteer Contact-Background Check Information Form, and notify the LCCC PREA Coordinator of any special visitors or guests in advance.

4. LCCC shall conduct criminal background records checks at least every five years of current employees, volunteers or contractors who may have contact with residents.
 5. The agency shall also ask all applicants and employees who may have contact with residents directly about previous misconduct described in paragraph (1) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
 - (a) Current or potential staff members, contractors or volunteers will be required to sign a PREA Employee/ Volunteer/ Contractor Questionnaire prior to their hire or promotion.
 - (b) All staff members will be required to sign a PREA Acknowledgement Form stating they are aware of LCCC's zero tolerance policy of sexual abuse and sexual harassment.
 6. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
 7. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.
- F. Upgrades to Facilities and Technology §115.218
1. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, LCCC shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse.
 2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, LCCC shall consider how such technology may enhance the agency's ability to protect residents from sexual abuse.

V. RESPONSIVE PLANNING §§115.221-115.222

A. Evidence Protocol and Forensic Medical Examinations §115.221

1. LCCC staff conduct administrative investigations into allegations of sexual harassment. If an allegation involves sexual abuse and is criminal in nature the investigation is conducted by the Lake County Sheriff's Department. The Sheriff's Department and LCCC will follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for evidence for administrative proceedings and criminal prosecution.
2. The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
3. LCCC shall offer all victims of sexual abuse access to forensic medical examinations at a medical facility without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) where possible. If there is no SAFE or SANE available, the examination can be performed by other qualified medical practitioners. LCCC shall document its efforts to provide SAFEs or SANEs.

B. Policies to ensure referrals of allegation for investigations §115.222

1. Administrative investigations shall be initiated immediately on all allegations. If there is

no physical evidence or threat of being a criminal offense, the investigation can be completed within the facility. The investigation will be completed by the PREA Committee. If a member of the PREA Committee is the alleged perpetrator, they will be removed from the investigation. The PREA Committee will consist of:

- (a) Executive Director
 - (b) Deputy Director
 - (c) Director of Operations
 - (d) Assistant Director of Operations
 - (e) PREA Coordinator
 - (f) Additional staff member deemed necessary for investigation
2. It is the policy that if ever a resident makes a report or is seen in a compromised position with a staff or equal, that it will be immediately reported to the Director of Operations and PREA Coordinator. The Director of Operations will then notify the PREA Committee so the initial administrative investigation can begin. Once it has been determined that there is significant belief that a PREA incident with criminal intent did occur, it is to be reported to the Lake County Sheriff's Department for a full investigation.
 3. All allegations will be taken seriously and thoroughly investigated. For allegations of a Sexual Assault, follow the coordinated response procedures in the sections that follow.

VI. TRAINING AND EDUCATION §§115.231-115.235

A. Employee Training §115.231

1. LCCC will train all employees who may have contact with residents on:
 - a) Its zero-tolerance policy for sexual abuse and sexual harassment;
 - b) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - c) Residents' right to be free from sexual abuse and sexual harassment;
 - d) The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - e) The dynamics of sexual abuse and sexual harassment in confinement;
 - f) The common reactions of sexual abuse and sexual harassment victims;
 - g) How to detect and respond to signs of threatened and actual sexual abuse;
 - h) How to avoid inappropriate relationships with residents;
 - i) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents; and
 - j) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
2. LCCC shall provide the same training for all staff, regardless of the staff person's gender or the resident's gender.
3. LCCC will provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.
4. LCCC will document, through employee signature or electronic verification that employees understand the training that they have received.

B. Volunteer and Contractor Training §115.232

1. All contractors and volunteers with LCCC who have contact (or could have contact) with offenders shall be trained on their responsibilities to prevent, detect, monitor and report allegations and incidents of sexual abuse and sexual harassment of participants.
2. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with offenders, but all volunteers and contractors who have contact with offenders shall be notified of the agency's zero tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
3. Current or potential volunteers are required to sign a PREA Volunteer Questionnaire and a PREA Acknowledgement Form stating they are aware of LCCC's zero tolerance policy of sexual abuse and sexual harassment. The questionnaire and form must be completed prior to volunteer service.

C. Resident Education §115.233

1. During the intake process, residents will sign the PREA Resident Acknowledgment Form explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
2. LCCC will provide resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as residents who have limited reading skills, and will provide refresher information whenever a resident is transferred from a different facility. PREA Coordinator will have available a Reader Pen to be available as needed. All translation services will be through LCCC's partnership with designated agencies. The PREA Coordinator, Case Management Supervisors, Chief Custody Supervisor, and Assistant Chief are authorized to contact translation services as needed.
3. LCCC will maintain documentation of resident participation in PREA education sessions. In addition to providing such education, LCCC shall ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats.

D. Specialized Training: Investigations §115.234

1. In addition to the general training provided to all employees pursuant to §115.231, the agency shall ensure that, to the extent that the agency conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
2. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
3. LCCC shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. LCCC does not utilize agency investigators for criminal investigations. Those investigations are referred to local law enforcement agents, who have received specialized training.
4. Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its' agents and investigators who conduct such investigations.

VII. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS §§115.241-115.242

A. Screening for Risk of Victimization and Abusiveness §115.241

1. All residents will have a Sexual Violence Assessment Tool (SVAT) completed upon their arrival to LCCC and upon transfer to another facility for their risk of being sexually abused by other residents or sexually abusive toward other residents. The SVAT will take place no later than 72 hours of arrival at the facility. The SVAT will be completed by the assigned Case Manager or in their absence a supervisor or the supervisor's designee.
2. The SVAT screening shall consider, at a minimum, the following criteria to assess residents for risk of sexual victimization:
 - a) Whether the resident has a mental, physical, or developmental disability;
 - b) The age of the resident;
 - c) The physical build of the resident;
 - d) Whether the resident has previously been incarcerated;
 - e) Whether the resident's criminal history is exclusively nonviolent;
 - f) Whether the resident has prior convictions for sex offenses against an adult or child.
 - g) Whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - h) Whether the resident has previously experienced sexual victimization; and
 - i) The resident's own perception of vulnerability.
3. The SVAT will 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 residents for risk of being sexually abusive.
4. Within a set time period, not to exceed 30 days from the participant's arrival at the facility, the facility will reassess the resident's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. A resident'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 resident's risk of sexual victimization or abusiveness.
5. Residents may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (2) (a-i).
6. The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents.
7. Completed SVAT will be maintained in the Confidential section of the participant's binder.

B. Use of Offender Screening Information (SVAT) §115.242

1. LCCC shall use information from the SVAT to inform housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive.
2. LCCC shall make individualized determinations about how to ensure the safety of each participant. In deciding whether to assign a transgender or intersex participant to a male or female post, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the offender's health and safety, and whether the placement would present management or security problems.
3. Placement and programming assignments for each transgender or intersex offender shall be reassessed at least twice each year to review any threats to safety experienced by the offender.

4. Transgender and intersex participants shall be given the opportunity to shower separately from other participants. They will be provided the option to use the shower area located in the staff area on the second floor.
5. LCCC shall not place lesbian, gay, bisexual, transgender, or intersex offenders in dedicated posts solely on the basis of such identification or status. A transgender or intersex offender's own views with respect to his or her own safety shall be given serious consideration.

VIII. REPORTING §§115.251-115.254

A. Resident Reporting §115.251

1. LCCC provides multiple internal ways for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
2. LCCC shall also provide at least one way for offenders to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward offender reports of sexual abuse and sexual harassment to agency officials, allowing the offender to remain anonymous upon request.
3. An offender who is sexually assaulted will immediately notify staff that a sexual assault has occurred. Staff will accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
4. Residents who observe, are involved in, or have any knowledge or suspicion of a sexual assault or unauthorized relationship are to immediately notify staff.
5. Staff are required to immediately notify their supervisor, executive staff or the PREA Coordinator of any instances, suspicion or knowledge of staff/resident sexual assault or harassment.
6. Reporting Methods
 - (a) All forms of sexual abuse and sexual misconduct between offenders and staff, volunteers, contractors, visitors, or participants on participant, staff on participant and participant on staff sexual assault, sexual abuse, and/or sexual relationships will not be tolerated.
 - (b) Participants will be free from fear of sexual assault, and if a report of sexual assault is made, it will be investigated thoroughly and with respect to the participant's safety, dignity, and privacy, without fear of retaliation.
 - (c) In order to ensure safety, all participants are encouraged to report instances of sexual assault, using one (1) or more forms of LCCC's PREA Reporting Guidelines, which are as follows:
 - Verbally reporting to any staff, contractor, volunteer, etc.;
 - Written correspondence to staff, contractor, volunteer, etc.;
 - Telephonic communication with staff, contractor, volunteer, etc.;
 - Anonymous written correspondence to staff, contractor, volunteer, etc.;
 - Filing a grievance with no time limit of abuse or substantial risk of imminent danger;
 - Dialing the PREA Coordinator at 755-3850 X360; or Indiana Department of Correction's Executive Director of PREA anonymously, free of charge and free from recording;
 - Written correspondence to a rape crisis intervention facility;
7. Staff/Volunteer Reporting
 - (a) Staff or volunteers shall immediately notify the shift supervisor, PREA Coordinator or an Executive Staff member of any knowledge, suspicion, or information

regarding an incident of Sexual Misconduct, Sexual Abuse, Sexual Harassment, or Retaliation that occurred at Lake County Community Corrections. Staff shall not discuss this information with anyone else. Failure to report this information to their supervisor, PREA Coordinator or Executive Staff member shall be grounds for immediate termination of employment or removal from the LCCC Corrections Volunteer/Contractor List.

A resident's current incarceration status shall not be a basis for determining whether allegations are true or not. All allegations will be treated equally and investigated every time.

B. Exhaustion of Administrative Remedies/Grievances §115.252

1. LCCC will not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse. LCCC may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse. LCCC will not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Nothing in this section will restrict the LCCC's ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired.
2. LCCC shall ensure that—
 - a) A resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - b) Such grievance is not referred to a staff member who is the subject of the complaint.
3. LCCC will issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. Computation of the 90-day time period will not include time consumed by residents in preparing any administrative appeal. LCCC may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. LCCC will notify the resident in writing of any such extension and provide a date by which a decision will be made. At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level.
4. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, are permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents. If a third party files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
 - a) If the resident declines to have the request processed on his or her behalf, the agency shall document the resident's decision.
5. LCCC has established procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse. After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, LCCC will immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, will provide an initial response within 48 hours, and will issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

6. LCCC reserves the right to discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith.
7. If not an immediate threat, all residents are encouraged to submit a grievance on their post's locked grievance box. All grievance boxes are checked daily.

C. Resident Access to Outside Confidential Support Services §115.253

1. LCCC provides residents with access to outside victim advocates for emotional support services related to sexual abuse by giving residents mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and by enabling reasonable communication between residents and these organizations, in as confidential a manner as possible. LCCC informs residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. Information for emotional support services related to sexual abuse will be given to residents during intake, as well as accessible on each post for residents to regularly view.
2. LCCC has entered into a memorandum of understanding (MOU) with Fair Haven Inc. that provides residents with confidential emotional support services related to sexual abuse. LCCC maintains a copy of the agreements on file.

D. Third Party Reporting §115.254

1. The Department of Corrections public web site provides contact information on how to report sexual abuse and sexual harassment on behalf of an offender. (§115.254)
2. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, are permitted to assist offenders in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of offenders. They can report any PREA related issues to LCCC's PREA Coordinator at 2600 West 93rd Ave, Crown Point, IN 46307 or dialing (219) 755-3850 X360, or to the Indiana Department of Corrections at (877) 385-5877 or IDOCPREA@idoc.in.gov.
3. If a third party files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

IX. OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT §§115.261-115.267

A. Staff and Agency Reporting Duty §115.261

1. Any employee, volunteer, or contractor will immediately report to his or her supervisor or the officer in charge any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of LCCC; retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
2. Apart from reporting to designated supervisors or officials, staff will not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in operating procedures, to make treatment, investigation, and other security and management decisions.
3. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the agency Executive Director or designee shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

4. LCCC will report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators.
5. Employees, volunteers, or contractors will report to a supervisor, PREA Coordinator, Executive Staff or officer in charge any suspicion or knowledge of other staff, volunteer or contractor fraternization with offenders.

B. Agency Protection Duties §115.262

1. When LCCC learns that a resident is subject to substantial risk of imminent sexual abuse, the agency shall take immediate action to protect the resident without unreasonable delay. Resident will be moved to a safe space to be determined by the supervisor on duty.

C. Reporting to Other Confinement Facilities §115.263

1. Upon receiving an allegation that a resident was sexually abused while confined at another facility, the Executive Director of LCCC shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
2. Executive Director or designee shall document that it has provided such notification within 72 hours of receiving allegation.
3. Should LCCC receive such notification, The PREA Coordinator shall ensure that the allegation is investigated in accordance with official standards.

D. Staff First Responder duties §115.264

1. First Responders (***PREA First Responder Checklist, See Appendix***)
 - i. Notify the shift Supervisor
 - ii. Obtain "green folder" from the custody post. The green folder includes the First Responder checklist and necessary information to proceed.
 - iii. Separate Victim and Abuser. Do not leave Victim alone.
 - iv. Preserve and protect the crime scene until evidence can be collected.
 - v. Ensure Victim and alleged Abuser do not take any actions that could destroy physical evidence: washing, showering, brushing teeth, chewing gum, changing clothes, urinating, defecating, smoking, drinking, or eating.
 - vi. If the assault has occurred within 96 hours, secure the alleged Abuser in segregation to preserve evidence.
 - vii. Take notes of any information that the Victim or Abuser may divulge, including witnesses or any information that might prove useful in an investigation.
 - viii. Notify the Director of Operations and the PREA Coordinator. In the Director's absence, notify the Assistant Director of Operations.
 - ix. Complete First Responder Checklist. This can be found in the green folder located on each post as well as in the PREA binder by officer's mailboxes.
 - x. Give signed ***PREA First Responder Checklist*** to the Director of Operations or the Assistant Director of Operations in the absence of the Director of Operations.

E. Coordinated Response §115.265

1. LCCC will follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
2. Director of Operations/Assistant Director of Operations Response
 - i. Ensure that the Victim and Abuser have been separated.
 - ii. Preserve and protect the crime scene until evidence can be collected.
 - iii. If Abuse occurred within 96 hours, request/advise Victim not to take any actions that could destroy physical evidence: washing, showering, brushing teeth, chewing gum,

- changing clothes, urinating, defecating, smoking, drinking or eating.
- iv. Transport and ensure a staff member will accompany Victim to Franciscan Health-Crown Point for a Sexual Assault Nurse Examiner (SANE)/Sexual Assault Forensic Examiner (SAFE) exam for the purpose of Forensic Evidence Collection that will be of no cost for victim. LCCC shall document all efforts made when providing SANEs and SAFEs.
- v. Notify Victim of Victim Advocate Services available to them at no cost through Fair Haven Inc.
- vi. If Victim requests a Victim Advocate, contact Fair Haven Inc. at (219) 961-4357 and notify them that we have a Victim requesting Victim Advocate Services. All efforts shall be documented.
- vii. If requested by the Victim, a Victim Advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and will provide emotional support, crisis intervention, information and referrals.
- viii. Contact the Lake County Sheriff's Department at (219) 755-3300 to initiate investigation into the alleged Sexual Assault/Abuse.
- ix. Complete Incident Report.

F. Agency Protection Against Retaliation §115.267

1. All staff and offenders who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations will be protected from retaliation by other offenders or staff.
2. LCCC will employ multiple protection measures, such as post or room changes or transfers for offender victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
3. For at least 90 days following a report of sexual abuse, LCCC shall monitor the conduct and treatment of offenders or staff who reported the sexual abuse and of offenders who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by offenders or staff, and shall act promptly to remedy any such retaliation. Items to be monitored include any offender disciplinary reports, post/room assignment, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. All monitoring shall be documented by the designee on the PREA Retaliation Form. The PREA Committee shall assign the staff person who will conduct the monitoring. Upon assigning a monitor, a member of the PREA Committee will review expectations with the assigned monitor and provide sexual abuse protection monitoring form.
4. In the case of residents, such monitoring shall also include periodic status checks.
5. If any other individual who cooperates with an investigation expresses a fear of retaliation, LCCC will take appropriate measures to protect that individual against retaliation.
6. LCCC shall take swift action to remedy any acts of retaliation, which could include removal of participant from programs at LCCC or termination of employment for any staff member, volunteer or contractor who has been found to have committed any retaliation.
7. LCCC's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

X. INVESTIGATIONS §§115.271-115.273

A. Criminal and Administrative Agency Investigations §115.271

1. All internal investigations into allegations of sexual abuse and sexual harassment will be done promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. If there is no support or physical evidence for a criminal investigation, the investigation can be completed within the facility. The investigation will be completed by a member of the PREA Committee, which consists of:
 - a. Executive Director
 - b. Deputy Director
 - c. Director of Operations
 - d. Assistant Director of Operations
 - e. PREA Coordinator
 - f. Additional Staff Member if deemed necessary for investigation
 2. Where sexual abuse is alleged, LCCC shall use outside local law enforcement agencies who have received special training in sexual abuse investigations pursuant to § 115.234.
 3. Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
 4. When the quality of evidence appears to support criminal prosecution, LCCC will conduct compelled interviews only after consulting with the Lake County Prosecutor's Office as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
 5. The credibility of an alleged victim, suspect or witness will be assessed on an individual basis and will not be determined by the person's status as resident or staff. No agency shall require a resident 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.
 6. Administrative investigations:
 - a) PREA Committee will review all investigations in an effort to include a determination of whether staff actions or failures to act contributed to the abuse; and
 - b) Will be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and investigative facts and findings.
 7. Substantiated allegations of conduct that appears to be criminal will be referred for prosecution.
 8. The agency shall retain all written reports referenced in this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. Reports will be maintained by the PREA Coordinator.
 9. The departure of the alleged abuser or victim from the employment or control of the facility or agency will not provide a basis for terminating an investigation.
 10. All State entities or Department of Justice components that conduct such investigations shall do so pursuant to the above requirements.
 11. LCCC will cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
 12. Upon completion of the investigation a determination shall be made as to the status of the case; substantiated, unsubstantiated or unfounded.
- B. Evidentiary Standard for Administrative Investigations §115.272
LCCC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
- C. Reporting to Residents §115.273

1. Following an investigation into a resident's allegation of sexual abuse suffered in an agency facility, LCCC will inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. LCCC will request the relevant information from the investigative agency in order to inform the resident.
2. Following a resident's allegation that a staff member has committed sexual abuse against the resident, LCCC will subsequently inform the resident whenever:
 - a) The staff member is no longer posted within the resident's post;
 - b) The staff member is no longer employed at the facility;
 - c) LCCC learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - d) LCCC learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
3. Following a resident's allegation that he or she has been sexually abused by another resident, LCCC shall subsequently inform the alleged victim whenever:
 - a) LCCC learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b) LCCC learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
4. All such notifications or attempted notifications shall be documented on the PREA Notification to Residents form.
5. An agency's obligation to report under this standard shall terminate if the resident is released from the agency's custody.

XI. DISCIPLINE §§115.276-115.178

A. Disciplinary Sanctions for Staff §115.276

1. LCCC 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. LCCC shall insure that the staff member is not assigned to work in the facility until action can be taken to terminate their employment.
3. Disciplinary sanctions 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 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.

B. Corrective Action for Contractors and Volunteers §115.277

1. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. LCCC shall remove volunteer and contractors from the approved list
2. LCCC will take appropriate remedial measures, and shall consider whether to prohibit further contact with residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

C. Disciplinary Sanctions for Residents §115.278

1. An offender who makes a report of offender-on-offender sexual violence or employee sexual misconduct or harassment that is determined to be false, may be charged with a disciplinary offense if it is determined the report was made in bad faith following consultation with the PREA Committee.
2. Residents are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse.
3. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories.
4. The disciplinary process will consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
5. LCCC will consider whether any underlying reasons or motivations for the abuse contributed to the offense, and may require the offending resident to participate in treatment interventions as a condition of access to programming or other benefits.
6. LCCC may discipline a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
7. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
8. LCCC prohibits all sexual activity (including consensual) between residents and may discipline residents for such activity. LCCC may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

XII. MEDICAL AND MENTAL CARE §§115.282-115.283

A. MEDICAL AND MENTAL CARE Access to Emergency Medical and Mental Health Services §115.282

1. Resident victims of sexual abuse shall receive 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 judgment.
2. Custody staff first responders shall take preliminary steps to protect the victim pursuant to §115.262 and shall immediately notify the appropriate medical and mental health practitioners. The victim will be transported to Franciscan Health – Crown Point for medical attention.
3. Resident victims of sexual abuse while incarcerated will 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.
4. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. LCCC will cover out of pocket expenses after insurance has been utilized.

B. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers §115.283

1. LCCC offers medical and mental health referrals and evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in LCCC. Access to services will be available by the resident utilizing the pass process.
2. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or

placement in, other facilities or their release from custody. The facility will provide such victims with medical and mental health services consistent with the community level of care.

3. Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
4. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. LCCC will cover out of pocket expenses after insurance has been utilized.
5. LCCC shall attempt to make a referral for a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and refer treatment when deemed appropriate by mental health practitioners.

XIII. DATA COLLECTION AND REVIEW §§115.286-115.289

A. Sexual Abuse Incident Reviews §115.286

1. LCCC 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. Such review shall ordinarily occur within 30 days of the conclusion of the investigation. The review team shall include Executive Staff, LCCC's PREA Coordinator and input from agency Supervisors.
2. The review team shall:
 - a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse;
 - b) 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;
 - c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - d) Assess the adequacy of staffing levels in that area during different shifts;
 - e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - f) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (2) (a-e) of this section, and any recommendations for improvement, and submit such report to the Executive Director.
5. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

B. Data Collection §115.287

1. LCCC shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
2. The PREA Coordinator shall aggregate the incident-based sexual abuse data at least annually.

3. 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.
 4. LCCC shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files and sexual abuse incident reviews.
 5. Upon request, LCCC shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
- C. Data Review for Corrective Action §115.288
1. LCCC shall review data collected and aggregated pursuant to § 115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:
 - a) Identifying problem areas;
 - b) Taking corrective action on an ongoing basis; and
 2. Preparing an annual report of its findings and corrective actions.
 3. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
 4. The agency's report shall be approved by the Executive Director and made readily available to the public through its website or, if it does not have one, through other means.
 5. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.
- D. Data Storage, Publication and Destruction §115.289
1. LCCC shall ensure that data collected pursuant to § 115.287 are securely retained by the PREA Coordinator.
 2. LCCC shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.
 3. Before making aggregated sexual abuse data publicly available, LCCC shall remove all personal identifiers.
 4. LCCC shall maintain sexual abuse data collected pursuant to § 115.287 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.