

## **3-04/025.45 Disciplinary Measures for Violating PREA Standards**

### **DEPARTMENT EMPLOYEES**

Department personnel shall be subject to disciplinary sanctions, up to and including termination, for violating the Department's sexual abuse and/or sexual harassment policies under the Prison Rape Elimination Act of 2003 (PREA), pursuant to Manual of Policy and Procedures (MPP) sections 3-04/010.25, "Personnel Complaints," 3-04/020.05, "Initiation of Administrative Investigations," and 3-04/020.10, "Employee Relieved of Duty for Disciplinary Reasons."

### **CONTRACTORS AND VOLUNTEERS**

Any contractor or volunteer who is found to have engaged in sexual abuse or sexual harassment of an inmate shall be prohibited from any further contact with inmates.

### **INMATES**

An inmate who is found to have engaged in inmate-on-inmate sexual abuse or sexual harassment shall be subjected to disciplinary procedures as outlined in CDM sections 5-09/010.00, "Inmate Discipline," through 5-09/070.00, "Inmate Discipline Schedule," and/or criminal charges based on the severity of the crime.

The degree of punitive actions taken shall be directly related to the severity of the violation, the inmate's disciplinary history, the inmate's mental health, as well as the punitive actions taken for comparable violations by other inmates with similar histories.

Inmates may be disciplined for filing a grievance related to alleged sexual abuse where the Department demonstrates that the inmate filed the grievance in bad faith, pursuant to CDM section 5-09/010.00, "Inmate Discipline." Inmates shall not be disciplined for making a report or reporting sexual abuse in good faith based upon a reasonable belief that the alleged incident occurred.

---