

3-04/025.05 PREA - Sexual Abuse and Sexual Harassment

Sexual abuse and/or sexual harassment includes:

- Sexual abuse and/or sexual harassment of an inmate by another inmate
- Sexual abuse and/or sexual harassment of an inmate by a Department member, contractor, or volunteer.

Sexual abuse of an inmate by another inmate includes any of the following acts, 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:

- Contact between the penis and the vulva or the penis and the 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
- 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 due to a physical altercation-

Sexual abuse of an inmate by a staff member, contractor, or volunteer includes any of the following acts:

- Contact between the penis and the vulva or the 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, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- 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
- 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
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate
- Voyeurism by a staff member, contractor, or volunteer
 - Voyeurism: invasion of privacy of an inmate or detainee by a staff member for reasons unrelated to official duties (e.g., peering at an inmate who is using a toilet in his or her cell to perform bodily functions, requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of inmate's naked body or of an inmate performing bodily functions).

Sexual harassment of an inmate by another inmate includes:

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward another.

Sexual harassment of an inmate by a staff member, contractor, or volunteer includes:

- Repeated or intentional verbal comments or gestures of a sexual nature to an inmate 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
 - Intentional failure or refusal to address a transgender or intersex inmate by their gender identity, and failure or refusal to use proper pronouns associated with gender identity.
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