

Wisconsin Department of Corrections
Division of Adult Institutions

Sexual Abuse and Sexual Harassment
Prevention and Intervention

A Resource for Inmates

The Wisconsin Department of Corrections (DOC) values safety – that includes keeping you safe from others while you are serving your sentence.

The Wisconsin Department of Corrections has *zero tolerance* for sexual abuse and sexual harassment within its facilities.

Sexual abuse and sexual harassment among inmates AND among staff and inmates in confinement is against the law. Violators will be disciplined and may be referred to outside law enforcement for prosecution.

The Prison Rape Elimination Act (PREA) of 2003 created national standards to prevent, detect and respond to sexual abuse and sexual harassment.

In response, the DOC put policies and procedures in place to help keep you safe and to make it possible for you to get help if you've been sexually abused, sexually harassed or experience report-related retaliation. DOC is committed to investigating ALL reports, offering support to ALL victims and pursuing discipline for ALL perpetrators.

This guidebook describes:

- Your rights
- Important definitions
- Tools to help keep you safe
- Steps to take if you've been sexually abused
- How to report sexual abuse or harassment
- The investigation process
- Opportunities for support and recovery following sexual abuse
- Potential consequences for violating the sexual safety of another

You have the
RIGHT
to be
FREE
from
SEXUAL
ABUSE
and
SEXUAL
HARASSMENT

PRISON RAPE ELIMINATION ACT YOUR RIGHTS

- To be free from sexual abuse, sexual harassment and report-related retaliation.
- To receive education at intake regarding your right to be free from sexual abuse, sexual harassment and report-related retaliation, in addition to DOC policy and procedure for responding to such incidents. Language barriers or disabilities shall not prevent you from receiving this information.
- To receive safe housing and bed assignments with access to safe work, education and/or programming.
- Except in an emergency, to know when a staff member of the opposite gender enters your housing unit so that you may use the bathroom, shower and change clothing without being viewed.
- To be strip searched, with dignity and in private, by a staff member of the same gender, except during an emergency. Females also have the right to be pat searched by a staff member of the same gender.
- To anonymously and safely report, in a variety of ways, sexual abuse and sexual harassment.
- To receive free medical and mental health care and ongoing support following an incident of sexual abuse.
- To know the outcome of a sexual abuse or sexual harassment investigation.

IMPORTANT DEFINITIONS

Confidentiality

For the safety of all, information about the identity of a victim who reported sexual abuse or sexual harassment, and the facts of the report itself, are limited to those who “need to know.” This information will only be used to make decisions about the victim’s well-being and for law enforcement/investigative purposes. Information collected during medical exams is confidential.

Consent

Consent is when someone is willing and able to freely agree to be part of an activity. If someone does not agree or is unable to agree because they are asleep, unconscious, drugged, afraid, feeling threatened or don’t understand what’s going on then they have not consented.

Because staff members have authority over inmates, inmates can never truly consent to sexual activity with a staff member even if they agree. It is **always** against the law for a staff member to engage in sexual activity with an inmate.

Consensual sexual activity between inmates violates Administrative Code chapter DOC 303.

LGBTI

LGBTI stands for Lesbian, Gay, Bisexual, Transgender and Intersex.

PREA and the Wisconsin DOC support protection for individuals who consider themselves lesbian, gay, bisexual, and/or transgender and for those who have an intersex diagnosis. An individual’s identification as LGTBI and their personal safety are primary considerations when making decisions about housing, education, work or bed assignments and programming.

Retaliation

Harming someone because that person did or said something hurtful to you is considered retaliation. This may include threats of, or actual, physical or verbal harm after a victim (or third-party) reports an incident of sexual abuse or accusing someone of things they have not done. It may also include the limitation or removal of programming by a staff member after a victim (or third-party) reports an incident of sexual abuse.

Sexual Abuse

Sexual abuse by another inmate is sexual activity that is not wanted or agreed to. It includes contact between the penis and the vulva or the penis and the anus, including penetration by a body part or object; contact between the mouth and the penis, vulva, or anus; and/or intentional touching of the genitalia, anus, groin, breast, inner thigh or buttocks.

Sexual abuse by a staff person includes ANY sexual activity. It includes contact between the penis and the vulva or the penis and the anus, including penetration of the anal or genital opening by a body part or object; contact between the mouth and the penis, vulva, or anus; contact between the mouth and any body part; intentional touching (that is unrelated to official duties) of the genitalia, anus, groin, breast, inner thigh or buttocks; any attempt, threat, or request to engage in the above activity; display of a staff person's genitalia, buttocks or breast; and/or voyeurism.

Sexual Harassment

Sexual harassment is repeated and unwanted sexual comments or gestures by a staff person or another inmate. These comments or behaviors may be threatening, insulting, degrading or disrespectful. Sexual harassment may include requests for sexual favors, joking about sexual topics, remarks about someone's private body parts, and/or insults about someone's sexual orientation or gender identity.

Staff

Staff means a person employed by DOC as a permanent, project or limited term employee; this includes volunteers and contractors.

Substantiated Report

A sexual abuse or sexual harassment report that was investigated and determined to have occurred is considered substantiated.

Unfounded Report

A sexual abuse or sexual harassment report that was investigated and determined not to have occurred is considered unfounded.

Unsubstantiated Report

A sexual abuse or sexual harassment report that was investigated and the evidence could not prove whether or not the incident occurred is considered unsubstantiated.

Voyeurism

An invasion of an inmate's privacy by a staff member for reasons unrelated to their official duties. It may include a staff member watching an inmate shower, use the bathroom, or dress/undress.

No one deserves to be abused.
Sexual abuse and sexual harassment
are not part of your sentence.

TOOLS TO HELP KEEP YOU SAFE

For your protection, DOC has implemented these procedures:

- During intake and orientation, inmates receive education regarding sexual abuse and sexual harassment in confinement. Inmates with disabilities, special needs, or limited English proficiency have an equal opportunity to participate in and benefit from awareness efforts. All staff are trained to prevent, detect and respond.
- Screening assessments are completed to determine the safest, most appropriate housing, bed, work, education and program locations.
- Except in an emergency, inmates are strip searched by a staff member of the same gender. Female inmates are also pat searched by a staff member of the same gender.
- Transgender and intersex inmates are given the opportunity to shower separately.
- When a staff member enters a housing unit with inmates of the opposite gender their presence is announced. This gives the inmate an opportunity to cover up while using the bathroom, showering and changing clothing.
- Established ways to safely and privately report sexual abuse and sexual harassment.
- Trained investigators and medical and mental health staff respond to reports of sexual abuse and sexual harassment.
- Every report of sexual abuse and sexual harassment is investigated. If the report is found to be true, the abuser will be appropriately disciplined.
- All inmates who report sexual abuse are monitored for report-related retaliation for at least 90 days following the report.

While sexual abuse and sexual harassment are never the victim's fault, there are some things to you can do to protect yourself:

- Be alert. Stay away from drugs and alcohol.
- Be confident. If you feel frightened or anxious, try not to let those feelings show to other inmates. Talk to your social worker or unit staff.
- Trust your instincts. If you sense a situation is dangerous, it probably is.
- Be direct, firm and say "no" when asked to participate in something you are uncomfortable with or which is against the rules.
- Choose your friends wisely. Avoid someone giving you special attention. Connect with people who are involved in positive groups and activities. Don't allow others to keep you from making and keeping friends who have a positive influence on you.
- Be aware of your physical surroundings. Avoid being alone or isolated where staff members can't see you. Stay in well-lit areas. Do not go into unassigned areas.
- Be cautious of staff who share personal information with you, create opportunities to be alone with you, spend an unexplainable amount of time with you, allow you to enter unauthorized areas or show favoritism towards you.
- Do not allow another inmate to be your "protector." They may want something in return.
- Do not accept gifts, loans, favors or contraband from others. They may want something in return.
- Do not borrow, loan or trade property or canteen with others. Payback will be expected.
- Tell a staff person if you feel unsafe. Immediately report instances of sexual abuse or sexual harassment.

AFTER SEXUAL ABUSE

- Get to a safe place.
- Even though you may want to clean up immediately after the abuse, consider waiting. It is important to save the evidence. Try not to use the bathroom, shower, wash, drink, brush your teeth, eat or change clothing.
- Report the abuse as soon as safely possible. Deciding to report sexual abuse is never easy. There is no time limit to report sexual abuse, however, sooner is better. You do not need to have evidence.

REPORTING METHODS

If you experience, witness or suspect sexual abuse or sexual harassment you can report in ANY of these ways:

- Tell ANY staff person.
- Send a request to ANY staff person.
- Call a PREA reporting hotline (#777 or #888).
- Tell a family member, friend or outside support person; they may report on your behalf by telling any staff person or submitting a report at www.doc.wi.gov (navigate to the Prison Rape Elimination Act page).
- File a complaint.
- Contact local law enforcement.

Reach out. Tell someone. Get help.

PREA Reporting Hotline

#777

If you feel unsafe reporting directly to a staff member, dial #777, which will allow you to report to DOC. Your PIN is not needed to call. This hotline is a message line and is only monitored during business hours. If you choose not to tell a staff member, there will be a delay in responding to your immediate needs. All hotline reports are sent back to the facility for review and action. All reports are managed with appropriate measures of confidentiality.

If you choose to remain anonymous, dial #888. Your PIN is not needed to make this call. This is also a message line and only monitored during business hours. This hotline is monitored by an agency outside of DOC. However, the report will be sent back to the facility for review and action. The external agency does not respond or investigate. A staff member from your facility will follow-up with you.

#888

- Consider allowing medical staff to examine you for injuries, which may or may not be visible, and sexually transmitted infections.
- Consider talking with someone. Support may come from a trusted friend, family member, mental health or medical staff member, victim services coordinator or another staff member. Victims may also receive support from outside sexual assault agencies and advocates. Connect with your facility's Victim Services Coordinator for contact information.
- Please note, if a staff person suspects or receives a report that a minor (17 years old or younger) has been sexually abused, a report to the appropriate protection agency will be made. A similar report may also be made if the victim is an older adult (60 years or older) or an at-risk adult.

Survivors may experience a wide range of emotional and physical reactions following sexual abuse. While these are common feelings and experiences, there is not a right or wrong way to feel following sexual abuse.

- Mood changes
- Disbelief
- Embarrassment
- Guilt
- Numbness
- Denial
- Anger
- Fear
- Depression
- Flashbacks
- Anxiety and panic
- Helplessness
- Hopelessness
- Calmness
- Withdrawal
- Confusion
- Nightmares
- Change in sleep patterns
- Change in appetite
- Decreased ability to concentrate
- Lack of energy
- Headaches, stomachaches
- Suicidal thoughts

Did you know...

Sexual abuse and sexual harassment happens to people of all ages, genders, races, social or economic statuses, sexual orientations, or physical or mental abilities.

Sexual abuse and sexual harassment are motivated by power and control, not love.

Sexual abuse and sexual harassment affects everyone; the person who experienced it, the people who care about them, and the others who live in the facility.

A victim may become sexually excited during the abuse. This does not mean they were not abused or gave consent; this is a normal, involuntary reaction of the body.

Sexual abuse does not have to involve force or violence. Just because you did not fight off your abuser does not mean that you consented.

PROTECTION, SUPPORT AND RECOVERY

Victims of sexual abuse, sexual harassment or report-related retaliation are monitored by staff to ensure safety. Every effort will be made to assure the victim's protection without restricting access to work, education or programming.

Inmates who have been sexually victimized are encouraged to seek assistance in recovering from this trauma. Victims of sexual abuse have ongoing, free access to the following:

- Medical providers for related treatment, including pregnancy and STI tests;
- Mental health support;
- Chaplain support; and/or
- Crisis intervention and advocacy from a local sexual assault agency (contact information inserted into this handbook).



Support from outside sexual assault agencies and advocates are free and not connected to DOC. They may provide support during a forensic medical examination; accompany victim(s) during investigative interview(s); and/or provide emotional support, crisis intervention, information and referral(s).

Every effort is made to ensure that communication with an advocate remains confidential. Dialing #999 will connect to the local agency's crisis hotline; your PIN is not needed, nor is the call recorded or monitored. Written correspondence may be opened or inspected and may be read with the written approval of the Security Director. In person or virtual communication will be arranged in as private and confidential manner as possible.

All communication is monitored in accordance with Administrative Code Chapter DOC 309, DOC policy, and facility procedure. Reports of self-harm, harm to others, or abuse that involves a child, elder, or dependent adult will be forwarded to the authorities in accordance with mandatory reporting laws.

UNDERSTANDING THE INVESTIGATION PROCESS

After sexual abuse and/or sexual harassment is reported, the DOC and/or the appropriate law enforcement agency will begin an investigation. The purpose of the investigation is to determine the nature and extent of the abuse and, ultimately, hold the perpetrator responsible for their actions. You may be asked to give a statement during the investigation. With your consent, the investigation may include a physical exam by a qualified medical professional in a local hospital; this free and confidential exam is conducted to ensure your health and to collect any evidence.

In some situations, your housing may be changed to protect your safety. Protective confinement should only be used as a last resort until a more suitable option is available.

Following an investigation, a report will be determined substantiated, unsubstantiated or unfounded. You will be notified in writing of the outcome.

If criminal charges are pursued you may be asked to testify during the criminal proceedings.

The investigative process is conducted in a confidential manner, meaning only those who “need to know” are included.

CONSEQUENCES FOR PERPETRATORS

Victims or witnesses will not be punished for reporting sexual abuse or sexual harassment. However, false reports of sexual abuse and/or sexual harassment constitute a DOC 303 violation. Violators will be subject to corrective action, including discipline.

Inmates who have engaged in sexual abuse, sexual harassment or retaliation are subject to disciplinary procedure and sanctions in accordance with DOC 303, up to and including referral to local law enforcement for investigation and prosecution in accordance with Wisconsin criminal statutes.

Staff who violate agency sexual abuse, sexual harassment and retaliation policies are subject to disciplinary sanctions, up to and including termination, in accordance with DOC policy. Violators may be referred to local law enforcement for investigation and prosecution in accordance with Wisconsin criminal statutes.

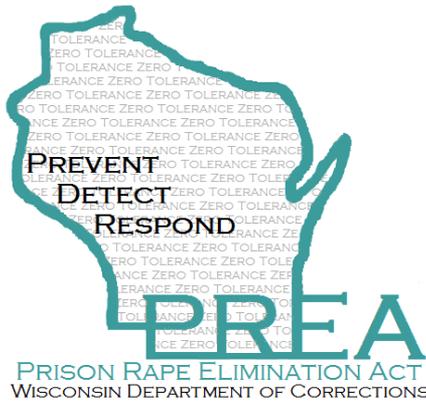
REFERENCE

PREA Standards 28 CFR Part 115

National PREA Resource Center

Just Detention International

The Wisconsin Department of Corrections created this document
in accordance with the Prison Rape Elimination Act (2003).



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