



**DEPARTMENT OF CORRECTIONS
PROBATION AND PAROLE DIVISION
OPERATIONAL PROCEDURE**

Procedure:	PPD 1.1.1700 PREA DISCLOSURE REPORTING	
Effective Date:	12/07/2015	Page 1 of 4
Revision Date(s):	09/12/2016; 12/26/2017; 10/01/2020	
Reference(s):	PPD 1.1.600 RD ; DOC 1.1.6; DOC 1.1.17; DOC 1.3.12; DOC 1.8.1; DOC 3.1.19; DOC 3.3.3; 41-3-201, MCA; 45-5-501, MCA; 45-5-502, MCA; 45-5-503, MCA; 28 CFR Part 115	
Signature / Title:	/s/ Kevin Olson, Probation and Parole Division Administrator	

I. PURPOSE:

Probation and Parole Division employees will comply with requirements established by the Prison Rape Elimination Act of 2003 by following established procedures for the prevention, intervention, reporting, and investigation of any sexual abuse or sexual harassment against offenders.

II. DEFINITIONS:

Department Employee (Employee) – A person employed by the Department of Corrections who has attained permanent status or is eligible to attain permanent status, as provided in 2-18-601, MCA; volunteers, interns, temporary and short-term workers; this term does not include service providers.

Office of Investigations – The office that oversees all criminal investigations for the Department.

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

PPD-Probation and Parole Division – The Division oversees the Probation & Parole regional offices and interstate transfers.

PREA Coordinator – The Department position responsible for administration and management of the Department-wide PREA program including, but not limited to, compliance, policy and procedure development, staff training, offender education, and records and statistical tracking.

Programs and Facilities Contract Manager – The Department’s employee(s) who acts as the liaison for services and monitors the contractual agreements between the Department and PFB contract facilities.

Service Provider – This term includes contracted persons or other vendors providing service whose assignment is primarily on Department premises, e.g. facility or program office.

Sexual Abuse of an offender by another offender – Sexual acts, sexual contact or any other intentional touching, either directly, through the clothing, or with an object, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation, in which the victim does not consent, is coerced by overt or implied threats of violence, or is unable to consent or refuse.

Sexual Abuse of an offender by an employee or service provider – Sexual acts, sexual contact or any other intentional contact, either directly, through the clothing, or with an object, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks; any attempt, threat, or request by an employee or service provider to engage in these activities; any display by an employee or service provider of his or her uncovered genitalia, buttocks, or breast in the presence of an offender; or voyeurism by an employee or service provider, when these acts are unrelated to official duties or where the employee or service provider has the intent to abuse, arouse, or gratify sexual desire.

Sexual Harassment – Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another or repeated verbal comments or gestures of a sexual nature to an offender by an employee or service provider.

Substantiated Allegation – An event that was investigated and determined to have occurred based upon preponderance of the evidence.

Unfounded Allegation – An event that was determined not to have occurred.

Unsubstantiated Allegation – Evidence was insufficient to meet the preponderance of the evidence to make a final determination as to whether or not the event occurred.

Volunteer – Any person who has been approved to provide services for Department programs without compensation. For the purpose of this operational procedure, includes student interns with PPD.

Voyeurism – An invasion of privacy of an offender by a staff member or service provider for reasons unrelated to official duties.

III. PROCEDURES:

A. GENERAL PROVISIONS:

1. The Department and the PPD have zero tolerance for all forms of sexual abuse and sexual harassment against offenders.
2. Employee Requirements:
 - a. All PPD employees will read, understand, and comply with the following policies and procedures, have an opportunity to ask questions and receive answers about the policies and procedures, and complete *PPD 1.1.1700(B) Staff PREA Acknowledgment*:
 - 1) *DOC Policy 1.1.17, Prison Rape Elimination Act of 2003 (PREA)*,
 - 2) *DOC Policy 1.3.12, Staff Association and Conduct with Offenders*,
 - 3) *DOC Policy 3.3.20, Offender Nondiscrimination*,
 - 4) *PPD 1.1.1700 PREA Disclosure Reporting*, and
 - 5) *PPD 6.3.405 Probation & Parole Offender Complaints*.
 - b. PPD employees who work with offenders in a PFB contract facility must also read, understand, and comply with the facility's policies/procedures regarding PREA reporting and the grievance program, as well as any applicable PFB procedures/requirements.
 - c. Prior to working with offenders, employees with direct and/or incidental physical, visual, or audio contact with offenders must receive documented PREA training. If an employee is unable to attend comprehensive PREA classroom training prior to contact with offenders,

he/she must have completed the review of the above-listed policies and procedures before contact with offenders, and then attend the next available classroom training:

- 1) refresher training is provided by the Department in odd number years; and
- 2) refresher information on current sexual abuse and sexual harassment policies is provided in even number years.

- d. All volunteers and service providers who have direct and/or incidental physical, visual, or audio contact with offenders are required to complete the review of the above-listed policies and procedures at a minimum prior to contact with offenders. Based on the services they provide and their level of contact with offenders, required training may be similar to employee training.
3. Information will be distributed to offenders regardless of their supervision level, status, disciplinary, or administrative status. At sign-up for community supervision, offenders must be provided a copy of the following policies and procedures, given the opportunity to ask questions and receive answers regarding the provided information, and complete *PPD 1.1.1700(C) Offender PREA Acknowledgement*. The *Acknowledgement* is uploaded into offender's OMIS record.
 - a. *DOC Policy 1.1.17, Prison Rape Elimination Act of 2003 (PREA)*,
 - b. *DOC Policy 1.3.12, Staff Association and Conduct with Offenders*,
 - c. *DOC Policy 3.3.20, Offender Nondiscrimination*,
 - d. *PPD 1.1.1700 PREA Disclosure Reporting*, and
 - e. *PPD 6.3.405 Probation & Parole Offender Complaints*.
 4. Employees, volunteers, and service providers must be alert to situations in which sexual abuse or sexual harassment might occur and be capable of identifying indicators of sexual abuse and sexual harassment. 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 the Department, retaliation against offenders or employees who reported such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation will be reported immediately.
 5. Supervisors or designees will immediately respond to allegations of sexual abuse and sexual harassment and refer for investigation those who violate the requirements set forth in this procedure and *DOC Policy 1.1.17*.

B. REPORTING REQUIREMENTS:

1. When an offender discloses that while incarcerated, he/she was sexually abused and/or harassed by staff or another offender, staff receiving the disclosure must notify his/her supervisor and the head of the facility where the alleged incident occurred as soon as possible, but no later than 72 hours after receiving the allegation.
2. Staff receiving the disclosure will report the incident as a priority II incident by completing *Part 1, Section A of PPD 1.1.600(A) RD P&P Incident Report Form* and include information regarding when and to whom notification was made, whether the incident was previously reported and, if so, when was it reported and what was the outcome. The *Report* is submitted to the immediate supervisor as soon as possible, but no later than by the end of the shift.

3. Supervisor reviews and immediately forwards *P&P Incident Report Form* to Deputy Chief (DC).
4. DC will email *P&P Incident Report Form* as soon as possible to:
 - a. Office of Investigations at corie@mt.gov with “PREA” in email subject line;
 - b. The PREA Coordinator at CORPREAReporting@mt.gov; and
 - c. If the disclosed incident was in a PFB contract facility, the Programs and Facilities Contract Manager at coraccdreports@mt.gov with “PREA” in email subject line.
5. Additional reporting to the Department of Public Health and Human Services is required when the alleged victim is:
 - a. under the age of 18 (§41-3-201, MCA); or
 - b. at least 60 years old or is a person with a developmental disability (§52-3-811, MCA).

IV. CLOSING:

Questions regarding this procedure will be directed to the Deputy Chief, Probation & Parole Bureau Chief, or PREA Coordinator.

V. FORMS:

PPD 1.1.1700 (B)	Staff PREA Acknowledgment
PPD 1.1.1700 (C)	Offender PREA Acknowledgment
PPD 1.1.600 (A) RD	P&P Incident Report Form