



COMMUNITY CORRECTIONS FACILITIES AND PROGRAMS BUREAU FACILITY OPERATIONAL REQUIREMENT

Requirement:	FPB 6.2.404 PREA COMPLIANCE AND REPORTING
Effective Date:	10/01/2020 Page 1 of 3
Revision Date(s):	09/13/2021; 04/24/2026
Signature/Title:	/s/ Scott Eychner, Rehabilitative and Enterprise Division Chief

This requirement is referenced as ACCD 1.3.1400 PREA in Section 1.J.1.a. Standard Contract Terms; Compliance with Laws; State, federal, and local laws; Prison Rape Elimination Act, in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, Passages, Elkhorn, Nexus, and START.

This requirement is referenced as ACCD 1.1.1700 PREA in Section 13.1 Compliance with Laws in the following contracts: Connections Corrections Program (CCP) and WATCH.

I. PURPOSE

Community Corrections Facilities and Programs Bureau (FPB) contract facilities will comply with requirements established by the Prison Rape Elimination Act (PREA) of 2003 by following established requirements for the prevention, intervention, reporting, and investigation of any sexual abuse or sexual harassment against offenders.

II. DEFINITIONS (see Glossary)

III. REQUIREMENTS

A. GENERAL REQUIREMENTS

1. The Department has zero tolerance for all forms of sexual abuse and sexual harassment against offenders. These offenders will be recognized as crime victims and victim services will be made available to them.
2. FPB contract facilities will be compliant with all applicable standards under 28 CFR Part 115 Prison Rape Elimination Act of 2003 (PREA) Subpart A or Subpart C, maintain documentation of compliance, have an appropriate PREA policy and/or procedure in place, conduct appropriate screening assessments for offender victimization or abusiveness, and report PREA incidents to the FPB as outlined in this requirement and *FPB 6.2.403 Incident Reporting Requirements*.
3. The facility administrator will assign a PREA compliance manager responsible for:
 - a. coordinating PREA-related activities with the Department PREA coordinator;
 - b. ensuring staff compliance with PREA training requirement; and
 - c. tracking and reporting PREA allegations.
4. All facility staff 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.
5. Department employees in an FPB contract facility must read, understand, and comply with this requirement and the training requirements outlined in *PPD 1.1.1700 PREA Disclosure Reporting*.
6. Offenders in an FPB facility must be provided information about the Department's zero-tolerance of sexual abuse and sexual harassment; the facility's appropriate policies and/or procedures for PREA and grievances during facility admission; and be given the opportunity to review the information, ask questions, and receive answers. Offender must complete a form acknowledging receipt of the information and the form is placed in offender's file.

7. 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, or retaliation against offenders or employees who reported such an incident or cooperate with an investigation, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation will be reported immediately. Administrators or designees will immediately respond to allegations of sexual abuse and sexual harassment and will take appropriate measures to protect any individual who expresses a fear of retaliation.
8. 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).
9. Compliance monitoring reviews required by PREA will be completed by Department employees at each facility in years in which a federal audit does not occur.
 - a. Notice will be provided to the facility prior to any reviews.
 - b. Facilities will participate and provide all information requested during the review.
 - c. Each facility will submit a copy of the final federal audit report to the Department at the conclusion of a federal audit.

B. INVESTIGATION AND REPORTING

1. Facilities must establish facility-specific protocols and be responsible for the administrative investigations of allegations of sexual misconduct. The Department's Investigations staff will assist with an administrative investigation if requested by the facility.
2. All PREA allegations will be reported to the FPB as soon as possible after staff receives the allegation.
 - a. Required notifications will be made when an offender discloses to facility staff that while at another facility, the offender was sexually abused and/or harassed by staff or another offender.
 - b. The notifications must be documented in Section B, Part 1 of *FPB 6.2.403 (A) Priority Incident Report*.
3. Staff will complete Section B, Part 1, of *FPB 6.2.403 (A) Priority Incident Report* and submit it, with "PREA" in the subject line, to:
 - a. the FPB at coraccdreports(at)mt.gov;
 - b. the Department PREA Coordinator at corpreareporting(at)mt.gov; and
 - c. Investigations staff at corie(at)mt.gov.
4. All PREA allegations of a criminal nature will be reported by the facility to LEAJ as soon as possible.
 - a. The facility may complete an initial assessment regarding whether the allegation is criminal or administrative. If there is any indication that the incident may be criminal, LEAJ is notified by the facility.
 - b. The LEAJ will determine whether it will investigate the incident, coordinate a criminal investigation with Department Investigations staff, or give authority to the Department to investigate.
 - c. Facility staff assigned to investigate administratively will work in cooperation with law enforcement and/or the Department investigator to ensure the criminal investigation is not compromised.
5. However, when LEAJ responds to the facility or an offender is taken to a hospital for an examination, the incident is considered a Priority I incident and the facility will complete the following reporting requirements:
 - a. Immediate [within 1 hour] notification will be made to:
 - 1) the FPB Chief at 406-580-7991; and
 - 2) MSP Prison Base at 406-415-6250.

6. Following the investigation:
 - a. facility staff will complete Section B, Part 2 of *FPB 6.2.403 (A) Priority Incident Report* and submit to the Contract Manager at coraccdreports(at)mt.gov with "PREA" in the subject line;
 - b. facility staff will inform the offender regarding whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded; and
 - c. the investigation including all documentation of the underlying incident being investigated is subject to review by the Department PREA Coordinator.
7. Annual reporting of PREA allegations will be completed by each facility using *FPB 6.2.404 (A) Facility Annual PREA Data*. Allegations made during January 1 through December 31 of each year will be categorized on the form and the facility must report its total population on December 31.
 - a. The annual data must be submitted to the Department PREA Coordinator at corpreareporting(at)mt.gov and the Contract Manager at coraccdreports(at)mt.gov by March 1 of the following year.
 - b. for each substantiated allegation, a federal form SSV-IA must be completed and submitted with *Facility Annual PREA Data*.

IV. CLOSING

Questions about this requirement will be directed to the Community Corrections Facilities and Programs Bureau or the Department PREA Coordinator.

V. REFERENCES

- A. *28 CFR Part 115*
- B. §§ 41-3-201; 45-5-501; 45-5-502; 45-5-503; 52-3-811, *MCA*
- C. *DOC 1.1.17 Prison Rape Elimination Act of 2003 (PREA)*

VI. FORMS

- FPB 6.2.404 (A) Facility Annual PREA Data*
FPB 6.2.403 (A) Priority Incident Report