

PREA: A Guide for Non-DOC Personnel, Business & Professional Visitors

Sexual Abuse & Sexual Harassment in Confinement: Zero Tolerance

The Prison Rape Elimination Act (PREA) was signed into law in 2003 after unanimous support from Congress and years of pressure from advocates and survivors. PREA extends far beyond the elimination of rape in prison; it is the first federal law to support preventing, detecting, and responding to sexual abuse and sexual harassment in all confinement settings. As such, Wisconsin Department of Corrections (WI DOC) has zero tolerance for sexual abuse, sexual harassment and report-related retaliation of offenders perpetrated by other offenders, staff, contractors and volunteers. Executive Directive (ED) 72 reflects this commitment. All allegations of sexual abuse and sexual harassment are investigated by WI DOC and referred to law enforcement.

ALL NON-DOC SERVICE PROVIDERS SHALL

Immediately report:

Any knowledge, suspicion or information regarding an incident of sexual abuse or sexual harassment;

Retaliation against a victim or reporter of sexual abuse or sexual harassment; and/or

Any staff, volunteer or contractor neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Report via any of the following methods prior to leaving the facility:

Notify a supervisor (e.g., shift supervisor, security director, PREA compliance manager, warden, deputy warden, superintendent);

Email DOCSECOSOPREAINvestigations@wisconsin.gov;

Call the PREA Office at 608.240.5071;

[WI DOC's public website](#)

Additionally:

Request the alleged victim not take actions that may destroy physical evidence (i.e. drinking, washing, changing clothes, etc.).

Not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in DOC policy, to make treatment, investigation, and other security and management decisions.

Vulnerable Offenders

Understanding the characteristics that put an offender at higher risk for sexual victimization creates awareness and greatly improves WI DOC's ability to prevent and detect sexual abuse and harassment. Vulnerable offenders include those with the following traits:

- Mental, physical or developmental disability or illness
- Small in stature, first time or young
- Limited English proficiency
- Intoxicated or under the influence
- Resource poor
- Sex offender
- Prior sexual victimization
- Identifies, or perceived, as lesbian, gay, bisexual, transgender, intersex, or gender non-conforming

Indicators of Abuse

While not absolutes, there are often red flags that may indicate compromised boundaries or abuse. Each is an opportunity to intervene!

Perpetrators (actual or potential) may stalk, groom, or trade favors; have a prior history of sexual abuse; display voyeuristic or exhibitionistic behaviors; frequently test boundaries; have difficulty controlling anger; isolate from co-workers; have changes in their personal life or appearance; and/or bring inappropriate/contraband items to work.

Victims (actual or potential) may refuse to shower; leave their empty cell or return to their occupied cell; exhibit unusual aggressiveness; linger near staff; bed wet; use increased sexualized language; and/or engage in protective pairing.

DEFINITIONS

Sexual Abuse

Offender-on-Offender Sexual Abuse. Sexual abuse of an offender by another offender includes any of the following acts, if the victim does not consent, is coerced into such 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; and
- 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 to a physical altercation.

Staff, Contract, or Volunteer -on-Offender Sexual Abuse. Sexual abuse of an offender by a staff member includes any of the following acts, with or without consent of the offender:

- 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 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 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 has the intent to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by a staff member to engage in the activities described in paragraphs (1)-(5) of this section;
- Any display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an offender; and
- Voyeurism by a staff member.

Voyeurism

An invasion of privacy of an offender by staff for reasons unrelated to official duties, such as peering at an offender who is using a toilet in their cell to perform bodily functions; requiring an offender to expose their buttocks, genitals, or breasts; or taking images of all or part of an offender's naked body or of an offender performing bodily functions.

Sexual Harassment

Offender-on-Offender 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.

Staff-on-Offender 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.

