

Sexual Abuse Prevention and Intervention

**Prison Rape Elimination Act
FEDERAL Laws
(PREA)**



**DEPARTMENT
OF CORRECTIONS**

**Know your Rights &
Responsibilities**

What is Sexual Misconduct?

All sexual misconduct is sexual abuse. It includes sexual activity between two residents and sexual activity between staff and residents or supervised releasees.

- Sexual abuse between two residents is when one or more resident(s) are involved or attempting to become involved in a sexual act with another resident, or the use of threats, intimidation, inappropriate touching, or other actions or discussion by one or more residents aimed at forcing and/or pressuring another resident to participate in a sexual act.
- Sexual abuse to a resident or supervised releasee by staff includes asking for or attempting to participate in a sexual act with any resident or supervised releasee or intentional touching of the resident or supervised releasee with the plan to abuse, humiliate, harass, degrade, arouse, or satisfy the sexual desire of another person. In this meaning, “staff” includes contractors, volunteers, or staff who work for the Department of Corrections, federal, state, or local jurisdictions.

Sexual misconduct includes any requests of sexual activity through promises of favors, threatening a resident for refusing sexual advances, invasion of privacy, and threatening the resident’s safety and security. It includes disrespect, threatening, sexual comments, or excessive friendly time spent with residents or supervised releasees.

How Can I Avoid Sexual Abuse?

Everyone can take steps to reduce the chances of sexual abuse. Some of the steps are:

- Carry yourself in a confident manner.
- Do not take gifts of favors from others. Most gifts come with strings attached.
- Do not take an offer from another resident or supervised releasee to protect you.
- Find a staff member or supervised release agent with whom you can talk to about your concerns of sexual misconduct.
- Be alert! Contraband such as drugs and alcohol will make it hard for you to stay alert and make good decisions.
- Say **no** and mean it if others ask you to do something you don't want to do.
- Stay in areas that have plenty of light.
- Pick the people you hang out with wisely. Look for people involved in positive groups and activities.
- Trust yourself. If you feel like a situation could be dangerous, it probably is.

Where Can I Get More Information?

Residents can direct any questions they may have to any correctional staff. Correctional staff is any person who works for or is contracted by the Minnesota Department of Corrections.

Supervised releasees can request more information from their supervised release agent or from their county office of social services.

What Happens to the Staff If I Agree to the Sexual Activity?

Policy 103.223: Prohibited Conduct: Employees, student workers, volunteers, interns, and contractors are prohibited from:

1. Divulging any personal telephone numbers, addresses, or other private information to current or former residents or their families regarding themselves or other employees, without the approval of the appointing authority.
2. Giving or accepting gifts, articles, special favors to/from current or former residents, or their families.
 - a) Any attempt on the part of any current or former residents or their families to visit, write, or otherwise communicate or send gifts to an employee or the employee's family must be immediately reported, in writing, to the appropriate appointing authority.
 - b) Former residents may contact staff if required for the former resident's employment, education, or some type of social services.
3. Introducing or removing any written material, information, etc. to or from any resident in a facility. Violations of this provision are dealt with in accordance with Minn. Stat. § 243.59.
4. Introducing or removing clothing, food, tobacco, or other articles or devices to or from a resident in a facility. Violation of this provision is dealt with in accordance with Minn. Stat. § 243.211.

The Department of Corrections will prosecute the staff regardless of your agreement. The law, Minnesota Statutes #609.344 and 609.345 will not allow the staff to use your consent as a defense to prosecution. There is no exception to this. Also, the Department of Corrections will not honor any promise made to you by that staff person.

Do I Have to Reveal the Name of The Person Who Abused Me?

No. However, you will be strongly encouraged to identify the person who abused you to protect yourself and others from future attacks. Persons who sexually abuse residents/supervised releasees can only be disciplined and/or prosecuted if the abuse is reported and they are identified.

What Do I Do If I Am Abused or Harassed?

People who sexually abuse residents or supervised releasees can only be disciplined and/or prosecuted if the sexual misconduct is reported. If you become the victim of a sexual assault, you should report it right away to staff. They will also refer you for a medical exam, clinical assessment, and treatment. You do not have to give the name of the person who sexually abused you to receive medical treatment.

Even though you may want to clean up after the abuse, it is important that you see the medical staff before you shower, wash, drink, change clothing, or use the bathroom. Medical staff will examine you for injuries that you might not see.

Do I Have to Consent to A Medical Exam?

Your consent is needed for the medical exam. You have the right to refuse the examination. However, if you have been the victim of sexual misconduct, it is very important to collect as much evidence as possible.

Can I Get Medical Care Without Giving Evidence of Sexual Misconduct?

It is very important that you understand that you can receive medical attention for any injuries, and for female residents or supervised releasees for pregnancy testing, without submitting to a sexual abuse exam. The medical care is for the purposes of treating any injuries and keeping you healthy. Medical information gathered during treatment is confidential. You must sign a medical release for the medical information to be used as evidence in sexual misconduct. You have the right to refuse to sign the medical release.

How Do I Report Sexual Misconduct?

Report the abuse or request for sex to any staff member or supervised release agent, including supervisors. All correctional staff members have been informed of their responsibility to report such activity. Correctional staff is any person who works for, or is contracted by, the Minnesota Department of Corrections. You can send a letter to any of the names listed on the back of this brochure. Residents and supervised releasees can report sexual misconduct by calling the DOC Sexual Assault Helpline 651-603-6798, and/ or by writing to the PREA Coordinator.

For incarcerated residents, this toll-free service can be accessed from any DOC resident phone by selecting the collect call option.

Contact information is listed on the back of this brochure. Supervised releasees can also report the sexual misconduct to their local city or county police or sheriff. Any signs or reports of sexual activity will be investigated.

What Will Happen to Me If I Make Allegations Knowing They Are False?

False accusations according to DOC Policy and Procedure #103.223 are defined as "...a false allegation, which he/she, in good faith, could not have believed to be true." The Department of Corrections may take disciplinary action against the resident. Residents and supervised releasees who knowingly file false reports for malicious or manipulative intent will face legal action.

Recovering From Sexual Abuse

Any forced or illegal sexual activity is degrading. Mental Health staff within the institution are available to help residents recover from the emotional impact of sexual assault. Supervised releasees can seek help from local mental health agencies. Residents and supervised releasees will have access to a community victim advocate during any stage of the investigation.

REMEMBER

The Department of Corrections maintains a zero-tolerance policy on sexual misconduct. The department strives for a safe and humane environment free from sexual violence and abuse.

Sexual misconduct is a serious crime. The Department of Corrections will investigate all reports of sexual misconduct.

If you are the victim of sexual misconduct,
REPORT IT IMMEDIATELY!

Law enforcement authorities will investigate allegations of sexual misconduct. Guilty parties will be subject to a full range of criminal and administrative actions.

It is never appropriate for a staff member to make sexual advances, comments, or participate in sexual contact with a resident/supervised releasee. Even if the resident/releasee wants to be involved with the staff person, the staff person is not allowed to respond.

Finally, it is not appropriate for a resident/supervised releasee to approach a staff person for the purposes of sexual activity.

IMPORTANT CONTACT INFORMATION

DOC SEXUAL ASSAULT HELPLINE
(651) 603-6798

Commissioner of Corrections

Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108-5219

Office of Special Investigations

Minnesota Department of Corrections
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**Deputy Commissioner of
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Department of Corrections
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Statewide PREA Coordinator

Minnesota Department of Corrections
7525 Fourth Avenue
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