

GENERAL DISTRIBUTION

West Virginia Division of Corrections & Rehabilitation

Bureau of Prisons and Jails

PROTOCOL

NUMBER: BPJ – 109

EFFECTIVE DATE: 04 May 2026

SUBJECT: U.S. DHS/ICE PREA STANDARDS

PURPOSE:

To provide the requirements from Subpart A of the U.S. Department of Homeland Security (DHS) regulation titled, “Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities” that are specifically applicable to facilities where U.S. Immigration and Customs Enforcement (ICE) detainees are housed.

REFERENCE:

“Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities,” 79 Reg. 13100 (March 7, 2014).

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instructions on this subject including BPJ Protocol 109, dated 01 January 2026. This Protocol does not cancel Policy Directive 430.00 Prison Rape Elimination Act (PREA) Compliance, which shall remain in effect.

DEFINITIONS:

Detainee: For the purposes of this Protocol, an individual in custody while they await the outcome of his/her immigration proceedings and/or removal from the United States.

Sexual Abuse: Sexual abuse includes (1) sexual abuse and assault of a detainee by another detainee; and (2) sexual abuse and assault of a detainee by a staff member, contractor, or volunteer. (115.6)

Sexual Abuse of a Detainee by Another Detainee: Includes any of the following acts by one or more detainees, prisoners, inmates, or residents of the facility in which the detainee is housed who, by force, coercion, or intimidation, or if the victim did not consent or was unable to consent or refuse, engage in or attempts to engage in:

- (1) Contact between the penis and the vulva or anus and, for purposes of this subparagraph, contact involving the penis upon penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration, however slight, or the anal or genital opening of another person by a hand or finger or by any object;
- (4) Touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person; or
- (5) Threats, intimidation, or other actions or communications by one or more detainees aimed at coercing or pressuring another detainee to engage in a sexual act. (115.6)

Sexual Abuse of a Detainee by a Staff Member, Contractor, or Volunteer: Includes any of the following acts, if engaged in by one or more staff members, volunteers, or contract personnel who, with or without the consent of the detainee, engages in or attempts to engage in:

- (1) Contact between the penis and the vulva or anus and, for purposes of this subparagraph, contact involving the penis upon penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration, however slight, or the anal or genital opening of another person by a hand or finger or by any object that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Intentional touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Threats, intimidation, harassment, indecent, profane or abusive language, or other actions or communications, aimed at coercing or pressuring a detainee to engage in a sexual act;
- (6) Repeated verbal statements or comments of a sexual nature to a detainee;
- (7) Any display of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, or
- (8) Voyeurism, which is defined as the inappropriate visual surveillance of a detainee for reasons unrelated to official duties. Where not conducted for reasons relating to official duties, the following are examples of voyeurism: staring at a detainee who is using the toilet in his or her cell to perform bodily functions; requiring an inmate detainee to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a detainee's naked body or of a detainee performing bodily functions. (115.6)

APPLICABILITY:

All jails housing U.S. Immigration and Customs Enforcement (ICE) detainees within the Division of Corrections and Rehabilitation (DCR). This Protocol is available for general distribution.

PROTOCOL:

- I. This Protocol mandates the Division of Corrections and Rehabilitation's (DCR's) zero tolerance toward all forms of sexual abuse and outlines each jail's approach to preventing, detecting, and responding to such conduct.
 - A. The following Prison Rape Elimination Act (PREA) standards are specifically applicable to facilities where U.S. Immigration and Customs Enforcement (ICE) detainees are housed. These standards differ from the PREA standards provided by the U.S. Department of Justice as covered in Policy Directive 430.00.
 - B. Unless specified differently herein, these procedures are only applicable to ICE detainees within DCR jails, including those who have charges from other jurisdictions such as local counties, but ICE is also detaining.
 - C. Each jail will have procedures in place for designating offenders who are detained under the authority of ICE in order to fulfill the requirements of this Protocol (e.g., designated on count boards).
 - D. Each jail will ensure the completion of the ICE Detainee In-Processing Form (**Attachment #1**) on each ICE detainee received. The completed form will be uploaded to the Offender Information System (OIS) as part of the detainee's booking packet.
 - E. Each jail will maintain a log containing the detainee's name, OID number, detaining agency name, date arrived at the jail, date left the jail, any relevant notes, and dates of strip (unclothed body) searches and visual body cavity searches. **Attachment #2** provides an example of the information required on the log. It is permissible to convert the log to an electronic format as long as the information required is included.

115.11 Zero Tolerance of Sexual Abuse: Prevention of Sexual Assault Coordinator

- A. DCR shall have a written policy mandating zero tolerance toward all forms of sexual abuse and outlining the jail's approach to preventing, detecting, and responding to such conduct. ICE shall review and approve the written policy. *(115.11 (c))*
- B. Each jail shall designate a Prevention of Sexual Assault Compliance Manager (PSA Compliance Manager) who shall serve as the facility point of contact for the ICE PSA Coordinator and who has sufficient time and authority to oversee facility efforts to comply with facility sexual abuse prevention and intervention policies and procedures. The Facility PREA Compliance Manager (PCM) designated by each Superintendent

will serve in this role and will be designated on the jail's organizational chart. (See **Attachment #3** for contact information for the ICE PSA Coordinator). *(115.11 (d))*

115.13 Detainee Supervision and Monitoring

- A. Each jail shall ensure that it maintains sufficient supervision of detainees, including through appropriate staffing levels and, where applicable video monitoring, to protect detainees against sexual abuse. *(115.13 (a))*
- B. Each jail shall develop and document comprehensive detainee supervision guidelines (in applicable Post Orders) to determine and meet the facility's detainee supervision needs and shall review those guidelines at least annually. *(115.13 (b))*
- C. In determining adequate levels of detainee supervision and determining the need for video monitoring, the jail shall take into consideration:
- Generally accepted detention and correctional practices;
 - Any judicial finding of inadequacy;
 - The physical layout of each jail;
 - The composition of the detainee population;
 - The prevalence of substantiated and unsubstantiated incidents of sexual abuse;
 - The findings and recommendations of sexual abuse incident review reports; and
 - Any other relevant factors, including but not limited to the length of time detainee spends in DCR custody. *(115.13(c))*
- D. Each jail shall conduct and log frequent unannounced security inspections (similar to unannounced rounds) to identify and deter sexual abuse of detainees. Such inspections shall be conducted at irregular times, every day and every shift. Each jail shall prohibit staff from alerting others that these security inspections are occurring, unless such announcement is related to the legitimate operational functions of the jail. *(115.13(d))*

115.15 Limits to Cross-Gender Viewing and Searches

- A. Searches may be necessary to ensure the safety of officers, civilians and detainees; to detect and secure evidence of criminal activity; and to promote security, safety, and related interests at jails. *(115.15 (a))*
- B. Cross-gender pat-down (clothed body) searches of male ICE detainees shall not be conducted unless, after reasonable diligence, staff of the same gender is not available at the time the pat-down search is required or in exigent circumstances. *(115.15 (b))*

- C. Cross-gender pat-down (clothed body) searches of female ICE detainees shall not be conducted unless in exigent circumstances. *(115.15 (c))*
- D. All cross-gender pat-down (clothed body) searches of ICE detainees shall be documented via incident report. *(115.15 (d))*
- E. Cross-gender strip (unclothed body) searches or cross-gender visual body cavity searches shall not be conducted except in exigent circumstances, including consideration of officer safety, or when performed by medical practitioners. *(115.15 (e))*
- F. All strip (unclothed body) searches and visual body cavity searches of ICE detainees are logged (**Attachment #2**). *(115.15 (f))*
- G. Each jail shall implement procedures that enable detainees to shower, perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine cell checks or is otherwise appropriate in connection with a medical examination or monitored bowel movement. Such procedures shall require staff of the opposite gender to announce their presence when entering an area where detainees are likely to be showering, performing bodily functions, or changing clothing. *(115.15 (g))*
- H. Jails shall not search or physically examine a detainee for the sole purpose of determining the detainee's genital characteristics. If the detainee's gender is unknown, it may be determined during conversations with the detainee, by reviewing medical records, or, if necessary, learning that information as part of a standard medical examination that all detainees must undergo as part of intake or other processing procedure conducted in private, by a medical practitioner. *(115.15 (i))*
- I. DCR trains security staff in proper procedures for conducting pat-down (clothed body) searches, including cross-gender pat-down searches and searches of transgender and intersex detainees. All pat-down searches shall be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs and DCR policy, including consideration of officer safety. *(115.15 (j))*

115.16 Accommodating Detainees with Disabilities and Detainees Who Are Limited English Proficient

- A. Each jail shall take appropriate steps to ensure that detainees with disabilities (including, for example, detainees who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have an equal opportunity to participate in or benefit from all aspects of DCR's and the jail's efforts to prevent, detect, and respond to sexual abuse. Such steps shall include, when necessary to ensure effective communication with detainees who are deaf or hard of hearing, providing access to in-person, telephonic, or video interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary. In addition, each jail shall

ensure that any written materials related to sexual abuse are provided in formats or through methods that ensure effective communication with detainees with disabilities, limited reading skills, or who are blind or have low vision. A jail is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under Title II of the Americans with Disabilities Act. (115.16 (a))

- B. Each jail shall take steps to ensure meaningful access to all aspects of DCR's and the jail's efforts to prevent, detect, and respond to sexual abuse of detainees who are limited English proficient, including steps to provide in-person or telephonic interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary. (115.16 (b))
- C. In matters relating to allegations of sexual abuse, each jail shall provide in-person or telephonic interpretation services that enable effective, accurate, and impartial interpretation, by someone other than another detainee, unless the detainee expresses a preference for another detainee to provide interpretation and ICE determines that such interpretation is appropriate and consistent with DHS policy. The provision of interpreter services by minors, alleged abusers, detainees who witnessed the alleged abuse, and detainees who have a significant relationship with the alleged abuser is not appropriate in matters relating to allegations of sexual abuse. (115.16 (c))

115.17 Hiring and Promotion Decisions

- A. Jails shall not hire or promote anyone who may have contact with detainees, and shall not enlist the services of any contractor or volunteer who may have contact with detainees, who has engaged in sexual abuse in a prison, jail, holding facility, community confinement facility, juvenile facility, or other institution; who has been convicted of engaging or attempting to engage in sexual activity facilitated by force, or coercion, or if the victim did not consent or was unable to consent or refuse; or who has been civilly or administratively adjudicated to have engaged in such activity. (115.17 (a)) In accordance with Policy Directive 153.00, prior to approving a volunteer, the applicant will be asked about previous misconduct by completing the *Sexual Misconduct Questionnaire* as contained in the DCR PREA Manual.
- B. A jail considering hiring or promoting staff shall ask all applicants who may have contact with detainees directly about previous misconduct described in paragraph (a) of this section, in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. Jails shall also impose upon employees a continuing affirmative duty to disclose any such misconduct. Each jail, consistent with law, shall make its best efforts to contact all prior institutional employers of an applicant for employment, to obtain information on substantiated allegations of sexual abuse or any resignation during a pending investigation of alleged sexual abuse. (115.17 (b))

- C. Before hiring new staff who may have contact with detainees, the jail shall conduct a background investigation to determine whether the candidate for hire is suitable for employment with the facility, including a criminal background records check. Upon request by ICE, the jail shall submit for ICE's approval written documentation showing the detailed elements of the jail's background check for each staff member and the jail's conclusions. Each jail shall require an updated background investigation every five (5) years for those staff who may have contact with detainees. (115.17 (c)) To ensure timely background investigations, the DCR conducts updated background checks every four (4) years and will ensure each employee is asked at that same time about previous misconduct by completing the *Sexual Misconduct Questionnaire* as contained in the DCR PREA Manual.
- D. The jail shall also perform a background investigation before enlisting the services of any contractor who may have contact with detainees. Upon request by ICE, the jail shall submit for ICE's approval written documentation showing the detailed elements of the jail's background check for each contractor and the jail's conclusions. (115.17 (d))
- E. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination or withdrawal of an offer of employment, as appropriate. (115.17 (e))
- F. Unless prohibited by law, each jail shall provide information on substantiated allegations of sexual abuse involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. (115.17 (f))

115.18 Upgrades to Facilities and Technologies

- A. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, DCR shall consider the effect of the design, acquisition, expansion, or modification upon their ability to protect detainees from sexual abuse. (115.18 (a))
- B. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, DCR and the jail, as appropriate, shall consider how such technology may enhance their ability to protect detainees from sexual abuse. (115.18 (b))

115.21 Evidence Protocols and Forensic Medical Examinations

- A. To the extent that DCR is responsible for investigating allegations of sexual abuse involving detainees, it shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The protocol shall be developed in coordination with DHS. DCR Criminal Investigation Division (CID) is responsible for conducting administrative investigations within DCR facilities. (115.21 (a))

- B. In developing an evidence protocol referred to in paragraph (a) of this section DCR shall consider how best to utilize available community resources and services to provide valuable expertise and support in the areas of crisis intervention and counseling to most appropriately address victims' needs. Each facility shall establish procedures to make available, to the full extent possible, outside victim services following incidents of sexual abuse; the facility shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, DCR shall provide these services by making available a qualified staff member from a community-based organization, or a qualified DCR staff member. A qualified staff member or a qualified community-based staff member means an individual who has received education concerning sexual assault and forensic examination issues in general. The outside or internal victim advocate shall provide emotional support, crisis intervention, information, and referrals. *(115.21 (b))*
- C. Where evidentiarily or medically appropriate, at no cost to the detainee, and only with the detainee's consent, the facility shall arrange for an alleged victim detainee to undergo a forensic medical examination by qualified health care personnel, including a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) where practicable. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified health care personnel. *(115.21 (c))*
- D. As requested by the victim, the presence of his or her outside or internal victim advocate, including any available victim advocacy services offered by a hospital conducting a forensic exam, shall be allowed for support during a forensic exam and investigatory interviews. *(115.21 (d))*
- E. To the extent that ICE is not responsible for investigating allegations of sexual abuse, DCR shall follow the requirements of paragraphs (a) through (d) of this section. *(115.21 (e))*

115.22 Policies to Ensure Investigation of Allegations and Appropriate Agency Oversight

- A. DCR is required to establish a protocol to ensure that each allegation of sexual abuse is investigated by DCR staff or referred to an appropriate investigative authority. DCR shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse. *(115.22 (a))*
- B. DCR shall ensure that the protocols required by paragraph (a) of this section include a description of responsibilities of DCR and the facility, and any other investigating entities; and require the documentation and maintenance, for at least five (5) years, of all reports and referrals of allegations of sexual abuse. *(115.22 (b))*
- C. DCR shall make this protocol available to the public on the DCR website. *(115.22 (c))*
- D. All allegations are promptly reported to ICE as described in paragraphs (e) and (f) of this section, and, unless the allegation does not involve potentially criminal behavior, are promptly referred for investigation to an appropriate law enforcement agency with

the legal authority to conduct criminal investigations. The WV State Police is the law enforcement agency with primary jurisdiction whenever outside assistance is required with any criminal investigation. *(115.22 (d))*

- E. When a detainee or inmate of the jail in which an alleged detainee victim is housed is alleged to be the perpetrator of detainee sexual abuse, the jail shall ensure that the incident is promptly reported to the Joint Intake Center, the ICE Office of Professional Responsibility or the DHS Office of Inspector General, as well as the appropriate ICE Field Office Director (see **Attachment #3** for contact information), and, if it is potentially criminal, referred to an appropriate law enforcement agency having jurisdiction for investigation. *(115.22 (e))*
- F. When a staff member, contractor, or volunteer is alleged to be the perpetrator of detainee sexual abuse, the jail shall ensure that the incident is promptly reported to the Joint Intake Center, the ICE Office of Professional Responsibility or the DHS Office of Inspector General, as well as the appropriate ICE Field Office Director (see **Attachment #3** for contact information), and to DCR. If the incident is potentially criminal, the jail shall ensure that it is promptly referred to an appropriate law enforcement agency having jurisdiction for investigation. *(115.22 (f))*

115.31 Staff Training

- A. All employees who may have contact with detainees, and all jail staff shall be trained on: *(115.31 (a))*
 - 1. The jail's zero-tolerance policies for all forms of sexual abuse; *(115.31 (a)(1))*
 - 2. The right of detainees and staff to be free from sexual abuse, and from retaliation for reporting sexual abuse; *(115.31 (a)(2))*
 - 3. Definitions and examples of prohibited and illegal sexual behavior; *(115.31 (a)(3))*
 - 4. Recognition of situations where sexual abuse may occur; *(115.31 (a)(4))*
 - 5. Recognition of physical, behavioral, and emotional signs of sexual abuse, and methods of preventing and responding to such occurrences; *(115.31 (a)(5))*
 - 6. How to avoid inappropriate relationships with detainees; *(115.31 (a)(6))*
 - 7. How to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming detainees; *(115.31 (a)(7))*
 - 8. Procedures for reporting knowledge or suspicion of sexual abuse; and *(115.31 (a)(8))*

9. The requirement to limit reporting of sexual abuse to personnel with a need-to-know in order to make decisions concerning the victim's welfare and for law enforcement or investigative purposes. *(115.31 (a)(9))*
- B. All current jail staff, and all employees who may have contact with detainees shall be provided with refresher information at least every two (2) years. *(115.31 (b))*
- C. Each jail shall document that staff that may have contact with detainees have completed the training. *(115.31 (c))*

115.32 Other Training

- A. Each jail shall ensure that all volunteers and other contractors who have contact with detainees have been trained on their responsibilities under the DCR sexual abuse prevention, detection, intervention and response policies and procedures. *(115.32 (a))*
- B. The level and type of training provided to volunteers and other contractors shall be based on the services they provide and level of contact they have with detainees, but all volunteers and other contractors who have contact with detainees shall be notified of the DCR's zero-tolerance policies regarding sexual abuse and informed how to report such incidents. *(115.32 (b))*
- C. Each jail shall receive and maintain written confirmation that volunteers and other contractors who have contact with detainees have completed the training. *(115.32 (c))*
- D. In this section, the term other contractor means a person who provides services on a non-recurring basis to the facility pursuant to a contractual agreement with DCR or the facility. *(115.32 (d))*

115.33 Detainee Education

- A. During the intake process, each jail shall ensure that the ICE detainee orientation program notifies and informs detainees about DHS/ICE and the facility's zero-tolerance for all forms of sexual abuse and includes (at a minimum) instruction on:
(115.33 (a))
 1. Prevention and intervention strategies; *(115.33 (a)(1))*
 2. Definitions and examples of detainee-on-detainee sexual abuse, staff-on-detainee sexual abuse and coercive sexual activity; *(115.33 (a)(2))*
 3. Explanation of methods for reporting sexual abuse, including to any staff member, including a staff member other than an immediate point-of-contact line officer (e.g., the compliance manager or a mental health staff), the DHS Office of Inspector General, and the Joint Intake Center (see **Attachment #3** for contact information); *(115.33 (a)(3))*

4. Information about self-protection and indicators of sexual abuse; *(115.33 (a)(4))*
 5. Prohibition against retaliation, including an explanation that reporting sexual abuse shall not negatively impact the detainee's immigration proceedings; and *(115.33 (a)(5))*
 6. The right of a detainee who has been subjected to sexual abuse to receive treatment and counseling. *(115.33 (a)(6))*
- B. Each jail shall provide detainee notification, orientation, and instruction in formats accessible to all detainees, including those who are limited English proficient, deaf, visually impaired or otherwise disabled, as well as to detainees who have limited reading skills. *(115.33 (b))*
- C. Each jail shall maintain documentation of detainee participation in the intake process orientation. *(115.33 (c))*
- D. Each jail shall post in all housing units the following notices: *(115.33 (d))*
1. The DHS-prescribed sexual assault awareness notice in both English and Spanish (**Attachment #4**) *(115.33 (d)(1))*
 2. The name of the jail's Prevention of Sexual Abuse Compliance Manager (facility PCM) which is filled in on the above awareness notice (**Attachment #4**); and *(115.33 (d)(2))*
 3. The name and contact information for the local organization that can assist detainees who have been victims of sexual abuse: *(115.33 (d)(3))*

REACH The Counseling Connection
(Rape Education Counseling and Healing)
#9088 on the inmate phone system
1021 Quarrier Street, Suite 414
Charleston, WV 25301
 4. The U.S. Immigration and Customs Enforcement "Sexual Abuse and Assault Awareness" pamphlet in both English and Spanish (**Attachment #5**). This pamphlet will also be provided to each detainee in the applicable language during the booking/admission process. (Pamphlets in fifteen (15) other languages are available on the PREA shared drive.) *(115.33 (e))*
 5. The ICE Detention Reporting and Information Line (DRIL) in both English and Spanish (**Attachment #6**).
 6. The Department of Homeland Security Office of Inspector General contact information sheet (**Attachment #7**).

- E. Information about reporting sexual abuse shall be included in the ICE National Detainee Handbook provided to all detainees. Each jail will ensure copies of the ICE National Detainee Handbook in all nineteen (19) languages are readily available in the booking department in order to ensure the applicable language is provided to each detainee as required by BPJ Protocol 102. (115.33 (f)) Additionally, during booking/admission, each detainee will be provided the facility-specific handbook (as required by BPJ-Protocol 102) and the PREA Educational Information (attachment to the DCR PREA Manual) in the applicable language.

115.34 Specialized Training: Investigations

- A. In addition to the general training provided to all facility staff and employees pursuant to §115.31, DCR shall provide specialized training on sexual abuse and effective cross-agency coordination to DCR investigators, who conduct investigations into allegations of sexual abuse. All investigations into alleged sexual abuse must be conducted by qualified investigators. (115.34 (a))
- B. DCR must maintain written documentation verifying specialized training provided to investigators pursuant to this section. (115.34 (b))

115.35 Specialized Training: Medical and Mental Health Care

- A. DCR contractual full- and part-time medical practitioners and mental health practitioners are provided specialized training through the National Institute of Corrections (NIC). (115.35 (a))
- B. The training required by this section shall cover, at a minimum, the following topics: (115.35 (b))
1. How to detect and assess signs of sexual abuse; (115.35 (b)(1))
 2. How to respond effectively and professionally to victims of sexual abuse; (115.35 (b)(2))
 3. How and to whom to report allegations or suspicions of sexual abuse; and (115.35 (b)(3))
 4. How to preserve physical evidence of sexual abuse. If medical staff conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations. (115.35 (b)(4))
- C. ICE shall review and approve DCR's policy and procedures to ensure that facility medical staff is trained in procedures for examining and treating victims of sexual abuse, in facilities where medical staff may be assigned these activities. (115.35 (c))

115.41 Assessment for Risk of Sexual Victimization and Abusiveness

- A. Each jail shall assess all detainees on intake (using the appropriate attachment within the PREA Manual) to identify those likely to be sexual aggressors or sexual abuse victims and shall house detainees to prevent sexual abuse, taking necessary steps to mitigate any such danger. Each new ICE detainee arrival shall be kept separate from the general population until he/she is classified and may be housed accordingly. *(115.41 (a))*
- B. The initial classification process and initial housing assignment of ICE detainees should be completed within twelve (12) hours of admission to the facility. (**NOTE:** different timeframe than non-ICE detainees) *(115.41 (b))*
- C. Each jail shall also consider, to the extent that the information is available, the following criteria to assess detainees for risk of sexual victimization: *(115.41 (c))*
1. Whether the detainee has a mental, physical, or developmental disability; *(115.41 (c)(1))*
 2. The age of the detainee; *(115.41 (c)(2))*
 3. The physical build and appearance of the detainee; *(115.41 (c)(3))*
 4. Whether the detainee has previously been incarcerated or detained; *(115.41 (c)(4))*
 5. The nature of the detainee's criminal history; *(115.41 (c) (5))*
 6. Whether the detainee has any convictions for sex offenses against an adult or child; *(115.41 (c)(6))*
 7. Whether the detainee has self-identified as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; *(115.41 (c)(7))*
 8. Whether the detainee has self-identified as having previously experienced sexual victimization; and *(115.41 (c)(8))*
 9. The detainee's own concerns about his or her physical safety. *(115.41 (c)(9))*
- D. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the facility, in assessing detainees for risk of being sexually abusive. *(115.41 (d))*
- E. Each jail shall reassess each ICE detainee's risk of victimization or abusiveness between sixty (60) and ninety (90) days from the date of the initial assessment (**NOTE:** different timeframe than non-ICE detainees) and at any other time when warranted based upon the receipt of additional, relevant information or following an incident of abuse or victimization. *(115.41 (e))*

- F. Detainees shall not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (c)(1), (c)(7), (c)(8), or (c)(9) of this section. *(115.41 (f))*
- G. Each jail shall implement appropriate controls on the dissemination within the jail of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the detainee's detriment by staff or other detainees or inmates. *(115.41 (g))*

115.42 Use of Assessment Information

- A. Each jail shall use the information from the risk assessment under §115.41 of this part to inform assignment of detainees to housing, recreation and other activities, and voluntary work. Each jail shall make individualized determinations about how to ensure the safety of each detainee. *(115.42 (a))*
- B. When making assessment and housing decisions for a transgender or intersex ICE detainee, the jail shall consider the detainee's gender self-identification and an assessment of the effects of placement on the detainee's health and safety. The jail shall consult a medical or mental health professional as soon as practicable on this assessment. The jail should not base placement decisions of transgender or intersex detainees solely on the identity documents or physical anatomy of the detainee; a detainee's self-identification of his/her gender and self-assessment of safety needs shall always be taken into consideration as well. The jail's placement of a transgender or intersex detainee shall be consistent with the safety and security consideration of the facility, and placement and programming assignments for each transgender or intersex detainee shall be reassessed at least twice each year to review any threats to safety experienced by the detainee. *(115.42 (b))*
- C. When operationally feasible, transgender and intersex detainees shall be given the opportunity to shower separately from other detainees or inmates. *(115.42 (c))*

115.43 Protective Custody

- A. Each jail shall develop and follow written procedures consistent with the standards in this subpart for each facility governing the management of its administrative segregation unit. These procedures, which should be developed in consultation with the ICE Enforcement and Removal Operations Field Office Director having jurisdiction for the facility, must document detailed reasons for placement of an individual in administrative segregation on the basis of vulnerability to sexual abuse or assault. *(115.43 (a))*
- B. Use of administrative segregation by jails to protect detainees vulnerable to sexual abuse or assault shall be restricted to those instances where reasonable efforts have been made to provide appropriate housing and shall be made for the least amount of time practicable, and when no other viable housing options exist, as a last resort. The

- jail should assign detainees vulnerable to sexual abuse or assault to administrative segregation for their protection until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of thirty (30) days. *(115.43 (b))*
- C. Jails that place vulnerable detainees in administrative segregation for protective custody shall provide those detainees access to programs, visitation, counsel and other services available to the general population to the maximum extent practicable. *(115.43 (c))*
- D. Jails shall implement written procedures for the regular review of all vulnerable detainees placed in administrative segregation for their protection, as follows: *(115.43 (d))*
1. A supervisory staff member shall conduct a review within seventy-two (72) hours of the detainee's placement in administrative segregation to determine whether segregation is still warranted; and *(115.43 (d)(1))*
 2. A supervisory staff member shall conduct, at a minimum, an identical review after the detainee has spent seven (7) days in administrative segregation, and every week thereafter for the first thirty (30) days, and every ten (10) days thereafter. *(115.43 (d)(2))*
- E. Jails shall notify the appropriate ICE Field Officer Director (see **Attachment #3** for contact information) no later than seventy-two (72) hours after the initial placement into segregation, whenever a detainee has been placed in administrative segregation on the basis of vulnerability to sexual abuse or assault. *(115.43 (e))*

115.51 Detainee Reporting

- A. DCR shall develop policies and procedures to ensure that detainees have multiple ways to privately report sexual abuse, retaliation for reporting sexual abuse, or staff neglect or violations of responsibility that may have contributed to such incidents. DCR shall also provide instructions on how detainees may contact their consular office, the DHS Office of the Inspector General or, as appropriate, another designated office, to confidentially and, if desired, anonymously, report these incidents. Each jail will provide the contact information for the detainee's consulate official available online at *travel.state.gov/CNA* and the DHS Office of the Inspector General (see **Attachment #3** for contact information). *(115.51 (a))*
- B. Each jail shall inform the detainees of at least one way for detainees to report sexual abuse to a public or private entity or office that is not part of DCR and that is able to receive and immediately forward detainee reports of sexual abuse to ICE officials, allowing the detainee to remain anonymous upon request. Each jail provides instructions on how detainees may contact the WV Intelligence/Fusion Center (#01 on the inmate phone system) or 1900 Kanawha Boulevard, Building 1 – Room W-400 Capital Complex, Charleston, WV 25305. *(115.51 (b))*

- C. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and to promptly document any verbal reports. *(115.51 (c))*

115.52 Grievances

- A. Each jail shall permit a detainee to file a formal grievance related to sexual abuse at any time during, after, or in lieu of lodging an informal grievance or complaint. *(115.52 (a))*
- B. The jail shall not impose a time limit on when a detainee may submit a grievance regarding an allegation of sexual abuse. *(115.52 (b))*
- C. DCR shall implement written procedures for identifying and handling time-sensitive grievances that involve an immediate threat to detainee health, safety, or welfare related to sexual abuse. The procedures detailed in Policy Directive 335.00 when an inmate alleges he/she is subject to a substantial risk of imminent sexual abuse shall be followed with the Superintendent causing an immediate review and rendering an initial response within forty-eight (48) hours. *(115.52 (c))*
- D. Jail staff shall bring medical emergencies to the immediate attention of proper medical personnel for further assessment. *(115.52 (d))*
- E. The jail shall issue a decision on the grievance within five (5) days of receipt and shall respond to an appeal of the grievance decision within thirty (30) days. (Although this allows for a longer time frame for responses to appeals of grievance decisions, Policy Directive 335.00 will be adhered to.) Jails shall send all grievances related to sexual abuse and the jail's decisions with respect to such grievances to the appropriate ICE Field Office Director (see **Attachment #3** for contact information) at the end of the grievance process. *(115.52 (e))*
- F. To prepare a grievance, a detainee may obtain assistance from another detainee, the housing officer or other jail staff, family members, or legal representatives. Staff shall take reasonable steps to expedite requests for assistance from these other parties. *(115.52 (f))*

115.53 Detainee Access to Outside Confidential Support Services

- A. Each jail shall utilize available community resources and services to provide valuable expertise and support in the areas of crisis intervention, counseling, investigation and the prosecution of sexual abuse perpetrators to most appropriately address victims' needs. The jail shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers or, if local providers are not available, with national organizations that provide legal advocacy and confidential emotional support services for immigrant victims of crime. *(115.53 (a))*

- B. Each jail's written policies establish procedures to include outside agencies in the facility's sexual abuse prevention and intervention protocols, if such resources are available. *(115.53 (b))*
- C. Each jail shall make available to detainees information about local organizations that can assist detainees who have been victims of sexual abuse, including mailing addresses and telephone numbers (including toll-free hotline numbers where available). If no such local organizations exist, the jail shall make available the same information about national organizations. The jail shall enable reasonable communication between detainees and these organizations and agencies, in a confidential manner as possible. *(115.53 (c))*
- D. Each jail shall inform detainees, prior to giving them access to outside resources, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. *(115.53 (d))*

115.54 Third-Party Reporting

DCR shall establish a method to receive third-party reports of sexual abuse in its jails and shall make available to the public information on how to report sexual abuse on behalf of a detainee.

115.61 Staff Reporting Duties

- A. Each jail shall require all staff to report immediately and according to policy any knowledge, suspicion, or information regarding an incident of sexual abuse that occurred in a facility; retaliation against detainees or staff who reported or participated in an investigation about such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. ICE shall review and approve DCR policies and procedures and shall ensure that DCR specifies appropriate reporting procedures, including a method by which staff can report outside of the chain of command. *(115.61 (a))*
- B. Staff members who become aware of alleged sexual abuse shall immediately follow the reporting requirements set for in the written policies and procedures. *(115.61 (b))*
- C. Apart from such reporting, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to help protect the safety of the victim or prevent further victimization of other detainees or staff in the facility, or to make medical treatment, investigation, law enforcement, or other security and management decisions. *(115.61 (c))*
- D. If the alleged victim is considered vulnerable adult (unable to take care of themselves or protect themselves from harm), the jail shall report the allegation to the to the designated State or local services agency under applicable mandatory reporting laws. Reports may be made directly to the local Department of Health and Human Resources

office during normal business hours or after hours to the 24-hour hotline at 1-800-352-6513. *(115.61 (d))*

115.62 Protection Duties

If a facility staff member has a reasonable belief that a detainee is subject to a substantial risk of imminent sexual abuse, he or she shall take immediate action to protect the detainee.

115.63 Reporting to Other Confinement Facilities

- A. Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the jail whose staff received the allegation shall notify the appropriate office of the agency or the administrator of the facility where the alleged abuse occurred. *(115.63 (a))*
- B. The notification provided in paragraph (a) of this section shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation. *(115.63 (b))*
- C. The jail shall document that it has provided such notification. *(115.63 (c))*
- D. The agency or facility office that receives such notification, to the extent the facility is covered by this subpart, shall ensure that the allegation is referred for investigation in accordance with these standards and reported to the appropriate ICE Field Office Director. *(115.53 (d))*

115.64 Responder Duties

- A. Upon learning of an allegation that a detainee was sexually abused, the first security staff member to respond to the report, or his or her supervisor, shall be required to:
(115.64 (a))
 - 1. Separate the alleged victim and abuser; *(115.64 (a)(1))*
 - 2. Preserve and protect, to the greatest extent possible, any crime scene until appropriate steps can be taken to collect any evidence; *(115.64 (a)(2))*
 - 3. If the abuse occurred within a time period that still allows for the collection of physical evidence, request the alleged victim not to take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and *(115.64 (a)(3))*
 - 4. If the sexual abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth,

changing clothes, urinating, defecating, smoking, drinking, or eating. (115.64 (a)(4))

- B. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify security staff. (115.64 (b))

115.65 Coordinated Response

- A. Each jail shall develop a written institutional plan to coordinate actions taken by staff first responders, medical and mental health practitioners, investigators, and facility leadership in response to an incident of sexual abuse. (115.65 (a))
- B. Each jail shall use a coordinated, multidisciplinary team approach to responding to sexual abuse. (115.65 (b))
- C. If a victim of sexual abuse is transferred to another facility covered by DHS/ICE PREA Standards, the sending facility shall, as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services. (115.65 (c))
- D. If a victim is transferred to a facility not covered by DHS/ICE PREA Standards, the sending facility shall, as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services, unless the victim requests otherwise. (115.65 (d))

115.66 Protection of Detainees From Contact With Alleged Abusers

Staff, contractors, and volunteers suspected of perpetrating sexual abuse shall be removed from all duties requiring detainee contact pending the outcome of an investigation.

115.67 Agency Protection Against Retaliation

- A. Staff, contractors, and volunteers, and detainees, shall not retaliate against any person, including a detainee, who reports, complains about, or participates in an investigation into an allegation of sexual abuse, or for participating in sexual activity as a result of force, coercion, threats, or fear of force. (115.66 (a))
- B. Each jail shall employ multiple protection measures, such as housing changes, removal of alleged staff or detainee abusers from contact with victims, and emotional support services for detainees or staff who fear retaliation for reporting sexual abuse or for cooperating with investigations. (115.66 (b))
- C. For at least ninety (90) days following a report of sexual abuse, the jail shall monitor to see if there are facts that may suggest possible retaliation by detainees or staff and shall act promptly to remedy any such retaliation. Items the jail should monitor include any detainee disciplinary reports, housing or program changes, or negative

performance reviews or reassignments of staff. The jail shall continue such monitoring beyond ninety (90) days if the initial monitoring indicates a continuing need. (115.66 (c))

115.68 Post-Allegation Protective Custody

- A. Each jail shall take care to place detainee victims of sexual abuse in a supportive environment that represents the least restrictive housing option possible (e.g., protective custody), subject to the requirements of §115.43. (115.68 (a))
- B. Detainee victims shall not be held for longer than five (5) days in any type of administrative segregation, except in highly unusual circumstances or at the request of the detainee. (115.68 (b))
- C. A detainee victim who is in protective custody after having been subjected to sexual abuse shall not be returned to the general population until completion of a proper re-assessment, taking into consideration any increased vulnerability of the detainee as a result of the sexual abuse. (115.68 (c))
- D. Jails shall notify the appropriate ICE Field Office Director (see **Attachment #3** for contact information) whenever a detainee victim has been held in administrative segregation for seventy-two (72) hours. (115.68 (d))

115.71 Criminal and Administrative Investigations

- A. All investigations into alleged sexual abuse must be prompt, thorough, objective, and conducted by specially trained, qualified investigators. (115.71 (a))
- B. Upon conclusion of a criminal investigation where the allegation was substantiated, an administrative investigation shall be conducted. Upon conclusion of a criminal investigation where the allegation was unsubstantiated, CID shall review any available completed criminal investigation reports to determine whether an administrative investigation is necessary or appropriate. Administrative investigations shall be conducted after consultation with the appropriate investigative office within DHS, and the assigned criminal investigative entity. (115.71 (b))
- C. DCR shall develop written procedures for administrative investigations, including provisions requiring: (115.71 (c)(1))
 - 1. Preservation of direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; (115.71 (c)(1)(i))
 - 2. Interviewing alleged victims, suspected perpetrators, and witnesses; (115.71 (c)(1)(ii))
 - 3. Reviewing prior complaints and reports of sexual abuse involving the suspected perpetrator; (115.71 (c)(1)(iii))

4. Assessment of the credibility of an alleged victim, suspect, or witness, without regard to the individual's status as detainee, staff, or employee, and without requiring any detainee who alleges sexual abuse to submit to a polygraph; *(115.71 (c)(1)(iv))*
 5. An effort to determine whether actions or failures to act at the facility contributed to the abuse; and *(115.71 (c)(1)(v))*
 6. Documentation of each investigation by written report, which shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings; and *(115.71 (c)(1)(vi))*
 7. Retention of such reports for as long as the alleged abuser is detained or employed by the DCR, plus five (5) years. *(115.71 (c)(1)(vii))*
- D. Such procedures shall govern the coordination and sequencing of the two types of investigations, in accordance with paragraph (b) of this section, to ensure that the criminal investigation is not compromised by an internal administrative investigation. *(115.71 (c)(2))*
- E. ICE shall review and approve the policy and procedures for coordination and conduct of internal administrative investigations with the assigned criminal investigative entity to ensure non-interference with criminal investigations. *(115.71 (d))*
- F. The departure of the alleged abuser or victim from the employment or control of the facility or ICE shall not provide a basis for terminating an investigation. *(115.71 (e))*
- G. When outside agencies investigate sexual abuse, the jail shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation. *(115.71 (f))*

115.72 Evidentiary Standard for Administrative Investigations

When an administrative investigation is undertaken, DCR shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse are substantiated.

115.73 Reporting to Detainees

The jail shall, when the detainee is still in jail, or where otherwise feasible, following an investigation into a detainee's allegation of sexual abuse, notify the detainee as to the result of the investigation and any responsive action taken.

115.76 Disciplinary Sanctions For Staff

- A. Staff shall be subject to disciplinary or adverse action up to and including removal from their position for substantiated allegations of sexual abuse or for violating sexual abuse policies. *(115.76 (a))*
- B. ICE shall review and approve DCR policies and procedures regarding disciplinary or adverse actions for staff and shall ensure that the policy and procedures specify disciplinary or adverse actions for staff, up to and including removal from their position, when there is a substantiated allegation of sexual abuse, or when there has been a violation of sexual abuse rules, policies, or standards. Removal from their position is the presumptive disciplinary sanction for staff who have engaged in or attempted or threatened to engage in sexual abuse, as defined under the definition of sexual abuse of a detainee by a staff member, contractor, or volunteer, paragraphs (1)-(4) and (7)-(8) of the definition of “sexual abuse of a detainee by a staff member, contractor, or volunteer” in §115.6. *(115.76 (b))*
- C. Each jail shall report all removals or resignations in lieu of removal for violations of sexual abuse policies to appropriate law enforcement agencies, unless the activity was clearly not criminal. *(115.76 (c))*
- D. Each jail shall make reasonable efforts to report removals or resignations in lieu of removal for violations of sexual abuse policies to any relevant licensing bodies, to the extent known. *(115.76 (d))*

115.77 Corrective Action for Contractors and Volunteers

- A. Any contractor or volunteer who has engaged in sexual abuse shall be prohibited from contact with detainees. Each jail shall make reasonable efforts to report to any relevant licensing body, to the extent known, incidents of substantiated sexual abuse by a contractor or volunteer. Such incidents shall also be reported to law enforcement agencies, unless the activity was clearly not criminal. *(115.77 (a))*
- B. Contractors and volunteers suspected of perpetrating sexual abuse shall be removed from all duties requiring detainee contact pending the outcome of an investigation. *(115.77 (b))*
- C. The jail shall take appropriate remedial measures and shall consider whether to prohibit further contact with detainees by contractors or volunteers who have not engaged in sexual abuse but have violated other provisions within these standards. *(115.77 (c))*

115.78 Disciplinary Sanctions for Detainees

- A. Each jail shall subject a detainee to disciplinary sanctions pursuant to a formal disciplinary process following an administrative or criminal finding that the detainee engaged in sexual abuse. *(115.78 (a))*

- B. At all steps in the disciplinary process provided in paragraph (a), any sanctions imposed shall be commensurate with the severity of the committed prohibited act and intended to encourage the detainee to conform with rules and regulations in the future. *(115.78 (b))*
- C. Each jail holding detainees in custody shall have a disciplinary system with progressive levels of reviews, appeals, procedures, and documentation procedure. *(115.78 (c))*
- D. The disciplinary process shall consider whether a detainee's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. *(115.78 (d))*
- E. The jail shall not discipline a detainee for sexual contact with staff unless there is a finding that the staff member did not consent to such contact. *(115.78 (e))*
- F. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. *(115.78 (f))*

115.81 Medical and Mental Health Assessments; History of Sexual Abuse

- A. If the assessment pursuant to §115.41 indicates that a detainee has experienced prior sexual victimization or perpetrated sexual abuse, staff shall, as appropriate, ensure that the detainee is immediately referred to a qualified medical or mental health practitioner for medical and/or mental health follow-up as appropriate. *(115.81 (a))*
- B. When a referral for medical follow-up is initiated, the detainee shall receive a health evaluation no later than two (2) working days from the date of the assessment. *(115.81 (b))*
- C. When a referral for mental health follow-up is initiated, the detainee shall receive a mental health evaluation no later than seventy-two (72) hours after the referral. *(115.81 (c))*

115.82 Access to Emergency Medical and Mental Health Services

- A. Detainee victims of sexual abuse shall have timely, unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. *(115.82 (a))*
- B. Emergency medical treatment services provided to the victim shall be without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. *(115.82 (b))*

115.83 Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers

- A. Each jail shall offer medical and mental health evaluation and, as appropriate, treatment to all detainees who have been victimized by sexual abuse while in immigration detention. *(115.83 (a))*
- B. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. *(115.83 (b))*
- C. The jail shall provide such victims with medical and mental health services consistent with the community level of care. *(115.83 (c))*
- D. Detainee victims of sexually abusive vaginal penetration by a male abuser while incarcerated shall be offered pregnancy tests. If pregnancy results from an instance of sexual abuse, the victim shall receive timely and comprehensive information about lawful pregnancy-related medical services and timely access to all lawful pregnancy-related medical services. *(115.83 (d))*
- E. Detainee victims of sexual abuse while detained shall be offered tests for sexually transmitted infections as medically appropriate. *(115.83 (e))*
- F. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. *(115.83 (f))*
- G. The jail shall attempt to conduct a mental health evaluation of all known detainee-on-detainee abusers within sixty (60) days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. *(115.83 (g))*

115.86 Sexual Abuse Incident Reviews

- A. Each jail shall conduct a sexual abuse incident review at the conclusion of every investigation of sexual abuse and, where the allegation was not determined to be unfounded, prepare a written report within thirty (30) days of the conclusion of the investigation recommending whether the allegation or investigation indicates that a change in policy or practice could better prevent, detect, or respond to sexual abuse. The jail shall implement the recommendations for improvement or shall document its reasons for not doing so in a written response. Both the report and response shall be forwarded to the ICE PSA Coordinator (see **Attachment #3** for contact information). *(115.86 (a))*
- B. The review team shall consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the jail. *(115.86 (b))*

- C. Each jail shall conduct an annual review of all sexual abuse investigations and resulting incident reviews to assess and improve sexual abuse intervention, prevention and response efforts. If the jail has not had any reports of sexual abuse during the annual reporting period, then the facility shall prepare a negative report. The results and findings of the annual review shall be provided to the jail Superintendent, ICE Field Office Director or his or her designee, and the ICE PSA Coordinator (see **Attachment #3** for contact information). (115.86 (c))

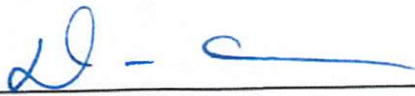
115.87 Data Collection

- A. Each jail shall maintain in a secure area all case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment, if necessary, and/or counseling in accordance with these standards and applicable policies, and in accordance with established schedules. The DHS Office of Inspector General shall maintain the official investigative file related to claims of sexual abuse investigated by the DHS Office of Inspector General. (115.87 (a))
- B. On an ongoing basis, the ICE PSA Coordinator shall work with relevant facility PSA Compliance Managers and DHS entities to share data regarding effective response methods to sexual abuse. (115.87 (b))

ATTACHMENT(S):

- #1 ICE Detainee In-Processing Form
- #2 Log (all strip searches and visual body cavity searches of ICE detainees)
- #3 Contact Information List
- #4 DHS-Prescribed Sexual Assault Awareness Notice (ICE Has Zero Tolerance for Sexual Abuse & Assault) (2 pages)
- #5 U.S. Immigration and Customs Enforcement "Sexual Abuse and Assault Awareness" pamphlet (4 pages)
- #6 ICE Detention Reporting and Information Line (2 pages)
- #7 Department of Homeland Security Office of Inspector General

APPROVED SIGNATURE: _____


Donald Ames,
Assistant Commissioner


Date

**WV DIVISION OF CORRECTIONS & REHABILITATION
ICE Detainee In-Processing Form**

Date/Time of Booking: _____ Facility: _____

Detainee's Name: _____ OID# _____

Detainee's Birth Country: _____ Detainee's Language: _____

Homeland Language Services Line Used: YES or NO (**Circle**)

Staff Interpreter Used: YES or NO (**Circle**) Staff Name: _____

ICE National Detainee Handbook: _____
(which language was given to detainee)

I have received the ICE National Detainee Handbook in a language that I understand.

Detainee's Signature

Date

Sexual Assault Awareness Pamphlet: _____
(which language was given to detainee)

I have received the Sexual Assault Awareness Pamphlet in a language that I understand.

Detainee's Signature

Date

Form Completed By:

Staff Member Name/Title Printed

Signature

Date

U.S. Immigration and Custom Enforcement

ICE Contact Information List

ICE PSA Coordinator	chelsea.y.dennis@ice.dhs.gov
Joint Intake Center	(877) 2INTAKE or 1-877-246-8253
ICE Office of Professional Responsibility	1-833-442-3677
DHS Office of Inspector General	1-800-323-8603
ICE Field Office Director	brian.mcshane@ice.dhs.gov
ICE Enforcement and Removal Operations Field Office Director	brian.mcshane@ice.dhs.gov
ICE Detention Reporting and Information Line	1-888-351-4024



ICE Has **ZERO**
TOLERANCE
for Sexual Abuse & Assault

REPORT AN INCIDENT AND GET HELP:

NOTIFY A STAFF PERSON | TELL AN ICE OFFICIAL | CALL THE TOLL FREE NUMBERS BELOW

1-888-351-4024 or 9116#

ICE's Detention Reporting and Information Line

1-833-4ICE-OPR (833-442-3677)

ICE Office of Professional Responsibility

1-800-323-8603 or 518#

DHS Office of Inspector General

At this facility, contact:

Report Sexual Assault Now

بلغ عن الاعتداء الجنسي الآن

即刻举报性侵犯事件

Rapportez les agressions sexuelles

Denonse agresyon seksyèl touswit

Denuncie crimes sexuais agora

Báo cáo cưỡng hiếp tình dục ngay lập tức

Reporte la agresión sexual ahora



ICE

September 2024



ICE Tiene **CERO**
TOLERANCIA
para Abuso Sexual y Agresión

REPORTE UN INCIDENTE Y RECIBA AYUDA:

NOTIFIQUE AL PERSONAL | DIGALE A UN OFICIAL DE ICE | LLAME A NUESTROS NUMEROS GRATUITOS

1-888-351-4024 or 9116#

Línea de reportes e información de detención de ICE

1-833-4ICE-OPR (833-442-3677)

Oficina de Responsabilidad Profesional de ICE

1-800-323-8603 or 518#

Oficina del Inspector General de DHS
(Usted Puede Llamar Anónimamente)

En estas instalaciones, contacte a:

Reporte la agresión sexual ahora

بلغ عن الاعتداء الجنسي الآن

即刻举报性侵犯事件

Rapportez les agressions sexuelles

Denonse agresyon seksyèl touswit

Denuncie crimes sexuais agora

Báo cáo cưỡng hiếp tình dục ngay lập tức

Report Sexual Assault Now



ICE

September 2024



U.S. Immigration
and Customs
Enforcement

How to Report Sexual Abuse and Assault

If you feel at risk of being victimized, or if you become a victim of sexual abuse or assault, report the incident immediately. There are many options for reporting. Your ICE Detainee Handbook has more information about each of these:

Report to the Facility

1. Tell any trusted staff member at the facility.
2. File an informal or formal grievance (including an emergency grievance) with the facility.

Report to the ICE Field Office

3. Tell any ICE/ERO staff member who visits the facility.
4. File a written informal or formal request or grievance to ICE/ERO.

Report to DHS or ICE Headquarters

5. Contact the ICE Detention Reporting and Information Line: **1-888-351-4024 or 9116#**. Language assistance is available.
6. Contact the DHS Office of Inspector General (OIG):

Write a letter to:

DHS Office of Inspector General
Attention: Office of Investigations Hotline
245 Murray Drive, SW
Building 410/Mail Stop 0305
Washington, DC 20528

Call the toll-free hotline at:

1-800-323- 8603 or 518#

Report to Your Consular Official

7. Call or write to your consular official.

Anonymous Reporting

You do not have to give your name to report a sexual abuse or assault. You can choose to report anonymously to the Detention Reporting and Information Line (DRIL) or the DHS OIG. You can also have somebody else report on your behalf to the facility, ICE Headquarters, or the OIG.

Will this Impact my Immigration Case or Detention?

Any report of sexual abuse, or fear of being abused or assaulted, will **not** negatively affect your immigration case. *No one can retaliate against you in any way for reporting sexual abuse or assault.*

Confidentiality

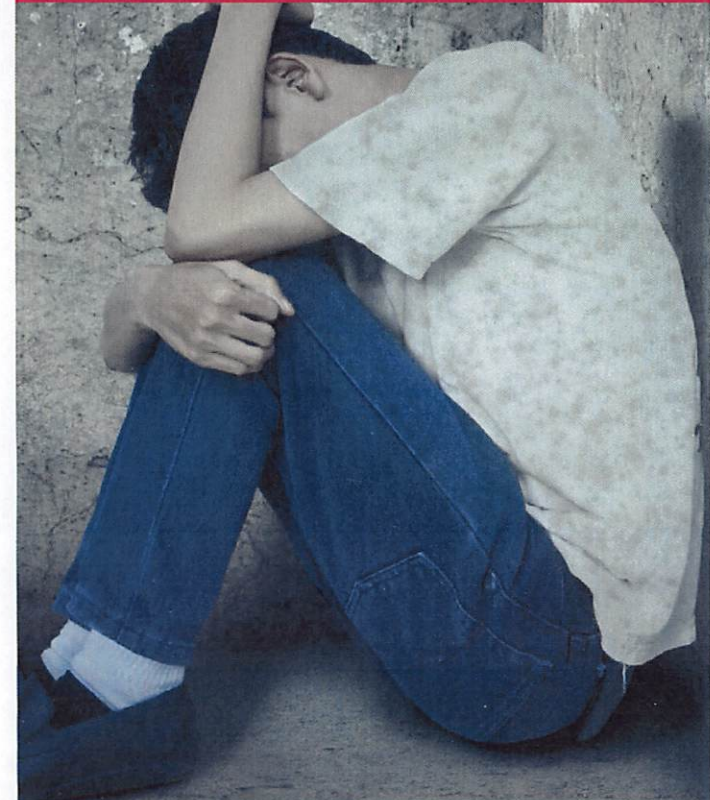
Information concerning your identity and the facts of your report will be limited to only those who need to know.



For more information on this content, please read the ICE Detainee Handbook or ask a trusted facility staff person.



U.S. Immigration
and Customs
Enforcement



**SEXUAL ABUSE
and ASSAULT
AWARENESS**

www.ICE.gov

What is Sexual Abuse and Assault

Detainee-on-detainee sexual abuse and assault:

All forms of sexual abuse and assault by a detainee against another detainee(s) are prohibited. If another detainee forces you or tries to force you to engage in a sex act, touches the sexual parts of your body, forces you or tries to force you to touch the sexual parts of their body, or uses threats or intimidations to pressure you to engage in sex, it is sexual abuse.

Staff-on-detainee sexual abuse and assault:

All forms of sexual acts between a detainee and a staff member (including contract guards, medical professionals, and volunteers) are prohibited and against the law, regardless of whether they are consensual. If a staff member tries to or actually does have sex with you, intentionally touches you in a sexual manner, makes sexual advances or repeated sexual comments, displays his or her genitals, or engages in voyeurism, it is sexual abuse.



If You Are a Victim of Sexual Abuse or Assault

Whatever your reactions or fears, it is important to understand that you are not to blame. Sexual abuse can violate your sense of safety and trust. You may feel shocked, angry, anxious, depressed, or guilty. You may also experience a variety of physical reactions, from changes in eating and sleeping patterns to nightmares or flashbacks. These reactions are normal, and help is available. The facility and ICE will help you get support and offer resources specific to your needs.

What Support Can You Expect from ICE and the Facility

You will be offered immediate protection from the perpetrator and you will be referred for a medical examination, when appropriate. You will also be offered mental health services and outside victim services. Some victims may also be encouraged to receive a sexual assault forensic medical exam, which can help in criminally prosecuting the perpetrator.

How Will Reports be Investigated?

When you report a sexual abuse or assault incident the facility and/or an appropriate law enforcement agency will conduct an investigation. You may be asked to participate in an interview to gather information. ICE will inform you of the result of any investigation once it is completed.

There is a difference between reporting the incident and choosing to press charges. You may choose not to immediately press charges, but you can always decide to do so later. If criminal charges are filed, it will be presented for possible prosecution. It is important for you to discuss any concerns you have with the prosecutor (or your attorney) or a victim advocate.

How Can I Protect Myself from Sexual Abuse or Assault?

Sexual abuse and assault is never the victim's fault. Knowing the warning signs and red flags can help you stay alert and aware:

1. Report concerns.
2. Carry yourself in a confident manner. Many abusers choose victims who look like they would not fight back or who they think are emotionally weak.
3. Do not accept gifts or favors from others. Gifts or favors can come with demands or terms that the giver expects you to accept.
4. Do not accept an offer from another detainee to be your protector.
5. Find a staff member with whom you feel comfortable discussing your fears and concerns.
6. Do not use drugs or alcohol; these can weaken your ability to stay alert and make good judgments.
7. Be clear, direct and firm. Do not be afraid to say "no" or "stop it now."
8. Choose your associates wisely. Look for people who are involved in positive activities like educational programs, work opportunities or counseling groups. Get yourself involved in these activities, if they are available at your facility.
9. If you suspect another detainee is being sexually abused or assaulted, report it using one of the methods listed in this pamphlet.
10. Trust your instincts. Be aware of situations that make you feel uncomfortable. If it does not feel right or safe, leave the situation or seek assistance. If you fear for your safety, report your concerns to staff.



Como Reportar un Abuso o una Agresión Sexual

Si usted se siente a riesgo de ser victimizado o si usted se convierte en una víctima de abuso o agresión sexual, reporte el incidente inmediatamente. Hay muchas opciones para reportar. Su Manual para los Detenidos de ICE contiene más información acerca de éstas:

Repórtelo al Centro

1. Dígaselo a cualquier empleado de confianza del centro.
2. Entregue una queja formal o informal (incluyendo una queja de emergencia) en el centro.

Repórtelo a la Oficina Regional de ICE

3. Dígaselo a cualquier empleado de ICE/ERO que visite el centro.
4. Entregue una petición o queja informal o formal a ICE/ERO.

Repórtelo a las Oficinas Centrales de DHS o ICE

5. Contacte la Línea de Reportes e Información de Detención de ICE: **1-888-351-4024 o 9116#**. Hay asistencia de idiomas.
6. Contacte la Oficina del Inspector General de DHS (OIG por sus siglas en inglés):

Envíe una carta a:

DHS Office of Inspector General
Attention: Office of Investigations Hotline
245 Murray Drive, SW
Building 410/Mail Stop 0305
Washington, DC 20528

Llame gratuitamente a la línea de asistencia:

1-800-323- 8603 o 518#

Repórtelo a su Oficial Consular

7. Llame o escribale a su oficial consular.

Reportar Anónimamente

Usted no tiene que dar su nombre para reportar un abuso o asalto sexual. Usted puede elegir reportar anónimamente a la Línea de información y denuncias del Centro de Detenciones del ICE (DRIL) o al DHS OIG. Usted también puede hacer que otra persona lo reporte por usted a las Oficinas Centrales de ICE o al OIG por usted.

¿Esto impactará mi caso de inmigración o detención?

Cualquier reporte de abuso sexual o temor de ser abusado o agredido **no** afectará negativamente su caso de inmigración. *Nadie podrá tomar ninguna represalia en contra de usted por haber reportado un abuso o una agresión sexual.*

Confidencialidad

La información concerniente a su identidad y los hechos de su reporte serán limitados a quienes necesitan saberlos.



Para más información sobre este tema, por favor lea el Manual para los detenidos de ICE o pregúntele a un empleado de confianza del centro.

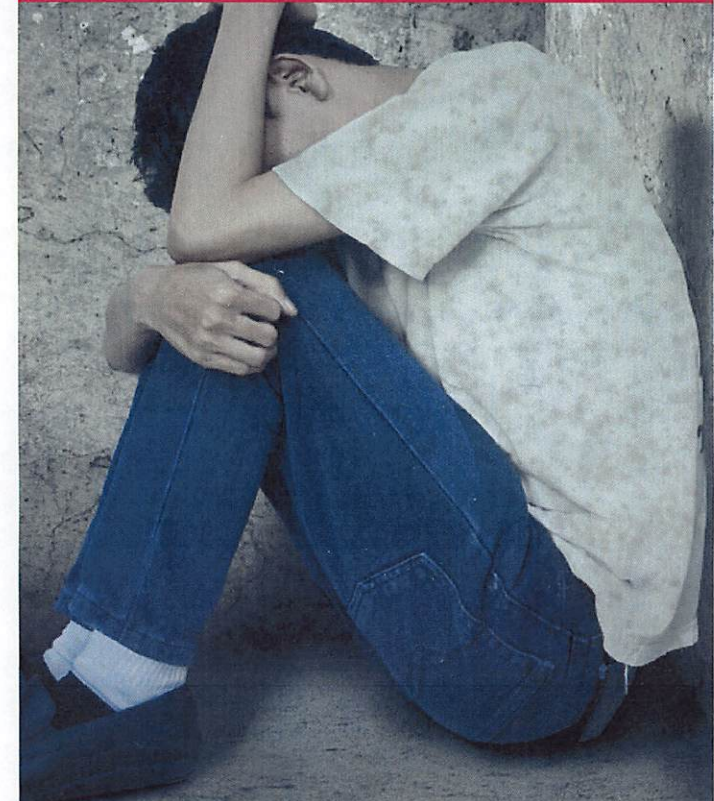


U.S. Immigration
and Customs
Enforcement

*Este folleto está destinado a ser distribuido como un folleto tríptico.



U.S. Immigration
and Customs
Enforcement



**CONOCIMIENTO
DEL ABUSO Y LA
AGRESIÓN
SEXUAL**

www.ICE.gov

¿Qué es el abuso y la agresión sexual?

Abuso y agresión sexual por parte de un detenido hacia otro detenido:

Todos los tipos de abuso y agresión sexual por parte de un detenido hacia otro detenido son prohibidos. Si un detenido lo fuerza o intenta forzarlo a participar en cualquier acto sexual, le toca las partes sexuales del cuerpo, lo fuerza a tocarle las partes sexuales de su cuerpo o usa amenazas o intimidación para presionarlo a participar en relaciones sexuales, eso es un abuso sexual.

Abuso o agresión sexual por parte de un empleado hacia un detenido:

Todos los tipos de actos sexuales entre un detenido y un empleado (incluyendo los guardias contratistas, profesionales médicos y voluntarios) son prohibidos y contrarios a la ley, aún si son con consentimiento. Si un empleado intenta o logra tener sexo con usted, intencionalmente lo toca en una manera sexual, le hace proposiciones sexuales o comentarios sexuales repetidos, le muestra su área genital o participa en voyerismo, es un abuso sexual.



Si usted es una víctima de abuso o agresión sexual

Cualesquiera que sean sus reacciones o temores, es importante que entienda que no es culpable. El abuso sexual puede violar su sentido de seguridad y confianza. Puede ser que usted se sienta ofendido, bravo, ansioso, deprimido o culpable. Puede ser que usted también experimente una variedad de reacciones físicas, desde cambios en sus hábitos de comer y dormir hasta pesadillas y flashbacks. Estas reacciones son normales y hay ayuda disponible. El centro y ICE le ayudarán a conseguir apoyo y ofrecen recursos específicos para sus necesidades.

¿Qué apoyo puede esperar de ICE y su centro?

Se le ofrecerá protección inmediata del culpable y usted será referido para un examen médico, cuando sea apropiado. También se le ofrecerán servicios de salud mental y servicios externos para las víctimas. A algunas víctimas también se les recomendará que reciban un examen de medicina forense de abuso sexual, lo cual puede ayudar a procesar criminalmente al culpable.

¿Cómo se investigarán los reportes?

Cuando usted reporte un incidente de abuso o agresión sexual, el centro y/o una agencia adecuada del cumplimiento de la ley realizará una investigación. Puede ser que se le pida que participe en una entrevista para coleccionar información. ICE le informará el resultado de cualquier investigación una vez que ésta haya terminado.

Hay una diferencia entre reportar el incidente y elegir poner cargos. Puede ser que usted elija no poner cargos inmediatamente, pero usted siempre podrá decidir hacerlo luego. Si se formulan cargos criminales, se presentarán para un posible enjuiciamiento. Es importante que usted discuta cualquier preocupación que tenga con el fiscal (o su abogado) o un defensor de víctimas.

¿Cómo puedo protegerme del abuso o la agresión sexual?

El abuso y la agresión sexual nunca son culpa de la víctima. El conocer las señales de alerta y actitudes sospechosas pueden ayudarle a mantenerse alerta y consciente:

1. Reporte sus preocupaciones.
2. Compórtese con firmeza. Muchos abusadores eligen víctimas que lucen como que no se defenderían o que ellos perciben como débiles.
3. No acepte regalos o favores de otros. Los regalos o los favores pueden venir con demandas o términos con los cuales el donante espera que usted cumpla.
4. No acepte una oferta por parte de otro detenido para ser su protector.
5. Busque un empleado con el cual usted se siente cómodo discutiendo sus temores y preocupaciones.
6. No use drogas o alcohol. Estos puede debilitar sus habilidades para mantenerse alerta y tener buen juicio.
7. Sea claro, directo y firme. No tema decir “no” o “pare ya”.
8. Elija cuidadosamente sus asociados. Busque personas que estén involucradas en actividades positivas como los programas educacionales, oportunidades de empleo o grupos de asesoramiento. Involúcrese en estas actividades, si están disponibles en su centro.
9. Si usted sospecha que otro detenido está siendo abusado o agredido sexualmente, repórtelo usando uno de los métodos listados en este panfleto.
10. Confíe en sus instintos. Esté consciente de situaciones que lo hacen sentirse incómodo. Si no se siente bien o seguro, apártese de la situación o busque asistencia. Si teme por su seguridad, repórtelo a un empleado.



Ya Basta



Report your concerns

يرجى الإبلاغ عن مخاوفك

报告您的顾虑

Signalez vos préoccupations

Rapòte enkyetid ou

Apresente suas denúncias

Báo cáo quan ngại của quý vị

Expresse sus inquietudes

ICE Detention Reporting and Information Line

Dial: 9116# or



Detention Pro Bono Access Code

or 1-888-351-4024

Call to:

- Obtain **basic immigration case information**. For information on your next court date please call 1-800-898-7180.
- Report an incident of **sexual or physical assault or abuse**.
- Report **serious or unresolved problems in detention**.
- Report that you are a **victim of human trafficking or other crimes**.
- Obtain assistance in **locating and contacting a separated child** in the custody of U.S. Health and Human Services Office of Refugee Resettlement.
- Report that you have a **serious mental disorder or condition**. If you believe the disorder or condition impacts your ability to represent yourself or participate in an immigration court case, you should also notify the immigration judge.

ICE does not discriminate based on **disability**. Under federal law and through ICE policy, you have the right to make verbal or written disability-related accommodation requests to facility staff and/or ICE personnel, and to receive disability-related accommodations to access the facility's programs and activities. You may address your disability accommodation matters through the facility grievance process, by contacting ICE, and/or the Office of Inspector General.

If you need urgent assistance, including a medical emergency please contact your facility staff immediately!

Language assistance, including Spanish-speaking operators, is available.



ICE Enforcement and Removal Operations
Committed to transparency, collaboration, and resolving concerns



Expresar sus inquietudes

يرجى الإبلاغ عن مخاوفك

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Report Your Concerns

Línea de Información y Comunicación para los Detenidos de ICE

Marque 9116# o

Código de acceso Pro Bono del centro de detención

O llame al 1-888-351-4024

Llame para:

- Obtener **información básica de casos de inmigración**. Para obtener información sobre su próxima cita ante el tribunal, reportar un incidente de favor llame al 1-800-898-7180.
- Reportar un incidente de **agresión o abuso físico o sexual**.
- Reportar **problemas graves o no resueltos en la detención**.
- Informar que usted es una **víctima de tráfico de personas u otros crímenes**.
- Obtener ayuda para **localizar y contactar a un menor separado** bajo la custodia con la Oficina de Reasentamiento de Refugiados, del Departamento de Servicios para la Salud y los Humanos de los Estados Unidos.
- Informar que usted tiene un **trastorno o condición mental grave**. Si usted cree que el trastorno o condición afecta su capacidad para representarse a sí mismo o participar en un caso judicial de inmigración, también debe notificar al juez de inmigración.

ICE no discrimina basado en la **discapacidad**. Bajo la ley federal y por medio de las reglas de ICE, usted tiene el derecho de hacer solicitudes verbales o escritas de acomodación relacionadas con la discapacidad al personal de la institución y / o personal de ICE y recibir acomodaciones relacionadas con la discapacidad para acceder los programas y actividades de la institución. Usted puede dirigir sus asuntos de la adaptación de discapacidad a través del proceso de queja de la institución, entrando en contacto con ICE, y / o con la Oficina del Inspector General.

Si necesita asistencia urgente, incluyendo una emergencia médica, ¡comuníquese con el personal de su centro inmediatamente!

Se ofrece asistencia lingüística, incluyendo operadores de habla español.



Oficina de Detención y Deportación de ICE

Comprometidos a la transparencia, colaboración y resolución de asuntos

DEPARTMENT OF HOMELAND SECURITY OFFICE OF INSPECTOR GENERAL



The DHS OIG works with DHS employees, contractors and the public to protect the integrity, effectiveness and efficiency of DHS programs. Report suspected criminal violations, misconduct, wasteful activities, and allegations of civil rights and civil liberties to the DHS OIG Hotline.

La Oficina del Inspector General (OIG) del Departamento de Seguridad Nacional (DHS), colabora con los empleados y contratistas del Departamento y el público para proteger la integridad, eficacia y eficiencia de los programas de DHS. Reporte cualquier sospecha de violación criminal, mala conducta, actividad de despilfarro, ó alegación de abuso de derechos civiles ó libertad civil a la línea directa de DHS OIG.

Website/Sitio Web: WWW.OIG.DHS.GOV
Call/Llame: 1-800-323-8603 Toll Free/Gratis
TTY: 1-844-889-4357 Toll Free/Gratis
Fax: 202-254-4297
U.S. Mail/Correo Postal:
DHS Office of Inspector General/MAIL STOP 0305
Attn: Office of Investigations - Hotline
245 Murray Lane SW
Washington, DC 20528-0305

Complaints may be made anonymously and confidentially.
Puede comunicarse de forma anonima y confidencial.