



**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS
INTERIM POLICY AND PROCEDURES MEMORANDUM**

APPROVED BY:

Dean R. Williams
Dean R. Williams, Commissioner

DATE:

12/22/2016

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MEMO TYPE:

Public

MEMO TITLE:

Prisoner Grievances Regarding Sexual Abuse

MEMO ATTACHMENTS / FORMS:

(None.)

AUTHORITY / REFERENCES:

22 AAC 05.155	AS 33.30.021
AS 33.05.010	AS 44.28.030
AS 33.16.180	28 CFR Ch. 1 § 115.52
AS 33.30.011	DOC P&P 104.01

PURPOSE:

The purpose of this Interim Policy And Procedures Memorandum (IPPM) is to place additional language into existing policy that will meet the requirements of the Federal 2003 Prison Rape Elimination Act (PREA) regarding prisoner grievances and the reporting of sexual abuse.

APPLICATION:

This IPPM applies to all Department employees and prisoners.

EXISTING DOC POLICY & PROCEDURES MODIFIED:

This IPPM modifies language found in DOC P&P 808.03, Prisoner Grievances. Specifically language found in Procedures section VII (A) 1 (a) and (b), and section VII (A) 2 (d) and (D) 2.

DEFINITIONS:

Sexual Abuse:

The forcing of unwanted sexual acts by one person on another, if the victim does not consent or is coerced into such acts by overt or implied threats of violence, or is unable to consent or refuse.

Sexual Acts:

Contact between the penis and the vulva or the penis and the anus, including penetration, however slight. Also, contact between the mouth and the penis, vulva, or anus. Furthermore, penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument. Also includes any other intentional touching, either directly or through the clothing of the genitalia, anus, groin, breasts, inner thigh or the buttocks of another person, excluding contact incidental to physical altercation.

NEW PROCEDURES:

- I. No time frames shall be imposed in regards to when a grievance can be filed concerning sexual abuse.
- II. Prisoners are not required to informally resolve a grievance regarding sexual abuse.

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- III. Third parties, including other prisoners, staff members, family members, attorneys and outside advocates, shall be permitted to assist prisoners in filing request for administrative remedies relating to allegations of sexual abuse and shall also be permitted to file such requests on behalf of prisoners.
- IV. Grievances that allege sexual abuse will be immediately forwarded to the Superintendent or designee and the institutions PREA Compliance Manager for review.
 - A. The allegation shall be referred to the State PREA Coordinator for case assignment.
 - B. The State PREA Coordinator shall notify the Division Director.
 - C. All other procedures and timelines stated within policy remain in effect.
 - D. All procedure and timelines stated within DOC P&P 104.01, Special Incident Reporting remain in effect.
- V. If an emergency grievance alleges sexual abuse or the sexual safety of the prisoner, a written decision regarding the grievance shall be issued to the prisoner within five (5) calendar days.