

Minnesota Department of Corrections

Sexual Abuse Prevention and Intervention



**An Overview for Offenders
Know Your Rights & Responsibilities**

What is Sexual Misconduct?

Sexual misconduct is sexual abuse. It includes sexual activity between two offenders and sexual activity between staff and offenders or supervised releasees.

- Sexual abuse between two offenders is when one or more offender(s) involved or attempting to become involved in a sexual act with another offender, or the use of threats, intimidation, inappropriate touching, or other actions or discussion by one or more offenders aimed at forcing and/or pressuring another offender to participate in a sexual act.
- Sexual abuse, to an offender or supervised releasee, by staff includes asking for or attempting to participate in a sexual act with any offender or supervised releasee or intentional touching of the offender 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 an offender for refusing sexual advances, invasion of privacy and threatening the offender's safety and security. It includes disrespect, threatening, sexual comments, or excessive friendly time spent with offenders 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 offender 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?

Offenders 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?

Although you may agree to the sexual activity, DOC Policy and Procedure #103.223 says there can be no sexual activity between offenders/supervised releasees, staff, contractors, or volunteers. 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 employee 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.

The Department of Corrections will seek termination and criminal prosecution of state employees, contractors, or volunteers determined to be in violation of department policy and/or state statute.

What Do I Do If I Am Abused or Harassed?

People who sexually abuse offenders 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 in order 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 offenders 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 in order for the medical information to be used as evidence in sexual misconduct. You have the right to refuse to sign the medical release.

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 in order to protect yourself and others from future attacks. Persons who sexually abuse offenders/supervised releasees can only be disciplined and/or prosecuted if the abuse is reported and they are identified.

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. Offenders and supervised releasees can report sexual misconduct by calling the DOC Sexual Assault Helpline. For incarcerated offenders, this toll-free service can be accessed from any DOC offender 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 offender. Offenders 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 offenders recover from the emotional impact of sexual assault. Supervised releasees can seek help from local mental health agencies. Offenders 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 an offender/supervised releasee. Even if the offender/releasee wants to be involved with the staff person, the staff person is not allowed to respond.

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

IMPORTANT CONTACT INFORMATION

DOC SEXUAL ASSAULT HELPLINE
(651)603-6798

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