

	<p align="center">CORPORATE POLICY & PROCEDURE MANUAL</p> <p>CHAPTER: 05 - Oversight</p> <p>TITLE: 5.1.2 - Zero Tolerance Policy Towards Sexual Abuse and Harassment</p>	<p><u>NUMBER:</u> 5.1.2</p> <p><u>SUPERSEDES:</u> 4/17/15</p> <p><u>EFFECTIVE:</u> 01/08/2021</p>
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I. POLICY

The GEO Group, Inc. (GEO) mandates zero tolerance towards all forms of sexual abuse and sexual harassment in all its facilities. It is the policy of GEO that sexual conduct between employees, volunteers, or contractors and individuals in a GEO facility, regardless of consensual status is prohibited and subject to administrative and criminal disciplinary sanctions. This prohibition includes conversations or correspondence of a romantic and/or sexual nature. All employees, contractors, and volunteers are expected to have a clear understanding that GEO strictly prohibits any type of sexual relationship with individuals in a GEO facility. These relationships will not be tolerated and shall be considered a serious breach of GEO policies.

Engaging in a romantic and/or sexual relationship with individuals in a GEO facility may result in employment termination, termination of the contract or volunteer status, and/or criminal charges. GEO staff must take prudent measures to ensure the safety of employees, contractors, volunteers, and individuals in a GEO facility.

All employees, contractors and volunteers have an affirmative duty to immediately report all allegations or knowledge, suspicion or information of sexual abuse, sexual harassment, romantic, or sexual contact that takes place within any GEO facility. All cases of alleged sexual conduct shall be thoroughly investigated. Retaliation against individuals for filing a complaint and/or cooperating with an investigation will not be tolerated. Upon substantiation of any allegations of sexual conduct, appropriate disciplinary actions will be taken against employees, contractors or volunteers, including possible criminal prosecution.

II. POLICY COMPONENTS

Due to client contract requirements, some facilities may be required to follow specific client policies. If for some reason, client policy is less restrictive than section 28 C.F.R. Part 115 of the Department of Justice (DOJ) National Prison Rape Elimination Act of 2003 (PREA) Standards or section 6 C.F.R. Part 115 of the U.S. Department of Homeland Security (DHS) Sexual Abuse and Assault Prevention and Intervention (SAAPI) standards, the PREA or SAAPI standards shall prevail. If client policy is more restrictive, the more restrictive policy shall prevail. Each GEO operational subsidiary, business unit or program shall have a current, site-specific policy in place that includes the following:

- A. When a GEO operational subsidiary, business unit or program falls within the scope of

the PREA or SAAPI standards; the applicable standards should be incorporated into the site-specific policy;

- B.** Employees, contractors and volunteers are informed of GEO’s zero tolerance policy regarding sexual abuse and sexual harassment;
- C.** Individuals in a GEO facility or program are informed of GEO’s zero tolerance policy regarding sexual abuse and sexual harassment;
- D.** Standard procedures are in place to detect and prevent sexual abuse and sexual harassment in all GEO facilities;
- E.** Victims of sexual abuse and sexual harassment receive a prompt and effective response to their physical, psychological, and security needs;
- F.** Reported allegations of sexual abuse and sexual harassment receive prompt intervention; and,
- G.** Perpetrators of substantiated sexual abuse and sexual harassment allegations are disciplined, and when appropriate, referred for prosecution in accordance with GEO policy, federal, state or local laws.

III. DEFINITIONS

A. General Definitions¹

- 1. Agency²** means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.
- 2. Agency head** means the principal official of an agency.
- 3. Community confinement facility** means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment,

¹ 28 CFR § 115.5

² Agency will be referred to as “the GEO Group (GEO)” in this policy.

educational programs, or similar facility-approved programs during nonresidential hours.

4. **Contractor** means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.
5. **Detainee**³ means any person detained in a lockup, regardless of adjudication status.
6. **Direct staff supervision** means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.
7. **Employee** means a person who works directly for the agency or facility.
8. **Exigent circumstances** means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.
9. **Facility** means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.
10. **Facility head** means the principal official of a facility (Facility director or administrator).
11. **Full compliance** means compliance with all material requirements of each standard except for de minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance.
12. **Gender nonconforming** means a person whose appearance or manner does not conform to traditional societal gender expectations.
13. **Inmate**⁴ means any person incarcerated or detained in a prison or jail.
14. **Intersex** means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
15. **Jail** means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

³ Detainees are referred to as individuals in this policy.

⁴ Inmates are referred to as "individuals" in this policy.

- 16. Juvenile** means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
- 17. Juvenile facility** means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.
- 18. Law enforcement staff** means employees responsible for the supervision and control of detainees in lockups.
- 19. Lockup** means a facility that contains holding cells, cell blocks, or other secure enclosures that are:
- (1) Under the control of a law enforcement, court, or custodial officer; and
 - (2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.
- 20. Medical practitioner** means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
- 21. Mental health practitioner** means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
- 22. Pat-down search** means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.
- 23. Prison** means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.
- 24. Resident**⁵ means any person confined or detained in a juvenile facility or in a community confinement facility.
- 25. Secure juvenile facility** means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the

⁵ Residents are referred to as “individuals” in this policy.

use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

26. **Security staff** means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.
27. **Staff** means employees.
28. **Strip search** means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.
29. **Substantiated allegation** means an allegation that was investigated and determined to have occurred.
30. **Transgender** means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
31. **Unfounded allegation** means an allegation that was investigated and determined not to have occurred.
32. **Unsubstantiated allegation** means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
33. **Volunteer** means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.
34. **Youthful inmate** means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.
35. **Youthful detainee** means any person under the age of 18 who is under adult court supervision and detained in a lockup.

B. Definitions Related to Sexual Abuse and Harassment⁶

Sexual Abuse includes –

⁶ 28 CFR § 115.6

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual Harassment includes -

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

IV. POLICY SUBSECTIONS

- 5.1.2 – A: U.S. Secure Services and Reentry Services
- 5.1.2 – B: Youth Services
- 5.1.2 – C: Lockups
- 5.1.2 – D: U.S. Immigration and Customs Enforcement (ICE)
- 5.1.2 – E: Investigations (non-ICE)
- 5.1.2 – F: Investigations (ICE)



APPROVED: _____

Amber Martin, Policy Director

	CORPORATE POLICY MANUAL	NUMBER: 5.1.2
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EFFECTIVE: _____ January 8, 2021____

POLICY OWNER: Daniel Ragsdale, Executive Vice President, Contract Compliance

REFERENCES:

ACRS: 4-ACRS-6A-05, 4-ACRS-7B-17, 4-ACRS-7B-17-1

ACI: 5-ACI-1C-09, 5-ACI-3D-09 THROUGH 5-ACI-3D-16

ALDF: 4-ALDF-2A-29, 4-ALDF-4D-22-1 THROUGH 4-ALDF-4D-22-8, 4-ALDF-7E-01

GEO: 5.1.1-A Quality Control Procedure