



**SURVEY OF SEXUAL VICTIMIZATION: 2023**

**Substantiated Incident Form (Adult)**

U.S. DEPARTMENT OF JUSTICE  
BUREAU OF JUSTICE STATISTICS  
and ACTING AS COLLECTION AGENT  
U.S. DEPT. OF COMMERCE  
U.S. CENSUS BUREAU

Incident Number 1 out of 1

**1. Did the incident include repeated behaviors?**

01  Yes 02  No

If "Yes" → a. On approximately, how many different dates did it occur? . . . 1

→ b. On what date did the most recent incident occur?

Month Day Year  
              

If "No" → a. On what date did the incident occur?

Month Day Year  
              

**2. In what facility did the incident occur?**

Name CCP West

City Warm Springs State MT

**3. Where did the incident occur? (Mark all that apply.)**

- 01  In the victim's cell or room (If the victim and perpetrator share a cell or room, count as the victim's cell)
- 02  In the perpetrator's cell or room
- 03  In a dormitory or other multiple housing unit
- 04  In a common area (e.g., shower, dayroom, bathroom)
- 05  In a temporary holding cell or intake area within the facility
- 06  In a program service area (e.g., commissary, kitchen, storage, laundry, cafeteria, workshop, hallway)
- 07  In an instructional area (e.g., classroom, school, library, conference room)
- 08  In a recreation area (e.g., yard, courtyard, gymnasium)
- 09  In a medical area (e.g., infirmary, health clinic)
- 10  In a staff area (e.g., office, break room, counselor's office)
- 11  Off-site or while in transit
- 12  Other – Specify
- 13  Location unknown
- 14  Location not applicable (e.g., involved written, phone, or virtual communication)

**4. Did the incident take place in an area subject to video monitoring? (Mark all that apply.)**

01  Yes 03  Unknown  
02  No

**5. What time did the incident occur? (Mark all that apply.)**

- 01  Morning (6 a.m. to 11:59 a.m.)
- 02  Afternoon (noon to 5:59 p.m.)
- 03  Evening (6 p.m. to 11:59 p.m.)
- 04  Overnight (midnight to 5:59 a.m.)
- 05  Time unknown

**6. Who reported the incident? (Mark all that apply.)**

- 01  Victim
- 02  Another inmate (nonvictim)
- 03  Victim's family, friend, or legal guardian
- 04  Correctional officer or front-line staff
- 05  Administrative staff
- 06  Medical, healthcare, or mental health staff
- 07  Instructor, teacher, or counselor
- 08  Other staff (e.g., kitchen worker, maintenance staff)
- 09  Chaplain or other religion official
- 10  Perpetrator
- 11  Perpetrator's family, friend, or legal guardian
- 12  Grievance coordinator, grievance process, or ombuds
- 13  Attorney (victim's or perpetrator's)
- 14  Confidential informant, anonymous tip, hotline, or through monitoring (e.g., camera, telephone, or mail)
- 15  Other – Specify

**7. What was the type of sexual victimization incident? (See definitions on page 9.)**

- 01  Inmate-on-inmate sexual abuse  
→ **Complete sections A and B**
- 02  Inmate-on-inmate sexual harassment  
→ **Complete sections A and B**
- 03  Staff-on-inmate sexual abuse  
→ **Complete sections A and C**
- 04  Staff-on-inmate sexual harassment  
→ **Complete sections A and C**

**Burden Statement**

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.



Section A VICTIMS OF SEXUAL VICTIMIZATION

**8. How many victims were involved in the incident?**

Number of victims . . . . 1

→ If more than two victims were involved, please complete this form online.

**9. Victim #1: What was the victim's sex assigned at birth?**

Sex is a multidimensional construct based on a cluster of anatomical and physiological traits that include external genitalia, secondary sex characteristics, gonads, chromosomes, and hormones.

- 01  Male
- 02  Female

**10. Victim #1: What was the victim's gender identity?**

Gender identity is a person's core internal understanding or sense of who they are regardless of sex assigned at birth.

- 01  Male
- 02  Female
- 03  Transgender (A person whose gender identity is different from the person's sex assigned at birth.)
- 04  Intersex (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 differences in sex development.)
- 05  Gender nonconforming (A person whose gender identity does not conform to traditional societal gender expectations.)
- 06  Other – Specify \_\_\_\_\_
- 07  Unknown

**11. Victim #1: What was the victim's age at the time of the incident?**

21 years

**12. Victim #1: What was the victim's race or ethnicity? (Mark all that apply.)**

- 01  White
- 02  Black or African American
- 03  Hispanic or Latino
- 04  American Indian or Alaska Native
- 05  Asian
- 06  Native Hawaiian or Pacific Islander
- 07  Middle Eastern or North African
- 08  Other racial category in your information system – Specify z

**13. Victim #1: What was the victim's citizenship?**

- 01  A U.S. citizen
- 02  Not a U.S. citizen
- 03  Of unknown citizenship status

**14. Victim #1: Was the victim identified as having any of the following disabilities at the time of the incident? (Mark all that apply.)**

Disability is defined as (a) A physical or mental impairment that substantially limits one or more of the major life activities of [an] individual, (b) a record of such an impairment, or (c) being regarded as having such an impairment.

- 01  A serious and persistent mental illness (e.g., bipolar disorder, major depression, obsessive compulsive disorder, post-traumatic stress disorder, schizophrenia, etc.)
- 02  A cognitive impairment or intellectual disability (e.g., ADHD, autism spectrum disorder, dementia, a learning disability, etc.)
- 03  A physical impairment or disability (e.g., back or spinal injury, blindness or low vision, deafness or hearing loss, diabetes, epilepsy, heart disease, mobility impairments, etc.)

**15. Victim #1: Did the victim sustain any physical injury during the incident?**

- 01  Yes
- 02  No
- 03  Unknown

If "Yes" → a. What injuries occurred? (Mark all that apply.)

- 01  Bruises, black eye, sprains, cuts, scratches, swelling, welts
- 02  Bites
- 03  Burns
- 04  Chipped or knocked out teeth
- 05  Anal or vaginal tearing
- 06  Knocked unconscious
- 07  Broken bones
- 08  Knife or stab wounds
- 09  Internal injuries
- 10  Other – Specify z

→ b. Did the victim receive medical treatment for these injuries?

- 01  Yes
- 02  No
- 03  Unknown

**16. Victim #1: After the incident was reported, was the victim – (Mark all that apply.)**

- 01  Provided with counseling or mental health treatment
- 02  Given a medical examination
- 03  Administered a sexual assault kit
- 04  Given post-exposure prophylaxis (PEP) and/or emergency contraception
- 05  Given a pregnancy test
- 06  Tested for HIV/AIDS
- 07  Tested for other sexually transmitted infections
- 08  Offered but declined testing or treatment and/or counseling
- 09  Already released/discharged
- 10  None of the above



Section A VICTIMS OF SEXUAL VICTIMIZATION

**17. Victim #1: After the incident was reported, was the victim – (Mark all that apply.)**

- 01  Separated from perpetrator
  - 02  Confined to own cell or room
  - 03  Placed in or returned to restrictive housing
  - 04  Placed in a medical unit, ward, or hospital
  - 05  Placed in camera room, under close surveillance, or increased supervision
  - 06  Transferred to another housing unit or dorm, or given a single room or cell
  - 07  Given a higher custody level or different unit within the facility
  - 08  Transferred to another facility
  - 09  Issued disciplinary report or loss of privileges
  - 10  Other – Specify
- \_\_\_\_\_
- 11  None of the above

→ If there were no other victims, please skip to Section B on pages 4-5 if the incident involved an inmate perpetrator or Section C on pages 6-7 if the incident involved a staff perpetrator.

**18. Victim #2: What was the victim's sex assigned at birth?**

- 01  Male
- 02  Female

**19. Victim #2: What was the victim's gender identity?**

- 01  Male
  - 02  Female
  - 03  Transgender
  - 04  Intersex
  - 05  Gender nonconforming
  - 06  Other – Specify
  - 07  Unknown
- \_\_\_\_\_

**20. Victim #2: What was the victim's age at the time of the incident?**

   years

**21. Victim #2: What was the victim's race or ethnicity? (Mark all that apply.)**

- 01  White
  - 02  Black or African American
  - 03  Hispanic or Latino
  - 04  American Indian or Alaska Native
  - 05  Asian
  - 06  Native Hawaiian or Pacific Islander
  - 07  Middle Eastern or North African
  - 08  Other racial category in your information system – Specify
- \_\_\_\_\_

**22. Victim #2: What was the victim's citizenship?**

- 01  A U.S. citizen
- 02  Not a U.S. citizen
- 03  Of unknown citizenship status

**23. Victim #2: Was the victim identified as having any of the following disabilities at the time of the incident? (Mark all that apply.)**

- 01  A serious and persistent mental illness (e.g., bipolar disorder, major depression, obsessive compulsive disorder, post-traumatic stress disorder, schizophrenia, etc.)
- 02  A cognitive impairment or intellectual disability (e.g., ADHD, autism spectrum disorder, dementia, a learning disability, etc.)
- 03  A physical impairment or disability (e.g., back or spinal injury, blindness or low vision, deafness or hearing loss, diabetes, epilepsy, heart disease, mobility impairments, etc.)

**24. Victim #2: Did the victim sustain any physical injury during the incident?**

- 01  Yes
- 02  No
- 03  Unknown

If "Yes" → a. What injuries occurred? (Mark all that apply.)

- 01  Bruises, black eye, sprains, cuts, scratches, swelling, welts
  - 02  Bites
  - 03  Burns
  - 04  Chipped or knocked out teeth
  - 05  Anal or vaginal tearing
  - 06  Knocked unconscious
  - 07  Broken bones
  - 08  Knife or stab wounds
  - 09  Internal injuries
  - 10  Other – Specify
- \_\_\_\_\_

→ b. Did the victim receive medical treatment for these injuries?

- 01  Yes
- 02  No
- 03  Unknown

**25. Victim #2: After the incident was reported, was the victim – (Mark all that apply.)**

- 01  Provided with counseling or mental health treatment
- 02  Given a medical examination
- 03  Administered a sexual assault kit
- 04  Given post-exposure prophylaxis (PEP) and/or emergency contraception
- 05  Given a pregnancy test
- 06  Tested for HIV/AIDS
- 07  Tested for other sexually transmitted infections
- 08  Offered but declined testing or treatment and/or counseling
- 09  Already released/discharged
- 10  None of the above



**26. Victim #2: After the incident was reported, was the victim – (Mark all that apply.)**

- 01  Separated from perpetrator
- 02  Confined to own cell or room
- 03  Placed in or returned to restrictive housing
- 04  Placed in a medical unit, ward, or hospital
- 05  Placed in camera room, under close surveillance, or increased supervision
- 06  Transferred to another housing unit or dorm, or given a single room or cell
- 07  Given a higher custody level or different unit within the facility
- 08  Transferred to another facility
- 09  Issued disciplinary report or loss of privileges
- 10  Other – Specify
  
- 11  None of the above

**Section B INMATE PERPETRATORS OF SEXUAL VICTIMIZATION**

→ If the perpetrator was a staff member, go to Section C on pages 6-7.

**27. What was the nature of the incident? (Mark all that apply.)**

- 01  Repeated verbal comments or gestures of a derogatory or offensive sexual nature
- 02  Repeated and unwelcome sexual advances or requests for sexual favors
- 03  Indecent exposure, masturbation, voyeurism, or other actions of a derogatory sexual nature
- 04  Intentional and nonconsensual or coerced touching of the genitalia, anus, groin, breast, inner thigh, or the buttocks
- 05  Nonconsensual sexual act that resulted from pressure or coercion (without force)
- 06  Nonconsensual sexual act that resulted from physical force (or the threat of force)
- 07  Other – Specify

**28. What types of pressure, coercion, or force occurred as part of the incident? (Mark all that apply.)**

- 01  Persuasion or talked into sexual activity
- 02  Bribery or blackmail
- 03  Gave the victim drugs or alcohol
- 04  Offered protection from other inmates
- 05  Threats made (e.g., threatened harm to victim or victim's family, threatened with a weapon)
- 06  Unwanted touching, grabbing, or groping of the victim by surprise or while the victim was asleep or incapacitated
- 07  Physically held victim down or restrained in some way, including having other inmates restrain the victim
- 08  Physical harm or injury
- 09  Other – Specify
  
- 10  None of the above

**29. How many inmate perpetrators were involved in the incident?**

Number of inmate perpetrators . . . . 1

→ If more than two inmate perpetrators were involved, please complete this form online.

**30. Perpetrator #1: What was the inmate perpetrator's sex assigned at birth?**

Sex is a multidimensional construct based on a cluster of anatomical and physiological traits that include external genitalia, secondary sex characteristics, gonads, chromosomes, and hormones.

- 01  Male
- 02  Female

**31. Perpetrator #1: What was the inmate perpetrator's gender identity?**

Gender identity is a person's core internal understanding or sense of who they are regardless of sex assigned at birth.

- 01  Male
- 02  Female
- 03  Transgender (A person whose gender identity is different from the person's sex assigned at birth.)
- 04  Intersex (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 differences in sex development.)
- 05  Gender nonconforming (A person whose gender identity does not conform to traditional societal gender expectations.)
  
- 06  Other – Specify \_\_\_\_\_
- 07  Unknown



**32. Perpetrator #1: What was the inmate perpetrator's age at the time of the incident?**

40 years

**33. Perpetrator #1: What was the inmate perpetrator's race or ethnicity? (Mark all that apply.)**

- 01  White
- 02  Black or African American
- 03  Hispanic or Latino
- 04  American Indian or Alaska Native
- 05  Asian
- 06  Native Hawaiian or Pacific Islander
- 07  Middle Eastern or North African
- 08  Other racial category in your information system – Specify

**34. Perpetrator #1: After the incident, was the inmate perpetrator – (Mark all that apply.)**

- 01  Confined to own cell or room
- 02  Placed in or returned to restrictive housing
- 03  Placed in higher custody level, restricted unit or program, within the same facility
- 04  Transferred to other unit/cell or separated from victim
- 05  Transferred to another facility
- 06  Sent to counseling or mental health treatment
- 07  Given medical treatment or testing (e.g., post-exposure prophylaxis (PEP), HIV/AIDS)
- 08  Loss of "good/gain" time, increase in "bad" time or delayed release
- 09  Given extra work
- 10  Loss of privileges, disciplinary report or conduct violation, or other reprimand
- 11  Arrested or referred to law enforcement agency
- 12  Referred for prosecution or indicted
- 13  Convicted, plead guilty, given new sentence, or fined
- 14  Awaiting a legal outcome
- 15  Other – Specify

→ If there were no other perpetrators, please skip to Notes on page 8 (if applicable) or submit form.

**35. Perpetrator #2: What was the inmate perpetrator's sex assigned at birth?**

- 01  Male
- 02  Female

**36. Perpetrator #2: What was the inmate perpetrator's gender identity? (See definitions on page 9.)**

- 01  Male
- 02  Female
- 03  Transgender
- 04  Intersex
- 05  Gender nonconforming
- 06  Other – Specify
- 07  Unknown

**37. Perpetrator #2: What was the inmate perpetrator's age at the time of the incident?**

1 years

**38. Perpetrator #2: What was the inmate perpetrator's race or ethnicity? (Mark all that apply.)**

- 01  White
- 02  Black or African American
- 03  Hispanic or Latino
- 04  American Indian or Alaska Native
- 05  Asian
- 06  Native Hawaiian or Pacific Islander
- 07  Middle Eastern or North African
- 08  Other racial category in your information system – Specify

**39. Perpetrator #2: After the incident, was the inmate perpetrator – (Mark all that apply.)**

- 01  Confined to own cell or room
- 02  Placed in or returned to restrictive housing
- 03  Placed in higher custody level, restricted unit or program, within the same facility
- 04  Transferred to other unit/cell or separated from victim
- 05  Transferred to another facility
- 06  Sent to counseling or mental health treatment
- 07  Given medical treatment or testing (e.g., post-exposure prophylaxis (PEP), HIV/AIDS)
- 08  Loss of "good/gain" time, increase in "bad" time or delayed release
- 09  Given extra work
- 10  Loss of privileges, disciplinary report or conduct violation, or other reprimand
- 11  Arrested or referred to law enforcement agency
- 12  Referred for prosecution or indicted
- 13  Convicted, plead guilty, given new sentence, or fined
- 14  Awaiting a legal outcome
- 15  Other – Specify



**Section C STAFF PERPETRATORS OF SEXUAL VICTIMIZATION**

→ If the perpetrator was an inmate, go to Section B on pages 4-5.

**40. What was the nature of the incident?**

(Mark all that apply.)

- 01  Repeated suggestive, derogatory, or obscene verbal comments or gestures of a sexual nature
  - 02  Wrote letters, showed pictures, talked on the phone, or through video conferencing
  - 03  Exhibited grooming or manipulative behaviors such as providing gifts, special privileges, or favors to inmates
  - 04  Indecent exposure, invasion of privacy, or voyeurism
  - 05  Any attempt, threat, or request related to abusive sexual contact or sexual acts
  - 06  Any touching or kissing for sexual gratification
  - 07  Pressure or abuse of power resulting in a sexual act
  - 08  Physical force resulting in a sexual act
  - 09  Other – Specify
- 

**41. How many staff perpetrators were involved in the incident?**

Number of staff . . .   1  

→ If more than two staff were involved, please complete this form online.

**42. Staff #1: What was the staff perpetrator's gender?**

- 01  Male
- 02  Female

**43. Staff #1: What was the staff perpetrator's age at the time of the incident?**

  1   years

**44. Staff #1: What was the staff perpetrator's race or ethnicity? (Mark all that apply.)**

- 01  White
  - 02  Black or African American
  - 03  Hispanic or Latino
  - 04  American Indian or Alaska Native
  - 05  Asian
  - 06  Native Hawaiian or Pacific Islander
  - 07  Middle Eastern or North African
  - 08  Other racial category in your information system – Specify
- 

**45. Staff #1: Was the staff perpetrator involved in the incident –**

- 01  Full- or part-time paid employee
  - 02  Contract employee or vendor
  - 03  Volunteer or intern
  - 04  Other – Specify
- 

**46. Staff #1: What was the primary position description of the staff perpetrator involved in the incident?**

- 01  Correctional officer, supervisory or security staff, or direct care staff
  - 02  Maintenance and other facility support staff, including groundskeepers, janitors, cooks, and drivers
  - 03  Medical or healthcare staff, including counselors, doctors, dentists, psychologists, psychiatrists, social workers, nurses, and medical assistants
  - 04  Education staff, including instructors, teachers, librarians, and education assistants
  - 05  Member of the clergy or chaplaincy
  - 06  Administrator, including wardens, superintendents, assistants and others in administrative positions
  - 07  Clerical staff including secretaries, clerks, receptionists, and other administrative support
  - 08  Other program staff
  - 09  Volunteers or interns
  - 10  Other staff – Specify
- 

**47. Staff #1: At the time of the incident, how long had the staff perpetrator worked at the facility?**

- 01  Less than 6 months
- 02  6 months to 1 year
- 03  1 to 5 years
- 04  6 to 10 years
- 05  11 or more years

**48. Staff #1: After the incident, was the staff perpetrator – (Mark all that apply.)**

- 01  Sent to training or counseling
  - 02  Reprimanded or disciplined
  - 03  Transferred to another facility or unit
  - 04  Demoted, diminished responsibilities, suspended temporarily, or placed on administrative leave
  - 05  Discharged, terminated, or contract not renewed
  - 06  Staff resigned (prior to completion of investigation)
  - 07  Staff resigned (after investigation was completed)
  - 08  Arrested or referred to law enforcement agency
  - 09  Referred for prosecution or indicted
  - 10  Convicted, plead guilty, sentenced, or fined
  - 11  Awaiting a legal outcome
  - 12  Other – Specify
- 

- 13  No action taken



→ If there were no other staff perpetrators involved, please skip to Notes on page 8 (if applicable) or submit form.

**49. Staff #2: What was the staff perpetrator's gender?**

- 01  Male
- 02  Female

**50. Staff #2: What was the staff perpetrator's age at the time of the incident?**

\_\_\_\_ years

**51. Staff #2: What was the staff perpetrator's race or ethnicity? (Mark all that apply.)**

- 01  White
  - 02  Black or African American
  - 03  Hispanic or Latino
  - 04  American Indian or Alaska Native
  - 05  Asian
  - 06  Native Hawaiian or Pacific Islander
  - 07  Middle Eastern or North African
  - 08  Other racial category in your information system – Specify
- \_\_\_\_\_

**52. Staff #2: Was the staff perpetrator involved in the incident –**

- 01  Full- or part-time paid employee
  - 02  Contract employee or vendor
  - 03  Volunteer or intern
  - 04  Other – Specify
- \_\_\_\_\_

**53. Staff #2: What was the primary position description of the staff perpetrator involved in the incident?**

- 01  Correctional officer, supervisory or security staff, or direct care staff
  - 02  Maintenance and other facility support staff, including groundskeepers, janitors, cooks, and drivers
  - 03  Medical or healthcare staff, including counselors, doctors, dentists, psychologists, psychiatrists, social workers, nurses, and medical assistants
  - 04  Education staff, including instructors, teachers, librarians, and education assistants
  - 05  Member of the clergy or chaplaincy
  - 06  Administrator, including wardens, superintendents, assistants and others in administrative positions
  - 07  Clerical staff including secretaries, clerks, receptionists, and other administrative support
  - 08  Other program staff
  - 09  Volunteers or interns
  - 10  Other staff – Specify
- \_\_\_\_\_

**54. Staff #2: At the time of the incident, how long had the staff perpetrator worked at the facility?**

- 01  Less than 6 months
- 02  6 months to 1 year
- 03  1 to 5 years
- 04  6 to 10 years
- 05  11 or more years

**55. Staff #2: After the incident, was the staff perpetrator – (Mark all that apply.)**

- 01  Sent to training or counseling
  - 02  Reprimanded or disciplined
  - 03  Transferred to another facility or unit
  - 04  Demoted, diminished responsibilities, or suspended temporarily, or placed on administrative leave
  - 05  Discharged, terminated, or contract not renewed
  - 06  Staff resigned (prior to completion of investigation)
  - 07  Staff resigned (after investigation was completed)
  - 08  Arrested or referred to law enforcement agency
  - 09  Referred for prosecution or indicted
  - 10  Convicted, plead guilty, sentenced, or fined
  - 11  Awaiting a legal outcome
  - 12  Other – Specify
- \_\_\_\_\_

- 13  No action taken

NOTES



## DEFINITIONS

### **Sexual victimization**

**Inmate-on-inmate sexual abuse:** 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.

**Inmate-on-inmate sexual harassment:** 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.

**Staff-on-inmate sexual abuse:** 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.

**Staff-on-inmate sexual harassment:** 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.

### **Sex and gender identity**

**Sex:** A multidimensional construct based on a cluster of anatomical and physiological traits that include external genitalia, secondary sex characteristics, gonads, chromosomes, and hormones.

**Gender identity:** A person's core internal understanding or sense of who they are regardless of sex assigned at birth.

**Intersex:** 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 differences in sex development (DSD).

**Gender nonconforming:** A person whose gender identity does not conform to traditional societal gender expectations.

**Transgender:** A person whose gender identity is different from the person's sex assigned at birth.

### **Disability**

**Disability:** A (1) physical or mental impairment that substantially limits one or more of the major life activities of [an] individual, (2) a record of such an impairment, or (3) being regarded as having such an impairment.