

 <p>Jail Policy and Procedures Manual</p>	<b>Effective:</b> 01-30-15	<b>#</b> 01-01
	<b>Section:</b> Detention Operations	<b>Replaces or Modifies:</b> New
	<b>Title:</b> Prison Rape Elimination Act (PREA)	
	<b>Approved By:</b> Sheriff G. Mitch Woods Jail Administrator Chief George Miller	

**Purpose:** To establish policies and procedures that will promote a safe environment for inmates by reducing sexual abuse and sexual harassment in the Jefferson County Jail, in accordance with national Prison Rape Elimination Act (PREA) standards.

The Jefferson County Sheriff’s Office has a zero tolerance stance toward all forms of sexual abuse, and attempts thereof, and will make every effort to prevent these incidents. The Sheriff’s Office will strictly enforce all federal and state laws regarding inmate sexual misconduct, threats of sexual assault or intimidation by providing clear definitions of prohibited conduct, establishing uniform methods of the prompt reporting and investigation of allegations of sex-related offenses or threats, identification of predators, protection of victims and prescribing sanctions for substantiated sexual offenses as well as false allegations.

**Agency:** 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, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

**Agency head:** The principal official of an agency.

**Contractor:** A person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

**Direct staff supervision:** Security staff is in the same room with, and within reasonable hearing distance of the inmate.

**Employee:** A person who works directly for the agency or facility.

**Exigent circumstances:** 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.

**Facility:** 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.

**Facility head:** The principal official of a facility.

**Full compliance:** Compliance with all material requirements of each standard except for minimal violations, or discrete and temporary violations during otherwise sustained periods of compliance.

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

**Inmate:** Any person incarcerated or detained in a prison or jail.

**Intersex:** A person who's 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.

**Jail:** 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.

**Juvenile:** Any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

**Juvenile facility:** A facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

**Law enforcement staff:** Employees responsible for the supervision and control of inmates in lockups.

**Lockup:** A facility that contains holding cells, cell blocks, or other secure enclosures that is:

- a. Under the control of a law enforcement, court, or custodial officer; and
- b. 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.

**Medical practitioner:** 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.

**Mental health practitioner:** 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.

**Pat search:** A physical search for contraband and weapons by a deputy or other officer conducted without removing the clothing, although shoes and socks may be removed.

**Prison:** 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.

**Secure juvenile facility:** A juvenile facility in which the movements and activities of individual inmates may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows inmate’s 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.

**Security staff:** Employees primarily responsible for the supervision and control of inmates in housing units, recreational areas, dining areas, and other program areas of the facility.

**Staff:** Employees.

**Strip search:** A visual examination of the unclothed body for contraband. This search may include the examination of the clothes while removed.

**Substantiated allegation:** An allegation that was investigated and determined to have occurred.

**Transgender:** A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.

**Unfounded allegation:** An allegation that was investigated and determined not to have occurred.

**Unsubstantiated allegation:** An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**Volunteer:** An individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

**Youthful Inmate/Juvenile Inmate:** Any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

**Youthful Inmate/Juvenile Inmate:** Any person under the age of 18 who is under adult court supervision and detained in a lockup.

#### **1.4 Procedure:**

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**A. Sexual abuse includes:**

**A.1** Sexual abuse of an inmate by another inmate; and

**A.2** Sexual abuse of an inmate by a staff member, contractor, or volunteer.

**B. Sexual abuse of an inmate, by another inmate, or 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:**

**B.1** Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

**B.2** Contact between the mouth and the penis, vulva, or anus;

**B.3** Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

**B.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.

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

**C.1** Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

**C.2** Contact between the mouth and the penis, vulva, or anus;

- C.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;
- C.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;
- C.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;
- C.6** Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a.) - (e.) of this section;
- C.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, and;

**D. Voyeurism.** Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate 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.

**E. Sexual harassment includes:**

- E.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 directed toward another; and
- E.2** Repeated verbal comments or gestures of a sexual nature to an inmate, 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.

**F. Prevention and Planning.**

- F.1 Zero tolerance of sexual abuse and sexual harassment.** The Jefferson County Sheriff's Office and all employees, contractors, volunteers and inmates will adhere to a zero tolerance policy toward all forms of sexual abuse and sexual harassment of inmates. The Jefferson County Sheriff's office has established through this policy our approach to preventing, detecting and responding to such conduct.
- F.2 PREA Coordinator.** The Jefferson County Sheriff's Office will designate an upper-level, agency-wide PREA coordinator, with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.
- F.3 Contracting with other entities for the confinement of inmates.** The Jail Administrator or designee will ensure that all contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, will include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards and that any new contract or contract renewal will provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. Only in emergency circumstances in which all reasonable attempts to find a private agency or other entity in compliance with the PREA standards have failed, may this county sheriff's office enter into a contract with an entity that fails to comply with these standards. In such a case, this agency will document its unsuccessful attempts to find an entity in compliance with the standards.
- F.4 Supervision and monitoring.** The Jail Administrator or designee will develop and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, agencies will take into consideration.
- a. The physical layout of each facility;
  - b. The composition of the inmate population;
  - c. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
  - d. Generally accepted detention and correctional practices;
  - e. Any judiciary findings of inadequacy;

- f. Any findings of from Federal investigative agencies;
- g. Any findings of inadequacy from internal or external oversight bodies;
- h. All components of the physical facilities layout including “blind-spots” or isolation locations;
- i. The number and placement of supervisory staff;
- j. Programs, program locations, and shift hours;
- k. Any applicable local, state, regulations, standards, or laws;
- l. Any findings from PREA review committee meetings;
- m. Any other relevant factors.

**F.5 In circumstances where the staffing plan is not complied with.** The PREA Coordinator will document and justify all deviations from the plan. Whenever necessary, but no less frequently than once each year, will assess, determine, and document whether adjustments are needed to:

- a. The staffing plan established pursuant to paragraph (a) of this section;
- b. Prevailing staffing patterns;
- c. The facility’s deployment of video monitoring systems and other monitoring technologies; and
- d. The resources the facility has available to commit to ensure adequate staffing levels.

**F.6 Unannounced reviews.** Sergeants and Lieutenants on each shift will conduct unannounced reviews to deter staff sexual abuse and mistreatment. Staff and employees will not announce the reviews unless such an announcement is related to legitimate operational functions.

- a. Unannounced reviews will be conducted on a random basis, on random pods, including the kitchen and laundry areas. Unannounced reviews will be documented in the log. Documentation should be noted as follows: date, time, location.

- b. Weekly, the sergeant will conduct reviews of areas to include, but not limited to, janitorial closets, inmate dressing rooms, and the property room.

**F.7 Juvenile Inmates.** Juvenile inmates will not be placed in any location in which the juvenile inmate will have sight, sound, or physical contact with any adult inmate. The Jefferson County Sheriff's Office will make best efforts to avoid placing juvenile inmates in isolation to comply with this provision. Absent exigent circumstances, this agency will not deny juvenile inmates daily large-muscle exercise and any legally required special education services. Juvenile inmates will also have access to other programs and work opportunities to the extent possible.

- a. Classification will ensure that juvenile inmates are assigned to the juvenile pod or medical.
- b. Escort officers will ensure that male, female, and juvenile inmates are not permitted contact with one another during movement. Escort officers will clear all hallways before juveniles are moved to or from any location inside the facility. Incidental contact will not be accepted.
- c. Juvenile inmates will be allowed exercise yard time daily, absent exigent circumstances, or discipline.

**F.8 Limits to cross-gender viewing and searches.** Personnel will not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except by court order or when performed by medical practitioners. Personnel will document all cross-gender strip searches and cross-gender visual body cavity searches. Cross-gender pat searches of female inmates, absent exigent circumstances is prohibited, and any cross-gender pat searches of female inmates performed due to exigent circumstances will be documented.

**F.9 Limited Viewing.** Personnel will ensure that inmates are able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Upon arrival of any person of the opposite gender, employees will announce their presence when entering an area where inmates are likely to be showering, performing bodily functions, or changing clothing.

**F.10 Transgender searches for purpose of genital status.** Personnel will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. Inmates of unknown genital status will be reviewed by medical personal for a determination. Transgender and/or intersex inmates will be afforded the opportunity to choose which gender of staff they felt most comfortable being searched by. Searches of transgender and/or intersex inmates will be conducted in private, away from other inmates, and will be done in the least intrusive means as possible. Medical Staff will assist if available. This preference shall be documented at Intake. Gender Preference Search Forms shall be made available and signed by the inmate.

**F.11 Pat down searches of transgender and intersex persons.** Staff will be trained on how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

**F.12 Inmates with disabilities and Inmates who are limited English proficient.**

- a. Inmates with disabilities (including, for example, inmates 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 the agencies efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps will include:
  - A.1** Providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
  - A.2** That written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

**A.3** The Booking Officer will ensure that disabled inmates have access to these materials and programs.

- b.** This agency is not required to take actions that it can demonstrate or 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, 28 CFR 35.164.
- c.** Reasonable step(s) are taken to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Officers will use Language Line Services for interpretation. Inmate interpreters will not be used.

**C.1 Officers will call 1-877-737-4999**

- 1. Enter on key pad-client code #14360**
- 2. Press 1 for Spanish/2 for Russian Interpreter or 9 for all other languages.**
- 3. Brief the interpreter and summarize what you wish to accomplish.**
- 4. Add the limited English speaker to the line.**

**\*If you require a 3<sup>rd</sup> party call, press 9 for a Customer Service Rep.**

- d.** Staff shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under Staff first responder duties, or the investigation of the inmate's allegations.

**F.13 Hiring and promotion decisions.** Jefferson County Sheriff's Office will not hire or promote anyone who may have contact with

inmates, and will not enlist the services of any contractor, who may have contact with inmates, who:

- a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. § 1997);
- b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- c. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a) of this section.

**F.14 Background Checks.** Jefferson County Sheriff's Office will consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.

- a. Before hiring new employees who may have contact with inmates, this sheriff's office Human Resources will:
  - A.1** Perform a criminal background records check; and
  - A.2** Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- b. Jefferson County Sheriff's Office will also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.
  - B.1** All contractors will provide a state issued identification card for a background search. Contractors who do not have an issued state ID card will not be allowed inside the facility.
  - B.2** Background check forms can be located at the administrative offices.

- B.3** Background checks will be completed by Jail Administration prior to the contractor entering the facility or beginning any work, except in emergency circumstances.
- B.4** Background checks will be reviewed by the Jail Administrator for approval or denial. All background check forms will be maintained by Jail Investigations.

- c.** Jefferson County Sheriff's Office will conduct criminal background records check at least every five years of current employees and contractors.
- d.** Jefferson County Sheriff's Office will also ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (A.12) 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. Jefferson County Sheriff's Office will also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- e.** Material omissions regarding such misconduct, or the provision of materially false information, will be grounds for termination.
- f.** Unless prohibited by law, Jefferson County Human Resources will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

**F.15 Upgrades to facilities and technologies.** When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, Considerations will be given to the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, consideration will be given to how such technology may enhance the agency's ability to protect inmates from sexual abuse.

**G. Responsive Planning.**

**G.1 Evidence protocol and forensic medical examinations.**

- a.** To the extent Jefferson County Sheriff's Office is responsible for investigating allegations of sexual abuse; this sheriff's office will follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- b.** The protocol will be developmentally appropriate for youth where applicable, and, as appropriate, will be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
- c.** All victims of sexual abuse will be offered access to forensic medical examinations without financial cost, where evidentiary or medically appropriate. Such examinations will be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. Efforts to provide such examinations shall be documented.
- d.** Attempts will be made 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, this sheriff's office will make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member. Efforts to secure the services of a rape crisis center shall be documented. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.
- e.** As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based

organization staff member will accompany and support the victim through the forensic medical examination process and investigatory interviews and will provide emotional support, crisis intervention, information, and referrals.

- f. To the extent Jefferson County Sheriff's Office itself is not responsible for investigating allegations of sexual abuse; the agency will request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.

**G.2 Ensuring referrals of allegations for investigations.**

- a. Administrative and/or criminal investigation shall be completed for all allegations of sexual abuse and sexual harassment.
- b. All allegations of sexual abuse or sexual harassment shall be referred for investigation to Criminal Affairs.

**B.1** Investigations will ensure that there is a complete tracking system from the initial request through the final disposition.

**B.2** Investigations will retain statistical data to include:

1. Number of allegations of sexual abuse and sexual harassment received.
2. Number of allegations resulting in an administrative investigation.
3. Number of allegations referred for criminal investigation.
4. Number of investigations completed.

- c. The PREA Coordinator will ensure such policy is published on the agency website.
- d. The PREA Coordinator will ensure all such referrals are documented.
- e. If a separate entity is responsible for conducting criminal investigations, the website will describe the responsibilities of both the agency and the investigating entity.

## **H. Training and Education.**

### **H.1 Employee training.**

- a.** All employees who may have contact with inmates shall be trained on:
  - A.1** The zero tolerance policy for sexual abuse and sexual harassment;
  - A.2** How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
  - A.3** Inmates right to be free from sexual abuse and sexual harassment;
  - A.4** The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  - A.5** The dynamics of sexual abuse and sexual harassment in confinement;
  - A.6** The common reactions of sexual abuse and sexual harassment victims;
  - A.7** How to detect and respond to signs of threatened and actual sexual abuse;
  - A.8** How to avoid inappropriate relationships with inmates;
  - A.9** How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
  - A.10** How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
  - A.11** Employees are advised that sexual conduct between staff and inmates, volunteers or contractors regardless of consensual status, is prohibited and subject to administrative and disciplinary sanctions including termination.

- b. All current employees who have not received such training will be trained within one year of the effective date of the PREA standards, and the agency will provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, Refresher information on current sexual abuse and sexual harassment policies shall be provided annually. The training unit will retain a video and ensure that all employees have viewed the video.
- c. The training unit will document, through employee signature or electronic verification that employees understands the training they have received.

**H.2 Temporary contractor(s), regular contractor(s) and volunteer(s) training.**

- a. The PREA Coordinator will ensure that all volunteers and contractors who have contact with inmates (or enter the secure portion of the facility) have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
- b. The level and type of training provided to volunteers and contractors will be based on the services they provide and level of contact they have with inmates, all volunteers and contractors who have contact with inmates will be notified of the agency's zero tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

**B.1** Temporary Contractors will receive training via written form (attachment A). The written form will be provided by the operations desk after a full background has been completed. The Programs officer will ensure that all temporary contractors have signed the form and will work with Jail Investigations to ensure compliance with the background check standard.

**B.2** Regular Contractors will receive training via written form (attachment A), the written form will be provided after a full background check has been completed,

and after watching the video called "PREA for the C.O."

- B.3** Volunteers will receive training via written form (attachment A), the written form will be provided after a full background check has been completed, and after watching the video called "PREA for the C.O."
- c.** The PREA Coordinator shall maintain documentation confirming that temporary contractors, regular contractors and volunteers understand the training they have received. This documentation will be retained by the programs coordinator.

### **H.3 Inmate education.**

- a.** During the intake process, inmates will receive information explaining this agency's zero tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. This information is communicated orally and in writing in a language clearly understood by the inmate, prior to assignment to a housing unit.
  - A.1** There are 2 videos: one English, one Spanish.
  - A.2** Both will run continuously back to back.
  - A.3** Each shift will ensure that both the English and Spanish versions are played on at least one television continuously.
  - A.4** All inmates (including juveniles) will view the videos.
  - A.5** Any inmate who does not view the video because of classification level, medical emergency or other issue, will be rescheduled through the Dorm officer. Classification will ensure that the Dorm officer is aware of any inmate who fits this category.

**A.6** The compliance officer will work in conjunction with the PREA coordinator, classification, and the disciplinary hearing officer to ensure that inmates in segregation units have viewed the video within 14 days of arrival.

**A.7** If the video is not working, the officer will contact Maintenance. If it is after hours the on-call Maintenance staff will be contacted by chain of command.

- b.** Intake staff shall provide refresher information whenever an inmate is transferred from a different facility.

Jefferson County Sheriff's Office will provide inmate Education in formats accessible to all inmates, including Those who are limited English proficient, deaf, visually Impaired, or otherwise disabled as well as inmates who Have limited reading skills. Inmates identified in this Category will be referred to programs for specialized Training.

- c.** Documentation of inmate participation in these education sessions shall be maintained through the dorm logs.
- d.** **Video** observation will be documented in the log books.

#### **H.4 specialized training: Investigations.**

- a.** In addition to the training provided to all employees, any investigator conducting a sexual abuse investigation that occurred inside the Jefferson County Jail shall have received specialized training in conducting sexual abuse investigations in confinement settings.

- b.** Specialized training will include:

**B.1** Techniques for interviewing sexual abuse victims;

**B.2** Proper use of Miranda and Garrity warnings;

**B.3** Sexual abuse evidence collection in confinement settings;

**B.4** Criteria and evidence required to substantiate a case for administrative action or prosecution referral;

**B.5** The training unit will maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

**H.5 Specialized training: Medical and mental health care.**

**a.** The Health Services Administrator shall ensure that all full and part-time medical and mental health care practitioners who work in its facilities have been trained in:

**A.1** How to detect and assess signs of sexual abuse and sexual harassment;

**A.2** How to preserve physical evidence of sexual abuse;

**A.3** How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and

**A.4** How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

**b.** The Health Services Administrator shall maintain documentation that medical and mental health practitioners have received the training.

**c.** Medical and mental health care practitioners will also receive the training mandated for employees under training for (temporary) contractors and volunteers depending upon the practitioner's status.

**I. Screening for Risk of Sexual Victimization and Abusiveness.**

**I.1 Screening for risk of victimization and abusiveness:**

**a.** All inmates will be assessed during an intake screening and upon transfer from another outside facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.

**b.** Intake screening will take place within 72 hours of arrival at the facility.

- c.** Such assessments will be conducted using both the existing digital classification system and paper systems.
- d.** The intake screening will consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

  - D.1** Whether the inmate has a mental, physical, or developmental disability;
  - D.2** The age of the inmate;
  - D.3** The physical build of the inmate;
  - D.4** Whether the inmate has previously been incarcerated;
  - D.5** Whether the inmate's criminal history is exclusively nonviolent;
  - D.6** Whether the inmate has prior convictions for sex offenses against an adult or child;
  - D.7** Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
  - D.8** Whether the inmate has previously experienced sexual victimization; and
  - D.9** The inmates own perception of vulnerability;
  - D.10** The inmate's detainment status for civil immigration purposes.
- e.** The intake screening will consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.
- f.** Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the Classification officer in conjunction with the PREA coordinator will reassess the inmate's risk of victimization or abusiveness based upon any

additional, relevant information received by the facility since the intake screening.

- g.** An inmate's risk level will be reassessed by the Classification officer when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
- h.** Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked about mental, physical, or developmental disability, perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming, has previously experienced sexual victimization, or inmates own perception of vulnerability.
- i.** Jail Staff will control the dissemination within the facility of responses to questions asked in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

**I.1** Only corrections and supervisors may obtain access to this controlled information.

**I.2 Use of screening information.**

- a.** Classification staff shall use information from the risk screening form to notify housing, bed, work, education, and program assignments. Classification staff will attempt to keep separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- b.** Classification Staff will make individualized determinations about how to ensure the safety of each inmate.
- c.** In deciding whether to assign a transgender or intersex inmate to housing and programming assignments, classification will consider on a case-by-case basis whether a placement would ensure the inmates health and safety, and whether the placement would present management or security problems.
- d.** Placement and programming assignments for each transgender or intersex inmate will be reassessed by the Classification officer at least twice each year to review any

threats to safety experienced by the inmate. The Classification officer will document the reviews.

- e. A transgender or intersex inmates own views with respect to his or her own safety will be given serious consideration.
- f. Transgender and intersex inmates will be given the opportunity to shower separately from other inmates. All transgender and intersex inmates will be housed in medical, unless another safe and secure option is available. A medical classification is not a punishment. All other options for safety and security of the inmate will be researched.
- g. Staff shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

### **I.3 Protective Custody.**

- a. Inmates at high risk for sexual victimization will not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If classification cannot conduct such an assessment immediately, classification may hold the inmate in involuntary segregated housing (medical) for less than 24 hours while completing the assessment.
- b. Inmates placed in segregated housing for this purpose will have access to programs, privileges, education, and work opportunities to the extent possible. If classification restricts access to programs, privileges, education, or work opportunities, classification will document:
  - B.1** The opportunities that have been limited;
  - B.2** The duration of the limitation; and
  - B.3** The reasons for such limitations.
- c. Classification will assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment will not exceed a period of 30 days.

- d.** If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, classification will clearly document:
  - D.1** The basis for classifications concern for the inmate's safety; and
  - D.2** The reason why no alternative means of separation can be arranged.
- d.** Every 30 days, the Classification in conjunction with the PREA coordinator will afford each inmate a review to determine whether there is a continuing need for separation from the general population.

## **J. Reporting.**

### **J.1 Inmate reporting:**

- a.** Jefferson County Sheriff's Office will provide internal and external ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Reporting may occur via:
  - A.1** Inmate request via the kiosk;
  - a.2** Inmate Grievance process to the Captain
  - a.3** Verbally speaking with officers or supervisors;
  - a.4** Handwritten inmate request;
  - a.5** Handwritten note to officers or staff;
  - a.6** During inmate evaluations;
  - a.7** Reporting to another inmate;
  - a.8** To any contractor, volunteer, or employee;
  - a.9** Call the Sexual Abuse Hotline at 1-800-793-2273.
- b.** Jefferson County Sheriff's Office will inform inmates of at least one way to report abuse or harassment to a public or private entity or office that is not part of this agency and that is able to receive and immediately forward inmate reports of

sexual abuse and sexual harassment to officials allowing the inmate to remain anonymous upon request. Inmates may contact privately report sexual abuse by calling the 24 hour sexual abuse hotline at 1-800-793-227.

**c.** Intake staff will advise all inmates upon arrival of the facility about sexual harassment, sexual misconduct, and sexual abuse. Inmates may be informed via:

**c.1** Posters inside each pod, booking, and various areas throughout the facility;

**c.2** Intake handout;

**c.3** Inmate handbook.

**d.** This sheriff's office will insure that all inmates can report sexual harassment, sexual misconduct, and sexual abuse through the following options:

**D.1** To any contractor, volunteer, or employee;

**D.2** Call the sexual abuse hotline at 1-800-793-2273

**D.3** Immigration hold inmates may also report via Department of Homeland Security, or consular officials. 409-839-2568 or 1-281-985-8554 (Houston)

**e.** All employees, temporary contractors, regular contractors, volunteers, and employees will accept reports made verbally, in writing, anonymously, and from third parties and will promptly document any verbal reports. All reports of sexual misconduct will be reported to the PREA coordinator.

**f.** The Jefferson County Sheriff's Office will provide a method for employees, temporary contractors, regular contractors, volunteers, and employees to privately report sexual abuse and sexual harassment of inmates. Reports may be made.

**F.1** To any officer or employee;

**f.2** to the sexual abuse hotline at 1-800-793-2273

## **J.2 Exhaustion of Administrative Remedies.**

- a.** This Grievance Officer will not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.

  - A.1** Employees will not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
  - A.2** Nothing in this section will restrict this sheriff's office, the Board of County Commissioners or Jail Administration the ability to defend against a lawsuit filed by an inmate or former inmate on the ground(s) that the applicable statute of limitations has expired.
  - A.3** An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and
  - A.4** Such grievance is not referred to a staff member who is the subject of the complaint.
- b.** The Jail Administrator will issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 30 days of the initial filing of the grievance. Computation of the 30-day time period will not include time consumed by inmate in preparing any administrative appeal.

  - c.1** The Jail Administrator may claim an extension of time to respond, of up to 30 days (not to exceed 160 days), if the normal time period for response is insufficient to make an appropriate decision. The Jail Administrator will notify the inmate in writing of any such extension and provide a date by which a decision will be made.
  - C.2** At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
- c.** Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, will be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and will also be permitted to file such requests on behalf of inmates.

**d.1** If a third party files such a request on behalf of an inmate, this sheriff's office will require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

**D.2** If the inmate declines to have the request processed on his or her behalf, this sheriff's office will document the inmate's decision.

**e.** Jefferson County Sheriff's Office has established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.

**E.1** Inmates who have an emergency grievance will report to the officer on shift. Inmate grievances of an emergent manor will be reviewed by the on shift sergeants.

**e.2** After receiving an emergency grievance alleging and determining that the inmate is subject to a substantial risk of imminent sexual abuse, staff will immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a supervisor and jail investigations. Jail investigations will provide an initial response within 48 hours, and will issue a final agency decision within 5 calendar days. The initial response and final decision will document the determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

**f.** Inmates may be disciplined for filing a grievance related to alleged sexual abuse only where this sheriff's office demonstrates that the inmate filed the grievance in bad faith.

**J.3 Inmate access to outside confidential support services.**

**a.** Inmates will be provided with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available,

of local, State, or national victim advocacy or rape crisis organizations, and by enabling reasonable communication between inmates and these organizations, in as confidential a manner as possible.

**A.1** DVIS: Call the Sexual Abuse hotline at 918-743-5763  
4300 S. Harvard Ave, Tulsa, OK 74135

**A.2** RAINN: Rape, Abuse & Incest National Network  
1-800-656-4673 1-800-656-HOPE.

**b.** Inmates shall be informed, prior to giving them access, 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.

**B.1** Jefferson County Sheriff's Office has an audio recording that plays for each inmate's phone calls.

- 1.** All phone calls are recorded and or monitored;
- 2.** Inmate pin numbers are not needed;
- 3.** Calls are limited to 60 minutes.

**c.** Jefferson County Sheriff's Office will maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. Copies of agreements or documentation showing attempts to enter into such agreements shall be maintained.

**C.1** Jefferson County Sheriff's Office has established an MOU with SANE.

**C.2** The MOU will be maintained by the Jail Administrator.

**J.4 Third-party reporting.**

**a.** Jefferson County Sheriff's Office shall establish a method to receive third-party reports of sexual abuse and sexual harassment and will distribute publicly information on how to

report sexual abuse and sexual harassment on behalf of an inmate.

**A.1** This sheriff's office will have one way of receiving third party reports.

1. Inmates may report through the hotline at 1-800-793-2273

**A.2** Citizens may report through:

1. Filing a formal complaint with the PREA Coordinator;

2. Through the hotline 1-800-793-2273

**A.3** Information on how to make a third-party report shall be posted on the agency website.

**K. Official Response Following an Inmate Report.**

**K.1 Staff and agency reporting duties:**

- a.** All employees, temporary contractors, regular contractors and volunteers will report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation to their immediate supervisor.
- b.** Apart from initial reporting to supervisor(s) or Jail Investigations, staff will not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions.
- c.** Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners will be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
- d.** If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's

statute, this sheriff's office will report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

- e. Supervisors will report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to Jail investigators.

**K.2 Agency protection duties.** When staff learns that an inmate is subject to a substantial risk of imminent sexual abuse, it will take immediate action to protect the inmate.

- a. Section C.2 d. of this policy, investigating personnel will remove the suspected victim for interviewing in an area away from possible perpetrators by calling the inmate out of the housing unit to the Supervisor's office.
- b. The Dorm officer will document these events in the unusual circumstances section of the log.

**K.3 reporting to other confinement facilities.**

- a. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Sheriff or his designee will notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
- b. Such notification will be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- c. The Sheriff or his designee will document that they have provided such notification.
- d. The Sheriff or his designee will ensure that any allegation his agency receives from other agencies is investigated in accordance with these standards.

**K.4 Staff first responder duties.**

- a. Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report will be required to:

**A.1** Separate the alleged victim and abuser;

- A.2** Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- a.3** If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating unless medically required; inmates who have pre-existing conditions will be sent to Medical for a medical review; and
- a.4** If the 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.
- b.** If the first staff responder is not a detention officer, the responder will request that the alleged victim not take any actions that could destroy physical evidence and then notify the detention officer or supervisor.

**K.5 Coordinated response.** The PREA Coordinator shall institute the written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among first responders, medical and mental health practitioners, investigators, and Jail Supervisors.

- a.** The Internal Affairs will lead a coordinated response which includes:
  - A.1** Only investigators with specialized training in conducting sexual abuse investigations in confinement settings can conduct such sexual abuse investigations.
  - A.2** If the response involves inmate and employee rape allegations, Investigations will coordinate with Internal Affairs;
  - A.3** Investigations will also coordinate with Crime Scene Units for proper evidence collection;

**A.4** Investigations will coordinate with domestic violence intervention services for SANE exam and other investigative information.

**K.6 Agency protection against retaliation.**

- a.** All inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation by other inmates or staff. The PREA coordinator will monitor the conduct or treatment of inmates who were reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by inmates or staff.
- b.** Multiple protection measures will be utilized, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
  - B.1** Classifications will determine a secure location for inmate victims. Classifications may use all areas of the facility and will document all transfers or movements.
  - B.2** Internal Affairs and investigators will ensure that inmate victims are removed from allegations involving volunteers, regular contractors, temporary contractors or any other abuser.
  - B.3** Inmate victims will be allowed access to emotional support services through SANE.
- c.** For at least 90 days following a report of sexual abuse, the PREA coordinator will monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and will act promptly to remedy any such retaliation. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, negative performance reviews or reassignments of staff. The PREA Coordinator will continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

- d. In the case of inmates, such monitoring will also include periodic status checks.
- e. If any other individual who cooperates with an investigation expresses a fear of retaliation, the classification officer will take appropriate measures to protect that individual against retaliation.
- f. Obligation to monitor will terminate if the investigation determines that the allegation is unfounded.
- g. Annually, Classification will submit a report to the PREA Coordinator showing the number of retaliation follow-ups.

**L. Investigations.**

**L.1 Criminal and administrative agency investigations:**

- a. When the Jefferson County Sheriff's Office conducts its own investigations into allegations of sexual abuse and sexual harassment, it will do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- b. Where sexual abuse is alleged, the agency will use investigators who have received special training in Sexual abuse investigations pursuant to section C.4 of this policy.
- c. Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; will interview alleged victims, suspected perpetrators, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- d. When the quality of evidence appears to support criminal prosecution, the investigator will conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- e. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as inmate or staff. No investigator will require an inmate who alleges sexual abuse

to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

**f.** Administrative investigations:

**F.1** Will include an effort to determine whether staff actions or failures to act contributed to the abuse; and

**F.2** Will be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

**g.** Criminal investigations will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

**h.** Substantiated allegations of conduct that appears to be criminal will be referred for prosecution.

**i.** The PREA Coordinator shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

**j.** The departure of the alleged abuser or victim from the employment or control of the facility or agency will not provide a basis for terminating an investigation.

**k.** When outside agencies investigate sexual abuse, the facility will cooperate with outside investigators and will endeavor to remain informed about the progress of the investigation. An investigator will be assigned to investigations outside of this agency. After the conclusion of the other agencies investigation, the Investigator will provide a written summary to the Jail Administrator.

**L.2 Evidentiary standard for administrative investigations.**

Investigators will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

**L.3 reporting to inmates.**

- a.** Following an investigation into an inmate's allegation of sexual abuse the investigator will inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- b.** If this agency did not conduct the investigation, the investigator will request the relevant information from the investigative agency in order to inform the inmate.
- c.** Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, this sheriff's investigator will subsequently inform the inmate (unless this agency has determined that the allegation is unfounded) whenever:
  - C.1** The staff member is no longer posted within the inmates unit;
  - C.2** The staff member is no longer employed;
  - C.3** The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
  - C.4** The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- d.** Following an inmate's allegation that he or she has been sexually abused by another inmate, this sheriff's investigator will subsequently inform the alleged victim whenever:
  - D.1** The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
  - D.2** The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- e.** All such notifications or attempted notifications will be documented.
- f.** Obligation to report under this standard will terminate if the inmate is released from the agency's custody.

**M. Discipline.**

**M.1 Disciplinary sanctions for staff:**

- a. All employees will be subject to disciplinary sanctions up to and including termination, and criminal prosecution for violating agency sexual abuse or sexual harassment policies.
- b. Termination will be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.
- c. Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- d. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

**M.2 Corrective action for contractors and volunteers.**

- a. Any temporary contractor, regular contractor, or volunteer who engages in sexual abuse will be prohibited from contact with inmates and will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
- b. The agency will take appropriate remedial measures, and will consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

**M.3 Disciplinary sanctions for Inmates.**

- a. Inmates will be subject to disciplinary sanctions pursuant to the formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-

inmate sexual abuse, as defined in policy and the Inmate Handbook.

- b.** Sanctions will be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- c.** The disciplinary process will consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- e.** Staff will discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- f.** For the purpose of disciplinary action, any report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- g.** Inmates are prohibited from any and all sexual activity between other inmates, and will be disciplined for participating in such activity.

## **N. Medical and Mental Care.**

### **N.1 Medical and mental health screenings; history of sexual abuse:**

- a.** If the screening indicates that a person has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, classification will notify the shift supervisor, medical, and the PREA program coordinator who will ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. All documents pertaining to this section will be retained by records and/or medical.
- b.** If the screening indicates that a person has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff will ensure that

the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

- c.** If the screening indicates that a person has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff will ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
- d.** Any information related to sexual victimization or abusiveness that occurred in an institutional setting will be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
- e.** Medical and mental health practitioners will obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

**N.2 Access to emergency medical and mental health services.**

- a.** Inmate victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- b.** If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, first responders will take preliminary steps to protect the victim and will immediately notify the appropriate medical and mental health practitioners.
- c.** Inmate victims of sexual abuse while incarcerated will be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- d.** Treatment services will 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.

**N.3 Ongoing medical and mental health care for sexual abuse victims and abusers.**

- a.** Jefferson County Sheriff's Office will offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
- b.** The evaluation and treatment of such victims will include, as appropriate,
  - B.1** Follow-up services;
  - B.2** Treatment plans; and
  - B.3** When necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- c.** Jefferson County Sheriff's Office will provide such victims with medical and mental health services consistent with the community level of care.
- d.** Inmate victims of sexually abusive vaginal penetration while incarcerated will be offered pregnancy tests.
- e.** If pregnancy results from conduct specified in paragraph (d) of this section, such victims will receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
- f.** Inmate victims of sexual abuse while incarcerated will be offered tests for sexually transmitted infections as medically appropriate.
- g.** Treatment services will 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.
- h.** The hearing officer will ensure that medical conducts a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and

offer treatment when deemed appropriate by mental health practitioners.

**O. Data Collection and Review.**

**O.1 Sexual abuse incident reviews:**

- a. The facility will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- b. Such review will ordinarily occur within 30 days of the conclusion of the investigation.
- c. The review team will include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
- d. The review team, led by Internal Affairs will:
  - D.1** Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - D.2** 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 facility;
  - D.3** Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - D.4** Assess the adequacy of staffing levels in that area during different shifts;
  - D.5** Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - D.6** Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d.1)-(d.5) of this section, and any

recommendations for improvement, and submits such report to the facility head and PREA coordinator.

- e. The Jefferson County Sheriff's Office will implement the recommendations for improvement, or will document its reasons for not doing so.

**O.2 Data collection.**

- a. The PREA Coordinator will collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- b. The PREA Coordinator will aggregate the incident-based sexual abuse data at least annually.
- c. The incident-based data collected will include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- d. The PREA Coordinator will maintain, review, and collect data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews.
- e. The PREA Coordinator will obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- f. Upon request, this sheriff's office will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

**O.3 Data review for corrective action.**

- a. The PREA Coordinator will review the data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:

- A.1 Identifying problem areas;

- A.2 Taking corrective action on an ongoing basis;  
and

**A.3** Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.

- b.** Such report will include a comparison of the current year's data and corrective actions with those from prior years and will provide an assessment of the agency's progress in addressing sexual abuse.
- c.** The report will be approved by the Jail Administrator and made readily available to the public through its website or, if it does not have one, through other means.
- d.** The PREA Coordinator may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

**O.4 Data storage, publication, and destruction.**

- a.** The PREA Coordinator will ensure that data collected are securely retained.
- b.** This PREA Coordinator will make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.
- c.** Before making aggregated sexual abuse data publicly available, this sheriff's office will remove all personal identifiers.
- d.** The agency will maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.