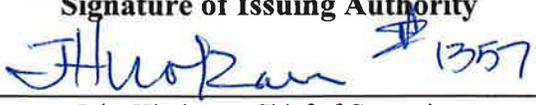


COUNTY OF SANTA CLARA

Department of Correction Office of the Sheriff Custody Bureau Policy and Procedure Manual	Policy Number 14.15 No. of Pages: 53 Date of Origin: 29 Oct 2013 Date of Revision: 14 Apr 2016
Chapter: Inmate Rights	Subject: Prison Rape Elimination Act
Supersedes: 17 Apr 2015	Distribution: Unrestricted
References: DOC Policy 9.05, DOC Policy 13.13, National Curriculum and Training Institute, National Institute of Corrections, Billing Code 4410-05; 4410-08, Title 28 CFR 115.6, Chapter 18 CFR 115 (Sub-part A); 42 U.S.C. §15609	
Signature of Issuing Authority  _____ John Hirokawa, Chief of Correction	Current Policy Review Date of Review: 11 Aug 2015 Revisions Made: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

POLICY: It is the policy of the Office of the Sheriff Custody Bureau/Department of Correction (DOC) to establish a “zero-tolerance” policy related to the sexual assault, sexual harassment and/or sexual abuse of inmates, or sexual misconduct toward any inmate by any person and to recognize these inmates as crime victims. It is also the policy of the DOC to comply with PREA regulations through policy, training, supervision and diligent law enforcement activities to ensure a coordinated response between staff first responders, medical and mental health practitioners, investigators, supervisors and managers, to all incidents of sexual abuse, sexual assault and/or sexual harassment.

PURPOSE: To establish a “zero-tolerance” standard for the incidence of sexual harassment, sexual abuse or sexual assaults and attempts thereof within custodial facilities.

DEFINITIONS: PREA: Prison Rape Elimination Act

PREA Rape: Engaging in oral/vaginal/anal intercourse with another by force, or the threat of force, without the consent of the other; and employing or displaying a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon, threatens, or places the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping.

PREA Sexual Abuse: Engaging in a sexual act with another by force, or threat of force, without the consent of the other; and employing or displaying a dangerous weapon, or physical object that the victim

reasonably believes is a dangerous weapon; threatens, or places the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping.

Sexual Assault: Forceful or intimidating behavior by one or more person(s) that causes another person to unwillingly engage in a partial or complete sexual act. This includes pressure, threats, or other actions and communications by one or more person(s) to force another to engage in a partial or complete sexual act.

Inmate Sexual Misconduct: Sexual behavior directed toward inmates by another inmate, including sexual abuse, sexual assault, and sexual harassment, physical conduct of a sexual nature, sexual obscenity and conversations or correspondence of a romantic or intimate nature.

Staff Sexual Misconduct: Any behavior or act of a sexual nature, either consensual or nonconsensual, directed toward an inmate by an employee, volunteer, official visitor, or agency representative. Such acts include intentional touching, either directly or through the clothing, of the genitalia, groin, anus, breast, inner thigh or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire, and occurrences of indecent exposure, invasion of privacy, or voyeurism for sexual gratification. Completed, attempted, threatened, or requested sexual acts are included.

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 directed toward another.

Staff Sexual Harassment: Repeated verbal comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor or other agency representative. Unacceptable comments and gestures include references to gender, sexually suggestive or derogatory comments about body or clothing, and repeated profane or obscene language or gestures.

Sexual Conduct "Zero-Tolerance" Policy: Consensual sex between inmates is not allowed in any Sheriff's Office/Department of Correction Facility and will be addressed by the Department's disciplinary process. All allegations of nonconsensual sex, abusive sexual contact, sexual harassment, staff sexual misconduct and inmate sexual misconduct shall be investigated. If applicable, criminal charges may be filed.

Inmate: Any person, whether in pretrial, un-sentenced or sentenced status, who is confined in a correctional facility or who is serving a sentence though not confined in a correctional facility such as an Out-of-Custody Program.

PREA Coordinator: The Administrative Services Captain will function as the PREA Coordinator and provide oversight of all PREA-related processes. The PREA Coordinator will report to the Assistant Sheriff in charge of Custody Operations and Services.

PREA Manager: PREA Deputy responsible for all the daily PREA-related processes for both the Main Jail and Elmwood facilities. Each facility will designate a PREA Deputy who will be responsible for the daily PREA operations.

Out-of Custody Programs: Public Service Program (PSP), Weekend Work Program (WWP), Custody Alternative Supervising Unit (CASU), RCP Phase II, Re-Entry Corrections Program.

PROCEDURE:

I. PREA Compliance

- A. The Sheriff's Office/Department of Correction will strictly enforce all federal, state and local laws regarding inmate sexual misconduct, sexual abuse, sexual harassment and threats of sexual assault or intimidation by:
1. Providing clear definitions of prohibited conduct
 2. Establishing uniform methods for the prompt reporting and investigation of allegations of sex-related offenses or threats
 3. Identifying sexual predators
 4. Protecting victims
 5. Prescribing and administering sanctions for substantiated sexual offenses as well as false allegations
 6. Informing and educating inmates (verbally and/or in writing) of the information contained in this policy
 7. Providing applicable training to staff

- B. The Sheriff's Office/Department of Correction will immediately respond to allegations, fully investigate reported in-custody incidents (in our facilities as well as reported to the Department by another facility), pursue disciplinary action, and refer for criminal investigation and prosecution of those inmates who perpetrate sexual misconduct, sexual abuse, sexual harassment and threats of sexual assault or intimidation.
1. In response to a report of inmate sexual abuse, sexual assault, sexual harassment or sexual misconduct, the immediate supervisor will advise the Watch Commander. The Watch Commander will assess the situation and ensure appropriate response and notifications have been made pursuant to the critical incident policy and coordinate appropriate response actions with medical and mental health, investigators, and inmate advocates.
- C. It is the policy of the DOC to comply with PREA regulations through policy, training, supervision and diligent law enforcement activities.
1. Elmwood Complex Facility
 - a. The Elmwood Facility will ensure a coordinated response between staff first responders, medical and mental health practitioners, investigators, supervisors and managers, to all incidents of sexual abuse, sexual assault and/or sexual harassment.
 - i. Upon learning of an allegation that an inmate was sexually abused, deputies/officers shall be required to:
 - a) Immediately notify the on-duty Supervisor;
 - b) Separate the alleged victim and abuser;
 - c) Identify and separate any witnesses;
 - d) Preserve and protect any crime scene until steps can be taken to collect all evidence;
 - e) If the abuse occurred within a time period that still allows for the collection of physical evidence, direct 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;

- f) If the abuse occurred within a time period that still allows for the collection of physical evidence, direct the alleged abuser to not take any actions that could destroy physical evidence, including, as appropriate: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;
 - g) Provide advocacy for emotional support through the YWCA Rape Crisis Center;
 - h) Document circumstances when the alleged victim is moved to another housing unit/facility to protect them from the alleged abuser.
- ii. Non-badge staff who learns of an allegation that an inmate was sexually abused shall:
- a) 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;
 - b) Immediately notify a deputy/officer or a Sergeant, who will respond and take appropriate action.
- iii. If the inmate has been a victim of sexual misconduct, sexual abuse, sexual harassment or sexual assault, the staff member that is made aware of the allegations will consider the following:
- a) Advise the inmate that staff can provide help
 - b) If the inmate is afraid of being labeled an informer, advise the inmate that identifying the aggressor/perpetrator is not a precondition to receiving help or protection
 - c) If the inmate was sexually abused, sexually assaulted, sexually harassed or was threatened by any sexual misconduct, advise the inmate of the importance of getting help to deal with the sexual offense and inform them that trained staff are available to assist.

- iv. The Sheriff's Office/Department of Correction will immediately respond to allegations, fully investigate reported in-custody incidents, pursue disciplinary action, and refer for criminal investigation and prosecution of those inmates who perpetrate sexual misconduct and threats of sexual assault or intimidation.
 - a) Once advised of an allegation of sexual abuse, sexual assault, sexual harassment or sexual misconduct, the immediate supervisor will conduct a preliminary investigation into the reported incident to determine the status of the allegation as to whether it is valid.
 - b) In response to a report of inmate sexual abuse, sexual assault, sexual harassment or sexual misconduct, the immediate supervisor will advise the Watch Commander, who will assess the situation and ensure appropriate response and notifications have been made pursuant to the critical incident policy and coordinate appropriate response actions with medical and mental health, investigators, and inmate advocates.
 - c) Sergeants, or investigators responsible for investigations of inmate complaints of sexual abuse, sexual assault, sexual harassment or sexual misconduct will make available to the victim inmate an advocate from a rape crisis center (YWCA) or a qualified staff member from Adult Custody Mental Health Services.

- v. Where sexual abuse, sexual assault, sexual harassment or sexual misconduct is alleged, the investigation shall be conducted by Jail Crimes Investigation staff that have received special training in sexual abuse investigations in confinement settings. Once the immediate supervisor on scene determines that the allegation is valid, Jail Crimes Investigation staff will determine whether the alleged sexual abuse, sexual assault, sexual harassment and/or sexual misconduct is considered criminal or non-criminal.
 - a) Criminal incidents

1. Any allegations by any inmate regarding use of force or intimidation to perform a sexual act
 2. Any allegation of staff sexual involvement
- b) Non-criminal incidents
1. Inmates had mutual consent to engage in sexual acts with each other
 2. Any allegations involving sexual comments/gestures
- c) All reports of incidents of sexual abuse, sexual assault, sexual harassment or sexual misconduct, whether criminal or non-criminal, shall be forwarded to the appropriate facility PREA Manager.
- d) Adult Custody Health Services (ACHS) shall offer medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse, sexual assault, sexual harassment or sexual misconduct while incarcerated. The care provided will be consistent with the community level of care.
1. Inmate victims of sexual abuse or sexual assault by vaginal penetration while incarcerated shall be offered a pregnancy test.
 2. If pregnancy results from sexual abuse or sexual assault by vaginal penetration while incarcerated, such victims shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services.
 3. Inmate victims of sexual abuse or sexual assault while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

4. Inmate victims of sexual abuse or sexual assault shall be offered timely information about and access to emergency contraception and sexually transmitted infections in accordance with professionally accepted standards, where medically appropriate.
5. Treatment services shall be provided without financial cost to the victim inmate regardless of whether the victim names the abuser or cooperates with any investigation arising out of incident.
6. If requested by the victim inmate, the rape crisis advocate (YWCA) shall accompany and support the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals as necessary.

2. Correctional Center for Women

- a. The Correctional Center for Women will ensure a coordinated response between staff first responders, medical and mental health practitioners, investigators, supervisors and managers, to all incidents of sexual abuse, sexual assault and/or sexual harassment.
 - i. Upon learning of an allegation that an inmate was sexually abused, deputies/officers shall be required to:
 - a) Immediately notify the on-duty Supervisor;
 - b) Separate the alleged victim and abuser;
 - c) Identify and separate any witnesses;
 - d) Preserve and protect any crime scene until steps can be taken to collect all evidence;
 - e) If the abuse occurred within a time period that still allows for the collection of physical evidence, direct 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;

- f) If the abuse occurred within a time period that still allows for the collection of physical evidence, direct the alleged abuser to not take any actions that could destroy physical evidence, including, as appropriate: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;
 - g) Provide advocacy for emotional support through the YWCA Rape Crisis Center;
 - h) Document circumstances when the alleged victim is moved to another housing unit/facility to protect them from the alleged abuser.
- ii. Non-badge staff who learns of an allegation that an inmate was sexually abused shall:
- a) 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;
 - b) Immediately notify a deputy/officer or a Sergeant, who will respond and take appropriate action.
- iii. If the inmate has been a victim of sexual misconduct, sexual abuse, sexual harassment or sexual assault, the staff member that is made aware of the allegations will consider the following:
- a) Advise the inmate that staff can provide help
 - b) If the inmate is afraid of being labeled an informer, advise the inmate that identifying the aggressor/perpetrator is not a precondition to receiving help or protection
 - c) If the inmate was sexually abused, sexually assaulted, sexually harassed or was threatened by

any sexual misconduct, advise the inmate of the importance of getting help to deal with the sexual offense and inform them that trained staff are available to assist.

- iv. The Sheriff's Office/Department of Correction will immediately respond to allegations, fully investigate reported in-custody incidents, pursue disciplinary action, and refer for criminal investigation and prosecution of those inmates who perpetrate sexual misconduct and threats of sexual assault or intimidation.
 - a) Once advised of an allegation of sexual abuse, sexual assault, sexual harassment or sexual misconduct, the immediate supervisor will conduct a preliminary investigation into the reported incident to determine the status of the allegation as to whether it is valid.
 - b) In response to a report of inmate sexual abuse, sexual assault, sexual harassment or sexual misconduct, the immediate supervisor will advise the Watch Commander, who will assess the situation and ensure appropriate response and notifications have been made pursuant to the critical incident policy and coordinate appropriate response actions with medical and mental health, investigators, and inmate advocates.
 - c) Sergeants, or investigators responsible for investigations of inmate complaints of sexual abuse, sexual assault, sexual harassment or sexual misconduct, will make available to the victim inmate an advocate from a rape crisis center (YWCA) or a qualified staff member from Adult Custody Mental Health Services.
- v. Where sexual abuse, sexual assault, sexual harassment or sexual misconduct is alleged, the investigation shall be conducted by Jail Crimes Investigation staff that have received special training in sexual abuse investigations in confinement settings. Once the immediate supervisor on scene determines that the allegation is valid, Jail Crimes Investigation staff will determine whether the alleged

sexual abuse, sexual assault, sexual harassment and/or sexual misconduct is considered criminal or non-criminal.

a) Criminal incidents

1. Any allegations by any inmate regarding use of force or intimidation to perform a sexual act
2. Any allegation of staff sexual involvement

b) Non-criminal incidents

1. Inmates had mutual consent to engage in sexual acts with each other
2. Any allegations involving sexual comments/gestures

c) All reports of incidents of sexual abuse, sexual assault, sexual harassment or sexual misconduct, whether criminal or non-criminal, shall be forwarded to the appropriate facility PREA Manager.

d) Adult Custody Health Services (ACHS) shall offer medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse, sexual assault, sexual harassment or sexual misconduct while incarcerated. The care provided will be consistent with the community level of care.

1. Inmate victims of sexual abuse or sexual assault by vaginal penetration while incarcerated shall be offered a pregnancy test.
2. If pregnancy results from sexual abuse or sexual assault by vaginal penetration while incarcerated, such victims shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services.

3. Inmate victims of sexual abuse or sexual assault while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
4. Inmate victims of sexual abuse or sexual assault shall be offered timely information about and access to emergency contraception and sexually transmitted infections in accordance with professionally accepted standards, where medically appropriate.
5. Treatment services shall be provided without financial cost to the victim inmate regardless of whether the victim names the abuser or cooperates with any investigation arising out of incident.
6. If requested by the victim inmate, the rape crisis advocate (YWCA) shall accompany and support the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals as necessary.

3. Main Jail Complex Facility

- a. The Main Jail Complex Facility will ensure a coordinated response between staff first responders, medical and mental health practitioners, investigators, supervisors and managers, to all incidents of sexual abuse, sexual assault and/or sexual harassment.
 - i. Upon learning of an allegation that an inmate was sexually abused, deputies/officers shall be required to:
 - a) Immediately notify the on-duty Supervisor;
 - b) Separate the alleged victim and abuser;
 - c) Identify and separate any witnesses;
 - d) Preserve and protect any crime scene until steps can be taken to collect all evidence;

- e) If the abuse occurred within a time period that still allows for the collection of physical evidence, direct 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;
 - f) If the abuse occurred within a time period that still allows for the collection of physical evidence, direct the alleged abuser to not take any actions that could destroy physical evidence, including, as appropriate: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;
 - g) Provide advocacy for emotional support through the YWCA Rape Crisis Center;
 - h) Document circumstances when the alleged victim is moved to another housing unit/facility to protect them from the alleged abuser.
- ii. Non-badge staff who learns of an allegation that an inmate was sexually abused shall:
- a) Request that the alleged victim not take any action that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;
 - b) Immediately notify a deputy/officer or a Sergeant, who will respond and take appropriate action.
- iii. If the inmate has been a victim of sexual misconduct, sexual abuse, sexual harassment or sexual assault, the staff member that is made aware of the allegations will consider the following:
- a) Advise the inmate that staff can provide help
 - b) If the inmate is afraid of being labeled an informer, advise the inmate that identifying the

aggressor/perpetrator is not a precondition to receiving help or protection

- c) If the inmate was sexually abused, sexually assaulted, sexually harassed or was threatened by any sexual misconduct, advise the inmate of the importance of getting help to deal with the sexual offense and inform them that trained staff are available to assist.
- iv. The Sheriff's Office/Department of Correction will immediately respond to allegations, fully investigate reported in-custody incidents, pursue disciplinary action, and refer for criminal investigation and prosecution of those inmates who perpetrate sexual misconduct and threats of sexual assault or intimidation.
- a) Once advised of an allegation of sexual abuse, sexual assault, sexual harassment or sexual misconduct, the immediate supervisor will conduct a preliminary investigation into the reported incident to determine the status of the allegation as to whether it is valid.
 - b) In response to a report of inmate sexual abuse, sexual assault, sexual harassment or sexual misconduct, the immediate supervisor will advise the Watch Commander, who will assess the situation and ensure appropriate response and notifications have been made pursuant to the critical incident policy and coordinate appropriate response actions with medical and mental health, investigators, and inmate advocates.
 - c) Sergeants or investigators responsible for investigations of inmate complaints of sexual abuse, sexual assault, sexual harassment or sexual misconduct will make available to the victim inmate an advocate from a rape crisis center (YWCA) or a qualified staff member from Adult Custody Mental Health Services.
- v. Where sexual abuse, sexual assault, sexual harassment or sexual misconduct is alleged, the investigation shall be

conducted by Jail Crimes Investigation staff that have received special training in sexual abuse investigations in confinement settings. Once the immediate supervisor on scene determines that the allegation is valid, Jail Crimes Investigation staff will determine whether the alleged sexual abuse, sexual assault, sexual harassment and/or sexual misconduct is considered criminal or non-criminal.

a) Criminal incidents

1. Any allegations by any inmate regarding use of force or intimidation to perform a sexual act
2. Any allegation of staff sexual involvement

b) Non-criminal incidents

1. Inmates had mutual consent to engage in sexual acts with each other
2. Any allegations involving sexual comments/gestures

c) All reports of incidents of sexual abuse, sexual assault, sexual harassment or sexual misconduct, whether criminal or non-criminal, shall be forwarded to the appropriate facility PREA Manager.

d) Adult Custody Health Services (ACHS) shall offer medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse, sexual assault, sexual harassment or sexual misconduct while incarcerated. The care provided will be consistent with the community level of care.

1. Inmate victims of sexual abuse or sexual assault by vaginal penetration while incarcerated shall be offered a pregnancy test.
2. If pregnancy results from sexual abuse or sexual assault by vaginal penetration while

incarcerated, such victims shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services.

3. Inmate victims of sexual abuse or sexual assault while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
4. Inmate victims of sexual abuse or sexual assault shall be offered timely information about and access to emergency contraception and sexually transmitted infections in accordance with professionally accepted standards, where medically appropriate.
5. Treatment services shall be provided without financial cost to the victim inmate regardless of whether the victim names the abuser or cooperates with any investigation arising out of incident.
6. If requested by the victim inmate, the rape crisis advocate (YWCA) shall accompany and support the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals as necessary.

II. Inmate Orientation

- A. During the intake/booking process, inmates shall receive information related to their rights and responsibilities, facility and/or out-of-custody program procedures, prohibited acts in the facility/program and types of disciplinary action, which may be taken if they violate the facility/program rules.
 1. This information will be disseminated via the Inmate Orientation/Rule Book, "Sexual Assault Awareness" pamphlet, Inmate Orientation video, PREA video and posted signs.
 - a. The Inmate Orientation/Rule Book and the "Sexual Assault Awareness" pamphlet explain the Department's "zero-tolerance"

policies on sexual harassment, sexual assault, sexual abuse and sexual misconduct. Both documents outline reporting options for victims and the right to grieve any condition of their confinement.

- b. Inmates will be required to sign an acknowledgement form confirming that they have received an Inmate Orientation/Rule Book.
 - c. The signed acknowledgement forms shall be filed and maintained in the inmates' Booking File.
- B. Inmates shall have access to outside victim advocates for emotional support services related to sexual abuse by the Department giving the addresses and telephone numbers of such agencies, including toll-free hotline numbers to victim advocacy or rape crisis organizations. Inmates must 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.

III. Staff Training

- A. Staff who supervise inmates will receive cross-gender supervision training. The training shall be tailored to the gender of the inmates at the employees' facility. Employees shall receive refresher training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa.
1. The agency shall train security staff in 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.
 2. Any staff who conducts a cross-gender pat search shall submit a report to the Division Captain describing the incident, the exigent circumstances and the authorizing Supervisor.
 3. All staff of the opposite gender than the inmates they are supervising or interacting with shall announce their presence when entering the inmate housing unit.
 - a. All inmates will be allowed to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to cell checks.

4. Staff shall not conduct a pat search or physical examination of a transgender or intersex inmate for the sole purpose of determining the inmates' genital status.
 5. Staff shall not conduct cross-gender strip searches except under exigent circumstances. (*Refer to DOC Policy 9.05*)
 - a. If exigent circumstances require that a cross-gender strip search must be conducted, a Sergeant shall be notified immediately and an Employee's Report shall be completed.
 6. Staff shall not conduct cross-gender visual body cavity searches except under exigent circumstances. (*Refer to DOC Policy 9.05*)
 - a. If exigent circumstances require that a cross-gender visual cavity search must be conducted, a Sergeant shall be notified immediately and an Employee's Report shall be completed.
- B. All staff, including contractors and volunteers responsible for supervising inmates or who may come in contact with inmates, in custody facilities and in all out-of-custody programs will receive PREA training. PREA training shall, at minimum, consist of the following topics:
1. The department's "zero-tolerance" policy for sexual abuse, sexual assault, sexual misconduct or sexual harassment;
 2. How to fulfill the responsibilities under agency sexual abuse, sexual assault, sexual misconduct and sexual harassment prevention, detection, reporting, and response policies and procedures;
 3. The right of inmates to be free from sexual abuse, sexual assault, sexual misconduct and sexual harassment;
 4. The right of inmates and employees to be free from retaliation for reporting sexual abuse, sexual assault, sexual misconduct and sexual harassment;
 5. The dynamics of sexual abuse, sexual assault, sexual misconduct and sexual harassment in confinement;
 6. The common reactions of victims of sexual abuse, sexual assault, sexual misconduct and sexual harassment;

7. How to detect and respond to signs of threatened and actual sexual abuse, sexual assault, misconduct and sexual harassment;
 8. How to avoid unauthorized and inappropriate relationships with inmates;
 9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates;
 10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- C. All Sheriff's Office/DOC employees and all other county employees working/assigned to perform services for the Department shall be required to receive PREA training within 90 days of hire and take refresher training every two years. This is to ensure that all employees know the agency's current sexual abuse, sexual assault, sexual harassment and sexual harassment policies and procedures. In years in which an employee does not receive training, the agency shall provide refresher information on current sexual abuse, sexual abuse, sexual misconduct and sexual harassment policies.
1. The agency shall document, either via employee signature or electronic verification, that the employees understand the training they have received.
- D. The Training Unit staff shall maintain PREA training documentation of badge staff in accordance with applicable Department Policy.
- E. The Facility PREA Manager shall maintain PREA training documentation of contractors and volunteers in accordance with applicable Department policy.
- F. The Facility Administrative Training Officer shall maintain PREA training documentation Custody Support Assistants (CSA's) in accordance with applicable Department policy.

IV. Inmate Screening at Intake

- A. PREA requires that all those detained or incarcerated (for citable or non-citable offenses) be screened for a history of sexual victimization at intake. History of sexual victimization includes events both in and out of a custody setting. It is not exclusive to custody environments.
1. Proper steps shall be taken to identify and document any history of sexually assaultive behavior among the inmate population. As part of the Classification assessment, all inmates who are to be housed in a Department custody facility or who participate in our out-of-custody

Department custody facility or who participate in our out-of-custody programs, will be screened for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior.

- a. Classification staff shall review the inmate's history for any documentation showing the inmate has a history of sexually aggressive behavior. If the results from the screening indicate a probability of victimization or sexually aggressive behavior, and an overall high level of risk, appropriate housing shall be implemented to ensure the safety of the inmate and others.
 - i. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made and it has been determined that there is no available alternative means of separation from likely abusers.
 - a) If an involuntary segregated housing assignment is made, Classification shall conduct a file review every 30 days to determine whether there is a continuing need for separation from the general population.
 - 1) Inmates may not be held in involuntary segregated housing for more than 24 hours pending assessment for permanent housing.
 - b. Appropriate classification and housing assignments shall be made based on the information received/discovered during the screening and file review.
- B. Proper steps shall be taken to identify those inmates who have experienced sexual victimization. During the Intake Booking process, the Receiving Officer will obtain the Intake/Classification Supplemental PREA Worksheet (see Attachment 2) from the Booking Nurse and ask each arrestee if he/she has ever experienced sexual victimization. The answer will be indicated by checking the "YES" or "NO" box on the Worksheet.
 1. If the arrestee's answer is no, then the "NO" box will be checked and the officer will proceed with the booking process.
 2. If the arrestee's answer is yes, then the Receiving Officer shall ask the arrestee if the event has ever been reported to a Law Enforcement Agency (LEA).

- a. If the event was reported to an LEA, the Receiving Officer will check the “YES” box and write the name of the LEA on the Worksheet.
 - b. The Receiving Officer will then refer the arrestee to Mental Health staff for an evaluation and check the “Referred to Mental Health” box on the Worksheet.
 - c. The Receiving Officer will then refer the matter to the Intake Booking Sergeant for follow-up.
 - d. The Intake Booking Sergeant will confirm that the matter has been reported to an LEA, document the event on the PREA Reporting Information Worksheet and then enter the event into the JIS PREA Tracking System. No further reporting is required.
 - e. Intake Staff will attach the Worksheet to the Booking file for further processing.
3. If the arrestee’s answer is yes, and the event has never been reported to an LEA, then the Receiving Officer will determine when the event occurred and in which agency’s jurisdiction.
- a. The Receiving Officer will check the “YES” box on the Intake/Classification Supplemental Assessment Worksheet and write, “Not Reported”, the name of the LEA responsible for jurisdiction and the date of the event in the space below the “YES” box.
 - b. The Receiving Officer will then refer the arrestee to Mental Health staff for an evaluation and check the “Referred to Mental Health” box.
 - c. If the event occurred within the last 72 hours, the Receiving Officer will refer the arrestee back to the Intake Nurse. If it has been more than 72 hours, only a Mental Health Referral is required.
 1. The Intake Nurse will re-evaluate the arrestee for clearance (booking acceptance) in accordance with Adult Custody Health Services Policy.
 - d. The Receiving Officer will also refer the matter to the Intake Booking Sergeant for follow-up.

V. Sergeant Responsibilities

- A. If the arrestee's answer is yes and the prior sexual victimization event has been reported to a Law Enforcement Agency:
1. The Intake Booking Sergeant will conduct an interview with the arrestee and document all relevant information on the PREA Reporting Information Worksheet (see Attachment 1.)
 2. The Intake Booking Sergeant will confirm that the matter has been reported to an LEA.
 3. The Intake Booking Sergeant will then enter the event into the JIS PREA Tracking System.
 4. No further reporting is required.
- B. If the arrestee's answer is yes and the event has not been reported to a Law Enforcement Agency:
1. The Intake Booking Sergeant will conduct an interview with the arrestee and document all relevant information on the PREA Reporting Information Worksheet (see Attachment 1.)
 2. The Intake Booking Sergeant will refer the case to the Jail Crimes Investigation (JCI) Unit. The JCI unit will contact the agency of jurisdiction and advise that agency of the allegation.
 3. If the agency of jurisdiction is willing to take a report, then the JCI Unit will coordinate the reporting process with the agency.
 4. The JCI Unit investigator will then enter the event into the JIS PREA Tracking System.
 5. A Supplemental Incident Report documenting the event shall be completed and attached to the PREA Reporting Information Worksheet.
- C. If the agency of jurisdiction is not willing to take a report, or is geographically unable to take the report:
1. The JCI Unit will forward an initial Incident Report along with any Sexual Assault Response Team (SART) results, if applicable, to the agency of jurisdiction. A copy of the initial Incident Report shall be attached to the completed PREA Reporting Information Worksheet.

2. The JCI Unit investigator will enter the event into the JIS PREA Tracking System.
 3. A Supplemental Incident Report documenting the event shall be completed and attached to the completed PREA Reporting Information Worksheet.
- D. If the agency of jurisdiction is the Santa Clara County Sheriff's Office:
1. The JCI Unit shall take the initial Incident Report following the standard procedures for documenting sexual abuse, sexual assault, sexual misconduct or sexual harassment.
 2. SART examinations shall be conducted in accordance with the Sheriff's Office sexual assault procedures and Adult Custody Health Services Policy.
 3. The JCI Unit investigator will enter the event into the JIS PREA Tracking System.
 4. A Supplemental Incident Report documenting the event shall be completed and attached to the completed PREA Reporting Information Worksheet.
- E. If another Law Enforcement Agency's staff is being accused of the sexual abuse, sexual assault, sexual misconduct or sexual harassment, that agency's on-duty Watch Commander shall be notified as soon as possible.
- F. Sergeants are responsible, upon receiving an allegation that an inmate was sexually abused, sexually assaulted or sexually harassed while confined at another facility, to notify the Captain in charge of the facility where the report was generated.
1. The Facility Captain will notify the head of the facility or an appropriate person where the alleged abuse occurred as soon as possible, but no later than 72 hours after receiving the allegation and provide the reported information. The Captain will ensure that the information and the proper notifications are recorded and reported to the PREA Coordinator.
- G. JIS PREA Tracking System:
1. When logging an event into the JIS PREA Tracking System, sergeants/investigators must first query the name and PFN of the victim to ensure the event has not already been reported.

2. If the event has already been reported, the sergeant/investigator shall create a new entry in the "Event Note" section listing the new CEN and note that the event was already reported.

Note: For previously reported events, only a Mental Health Referral will be required. No further documentation or reporting will be necessary.

VI. Victim Mandated Reporters

- A. Any badge or civilian staff, volunteers, or any person providing services in the facility/out-of-custody program who receive any information, regardless of its' source, concerning nonconsensual inmate sex, abusive sexual contact, sexual misconduct or sexual harassment who have reason to suspect, or who observe an incident, are required to immediately report the incident to a supervisor.

VII. Employees/Contractors/Volunteers

- A. All job applicants who may have contact with inmates shall not be eligible for hire or promotion and contractors who may have contact with inmates shall not be enlisted for services if:
 1. They have engaged in sexual abuse, sexual assault, sexual misconduct or sexual harassment in any custodial setting;
 2. Have 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;
 3. Have been civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, overt or implied threat of force, or coercion, or if the victim did not consent or was unable to consent or refuse.
- B. Any and all incidents of sexual harassment shall be considered in determining whether to hire or promote anyone, or enlist the services of, any contractor who may have contact with inmates.
- C. Before hiring new employees who may have contact with inmates, the Personnel Division shall, consistent with federal, states, and local laws, perform a criminal background records check on all applicants.

- D. The Personnel Division shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.
- E. The agency shall ask all job applicants who may have contact with inmates about previous sexual abuse, sexual assault, sexual misconduct or sexual harassment in written applications and/or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees.
 - 1. Employees of the DOC have a duty to report if they have:
 - a. Engaged in or assisted in inflicting sexual abuse, sexual assault, sexual misconduct or sexual harassment on an inmate.
 - b. Have 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;
 - c. Have been civilly or administratively adjudicated to have engaged 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.
- F. The Personnel Division will make its' best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse, sexual assault, sexual misconduct or sexual harassment; or any resignation during a pending investigation of an allegation of sexual abuse, sexual assault, sexual misconduct or sexual harassment.
- G. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse, sexual assault, sexual misconduct or sexual harassment involving a former employee upon receiving a written request from an institutional employer for whom such person has applied for work.
- H. In lieu of the PREA requirement to conduct employee criminal background records checks at least every five years , employees and contractors shall report, within 24 hours, when arrested or charged with any violation of the law associated with sexual abuse, sexual assault, sexual misconduct or sexual harassment.
- I. Material omissions regarding sexual abuse, sexual assault, sexual harassment and sexual misconduct, or the provision of materially false information, shall be grounds for termination.

- J. The Personnel Unit receives notifications from the State of California Department of Justice on any criminal arrest or conviction of an employee hired by the Sheriff's Office/Department of Correction. The Personnel Captain will take immediate and appropriate action upon receipt of such notice.

VIII. Verifying Suspected Sexual Misconduct

- A. Staff should be aware of the signs of possible sexual abuse. Some victims of sexual assault, sexual abuse or sexual misconduct may be identified because of unexplained injuries, changes in physical behavior such as difficulty walking, or abrupt personality changes such as withdrawal and suicidal behavior.
 - 1. Upon learning of an allegation that an inmate was sexually abused or sexually assaulted, badge staff will immediately respond to the scene and shall:
 - a. Immediately notify the on-duty Supervisor;
 - b. Separate the alleged victim and abuser;
 - c. Preserve and protect any crime scene until steps can be taken to collect all evidence;
 - d. If the abuse or assault occurred within a time period that still allows for the collection of physical evidence, direct 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;
 - e. If the abuse or assault occurred within a time period that still allows for the collection of physical evidence, direct the alleged abuser to not take any actions that could destroy physical evidence, including, as appropriate: washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;
 - f. Provide advocacy for emotional support through the YWCA Rape Crisis Center.
- B. Non-badge staff who learns of an allegation that an inmate was sexually abused shall:

1. Direct 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;
 2. Immediately notify a deputy/officer or a Sergeant, who will respond and take appropriate action;
 - a. If the inmate has been a victim of rape, sexual misconduct, sexual abuse or sexual assault, the staff member that is made aware of the allegations will consider the following:
 - i. Advise the inmate that staff can provide help
 - ii. If the inmate is scared of being labeled an informer, advise the inmate that identifying the aggressor or perpetrator is not a precondition to receiving help or protection.
 - iii. If the inmate was sexually abused, sexually assaulted or was threatened by any sexual misconduct, mention the importance of getting help to deal with the sexual offense and inform them that trained staff are available to assist.
- C. If an investigation concludes that the sexual abuse or sexual assault was fabricated or that the inmate inflicted or attempted self-injury, custody staff may recommend disciplinary action against the inmate. (*For Disciplinary Action, refer to Inmate Discipline Process Policy 15.01*). Custody staff may also recommend a Mental Health Referral assessment to determine if the inmate is solely in need of mental health services.

IX. Sexual Misconduct Investigations

- A. Where sexual abuse is alleged, the investigation shall be conducted by JCI Unit investigators that have received special training in sexual abuse investigations in confinement settings. (*Refer to PREA Standard 115.34. and Department Policy 9.29-Criminal Investigations*)
- B. All sexual abuse, sexual assault, sexual misconduct and sexual harassment allegations will be referred to the JCI Unit. Only criminal investigators who have received special training in investigating sexual abuse will conduct the investigation.

1. Investigators shall use appropriately legal and accepted best practices when conducting all criminal investigations into complaints of sexual abuse, sexual assault, sexual misconduct and sexual harassment.
2. All investigations shall be done promptly, thoroughly and objectively, including anonymous and third-party reports.
3. Staff investigating allegations of sexual abuse and sexual assault shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution.
 - a. The protocol shall be developmentally appropriate for youth, where applicable.
 - b. The Sheriff's Office imposes a standard of a preponderance of evidence or a lower standard of proof when determining whether allegations of sexual abuse, sexual assault, sexual misconduct or sexual harassment are substantiated.
 - c. In circumstances where evidentiary or medically-appropriate forensic medical examinations are necessary to investigate and process complaints of inmate sexual abuse or sexual assault, such examinations will be provided, whether on-site or at an outside facility, without financial cost to the victim inmate. Such examination shall 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. The agency shall document its' efforts to provide SAFEs or SANEs.
4. All criminal investigations shall be documented in an Incident Report that contains a thorough description of the physical, testimonial, and documentary evidence. Documentary evidence will be attached to the report where feasible.
5. Substantiated allegations of conduct that appear to be criminal shall be referred to the District Attorney's Office for prosecution.
6. The Sheriff's Office shall conduct compelled interviews, only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

7. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the sexual abuse, sexual assault, sexual misconduct and/or sexual harassment.
 - a. All administrative investigations shall be documented in an Incident Report that contains a thorough description of the physical, testimonial, documentary evidence, the reasoning behind the credibility assessments, and investigative facts and findings.
 - i. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as staff or inmate. No inmate alleging sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with investigation of such an allegation.
8. If the alleged sexual abuse, sexual assault, sexual misconduct or sexual harassment is inmate-on-inmate, the Department shall retain all written investigative reports for as long as the victim and the alleged abuser are incarcerated, plus 5 years.
9. If the alleged sexual abuse, sexual assault, sexual misconduct or sexual harassment is staff-on-inmate, all administrative and criminal reports shall be retained as long as the alleged abuser is incarcerated or employed by the agency, plus 5 years.
10. The departure of the alleged abuser or victim from the employment or control of the Department shall not provide a basis for terminating the investigation.
11. In the event of a report of sexual abuse, sexual assault, sexual misconduct or sexual harassment by a contractor or volunteer on an inmate, an immediate investigation will be conducted.
12. A sexual abuse incident review shall be conducted at the conclusion of every sexual abuse investigation. The review will be conducted on all founded, substantiated and not substantiated case determinations. Reviews will not be conducted on cases with unfounded determinations. Such review shall be conducted within 30 days of the conclusion of the investigation.
 - a. The sexual abuse incident review team shall consist of:

- i. Assistant Sheriff
- ii. PREA Coordinator/Custody Compliance Captain
- iii. Internal Affairs Lieutenant
- iv. PREA Manager
- v. Medical staff representative (when applicable and appropriate)
- vi. Mental Health staff representative (when applicable and appropriate)

a) The incident review team shall consider:

- 1. Whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse, sexual assault, sexual misconduct or sexual harassment;
- 2. Whether the incident or allegation was motivated by race, ethnicity, gender identity lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, gang affiliation or was motivated or otherwise caused by other group dynamics at the facility;
- 3. An assessment of physical plant barriers that may have enabled the alleged sexual abuse, sexual assault, sexual misconduct or sexual harassment to occur;
- 4. An assessment of the adequacy of staffing levels in that area at the time of the incident;
- 5. An assessment of whether monitoring technology should be deployed or augmented to supplement supervision by staff.

a. Upon conclusion of the sexual abuse incident review, the PREA Coordinator shall prepare a report of findings and recommendations and submit the report to the Undersheriff.

- b. The Facility Captain in charge of the facility where the incident occurred shall implement the recommendations for improvement, or shall document the reasons for not doing so.

X. Employee Sexual Abuse Reporting

- A. All staff are required to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse, sexual assault, sexual misconduct or sexual harassment against inmates. All incidents will be reported whether or not the incident occurred within a Santa Clara County Department of Correction facility or any other agency.
- B. All staff are required to immediately report to their supervisor any knowledge, suspicion, or information regarding;
 1. Retaliation against inmates or staff who reported such an incident;
 2. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- C. All incidents of sexual abuse, sexual assault, sexual misconduct, sexual harassment and/or retaliation will be reported to the Facility Captain or Division Captain via the chain-of-command. The Facility Captain or Division Captain shall report all incidents and reports alleging sexual abuse, sexual assault, sexual misconduct and sexual harassment, including third-party and anonymous reports, to the PREA Coordinator, the Internal Affairs Unit and the JCI Unit. Staff may report sexual harassment, sexual abuse, sexual assault, sexual misconduct and retaliation by contacting the following:
 1. Internally:
 - a. His/her immediate supervisor, any person within the chain-of-command or any other Department supervisor or manager
 - b. Department's Personnel Manager
 - c. Department's Equal Opportunity Officer
 2. Externally:
 - a. State of California Department of Fair Employment and Housing (DFEH)

b. Federal Equal Employment Opportunity Commission (EEOC)

- D. Staff shall not reveal any information related to a sexual abuse, sexual assault, sexual misconduct or sexual harassment report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.
- E. Unless otherwise precluded by federal, state, or local law, medical and mental health practitioners shall be required to report sexual abuse, sexual assault sexual misconduct or sexual harassment 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.
- F. If the alleged victim is under the age of 18 or considered a vulnerable adult under a state or local vulnerable person statute, the agency shall report the allegation to the designated state or local services agency under applicable mandatory reporting laws.

XI. Inmate Sexual Abuse Reporting:

- A. Inmates may report sexual abuse, sexual assault, sexual misconduct and sexual harassment, retaliation by inmates or staff, or staff neglect of responsibilities that may have contributed to such incidents in the following manner:
 - 1. Verbally notifying a Deputy/Officer or any Department staff member or volunteer
 - 2. Submitting an Inmate Request form
 - 3. Submitting a Grievance form
 - 4. Writing a confidential letter to the Sheriff, Undersheriff or Facility Captain
 - 5. Contacting the Internal Affairs Unit and submitting a complaint
- B. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
- C. Inmates are not required to submit a complaint or grievance alleging sexual abuse, sexual assault, sexual misconduct or sexual harassment to the staff member who is the subject of the complaint.

D. Inmates wishing to report incidents of sexual abuse, sexual assault, sexual misconduct or sexual harassment to a public or private entity or office that is not part of the agency can do so by:

1. Calling the YWCA Rape Crisis Hotline
2. Santa Clara County Human Relations Office

Note: Speed dial numbers for Internal Affairs, the Human Relations Office and the Rape Crisis Hotline are posted in various locations throughout the custody facilities including: Intake Booking, Processing, inmate housing units, inmate chow halls, visiting rooms, medical units and staff dining rooms.

E. Inmates who contact the above agencies can do so anonymously, if requested. All reports of sexual abuse, sexual assault, sexual misconduct or sexual harassment will be reported to the Department. All reports will be forwarded to the Department for investigative and/or corrective and protective action. Anonymous reports will be submitted without the victims' personal information.

F. Following an inmate's allegation that a staff member has committed sexual abuse, sexual assault, sexual misconduct or sexual harassment against the inmate, the Department shall subsequently inform the inmate (unless the Department has determined that the allegation is unfounded) whenever:

1. The staff member is no longer assigned to the inmate's unit;
2. The staff member is no longer employed at the facility;
3. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility;
4. Or the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

a. All such notifications shall be documented.

G. Following an inmate's allegation that he or she has been sexually abused, sexually harassed or sexually harassed by another inmate, the Department shall subsequently inform the alleged victim whether the allegation was determined to be substantiated, unsubstantiated or unfounded, and whenever:

1. The alleged abuser has been indicted on a charge related to sexual abuse or sexual assault within the facility;

2. The agency learns that the alleged abuser has been convicted of a charge related to sexual abuse or sexual assault.
 - a. All such notifications or attempted notifications shall be documented.
- H. Any obligation to report under the PREA standards shall terminate if the inmate is released from custody.
- I. The Department will maintain a process to receive third-party reports of sexual abuse and sexual harassment and shall publicly distribute information on how to report sexual abuse, sexual assault, sexual misconduct and sexual harassment on behalf of an inmate.
 1. Third-party complaints of sexual abuse, sexual assault, sexual harassment or sexual misconduct on behalf of an inmate may be reported by using the following methods:
 - a. In-person at the Main Jail Complex
 - b. In-person at the Elmwood Complex
 - c. Writing a confidential letter to the Facility Captain of either Main Jail or Elmwood Complexes
 - d. Writing a confidential letter to the Chief of Correction
 - e. Contacting the Internal Affairs Unit and submitting a complaint.

XII. Prevention

A. Sexual Victimization Risk Assessment

1. The PREA information obtained during the initial booking process will be considered during the Classification risk assessment process.
2. Information from the initial Classification risk assessment screening shall be used to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
 - a. Inmates placed in segregated housing for purposes of separation from likely abusers shall have access to programs, privileges, education and work opportunities to the extent possible.

- h. Whether the inmate has previously experienced sexual victimization;
 - i. The inmate's own perception of vulnerability;
 - j. Prior acts of sexual abuse;
 - k. Prior convictions for violent offenses;
 - l. History of prior institutional violence or sexual abuse.
5. Each inmate identified as at-risk for sexual victimization or abusiveness will be reassessed for risk of sexual victimization or abusiveness based on any additional information received by the facility since the intake screening within 30 days from the inmate's arrival at the facility.
6. Continual risk assessment for all inmates will be conducted upon each report, referral, and incident of abuse or receipt of additional information that may affect the inmate's risk of sexual victimization or abusiveness.
- a. Classification staff will create a confidential Classification File for each inmate in custody. This file is separate and distinct from an inmate's booking record and is maintained and stored by the Classification Unit staff.
 - b. The Classification File is confidential and only accessible by Classification staff or under the direction of a Classification supervisor.
7. Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked regarding sexual victimization or abusiveness.
- a. Transgender, Intersex, Lesbian, Gay and Bisexual Inmates:
 - i. To ensure proper housing for transgender, intersex, lesbian, gay and bisexual inmates;
 - a) Decisions will be based on a case-by-case evaluation and will consider the risk to the inmate's health and safety, and whether the placement would present a management or security problem.

- b) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
- c) A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.
- d) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
- e) The agency 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 the consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

XIII. Sexual Abuse Victim Protection

- A. All staff are required to immediately report any knowledge that an inmate is subject to a substantial risk of imminent sexual abuse. The agency shall take immediate action to protect the inmate.
- B. All supervisors who receive a report from staff that an inmate is at substantial risk of imminent sexual abuse will immediately respond, assess the situation and take appropriate action necessary to protect the inmate.
- C. All inmates and staff who report sexual abuse, sexual assault, sexual misconduct or sexual harassment or cooperate with resulting investigations have the right to be free from retaliation by other inmates and/or staff.
 - a. All reports of retaliation against those who have reported sexual abuse, sexual assault, sexual misconduct or sexual harassment or have cooperated with resulting investigations shall be investigated immediately, and if warranted, forwarded to the JCI Unit and/or Internal Affairs Unit for a thorough investigation. The PREA Coordinator will also be notified for the purposes of recordkeeping.

1. Inmates who are the victim of retaliation or fear retaliation for reporting sexual abuse, sexual assault, sexual misconduct or sexual harassment or for cooperating with resulting investigations shall be provided emotional support by being referred to Mental Health.
 2. Staff who are the victims of retaliation or fear retaliation for reporting sexual abuse, sexual assault, sexual misconduct or sexual harassment or for cooperating with resulting investigations shall be provided emotional support by being referred to Employee Assistance Services.
- D. Following a report of sexual abuse, sexual assault, sexual misconduct or sexual harassment, the Classification Unit and Mental Health will monitor the conduct of inmates of sexual abuse for at least 90 days following the report to monitor the conduct and treatment of inmates both who have reported sexual abuse and inmates who have reported to have suffered sexual abuse to determine if there are changes in the inmate's behavior that may suggest the inmate has also been the victim of retaliation by other inmates or staff. Immediate action will be taken to prevent any retaliatory action. Classification and Mental Health shall continue to monitor beyond 90 days if the initial monitoring indicates the continuing need. Monitoring shall also include periodic status checks.
- E. Inmates who are victims, or at risk of being a victim, of retaliation will be protected by employing measures such as housing changes, facility transfers for any victims or abusers and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse, sexual assault, sexual misconduct or sexual harassment or for cooperating with investigations.
- F. An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

XIV. Official Response to Complaints:

- A. No time limit will be imposed on when an inmate may submit a grievance regarding allegations of sexual abuse, sexual assault, sexual misconduct or sexual harassment. All otherwise applicable time limits will apply to any portion of a grievance that does not allege an incident of sexual abuse. PREA regulations shall not restrict the Department's ability to defend

against an inmate lawsuit on the grounds that the applicable statute of limitations has expired.

- B. The Department shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, any alleged incident of sexual abuse, sexual assault, sexual misconduct or sexual harassment.
- C. Sergeants receiving a grievance alleging or providing information that an inmate may be at substantial and immediate risk of imminent sexual abuse shall immediately investigate the allegation. Additionally, the Classification Sergeant will be notified of the allegation to determine if there is a need for the involved inmate(s) to be rehoused.
 - 1. In situations where it was determined the inmate was not at substantial or immediate risk of sexual abuse as stated in their complaint, Classification shall verbally advise the inmate within 48 hours and provide, within 5 days, the written response to the inmate of the department's determination of risk and any action taken in response to the report or grievance.
- D. If an inmate files a grievance alleging sexual abuse, sexual assault, sexual misconduct or sexual harassment, DOC will ensure the following:
 - 1. The grievance will not be referred to the staff member who is the subject of the complaint;
 - 2. The inmate will receive notice of the department's decision on the merits of any portion of a grievance alleging sexual abuse, sexual assault, sexual misconduct or sexual harassment within 90 days of the initial filing of the grievance. Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal;
 - a. The agency may claim an extension of time to respond, of up to 70 days, of the normal time. If the response is insufficient to make an appropriate decision, the agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.
 - b. 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.

- E. Inmates filing grievances alleging or providing information that the inmate is subject to a substantial and immediate risk of sexual abuse may be assisted by third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates in filing a request for administrative remedies relating to allegations of sexual abuse. Third parties shall also be permitted to file such requests on behalf of inmates.

- F. If a third-party files such a request on behalf of an inmate, the facility may require, as a condition of processing the request, that the alleged victim agreed to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps to the administrative remedy process.
 - 1. If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.

- G. Inmates wishing to submit a grievance alleging the inmate is subject to a substantial risk of imminent sexual abuse may do so following the established inmate grievance policy or by verbally notifying any staff member of the situation.
 - 1. Staff receiving such a verbal complaint will immediately isolate the inmate for his/her protection and notify the supervisor who will assess the situation, and take immediate action, to include any appropriate investigation necessary to resolve the complaint. The supervisor, via the chain-of-command, will notify the Facility Commander and the Classification unit.

 - 2. After receiving an emergency grievance alleging the inmate is subject to reasonable risk of imminent sexual abuse (or any portion thereof that alleges the substantial risk of imminent sexual abuse) and immediate corrective action has been taken, the Classification Unit shall provide an initial response within 48 hours. The Classification Unit shall issue a final written Departmental decision within five calendar days. The initial response and final Departmental decision shall document the agency's determination whether the inmate is at substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

- H. An inmate may be disciplined for filing a grievance related to alleged sexual abuse only if there is evidence that the inmate filed the grievance in bad faith.

XV. Inmate Education

- A. A pamphlet entitled "Sexual Assault Awareness" shall be distributed to every inmate in each custody facility, initially at Booking Intake as well as upon transfer between the Main Jail and Elmwood complexes. A PREA informational video shall be shown to inmates within each housing unit at regular intervals. Both the pamphlet and the video explain the Department's "zero-tolerance" policies on sexual abuse, sexual assault, sexual misconduct and sexual harassment. Both the pamphlet and video outline reporting options for victims of sexual abuse, sexual assault, sexual misconduct and sexual harassment, as well as the right for any inmate to grieve his/her condition of their confinement.

- B. Each housing unit has posted signs containing information for inmates to report sexual abuse, sexual assault, sexual misconduct and sexual harassment.
 - 1. Inmates with Disabilities and Inmates who are Limited English Proficient
 - a. All inmates will have meaningful access to all aspects of the Department's effort to prevent, detect, and respond to sexual abuse, sexual assault, sexual misconduct and sexual harassment including inmates with disabilities and limited English proficiency. All PREA communications, both written and verbal, will provide effective communication and understanding for disabled and non-English speaking inmates.
 - b. Staff will document, on the PREA Reporting Information Worksheet, all steps taken to provide effective communication and understanding to inmates with disabilities or limited English proficiency.
 - c. Inmate interpreters, inmate readers, or other types of inmate assistance will not be used except in limited circumstances where an extended delay in obtaining an effective interpreter would compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegations.

XVI. Medical and Mental Health Care

- A. If, during the intake screening process, it is determined that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, and the inmate remains in custody, ACHS Mental Health will conduct, within 14 days, a follow-up meeting with the inmate.
- B. If, during the intake screening process, it is determined that an inmate has previously perpetrated sexual victimization, whether it occurred in an institutional setting or in the community and the inmate remains in custody, ACHS Mental Health will conduct, within 14 days, a follow-up meeting with the inmate.
- C. Medical and mental health staff shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.
- D. ACHS shall offer medical and mental health evaluations and timely, unimpeded access to emergency medical treatment and crisis intervention services to all inmates who have been sexually victimized in any correctional setting. The care provided will be consistent with the community level of care.
 - 1. Inmate victims of sexual abuse by vaginal penetration while incarcerated shall be offered a pregnancy test.
 - 2. If pregnancy results from sexual abuse by vaginal penetration while incarcerated, such victims shall receive timely and comprehensive information about, and have timely access to, all lawful pregnancy-related medical services.
 - 3. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
 - 4. Inmate victims of sexual abuse shall be offered timely information about sexually transmitted infections and access to emergency contraception in accordance with professionally accepted standards, where medically appropriate.
 - 5. Treatment services shall be provided without financial cost to the victim inmate regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

6. Investigators responsible for investigations of inmate complaints of sexual abuse will make available to the victim inmate an advocate from the rape crisis center (YWCA), or a qualified staff member from ACHS Mental Health. To function as a qualified agency staff member, the employee must be screened for appropriateness and have received general education concerning sexual assault and forensic examination issues.
 7. If requested by the victim inmate, the advocate or ACHS Mental Health staff member shall accompany and support the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals as necessary.
 8. Following the report of sexual abuse, the Classification unit and ACHS Mental Health will monitor the conduct of victim inmates for at least 90 days following the report. ACHS Mental Health will monitor the conduct and treatment of inmates who have reported sexual victimization and inmates who have reported to have suffered sexual victimization to determine if there are changes in the inmate's behavior that may suggest the inmate has also been the victim of retaliation by other inmates or staff. Immediate action will be taken to prevent any retaliatory action. Classification and ACHS Mental Health shall continue to monitor beyond 90 days if the initial monitoring period indicates the continuing need. Monitoring shall also include periodic status checks.
- E. Inmates identified as known inmate-on-inmate sexual abusers shall be referred to ACHS Mental Health for an evaluation and treatment, as deemed appropriate within 60 days of learning of such history.
- F. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform on treatment plans, security and management decisions including housing, bed, work, education and program assignments, or as otherwise required by federal, state or local law.

XVII. Staffing Considerations and Video Monitoring

- A. Prior to the annual Staff Transfer, each Custody Captain shall assess authorized staffing levels and submit documentation to the PREA Coordinator for any recommended changes to authorized staffing levels as well as any requests for video monitoring systems enhancements and other monitoring technology with respect to sexual abuse prevention within the custody facilities.
- B. The PREA Coordinator will review the information and attach any additional recommendations for staffing and/or monitoring systems enhancements and submit the recommendations, via the chain-of-command, to the Undersheriff, Personnel Division Captain and the Director of Sheriff's Administrative Services.
 - 1. In determining staffing levels and the need for video monitoring with respect to sexual abuse prevention within the custody facilities, the following criteria shall be taken into consideration:
 - a. Generally accepted detention and correctional practices;
 - b. Any judicial findings of inadequacy;
 - c. Any findings of inadequacy from federal investigative agencies;
 - d. Any findings of inadequacy from internal or external oversight bodies;
 - e. All components of the facility's physical plant, including blind spots or areas where staff where inmates may be isolated;
 - f. The composition of the inmate population;
 - g. The number and placement of supervisory staff;
 - h. Institution programs occurring on a particular shift;
 - i. Any state or local laws, regulations, or standards;
 - j. The prevalence of substantiated or unsubstantiated incidents of sexual abuse, sexual assault, sexual misconduct and sexual harassment;
 - k. Any other relevant factors.

XVIII. Discipline

A. Inmate Sanctions:

1. Inmates who engaged in inmate-on-inmate sexual victimization or were found guilty of inmate-on-inmate sexual victimization shall be subject to disciplinary sanctions pursuant to a formal disciplinary process.
2. Sanctions shall be commensurate with the nature and circumstances of the victimization, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
3. The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior in determining what type of sanction, if any, should be imposed.
4. If found guilty as a result of the inmate disciplinary process, the inmate may be required to participate in such interventions as a condition of access to programming or other benefits.
5. An inmate may be disciplined if found guilty of sexual victimization of a staff member.
6. If available, therapy, counseling, or other interventions shall be designed to address and correct underlying reasons or motivations for the victimization. Consideration shall be given whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.
7. For the purpose of disciplinary action, a report of sexual victimization made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

B. Staff Sanctions:

1. Any discipline resulting from violations of the sexual abuse or sexual harassment policies shall 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 histories.

2. All staff terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff in lieu of being terminated, shall be reported to the law enforcement agencies of jurisdiction, unless the activity was clearly not criminal.

C. Contractor/Volunteer Sanctions

1. Any contractor or volunteer who engages in sexual victimization shall be prohibited from contact with inmates and shall be reported to the Jail Crimes Investigation Unit, unless the activity was clearly not criminal, and to relevant licensing bodies.
2. The facility shall take appropriate remedial measures, and shall 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.

XIX. Supervision and Monitoring

- A. Each shift Sergeant or Watch Commander will conduct and document unannounced rounds to identify and deter staff sexual abuse with particular attention to remote (isolated) areas of the facility.
- B. Staff is prohibited from alerting other staff members during supervisory rounds, unless such announcements are related to an emergency or a legitimate operational function.
 1. Maintaining Authorized Staffing Levels:
 - a. Prior to the beginning of each shift, the on-duty Administrative Sergeant will ensure that all reasonable efforts are taken to maintain authorized staffing levels.
 - b. At the beginning of each shift, the on-duty Sergeant will notify the on-duty Watch Commander of the staffing levels and, if under the authorized levels, the reasons why and the efforts made to meet authorized staffing levels.
 - c. In the event authorized limits are not maintained, the on-duty Watch Commander will ensure the required documentation is submitted to the Facility Captain.
 - d. The Facility Captain will maintain the documents and submit a quarterly report to the PREA Coordinator.

X. Compliance

- A. All data collected per PREA standards shall be securely retained for at least 10 years after the date of the initial collection.
 - 1. The 10-year retention period overrides the County-authorized Records Retention and Destruction Schedule, DOC Policy 1.61.

XXI. Data Retention/Collection:

- A. PREA regulations require tracking of incidents of sexual victimization involving inmate-on-inmate or staff-on-inmate events. In addition to investigating the allegations, staff will notify their immediate supervisor and complete the appropriate documentation.
- B. Retention of data and records of any claims associated with any sexual victimization will be securely maintained with the PREA Coordinator per Departmental Policy.
- C. The Department shall collect accurate, uniform data for every allegation of sexual victimization in facilities under its' direct control using a standard instrument and set of definitions.
- D. The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
 - 1. The incident-based data collected shall 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.
 - 2. The agency shall aggregate the incident-based sexual abuse data at least annually.
 - 3. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
 - 4. All sexual victimization data required to be made available to the public shall be collected from all facilities and made available to the public at least annually through the department's website.
 - a. All personal identifiers will be removed from all sexual victimization data made available to the public.

- E. Records and data will be collected, maintained and tracked either via the jail management system or manually by the following categories:
 - 1. The number of reported incidents of inmate-on-inmate sexual victimization.
 - 2. The number of reported incidents of staff-on-inmate sexual victimization
 - 3. Allegations of sexual victimization
 - 4. Locations where incidents occurred (i.e. victim's cell, common area, or outside of the facility)

XXII. Data Collection for Corrective Action

- A. PREA data will be collected from all department facilities and aggregated in order to assess and improve the effectiveness of the sexual victimization prevention, detection, and response policies, practices, and training, by including:
 - 1. Identifying problem areas
 - 2. Taking corrective action on an ongoing basis
 - 3. Preparing any of its findings and corrective actions for each facility, as well as the agency as a whole.
- B. PREA data reports shall include a comparison of the current year's data and the corrective actions taken as a result of prior years and shall provide an assessment of the agency's progress in addressing sexual victimization.

XXIV. Policy Revision

- A. As staffing allows, all Department Policies will be reviewed not less than once a year.



PREA Reporting Information Worksheet



ENTERED IN ITS: Y N

IR# _____

Reporting location: MAIN JAIL ELMWOOD RRC Other, explain: _____

Name: _____ **Date:** ____/____/____

Booking #: _____ **PN:** _____

Gender: Male Female Transgender **DOB:** ____/____/____

Race/Ethnic origin: White (not of Hispanic Origin) Black (not of Hispanic origin) Hispanic or Latino Asian
 American Indian/Alaska Native (not of Hispanic origin) Native Hawaiian/Other Pacific Islander Other

Was the incident reported? Y N Refused to answer If yes, to whom? _____

Not Applicable

Report taken? Y N

Reporting Agency contacted? Y N **Agency:** _____

Reporting Agency Report #: _____

Date of incident occurrence: ____/____/____

SART exam completed? Y N

Location of occurrence: City _____ State _____ Country _____

Suspect known: Y N

Suspect description (if known): Age _____ **Gender:** Male Female Transgender

Suspect Race/Ethnic origin: White Black Hispanic/Latino Asian Other
 American Indian/Alaska Native Hawaiian/Other Pacific Islander

Additional suspects, please use a separate sheet of paper and attach to this sheet.

Mental/physical disabilities: Y N

If yes, please explain: _____

Language Barrier: Y N If yes, language spoken: _____

Language Services offered: Y N

Language services used: Y N

Not Applicable

Referred to Medical staff? Y N **Time reported to Medical staff:** _____ hours

Referred to Mental Health?: Y N **Time reported to MHI staff:** _____ hours

Attach Employee's Report and/or Crime Report, if applicable. **CR#** _____

Reporting Employee: _____ **Badge#:** _____



**Intake / Classification Assessment
Supplemental PREA Work Sheet**

Inmate: _____

PFM: _____

Date: _____

Instructions: As indicated in the left column, the following questions will either be asked of the inmate or indicated based on staff observations by checking the "YES" or "NO" boxes. If a "YES" answer is stated or indicated, explain the answer in the appropriate area corresponding to the question.

Medical / Mental Health:	
Date:	Time: Staff Name:
Inmate:	#1 Do you have a mental, physical or developmental disability? <input type="checkbox"/> YES <input type="checkbox"/> NO
Staff:	#2 Does the inmate exhibit any signs of mental, physical or developmental disability? <input type="checkbox"/> YES <input type="checkbox"/> NO
Receiving Deputy:	
Date:	Time: Staff Name:
Inmate:	#3 Have you ever experienced sexual victimization? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Referred to MH
Check all that apply: <input type="checkbox"/> CITE & RELEASE INMATE <input type="checkbox"/> FORWARDED TO CLASSIFICATION FOR INTERVIEW <input type="checkbox"/> IF CITE & RELEASE, RELEASE DEPUTY TO FORWARD TO PREA COORDINATOR	

Classification Deputy:		
Date:	Time:	Staff Name:
<u>Inmate:</u>	#4	Have you ever experienced sexual victimization? <input type="checkbox"/> YES <input type="checkbox"/> NO
<u>Staff:</u>	#5	Does the inmate's age present any possible victimization risk factors? <input type="checkbox"/> YES <input type="checkbox"/> NO
<u>Staff:</u>	#6	Does the inmate's physical build present any possible victimization risk factors? <input type="checkbox"/> YES <input type="checkbox"/> NO
<u>Inmate:</u>	#7	Have you ever been previously incarcerated? <input type="checkbox"/> YES <input type="checkbox"/> NO
<u>Staff:</u>	#8	Does the inmate's criminal history indicate the inmate has been previously incarcerated? <input type="checkbox"/> YES <input type="checkbox"/> NO
<u>Inmate:</u>	#9	Have you ever been arrested and/or convicted of a violent crime? <input type="checkbox"/> YES <input type="checkbox"/> NO
<u>Staff:</u>	#10	Does the inmate's criminal history indicate exclusively <u>nonviolent</u> crimes? <input type="checkbox"/> YES <input type="checkbox"/> NO
<u>Inmate:</u>	#11	Have you ever been convicted for sex offenses against an adult or child? <input type="checkbox"/> YES <input type="checkbox"/> NO

<u>Staff:</u>	<p>#12 Does the inmate's criminal history indicate convictions for sexual crimes against an adult or child?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<u>Inmate:</u>	<p>#13 Do you perceive yourself as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<u>Inmate:</u>	<p>#14 Have others ever perceived you to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<u>Inmate:</u>	<p>#15 Do you perceive yourself as vulnerable?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>

Classification Comments: ****Please indicate whether the inmate is at risk to be a victim/predator of sexual assault/abuse.**

The above collective information has been reviewed and assessed for the purpose of determining victim potential and appropriate housing.

Signature:

Date:

Time:

REFERRED TO MENTAL HEALTH

FORWARDED TO PREA COORDINATOR

County of Santa Clara
Office of the Sheriff
Investigative Services Division
55 West Younger Avenue
San Jose, California 95110-1721
Phone (408) 808-4500 * Fax (408) 808-4545



Sexual Assault Checklist

IR# _____

VICTIM: _____ SUSPECT: _____

VICTIM ADVISEMENT: (Prior to commencement of exam or any interview)

- Record Statement w/ digital recorder (Video recorded statement @ 110 preferable) (2) & (3)
- Confidentiality Form (pursuant to 293(a) PC) (2)
- Notification of local Rape Crisis Center (Must be done per AB807)
- Victim Advocate and/or support person during exam (AB807)
- Victim Advocate and/or support person during interviews (AB807)

EVIDENCE TO BE OBTAINED FROM THE VICTIM:

- Blood Samples (1)
- Full body photo and photos of injuries (2) & (3)
- Clothing worn at time of assault (3)
- S.A.R.T Kit (Completed by the examining S.A.R.T Nurse) (4)
- Medical Report (2) & (3)

EVIDENCE TO BE OBTAINED FROM THE SUSPECT:

- Blood Samples (1)
- Full body photo and photos of injuries (2) & (3)
- Clothing worn at time of assault (3)
- Suspect Forensic Evidence Kit (Instructions inside) (4)

EVIDENCE FROM THE SCENE: (as applicable)

- Swabs from any surface where DNA could be left (3)
- Photos (35 mm/Digital as needed) (2) & (3)
- Detailed description of scene in narrative (Sketch if applicable)
- Blankets/sheets etc. (Anything which may be of evidentiary value) (3)
- List all witnesses and/or any persons the victim has disclosed to and the date they disclosed
Note: Ask and write down Home Phone#, Cell Phone#, E-mail, Home Addresses)

- (1) Booked at AIB
- (2) Attach to original report
- (3) Booked at Sheriff's Office Evidence Room
- (4) After receiving the S.A.R.T Kit from the examining nurse, place it in the evidence refrigerator in the evidence room. The Suspect Evidence Kit will be processed in the same manner. Be sure to complete and Evidence Report. The keys to the refrigerator are at Operations.

NOTE: Dry wet clothing or other evidence in the investigations drying room before booking into evidence.
Describe all injuries in the report as well as documenting with photographs.

