

**MENDOCINO COUNTY SHERIFF'S OFFICE**  
**OFFICE -WIDE POLICY AND PROCEDURE MANUAL**

**Policy 904**

**PRISON RAPE ELIMINATION ACT (PREA)**

Issued under 610-00 Prison Rape Elimination Act in Corrections Division Policies

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**MANDATES**

42 U.S.C. 1997

Prison Rape Elimination Act of 2003

Department of Justice National PREA Standards

Sheriff's Office Policy Manual section 340 -- Standards of Conduct

Sheriff's Office Policy Manual section 328 -- Discriminatory Harassment

**904.1 POLICY STATEMENT**

The Mendocino County Sheriff's Office, in compliance with the Prison Rape Elimination Act of 2003, mandates zero tolerance toward all forms of sexual abuse, sexual harassment and sexual assault of any inmate in custody. There shall be zero tolerance for retaliation of any sort against anyone who reports or cooperates with the investigations of such acts. All allegations of incidents of sexual abuse that occur in the Mendocino County Correctional Facility shall be thoroughly investigated, documented and reported in accordance with the mandates set forth in the 2003 Prison Rape Elimination Act (PREA) and the Department of Justice National PREA Standards.

The Mendocino County Sheriff's Office is committed to maintaining a program of education, prevention, detection, investigation, criminal and administrative sanctions against perpetrators, data collection, treatment and support for any inmate who is a victim of sexual abuse. Those contracted, employed by, or volunteering for the Sheriff's Office are subject to punitive sanctions for any violation of this policy.

**904.2 DEFINITIONS**

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| <b>Contractor</b> | A person who provides services pursuant to a contractual agreement.   |
| <b>Detainee</b>   | Any person detained in a lockup, regardless of adjudication status.   |
| <b>Inmate</b>     | Any person incarcerated or detained in a prison or jail.  |
| <b>Intersex</b>   | A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sexual development (28 CFR 115.5). |
| <b>Jail</b>       | A confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after   |

adjudication of criminal charges, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

**Lockup**

A facility that contains holding cells, cell blocks, or other secure enclosures that are: Under the control of a law enforcement, court, or custodial officer; and primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

**PREA**

The Prison Rape Elimination Act of 2003 was signed into law by President George W. Bush. The purpose of this law is to protect inmates at all levels from sexual assault, sexual harassment and all forms of sexual abuse from other inmates and facility staff.

**PREA Coordinator**

An upper-level manager with authority, designated to develop, implement, oversee and maintain efforts to comply with PREA standards.

**PREA Compliance Manager**

An upper level manager responsible for the coordination of a facility's efforts to comply with PREA standards.

**PREA related incident**

Any sexual abuse, sexual assault and/or sexual harassment of an inmate.

**Retaliation**

Any negative act by any person toward or against another for reporting or cooperating with an investigation involving sexual abuse, sexual assault or sexual harassment.

**Sexual Abuse**

Sexual abuse includes (28 CFR 115.6):

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

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

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

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition;
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- Voyeurism by a staff member, contractor, or volunteer

Sexual abuse as defined by the California Penal Code.

**Sexual Harassment**

Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee, prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Staff Member**

Any employee of the County of Mendocino.

**Transgender**

A person whose gender identity and/or gender expression (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5)..

**Volunteer**

An individual who donates time and effort to the benefit of the Sheriff's Office activities and programs for inmates.

**Voyeurism**

An invasion of privacy of an inmate or detainee by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's body or of an inmate performing bodily functions.

### 904.3 GENERAL INFORMATION

- A. The purpose of the Department of Justice National PREA Standards is to prevent, detect, and respond to rape pursuant to the Prison Rape Elimination Act of 2003.
- B. The Sheriff's Office has appointed the Correction's Division Lieutenant as the PREA Coordinator who shall be provided with sufficient time and authority to coordinate, develop, implement, oversee and maintain efforts to comply with all PREA standards.
- C. The Sheriff's Office has appointed the Correction's Division Classification Sergeant as the PREA Manager with the responsibility for the coordination of efforts to comply with PREA standards.
- D. The Sheriff's Office will not enter into any contract, or renew any contract, for the confinement of Mendocino County inmates that does not include the agencies obligation to adopt, monitor and comply with PREA standards.
- E. The Sheriff's Office will not enter into or renew any collective bargaining agreement or any other agreement that limits the Sheriff Office's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
  - 1. Nothing in this standard shall restrict entering into or renewal of agreements that govern:
    - a. The conduct of the disciplinary process, as long as such agreements are not inconsistent with provisions of PREA mandates pursuant to 28 CFR 115.72 or 28 CFR 115.76 (adult prisons or jails), or 28 CFR 115.72 or 28 CFR 115.76 (lockups).
    - b. Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the employees personnel file following a determination that the allegation of sexual abuse is not substantiated.
- F. All reports of sexual abuse/harassment or expressed fear of sexual abuse/harassment shall result in prompt action and documentation which shall include, but not be limited to:
  - 1. Medical and mental health attention.
  - 2. Immediate initiation of an investigation.
  - 3. Preservation of evidence.
- G. The Sheriff's Office shall ensure meaningful access and take reasonable steps in its effort to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited in their English proficiency.
  - 1. Written PREA informational and educational material provided to inmates shall be in formats or through methods, including the use of interpreters if necessary, that ensure effective communication with inmates and detainees who are limited in English proficiency.
  - 2. Inmate interpreters, inmate readers, or other types of inmate assistants shall not be used, except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under 28 C.F.R. § 115.64 or 28 C.F.R. § 115.164, or the investigation of the inmate's allegations.

- H. There is no consensual sex between staff and inmates or detainees, or civilian staff supervising inmates. Any sexual abuse or sexual harassment between staff, contractor, or volunteer with an inmate or detainee is inconsistent with the policy and procedures of the Sheriff's Office and shall be investigated.
- I. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates, and if applicable, reported to relevant licensing bodies.
  - 1. The Sheriff's Office shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of sexual abuse or sexual harassment policies by a contractor or volunteer.
- J. Correctional Staff upon learning of an inmate's substantial risk of imminent sexual abuse will take immediate steps to protect the inmate.
- K. When designing or acquiring any new facility and in planning any substantial expansion or modifications of existing facilities, the Sheriff's Office shall consider the effect of the design, acquisition, expansion, or modification upon the ability to protect inmates from sexual abuse.
- L. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Sheriff's Office shall carefully evaluate and consider how such technology may enhance the Sheriff's Office ability to protect inmates from sexual abuse.

## **904.4 PROCEDURES**

### **904.4.1 TRAINING**

- A. All staff, including contractors and volunteers who may have inmate or detainee contact, shall receive basic PREA training every two years. This training shall occur for all new employees. In years when this training is not provided, refresher information shall be provided on current sexual abuse and sexual harassment policies. All training shall be documented through staff member, contractor or volunteer signature or electronic verification that staff members, contractors and volunteers understand the training they have received. The training, at a minimum, shall include the following topics (28CFR 115.31; 28 CFR 115.131):
  - 1. The Office's zero tolerance policy for sexual misconduct, sexual assault, and sexual harassment.
  - 2. The rights of inmates, staff, contractors and volunteers to be free from sexual misconduct, sexual abuse and sexual harassment.
  - 3. The rights of inmates, staff, contractors and volunteers to be free from retaliation for good faith reporting of suspected or observed instances of sexual misconduct, sexual abuse or sexual harassment.
  - 4. How staff and volunteers can fulfill their responsibilities under the Sheriff's Office sexual abuse and harassment prevention, detection, reporting and response policies.
  - 5. The dynamics of sexual misconduct, abuse and harassment in confinement.
  - 6. The common reactions of sexual misconduct, abuse and harassment in confinement.
  - 7. How to detect and respond to signs of threatened and actual sexual misconduct, abuse or harassment.
  - 8. How to avoid inappropriate relationships with detainees and inmates.

9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex and gender nonconforming inmates.
  10. Mandatory reporting requirement.
- B. Training shall be provided annually 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.
  - C. Specialized PREA training shall be provided to all medical and mental health care providers in addition to the training outlined in 904.4.1, subsection A, to include but not limited to sexual abuse/harassment detection, evidence preservation, professional responses to victims of abuse, and reporting sexual abuse/harassment allegations and/or suspicions.
  - D. Trained sexual assault detectives shall receive specialized training in conducting PREA related investigations in confinement settings, that includes the topics listed in 28 C.F.R. 115.134. The Investigations Bureau Lieutenant will forward copies of all PREA training records to the Corrections Division's training unit.
  - E. The Corrections Division's training unit is the custodian of records for all PREA training for Corrections staff. The Professional Standards Bureau is the custodian of records for all PREA training for the Field Division. The Inmate Services Coordinator shall ensure training is completed and shall maintain training records for all volunteers who have contact with inmates. The Corrections Division Lieutenant shall ensure training is completed and shall maintain training records for all contractors who have contact with inmates. The training unit will audit the training files for medical staff, mental health staff, domestic violence and sexual assault detectives, contractors and volunteers.

#### **904.4.2 INMATE EDUCATION**

- A. All inmates shall be given a PREA advisement during the booking process, to read and sign, pertaining to the Sheriff Office's zero tolerance policy towards all forms of sexual abuse and sexual harassment, and how to report such incidents of sexual abuse or sexual harassment. This signed advisement shall be maintained in the inmate's A-file. During the intake process, employees shall notify all detainees of the Sheriff Office's zero-tolerance policy regarding sexual abuse and sexual harassment.
- B. All inmates shall be provided access to an inmate orientation handbook that explains the Sheriff Office's zero tolerance policy regarding sexual abuse. The handbook, which is available on the kiosk in each housing unit, informs inmates that any staff member can receive a report of sexual abuse and all reports of sexual abuse will be thoroughly investigated.
- C. All housed inmates shall be provided a PREA informational brochure that describes, but not limited to, what sexual abuse is, ways to stay safe while incarcerated, a warning to potential abusers, why abuse should be reported and to whom, the availability of counseling, medical services and contact information for outside agencies that can provide further support.
- D. Inmate education shall be provided to all housed inmates regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and Sheriff Office's policies and procedures for responding to such incidents.

- E. The Corrections Facility has PREA education and reference materials available to inmates. These materials include, but are not limited to: posters placed in conspicuous locations throughout the facility, handbooks and brochures.

### **904.4.3      RESPONSE TO A PREA INCIDENT**

- A. Correctional Staff shall take immediate steps to protect an inmate or detainee from sexual abuse and shall separate abusers from potential victims.
- B. Correctional Staff shall preserve and protect the crime scene. Correctional Staff shall be required to request that the alleged **victim** not take any actions that could destroy physical evidence until appropriate steps can be taken to collect evidence.
  - 1. If the first staff responder is not a Correctional Staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify Correctional Staff
- C. The Sergeant shall request a patrol Deputy via Sheriff's Dispatch to respond to all PREA related crimes that occur in a facility.
  - 1. A Patrol Deputy will refer any PREA related crime suspected of being a felony to a sexual assault detective who has been trained pursuant to section 904.4.1, subsection D., for investigation.
- D. The on-duty Corrections Sergeant is responsible to ensure reasonable steps are taken to prevent the alleged **abuser** from taking any actions that could destroy physical evidence including, as appropriate, including but not limited to, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- E. Correctional Staff shall request mental health and/or medical staff to respond to all PREA related crime/incidents.
  - a. On site medical staff shall be trained and will advise any alleged victim whose sexual abuse occurred within a time period that may still allow for the collection of physical evidence, not to take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
  - b. Forensic medical evaluations will not be conducted at the Corrections facility. Any forensic medical evaluation necessary will be conducted at an off-site medical facility by qualified medical professionals.
- F. The reporting Deputy will access the computer system to complete an incident report.
- G. The on-duty Corrections Sergeant shall ensure staff members, contractors and/or volunteers submit an incident report, civilian incident or memorandum detailing their observations and the role they played in the incident.
- H. The on-duty Corrections Sergeant shall ensure that copies of the incident reports and any memorandums are forwarded to the Patrol Deputy assigned to investigate the incident and the PREA Coordinator.
- I. A trained sexual assault detective shall ensure all victims of sexual abuse shall be afforded the opportunity to have a Victims Rights Advocate made available to accompany and support the

victim through the forensic medical examination process, the investigative interviews and emotional support, crisis intervention, information and referrals, shall be provided at no cost to the inmate or detainee.

- J. When a victim of abuse returns from the hospital, the booking Deputy will notify classification of the inmate's return before being housed. In the absence of a Classification Deputy, a Sergeant shall make the appropriate housing decision. The booking Deputy will refer the inmate to medical and mental health practitioners to ensure that any necessary follow-up treatment services are provided.

#### **904.4.4 REPORTING AND INVESTIGATIONS**

- A. Staff members, contractors and volunteers shall accept all allegations made verbally, in writing, anonymously, from third parties and promptly notify a supervisor or manager. All incidents of sexual abuse, sexual assault and sexual harassment upon inmates shall be investigated promptly, thoroughly, objectively and forwarded through the chain of command. Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution. The departure of the alleged abuser or victim from employment, control or custody **shall not** provide a basis for terminating an investigation.
- B. The administrative investigation will be subordinate to the criminal investigation. The standard used to substantiate allegations of sexual abuse in the administrative investigation shall be no higher than a preponderance of the evidence.
  - 1. The Sheriff's Office shall maintain all written reports and investigations to include internal affair investigations for all sexual abuse investigations for a minimum of ten years. However, if the alleged abuser is incarcerated or employed by the Sheriff's Office, it shall retain the records an **additional five years** from the time they are released from the facility (inmate) or end their employment with the Sheriff's Office (employee).
  - 2. 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 an inmate or staff.
  - 3. The Sheriff's Office shall cooperate fully with any outside investigations of sexual abuse and endeavor to remain informed about the process and disposition of any such investigation.
  - 4. Third parties are encouraged to report all allegations of sexual abuse or harassment by phone (707)463-4411 or (707)463-4423 and request to speak with a correctional supervisor. Allegations can also be submitted on a citizen's complaint form. Citizen complaint forms can be obtained from the business lobby, be mailed upon request or by downloading the form from the Sheriff's Office website.
- C. All staff members, contractors and volunteers have an affirmative duty to report to a supervisor or manager all allegations, suspicions, or knowledge of sexual abuse, sexual harassment, sexual assault or any sexual misconduct involving inmates that takes place within any Sheriff's Office facility or within any other jurisdiction or agency.
- D. Any staff member, volunteer or contractor who has knowledge, information or suspects retaliation against anyone who reports sexual abuse, cooperates with an investigation or that a staff member violated their responsibilities that may have contributed to an incident shall immediately notify a supervisor or manager. This notification may be made in private, but shall occur immediately

upon obtaining knowledge. There is no requirement for any employee to use the chain of command.

1. Apart from reporting sexual abuse to a supervisor or manager, 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 treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
- E. Medical and mental health practitioners unless otherwise precluded by Federal, State, or local law shall be required to report all allegations of sexual abuse or retaliation. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18. All inmates must be informed of the medical or mental health practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
- F. If the alleged victim is considered a vulnerable adult under a State or local vulnerable persons statute, the Office shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.
- G. A patrol deputy shall be called to respond to all PREA related crimes that occur within the Corrections Division. A patrol deputy shall refer all felony PREA related crime investigations to a sexual assault detective who has been trained pursuant to section 904.4.1, subsection D. The sexual assault detective shall conduct investigations in compliance with all applicable PREA standards.
- a. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- H. Staff members, contractors and volunteers accused of harassment or abuse of an inmate shall not have any contact with the reporting staff member or others involved in the investigation. Any form of retaliation shall be subject to punitive action.
- I. Inmates or detainees may privately (if they so choose) report sexual harassment, abuse, or assault, retaliation for reporting, or staff indifference to any employee, volunteer or contractor.
1. These reports can be made verbally or in writing through inmate request forms, letters, or any other medium. These reports can be made by third parties on behalf of the inmate.
  2. An inmate or detainee who alleges sexual abuse shall not be required to submit to polygraph or any other truth-telling device as a condition for proceeding with the investigation of such an allegation.
  3. Retaliation reports filed against other inmates or detainees shall be investigated.
  4. Reports of retaliation by staff shall be documented in a memorandum and forwarded to the Corrections Division Commander or designee.
  5. Inmates can confidentially and anonymously report sexual abuse to Project Sanctuary, using inmate telephones by dialing (707)462-9196. Project Sanctuary will comply with

mandatory reporting requirements by reporting sexual abuse directly to a Corrections Sergeant.

- a. Inmates who do not speak English may request a translator upon contacting Project Sanctuary.
  - b. Inmates who are hearing impaired shall be provided a TDD machine and may dial Project Sanctuary using a direct telephone number.
6. Staff members shall accept reports made verbally, in writing, anonymously and from third parties, such as advocates or family members. All such reports shall be immediately documented and the employees' immediate supervisor notified. The PREA Coordinator, the PREA Compliance Manager and the Corrections Division Commander shall be notified, and an investigation shall immediately commence.
7. Inmates are not detained solely for civil immigration purposes but are provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security upon request. Refer to Policy and Procedure 1651-00 *Department of Homeland Security*.
- J. Staff members shall accept reports made verbally, in writing, anonymously and from third parties, such as advocates or family members. All such reports shall be immediately documented and the employee's immediate supervisor notified. The PREA Coordinator, the PREA Compliance Manager and the Facility Manager shall be notified, and an investigation shall immediately commence.
- K. If the person who receives the report is a non-custody employee, he or she shall immediately notify any custodial supervisor.
- L. Reports can be made through the Sheriff's Office website by downloading, completing and submitting a citizen's complaint form. A PREA related citizen's complaint form submitted anonymously will be accepted.
- M. PREA related crimes that involve inmates that are elderly or suffer from any disability will be referred to the Detective's Unit for investigation.
- N. Copies of all completed PREA related incident and investigation reports shall be forwarded to the PREA Coordinator.
- O. Upon completion of an investigation involving an inmate's allegation they were sexually abused in a Sheriff's Office facility, the inmate shall be informed as to the final determination of the investigation (Sustained, Not Sustained, Inconclusive or Unfounded). If an outside agency conducts the investigation, the Sheriff's Office shall request the relevant information from the investigative agency in order to inform the inmate.
1. All investigations shall include efforts to determine whether staff actions or failures to act contributed to the abuse.
- P. If an allegation is substantiated that a staff member committed a sexual assault against an inmate, the Sheriff's Office shall inform the inmate by memorandum whenever:
1. The staff member is no longer assigned to the inmate's housing area.
  2. The staff member is no longer employed or assigned to the facility.

3. The staff member has been indicted or criminally charged related to abuse within the facility.
  4. The Sheriff's Office learns that a staff member has been convicted on a charge related to sexual abuse within the facility.
  5. The Sheriff Office's obligation to report under this standard shall terminate if the inmate is released from custody.
- Q. Following an allegation by an inmate that he was abused by another inmate, the victim shall be informed by memorandum whenever:
1. The alleged abuser has been indicted or criminally charged on charges related to sexual abuse within the facility; or
  2. The alleged abuser has been convicted on a charge related to abuse within the facility.
  3. The Sheriff Office's obligation to report under this standard shall terminate if the victim is released from custody.
- R. Inmates can report sexual abuse they experienced while confined at another facility. Upon report of an allegation of an inmate being sexually abused while confined at another facility, the Corrections Division Commander or their designee shall notify in writing the head of the facility or appropriate office of the agency where the alleged abuse occurred. Such notifications shall be provided and documented as soon as possible, but no later than 72 hours after receiving the allegation.
- S. When informed by another agency that an inmate or detainee in Sheriff's Office custody was sexually abused while incarcerated, the allegation shall be investigated promptly, thoroughly, objectively and forwarded through the chain of command. Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution.
- T. Upon receipt of a completed investigation, the PREA Coordinator shall document the incident using a U.S. Department of Justice Bureau of Justice Statistics (USDOJ BJS) form SSV-1A and maintain the copy for use in the report submitted annually to USDOJ BJS. A copy shall be retained for no less than ten years.
- U. The PREA Coordinator shall compile all information pertaining to allegations and substantiated incidents of sexual assaults, sexual abuse, and sexual harassment on inmates and detainees, annually. This information shall be submitted to the USDOJ BJS using form SSV-3. This form shall be submitted to the USDOJ BJS electronically. A copy of the SSV-3 as well as copies of all reports included in the SSV-3 shall be forwarded to the Corrections Division Commander and the PREA Compliance Manager. A copy of this data shall be maintained for no less than ten years.
- V. The PREA Coordinator shall create an annual report using the data collected during the previous year and submit the report to the Sheriff for review. Once approved, this report shall be placed on the Sheriff's Office web site for public viewing. Names of all involved parties shall be redacted.

**904.4.5 ACCESS TO EMERGENCY MEDICAL AND MENTAL HEALTH CARE SERVICES**

- A. Inmate and detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which will be determined by medical and mental health practitioners according to their professional judgment.
- B. Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Treatment services shall be provided to the victim without financial cost, regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

**904.4.6 ACCESS TO ONGOING MEDICAL AND MENTAL HEALTH CARE SERVICES**

- A. Any inmate who reports being victimized by sexual abuse or subject to a PREA related incident shall be referred by a Correctional Deputy to medical and/or mental health practitioners for evaluation and treatment consistent with the community level of care. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
  - 1. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- B. Inmate victims of sexually abusive vaginal penetration (while in custody) shall be offered pregnancy tests. If pregnancy results, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy related medical services.
- C. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

**904.4.7 VICTIM ADVOCACY**

- A. All victims of sexual abuse shall be afforded the opportunity to have a Victims Rights Advocate made available to accompany and support the victim through the forensic medical examination process, the investigative interviews and shall provide emotional support, crisis intervention, information and referrals, at no cost to the inmate.
  - 1. The following Victim Rights Agencies addresses and telephone numbers are provided to all inmates:
    - a. Project Sanctuary
    - b. Parents Family and Friends of Lesbians and Gays.
    - c. National Human Trafficking Hotline

**904.4.8 PROTECTION AGAINST RETALIATION**

- A. The Sheriff's Office shall take immediate appropriate measures to protect anyone who expresses a fear of retaliation because they reported or cooperated with an investigation of sexual abuse.
- B. Multiple protection measures shall be employed against any forms of retaliation, such as housing transfers or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers

from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

- C. For at least 90 days following a report of sexual abuse, the PREA Coordinator shall monitor the conduct and treatment of inmates, or staff who reported the sexual abuse, and of inmates who were reported to have suffered sexual abuse to determine if there are indicators to suggest possible retaliation intentions by inmates or staff, and shall act promptly to remedy any such retaliation.
- D. The PREA Coordinator may delegate this responsibility to any correctional staff member.
  - 1. Monitoring activities may include, but is not limited to, inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff.
  - 2. The PREA Coordinator or his designee shall continue such monitoring beyond 90 days if initial monitoring indicates a continuing need.
- E. The PREA Coordinator shall coordinate with classification staff to ensure inmates who report sexual abuse are monitored by periodic status checks. The frequency and duration of the status checks shall be determined on a case-by-case basis.
- F. Monitoring shall terminate if it is determined an allegation is unfounded.

#### **904.4.9 DISCIPLINARY SANCTIONS FOR STAFF**

- A. Employees shall be subject to disciplinary actions up to and including termination of employment for any violations of sexual abuse or harassment policies.
- B. Termination shall be the presumptive disciplinary action for employees who have engaged in sexual abuse.
- C. Disciplinary action for violations of Sheriff's Office and County of Mendocino policies, and rules relating to sexual abuse or sexual harassment shall be commensurate with the nature and circumstances of the acts committed, the employee's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- D. All terminations for violations of sexual abuse or sexual harassment policies, or resignations by employees who would have been otherwise terminated, if not for their resignation, shall be reported to law enforcement agencies for any offenses outside the jurisdiction of the Sheriff's Office, unless the activity was clearly not criminal, and to any relevant licensing bodies.

#### **904.4.10 SEXUAL ABUSE INCIDENT REVIEWS**

- A. The PREA Coordinator shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Such review shall ordinarily occur within 30 days of the conclusion of the investigation. The review team shall include the Corrections Division Commander and the PREA Manager or their designees, with input, as necessary, from line supervisors, investigators, and medical and/or mental health practitioners.
- B. **The review team shall:**
  - 1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.

2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, gang affiliation or was motivated or otherwise caused by other group dynamics at the facility.
  3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
  4. Assess the adequacy of staffing levels in the housing locations during different shifts.
  5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- C. The PREA coordinator shall prepare a report of the review's findings and any recommendations for improvement. Recommendations for improvements shall be made and any reasons for not implementing the recommendations shall be explained. The final report shall be submitted to the Corrections Division Commander and the PREA Compliance Manager.

#### **904.4.11 DATA COLLECTION AND ANNUAL REPORT**

- A. The Sheriff's Office shall collect accurate, uniform data for every allegation of sexual abuse at the Mendocino County Correctional Facility using a standardized instrument and set of definitions.
  1. The Sheriff's Office will obtain incident based and aggregated data from any agency contracted to provide confinement for Mendocino County inmates.
- B. All managers and supervisors shall forward all PREA data to the PREA Coordinator, while maintaining a copy for their files. This data shall be securely maintained.
- C. The PREA Coordinator shall aggregate the incident-based sexual abuse data on an annual basis using the most recent version of the Survey of Sexual Violence form from the Department of Justice.
  1. Upon request, the Sheriff's Office will provide all data from the previous calendar year to the Department of Justice no later than June 30.
- D. The information from all the incidents in the prior calendar year will be reviewed and compiled into an annual report. The report shall also include corrective actions for the Sheriff's Office as a whole, along with a comparison to the previous year's data and submitted to the Sheriff for review. Upon approval of the Sheriff, the report shall be posted on the Sheriff Office's website annually after all necessary redactions have been made pursuant to California Penal Code 293.
- E. All documents pertaining to investigations shall be securely retained by the PREA Coordinator for no less than ten (10) years.

#### **904.4.12 AUDITS**

- A. The PREA Coordinator shall annually review and document the facility's compliance with PREA standards, which shall also include the staffing plan to ensure adequate levels of staffing and where applicable, video monitoring systems to protect inmates from sexual abuse and sexual harassment. The review shall assess, determine and document any discrepancies and where adjustments are needed to:
  1. Staffing Plan.

2. Facility deployment of video monitoring systems and other monitoring technologies.
  3. Resources available to commit to ensure adherence to the staffing plan.
- B. All facilities under the Sheriff Office's control shall be individually audited by an outside auditor who has been certified by the Department of Justice, once every three years. The auditor shall be provided all relevant policies and procedures, reports, internal and external audits and accreditations for the facility being audited.
1. During the audit, the auditor shall have access to all areas of the facility and supplied any relevant documentation requested.
  2. The auditor shall have access to inmates, staff, and administrators. Staff will be expected to cooperate fully during this audit.
- C. The results of all PREA audits will be documented via memorandum to the Sheriff via the chain of command.

#### 904.4.13 HIRING AND PROMOTIONAL PROCESS

- A. **Hiring.** The Sheriff's Office shall abide by the following rules when hiring or contracting with individuals who will have contact with inmates.
1. The Sheriff's Office shall not hire or promote anyone who may have contact with inmates or detainees, and shall not enlist the services of any contractor or volunteer who may have contact with inmates or detainees, who:
    - a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or any other institution.
    - b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refused
    - c. Has been civilly or administratively adjudicated to have engaged in the activity described above.
  2. All incidents of sexual harassment shall be considered when determining whether to hire or enlist the services of any contractor, volunteer, or staff member who may have contact with an inmate or detainee.
  3. Before hiring or contracting with, all employees, contractors, and volunteers shall be subject to a criminal background check.. Consistent with Federal, State, and local law, the Office shall make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
  4. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for disqualification.
- B. **Current Employees.** The agency is notified by the Department of Justice anytime an employee is fingerprinted as a result of any arrest.
- C. **Promotions.** The Sheriff's Office shall abide by the following rules when promoting employees who will have contact with inmates

1. The Sheriff's Office shall not promote anyone who may have contact with inmates or detainees who:

- a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997).
- b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or,
- c. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (C) (1)(b) of this section.

2. The Sheriff's Office shall consider any incidents of sexual harassment in determining whether to promote an individual.

3. The Sheriff's Office shall ask all applicants and employees who may have contact with inmates or detainees directly about previous misconduct described in paragraph 5.0 (A) of this section in written applications or interviews for promotions. The Sheriff's Office shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

4. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

D. **Former Employees.** The Sheriff's Office shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work only upon receipt of a signed waiver from the former employee.

## 6.0 REVISION HISTORY