

## 5-08-160 Prison Rape Elimination Act (PREA) Prevention of Sexual Assault and Abuse

**Reference:** CDM 3-04/025.00, 4-07/015.00; MPP 4-01/020.60, 5-09/350.00, 5-09/350.05; PREA Public Law 108-79

### PURPOSE OF ORDER:

The purpose of this order is to establish guidelines to prevent sexual assaults on inmates and facilitate the treatment needs of inmates who have been sexually assaulted at Pitchess Detention Center (PDC) South Facility as mandated by the Prison Rape Elimination Act.

### SCOPE OF ORDER:

This order shall apply to all personnel assigned to, and working at PDC South Facility.

### ORDER:

It is policy of South Facility to establish effective procedures that enhance the ability to identify and prevent sexually assaultive behavior among inmates housed at this facility. South Facility's policy will be consistent with the "Prison Rape Elimination Act" (PREA), for the purpose of minimizing the number of sexual assaults by inmates or staff on other inmates.

The PREA addresses physical assaults by force, threats or extortion. Sexual conduct between inmates and staff members, volunteers, contract personnel or other inmates, regardless of consensual status, is prohibited and subject to administrative and/or criminal actions.

### DEFINITIONS

**Inmate-on-Inmate Sexual Abuse/Assault:**

One or more inmates engaging in, or attempting to engage in a sexual act with another inmate. One or more inmates using threats, intimidation, inappropriate touching or other actions to coerce another inmate to engage in a sexual act.

**Staff-on-Inmate Sexual Abuse/Assault:**

One or more staff members, volunteers or contract personnel engaging in, or attempting to engage in a sexual act with any inmate. One or more staff members, volunteers, or contract personnel inappropriately touching of an inmate with the intent to abuse, humiliate, harass, degrade, arouse or gratify the sexual desire of any

person.

## PROCEDURES

All staff members are responsible for being alert to signs of potential situations in which sexual assaults could occur and immediately referring cases of sexual abuse/assault to a supervisor.

Any sexual related crime involving inmates requires immediate verbal notification to Custody Investigative Services Unit (CISU). A supervisor shall then notify Custody Support Services (CSS) and the PREA Coordinator with a Memorandum (SH-AD-32A) via email to [REDACTED TEXT]. Due to confidentiality concerns, any other notifications shall be "on a need to know basis" only.

A victim of sexual abuse/assault will be evaluated by medical staff for potential referral to the appropriate county contracted medical facility. A supervisor will ensure the medical facility complies with the Sexual Assault Rape Treatment Protocol (SART), is equipped (in accordance with state Law), properly trained and certified to evaluate and treat sexual assault victims.

If a sexual assault occurred within 96 hours, the inmate shall be transported to the nearest county contracted hospital for treatment and/or a forensic examination. If the suspect is an inmate in a Custody Services Division facility, and the assault occurred within 96 hours, the suspect shall also be transported to the nearest county contracted hospital, separate from the victim for a forensic examination (refer to Manual of Policy and Procedures (MPP) 5-09/350.05 "Responsibilities of Station/Unit Personnel and Responding Deputies on Rape and Sexual Assault Cases").

If an inmate victim or suspect is being transported to a hospital for an examination, custody personnel should ensure that they do not bathe, brush their teeth, eat or drink anything, and should avoid, if possible, letting them use the restroom.

Custody personnel shall ensure that any available evidence is collected and handled appropriately.

## **Program Coordination**

The unit commander has assigned the health services administrator (Sergeant), and the training sergeant overall responsibility for ensuring all elements of the program are met in a coordinated fashion. Specific program elements include:

- Educating and training staff to access and identify inmates who are at high risk for sexual abuse/assault
- Counseling of inmates identified as high risk with a history of sexually assaultive behavior
- Investigating, disciplining, and/or prosecuting perpetrators of sexual assault

## **Prevention**

All staff members are responsible for being alert to signs of potential situations in which sexual assaults might occur.

## **Staff Training**

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Training on the facility's Sexual Abuse/Assault Prevention and Intervention Program shall be included in training for employees, volunteers or contract personnel.

Training shall include:

- Definitions and examples of prohibited and illegal behavior
- Prohibitions on retaliation against inmates and staff who report sexual abuse
- An understanding that sexual abuse or assault is never an acceptable consequence of incarceration
- Recognition of situations where sexual abuse or assaults may occur
- Recognition of the physical, behavioral, and emotional signs of sexual abuse or assaults and ways to prevent such occurrences
- The investigation process and how to ensure evidence is not destroyed
- The documentation and referral procedures of all allegations or suspicions of sexual assault

### **Intervention**

Staff members shall monitor inmate housing areas for signs of passive or aggressive sexual behavior. Staff members shall report any behavior they believe may be symptomatic of a sexual abuse/assault or extortion case to their immediate supervisor immediately upon being made aware of the situation. The supervisor shall ensure the crime is investigated and that the watch sergeant and the watch commander are notified.

### **Processing Requests**

An investigation can be requested by anyone who has information or knowledge that an inmate may be in need of protection. The information can be reported by the victim inmate, other inmates, family members or civilian workers/volunteers. When any allegation of sexual assault is received, the victim inmate will be offered immediate protection and taken to the clinic for a medical evaluation by medical staff. The watch sergeant and the watch commander will be notified of the incident.

When a staff member, civilian/contract worker, or volunteer is alleged to be the perpetrator of a sexual abuse/assault, the watch commander shall be notified immediately. The watch commander shall contact the South Facility unit commander and advise them of the situation. An investigation shall be conducted to determine the validity of a staff-on-inmate sexual abuse allegation. A comprehensive inquiry shall include, but not be limited to:

- The securing of the alleged crime scene. if appropriate
- The review of any available CCTV or handheld video footage
- Interviewing any available witnesses

Should the preliminary information gathered present any validity to the allegation, the unit commander shall be notified immediately. The unit commander shall then consult with the Internal Criminal Investigations Bureau (ICIB) and respective Custody Services Division Chief for further direction.

All staff-on-inmate sexual abuse or harassment allegations, whether conveyed verbally or in writing, shall be processed and handled administratively as an inmate grievance against staff per CDM section 8-03/040.00, "Grievances Against Staff." Grievances shall be entered into the Custody Automated Reporting and Tracking

System (CARTS) as a "Grievance Against Staff" and a reference number assigned

### **Tracking Sexual Assaults**

All inmate sexual abuse allegations/assaults shall be documented in an Incident Report (SH-R-49) and assigned to the Jail Investigations Unit (JIU). In instances of staff-on-inmate sexual abuse allegations a SH-R-49 shall only be written with the approval of the PDC South unit commander.

Investigative files will be maintained at the appropriate investigative unit and will include copies of:

- All reports and investigations
- Approved medical forms
- Supporting memos and videotapes
- All evidentiary materials pertaining to the allegation

### **Inmate Education**

As part of the inmate orientation program, all inmates will receive information on sexual abuse/assault. Inmates will receive the below listed information:

- Prevention and intervention
- Definitions and examples of sexual abuse
- Staff involved inmate sexual abuse and coercive sexual activity
- Reporting sexual abuse or assault and the investigation process
- Self-protection/prohibition against retaliation
- Treatment and counseling

NOTE: Consensual sexual acts amongst inmates are not considered PREA incidents, but shall be considered a violation of jail rules. Inmate-on-staff sexual abuse incidents are also not PREA incidents, but shall be criminally investigated and documented on an Incident Report (SH-R-49).

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