

# Grant County Sheriff's PREA policy

## Policy

### 1.1

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

### 1.2

#### **Purpose:**

**To outline the prevention, detection, and response for incidents of sexual misconduct involving inmates.**

### 1.3

#### **Definitions:**

**Agency:** The unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

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

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

**Staff / Employee:** A person who works directly for the Grant County Sheriff's Office. Staff view inmates in person.

**Exigent circumstances:** Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

**Facility:** A place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

**Facility head:** The Sheriff.

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

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

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**Intersex:** A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

**Jail:** A confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

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

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

**Medical practitioner:** A health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

**Mental health practitioner:** A mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified mental health practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

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

**Prison:** An institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

**Secure juvenile facility:** A juvenile facility in which the movements and activities of individual inmates may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows inmate's access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

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

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

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

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

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

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

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

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

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

## 1.4 Procedure:

### A. Sexual abuse includes:

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

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

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

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

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

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

**B.4** Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

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

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

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

**C.3** Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

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**C.4** Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

**C.5** Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

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

**C.7** Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, and;

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

### **D. Sexual harassment includes:**

**D.1** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another;

**D.2** Repeated verbal comments or gestures of a sexual nature to an inmate, by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

### **E. Prevention and Planning.**

**E.1 Zero tolerance of sexual abuse and sexual harassment.** Grant County Sheriff's Office and all employees, contractors, volunteers and inmates will adhere to a zero tolerance policy toward all forms of sexual abuse and sexual harassment of inmates. GCSO has established through this policy our approach to preventing, detecting and responding to such conduct.

**E.2 PREA Coordinator.** Grant County Sheriff's Office will designate an upper-level, agency-wide PREA coordinator, with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards. (The Jail Manager will act as the PREA coordinator)

**E.3 Contracting with other entities for the confinement of inmates.** Grant County Sheriff's Office will ensure that all contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, will include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards and that any new contract or contract renewal will provide for agency contract monitoring to ensure that the

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contractor is complying with the PREA standards. Only in emergency circumstances in which all reasonable attempts to find a private agency or other entity in compliance with the PREA standards have failed, may the GCSO enter into a contract with an entity that fails to comply with these standards. In such a case, GCSO will document its unsuccessful attempts to find an entity in compliance with the standards.

**E.4 Supervision and monitoring.** The Jail commander or designee will develop and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, agencies will take into consideration.

- a. The physical layout of the facility;
- b. The composition of the inmate population;
- c. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- d. Generally accepted detention and correctional practices;
- e. Any judiciary findings of inadequacy;
- f. Any findings of from Federal investigative agencies;
- g. Any findings of inadequacy from internal or external oversight bodies;
- h. All components of the physical facilities layout including "blind-spots" or isolation locations;
- i. The number and placement of supervisory staff;
- j. Programs, program locations, and shift hours;
- k. Any applicable local, state, regulations, standards, or laws;
- l. Any findings from PREA review committee meetings;
- m. Any other relevant factors.

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

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

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**E.6 Unannounced rounds.** Intermediate-level or higher-level supervisors will conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

a. These rounds shall cover night shifts as well as day shifts. Staff will not alert other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. Staff will note in the daily log the date, time and which supervisor.

b. Unannounced reviews will be conducted on a random basis. Unannounced reviews will be documented. Documentation should be noted as follows: date, time, which supervisor.

**E.7 Youthful Inmates.** Youthful Inmates will not be accepted.

a. Youthful inmates will not be housed in this facility. The juvenile department will take custody of youthful offenders before they enter the secure facility and transport them to the appropriate facility.

### Reference Jail Policy B-106

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

**E.9 Limited Viewing.** GCSO will ensure that inmates are able to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Inmates are directed to change clothes in their private shower. Before staff of opposite gender enter the inmates' dorm, they will announce their presence.

**E.10 Transgender searches for purpose of genital status.** GCSO employees will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. Inmates of unknown genital status will be reviewed by medical personal for a determination.

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**E.11 Pat down searches of transgender and intersex persons.** GCSO will train officers and 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.

**Refer to Jail policy B103a**

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

**a.** GCSO will ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the GCSO's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps will include:

**a.1** Providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

**a.2** That written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

**a.3** The Sergeant will ensure that disabled inmates have access to these materials and programs.

GCSO is not required to take actions that it can demonstrate or would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.

**b.** GCSO will ensure that reasonable step(s) are taken to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Officers will use contract Services for interpretation. Inmate services will not be used.

**b.1** Officers will call 541-934-2875 for Spanish interpreter ( info posted in booking also )

**1.** Brief the interpreter and summarize what you wish to accomplish;

**2.** Add the limited English speaker to the line.

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

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**E.13 Hiring and promotion decisions.** GCSO will not hire or promote anyone who may have contact with inmates, and will not enlist the services of any contractor, who may have contact with inmates, who:

- a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. § 1997);
- b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- c. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a) of this section. (See Jail Policy A 301-A302)

**E.14 Background Checks.** GCSO will consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.

a. Before hiring new employees who may have contact with inmates, GCSO will:

a.1 Perform a criminal background records check; and

a.2 Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

b. GCSO will also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.

b.1 All contractors will provide a state issued identification card for a background search. Contractors who do not have an issued state ID card will not be allowed inside the facility.

b.2 contractor approval forms are located in the control room.

b.3 Background checks will be completed prior to the contractor entering the facility or beginning any work, except in emergency circumstances.

b.4 Background checks will be reviewed by the Sergeant for approval or denial. All contractor approval forms will be maintained in the visitor control book.

c. GCSO will conduct criminal background records check at least every five years of current employees and contractors. Staff are issued ID cards and expire every 5 years, at this time a background check will be completed before renewing Sheriff's office ID.

d. GCSO will also ask all applicants and employees who may have contact with inmates about previous misconduct, described in paragraphs (A-E) of this section. This will be done during pre-employment background investigations. Interviews or written self-evaluations conducted as part of reviews of current employees will also include review of previous misconduct. (A-E) GCSO will also impose upon employees a continuing affirmative duty to disclose any such misconduct.

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- e. Material omissions regarding such misconduct, or the provision of materially false information, will be grounds for termination.
- f. Unless prohibited by law, GCSO will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

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

### F. Responsive Planning.

#### F.1 Evidence protocol and forensic medical examinations.

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

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the forensic medical examination process and investigatory interviews and will provide emotional support, crisis intervention, information, and referrals.

f. To the extent GCSO itself is not responsible for investigating allegations of sexual abuse; the agency will request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.

### **G.2 ensuring referrals of allegations for investigations.**

a. GCSO will ensure that an administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

b. GCSO will ensure that all allegations of sexual abuse or sexual harassment are referred for investigation.

**b.1** The sergeant will ensure that there is a complete tracking system from the initial request through the final disposition

**b.2** The Sergeant will retain statistical data to include:

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

c. GCSO will publish such policy on its website.

d. GCSO will document all such referrals.

e. If a separate entity is responsible for conducting criminal investigations, the web site will describe the responsibilities of both the agency and the investigating entity.

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

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

a. **GCSO will train all employees who may have contact with inmates on:**

**a.1** The zero tolerance policy for sexual abuse and sexual harassment;

**a.2** How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;

**a.3** Inmates right to be free from sexual abuse and sexual harassment;

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**a.4** The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;

**a.5** The dynamics of sexual abuse and sexual harassment in confinement;

**a.6** The common reactions of sexual abuse and sexual harassment victims;

**a.7** How to detect and respond to signs of threatened and actual sexual abuse;

**a.8** How to avoid inappropriate relationships with inmates;

**a.9** How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and

**a.10** How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;

**a.11** Employees are advised that sexual conduct between staff and inmates, volunteers or contractors regardless of consensual status, is prohibited and subject to administrative and disciplinary sanctions including termination.

**b.** All current employees who have not received such training will be trained within one year of the effective date of the PREA standards, and the agency will provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, GCSO will provide refresher information on current sexual abuse and sexual harassment policies. The training coordinator will retain a video and ensure that all employees have viewed the video.

**c.** The training coordinator will document, through employee signature the employees understand the training they have received.

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

**a.** GCSO will ensure that all volunteers and contractors **who have contact with inmates** (or enter the secure portion of the facility) have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

**b.** The level and type of training provided to volunteers and contractors will be based on the services they provide and level of contact they have with inmates, **all volunteers and contractors who have contact with inmates will be notified of the agency's zero tolerance policy** regarding sexual abuse and sexual harassment and informed how to report such incidents.

**b.1** All Contractors, temp or volunteers that will have contact with inmates will receive training via written form (PREA self-study guide and acknowledgement form)The written form will be provided by the control room deputy or civil deputy after a full

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background has been completed. The Sergeant or OIC will ensure that all contractors, temp and volunteers have signed the form and will work with Jail Investigations to ensure compliance with the background check standard.

**B2. GCSO** will maintain documentation confirming that temporary contractors, regular contractors and volunteers understand the training they have received. This documentation will be retained by the Jail Sergeant.

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

(a) During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

(b) Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

(c) Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.

(d) The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.

(e) The agency shall maintain documentation of inmate participation in these education sessions.

(f) In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks or other written formats.

#### **Procedure:**

Staff will issue all inmates a reporting brochure containing information required in paragraph (a) before being assigned a dorm. This flyer will be part of their issued items.

Staff will read the statement on the property sheet acknowledging the Grant County Correctional Facility has a ZERO Tolerance Policy for sexual abuse and sexual harassment. The location of the Inmate rules. The manual explains how to report sexual abuse and harassment and contains facility rules and regulations.

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They are required to read it. The inmate will sign the property sheet after the deputy has read the statement. If they refuse to sign it staff will write refused.

During monthly classification review the classification officer will identify which inmates need to complete comprehensive education. (If they are going to be released before 30 days they will not be required to view the video.) The classification officer will schedule the inmates to view the video by entering the date and time on the digital calendar with a pop up reminder.

On the scheduled date staff will take the inmate into the public visiting room, and start the video. After the completion of the video inmates will sign a form for their file that they have received the training and the understand it. Staff will file it in their inmate classification file.

**d. Documentation of the training** will include several forms, video, and documents. They include:

1. Zero tolerance policy and Inmate handbook acknowledgment on the property sheet;

Documentation will be maintained in the inmate file. The inmates signature on the property sheet acknowledges they have received information regarding or Zero tolerance policy.

2. Inmate signature in their classification file acknowledging the comprehensive video training;

Documentation will be the Deputies' and the Inmates' signature on the back of the classification form immediately after the training is completed.

3. Inmate grievance process;

Grievances are assigned a number and tracked in the in custody file cabinet.

4. Inmate handbook.

The Inmate handbook acknowledgement is located in the inmate file on the property sheet.

**e. In addition to providing such education,**

GCSO staff will ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

Staff will post posters in the Intake lobby, booking bathroom, and the rec yard. Inmate manuals containing reporting information will be available in every housing cell.

**H.4 Specialized training:** Investigations.

**a.** In addition to the training provided to all employees, GCSO will ensure that, to the extent it conducts sexual abuse investigations; its investigators have received training in conducting investigations in confinement settings.

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- b.** Specialized training will include:
  - b.1** Techniques for interviewing sexual abuse victims;
  - b.2** Proper use of Miranda and Garrity warnings;
  - b.3** Sexual abuse evidence collection in confinement settings;
  - b.4** Criteria and evidence required to substantiate a case for administrative action or prosecution referral;
  - b.5** The GCSO training coordinator will maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

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

- a.** The GCSO's sergeant will ensure that all full and part-time medical and mental health care practitioners who work in its facilities have been trained in:
  - a.1** How to detect and assess signs of sexual abuse and sexual harassment;
  - a.2** How to preserve physical evidence of sexual abuse;
  - a.3** How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
  - a.4** How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- b.** The GCSO's training coordinator will maintain documentation that medical and mental health practitioners have received the training.
- c.** Medical and mental health care practitioners will also receive the training mandated for employees under training for contractors and volunteers depending upon the practitioner's status.

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

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

- a.** All inmates will be assessed during an intake screening and upon transfer from another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
- b.** Intake screening will take place within 24 hours of arrival at the facility.
- c.** Such assessments will be conducted using the existing paper classification system.
- d.** The intake screening will consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

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- d.1** Whether the inmate has a mental, physical, or developmental disability;
  - d.2** The age of the inmate;
  - d.3** The physical build of the inmate;
  - d.4** Whether the inmate has previously been incarcerated;
  - d.5** Whether the inmate's criminal history is exclusively nonviolent;
  - d.6** Whether the inmate has prior convictions for sex offenses against an adult or child;
  - d.7** Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
  - d.8** Whether the inmate has previously experienced sexual victimization; and
  - d.9** The inmates own perception of vulnerability;
  - d.10** The inmate's detainment status for civil immigration purposes.
- e.** The intake screening will consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.
- f.** Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the Classification Officer in conjunction with the PREA coordinator (Sergeant) will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.
- g.** An inmate's risk level will be reassessed by the Classification Officer when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
- h.** Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked about mental, physical, or developmental disability, perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming, has previously experienced sexual victimization, or inmates own perception of vulnerability.
- i.** GCSO will control the dissemination within the facility of responses to questions asked in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.
- Staff will place the completed risk assessment form in the Inmates medical file. These files are maintained in the locked medical room. Access to these files are limited to the Nurse and Staff. Inmates do not have access to this area unsupervised.

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### **i.1 Classification officers and supervisors may obtain access to this controlled information.**

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

- a. GCSO will use information from the risk screening form to make housing, bed, work, education, and program assignments. GCSO will attempt to keep separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- b. GCSO will make individualized determinations about how to ensure the safety of each inmate.
- c. In deciding whether to assign a transgender or intersex inmate to housing and programming assignments, classification will consider on a case-by-case basis whether a placement would ensure the inmates health and safety, and whether the placement would present management or security problems.
- d. Placement and programming assignments for each transgender or intersex inmate will be reassessed by the Classification Officer at least twice each year to review any threats to safety experienced by the inmate. The Classification Officer will document the reviews.
- e. A transgender or intersex inmates own views with respect to his or her own safety will be given serious consideration.
- f. Transgender and intersex inmates will be given the opportunity to shower separately from other inmates.
- g. GCSO will not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated dorms on the basis of such identification or status, unless such placement is in a dedicated dorm established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

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

- a. Inmates at high risk for sexual victimization will not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If classification cannot conduct such an assessment immediately, classification may hold the inmate in involuntary segregated housing (medical) for less than 24 hours while completing the assessment.
- b. Inmates placed in segregated housing for this purpose will have access to programs, privileges, education, and work opportunities to the extent possible. If classification restricts access to programs, privileges, education, or work opportunities, classification will document:

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- b.1** The opportunities that have been limited;
  - b.2** The duration of the limitation; and
  - b.3** The reasons for such limitations.
- c.** Classification will assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment will not exceed a period of 30 days.
- d.** If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, classification will clearly document:
  - d.1** The basis for classifications concern for the inmate's safety; and
  - d.2** The reason why no alternative means of separation can be arranged.
- e.** Every 30 days, the Classification officer in conjunction with the PREA coordinator will afford each inmate a review to determine whether there is a continuing need for separation from the general population.

### **J. Reporting.**

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

- a.** GCSO will provide internal and external ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Reporting may occur via:
  - a.1** Inmate kite;
  - a.2** Inmate Grievance process to the Sheriff;
  - a.3** Verbally speaking with officers or supervisors;
  - a.4** Handwritten inmate request;
  - a.5** Handwritten note to officers or staff;
  - a.6** During inmate evaluations;
  - a.7** Reporting to another inmate;
  - a.8** To any contractor, volunteer, or employee;
  - a.9** to the Heart of Grant County
- b.** GCSO will inform inmates of at least one way to report abuse or harassment to a public or private entity or office that is not part of GCSO and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to GCSO officials, allowing the inmate to remain anonymous upon request.

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Inmates may contact the Heart of Grant County @ 541-575-4335 or their 24 hr hotline 541-620-1342. They may also write to them at (The Heart of Grant County at PO box 82 Canyon City, OR 97820).

**c.** GCSO will attempt to notify all inmates upon arrival of the facility about sexual harassment, and sexual abuse. Inmates may be informed via:

**c.1** Posters in intake, booking, and various areas throughout the facility;

**c.2** Intake handout;

**c.3** Inmate handbook.

**d.** GCSO will insure that all inmates can report sexual abuse and sexual harassment through the following options:

**d.1** To any employee;

**d.2** Calling The Heart of Grant County at 541-575-4335 or 541-620-1342;

**d.3** Immigration hold inmates may also report via Department of Homeland Security, or consular officials.

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

Verbal reports will be submitted in writing by the person taking the report. The report will be forwarded to the Sheriff.

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

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

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

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

**a.1** Employees will not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

**b.** GCSO will ensure that:

**b.1** An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and

**b.2** Such grievance is not referred to a staff member who is the subject of the complaint.

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**c.** GCSO will issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 30 days of the initial filing of the grievance. Computation of the 30- day time period will not include time consumed by inmate in preparing any administrative appeal.

**c.1** GCSO may claim an extension of time to respond, of up to 30 days (not to exceed 160 days), if the normal time period for response is insufficient to make an appropriate decision. GCSO will notify the inmate in writing of any such extension and provide a date by which a decision will be made.

**c.2** At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

**d.** Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, will be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and will also be permitted to file such requests on behalf of inmates.

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

**d.2** If the inmate declines to have the request processed on his or her behalf, the GCSO will document the inmate's decision.

**e.** GCSO has established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.

**e.1** Inmates who have an emergency grievance will report to the officer on shift. Inmate grievances of an emergent manner will be reviewed by the OIC.

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

**f.** GCSO may discipline an inmate for filing a grievance related to alleged sexual abuse only where GCSO demonstrates that the inmate filed the grievance in bad faith.

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### **J.3 Inmate access to confidential community based support services.**

a. GCSO will provide inmates with access to a confidential community based victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and by enabling reasonable communication between inmates and these organizations, in as confidential a manner as possible.

a.1 The Heart of Grant County, PO box 82 Canyon City, OR 97820. 541-575-4335

b. GCSO will inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

b.1 GCSO has an audio recording that plays for each inmates phone calls.

**Stating that all phone calls are subject to recording and monitoring, except privileged communication with attorney and client.**

b.2 All phone calls are subject to recording and or monitoring;

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

a. GCSO will establish a method to receive third-party reports of sexual abuse and sexual harassment and will distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.

a.1 **GCSO will receiving third party reports.**

1. Inmates may report through victims advocate phone line.
2. Inmate may report on the behalf of another Inmate

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

1. Oregon State police 541-575-1363;
2. Heart of Grant County 541-575-4335

a.3 GCSO will provide information on its website on all forms of reporting. GCSO will make available a brochure in the Public inmate visiting room.

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

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

a. GCSO employees, temporary contractors, regular contractors and volunteers will report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or

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sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation to their immediate supervisor.

**b.** Apart from initial reporting to supervisor(s) or Jail Investigations, staff will not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions.

**c.** Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners will be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

**d.** If the alleged victim is under the age of 18 or considered a vulnerable adult (>65 YO or a developmental disability) under a State or local vulnerable person's statute, GCSO will report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

**e.** GCSO supervisors will report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to GCSO investigators. Investigations may be referred to Oregon State police.

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

**a.** Section c. and d. of this policy, Investigators will remove the suspected victim for interviewing in an area away from possible perpetrators by calling the inmate out of the dorm to the interview room.

**b.** The OIC will document these events in the daily log.

### **K.3 Reporting to other confinement facilities.**

**a.** Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.

**b.** Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

**c.** The agency shall document that it has provided such notification.

**d.** The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

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

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

a.1 Separate the alleged victim and abuser;

a.2 Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;

a.3 If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating unless medically required; inmates who have pre-existing conditions will be sent to Medical for a medical review; and

a.4 If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

b. If the first staff responder is not a Deputy, the responder will request that the alleged victim not take any actions that could destroy physical evidence and then notify the Deputy on scene.

c. First responders will use the form "sexual misconduct/PREA checklist" and ensure that a copy placed in the sergeants in box.

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

a. The OIC will lead a coordinated response which includes:

a.1 A deputy will take the initial report, secure the scene and notify Patrol Staff trained in investigations.

a.2 If the response involves inmate and employee rape allegations, Oregon State Police will investigate and coordinate with Internal Affairs;

a.3 Oregon State Police will also coordinate with Crime Scene Units for proper evidence collection;

a.4 Oregon state police will coordinate with domestic violence intervention services (Call RAPE) for SANE exam and other investigative information.

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

a. GCSO will protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other

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inmates or staff. The PREA coordinator will monitor, in writing that all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations are protected from retaliation by other inmates or staff.

**b.** GCSO will utilize multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. Mental health

**b.1** Classification will determine a secure location for inmate victims. Classification may use all areas of the facility and will document all transfers or movements.

**b.2** Internal Affairs and jail investigators will ensure that inmate victims are removed from allegations involving volunteers, regular contractors, temporary contractors or any other abuser.

**b.3** Inmate victims will be allowed access to emotional support services through the victim advocate.

**c.** For at least 90 days following a report of sexual abuse, the PREA coordinator will monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and will act promptly to remedy any such retaliation. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, negative performance reviews or reassignments of staff. The Sergeant will continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

**d.** In the case of inmates, such monitoring will also include periodic status checks.

**e.** If any other individual who cooperates with an investigation expresses a fear of retaliation, the sergeant will take appropriate measures to protect that individual against retaliation.

**f.** GCSO's obligation to monitor will terminate if the investigation determines that the allegation is unfounded.

**g.** Yearly the Sergeant will file a report showing the number of retaliation follow-ups.

**h.** Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.43.

## **L. Investigations.**

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

**a.** When GCSO conducts its own investigations into allegations of sexual abuse and sexual harassment, it will do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

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- b.** Where sexual abuse is alleged, the agency will use investigators who have received special training in sexual abuse investigations pursuant to section C.4 of this policy.
- c.** Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; will interview alleged victims, suspected perpetrators, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- d.** When the quality of evidence appears to support criminal prosecution, the investigator will conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- e.** The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as inmate or staff. No investigator will require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- f. Administrative investigations:**
  - f.1** Will include an effort to determine whether staff actions or failures to act contributed to the abuse; and
  - f.2** Will be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- g.** Criminal investigations will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
- h.** Substantiated allegations of conduct that appears to be criminal will be referred for prosecution.
- i.** GCSO will retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the GCSO, plus five years.
- j.** The departure of the alleged abuser or victim from the employment or control of the facility or agency will not provide a basis for terminating an investigation.
- k.** When outside agencies investigate sexual abuse, the facility will cooperate with outside investigators and will endeavor to remain informed about the progress of the investigation. Oregon State Police will be assigned to investigations outside of GCSO. After the conclusion of the other agencies investigation, the Investigator will provide a written summary to the Sheriff.
- L.2** Evidentiary standard for administrative investigations. GCSO investigators will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

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## **L.3 Reporting to inmates.**

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

## **M. Discipline.**

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

- a. All employees will be subject to disciplinary sanctions up to and including termination, and criminal prosecution for violating agency sexual abuse or sexual harassment policies.
- b. Termination will be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

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c. Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

d. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

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

a. Any temporary contractor, regular contractor, or volunteer who engages in sexual abuse will be prohibited from contact with inmates and will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

b. GCSO will take immediate remedial measures, and will prohibit further contact with inmates.

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

a. Inmates will be subject to disciplinary sanctions pursuant to the formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on inmate sexual abuse, as defined in GCSO policy and the Inmate Handbook. (See Inmate Rules)

b. Sanctions will be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

c. The disciplinary process will consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

d. If GCSO offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the GCSO hearing officer will consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

e. The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

f. For the purpose of disciplinary action, any report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

g. GCSO prohibits any and all sexual activity between inmates and will discipline inmates for such activity.

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

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

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

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

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

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d. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

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

a. GCSO will offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

b. The evaluation and treatment of such victims will include, as appropriate,

**b.1** Follow-up services;

**b.2** Treatment plans;

**b.3** When necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.

c. GCSO will provide such victims with medical and mental health services consistent with the community level of care.

d. Inmate victims of sexually abusive vaginal penetration while incarcerated will be offered pregnancy tests.

e. If pregnancy results from conduct specified in paragraph (d) of this section, such victims will receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

f. Inmate victims of sexual abuse while incarcerated will be offered tests for sexually transmitted infections as medically appropriate.

g. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

h. The hearing officer will ensure that medical conducts a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

## **O. Data Collection and Review.**

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

a. The facility will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

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- b.** Such review will ordinarily occur within 30 days of the conclusion of the investigation.
- c.** The review team will include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
- d.** The review team, led by the Undersheriff will:
  - d.1** Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - d.2** Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
  - d.3** Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - d.4** Assess the adequacy of staffing levels in that area during different shifts;
  - d.5** Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - d.6** Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d.1)-(d.5) of this section, and any recommendations for improvement, and submit such report to the facility head and PREA coordinator.
- e.** GCSO will implement the recommendations for improvement, or will document its reasons for not doing so.

### **O.2 Data collection.**

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

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

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

a.1 Identifying problem areas;

a.2 Taking corrective action on an ongoing basis; and

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

b. Such report will include a comparison of the current year's data and corrective actions with those from prior years and will provide an assessment of the agency's progress in addressing sexual abuse.

c. The report will be approved by the Jail Administrator and made readily available to the public through its website or, if it does not have one, through other means.

d. GCSO may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

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

a. GCSO will ensure that data collected are securely retained.

b. GCSO will make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.

c. Before making aggregated sexual abuse data publicly available, GCSO will remove all personal identifiers.

d. The agency will maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

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## **P. Audits.**

### **P.1 Audits of standards.**

- a. GCSO will conduct audits pursuant to section L.

## **Q. Auditing and Corrective Action.**

### **Q.1 Frequency and scope of audits:**

- a. During the three-year period starting on May 1<sup>st</sup> 2017, GCSO will be audited and every three years thereafter.
- b. The Department of Justice may send a recommendation to the jail administrator for an expedited audit if the Department has reason to believe that your facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the agency with PREA-related issues.
- c. The Department of Justice will develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.
- d. GCSO will bear the burden of demonstrating compliance with the standards.
- e. The auditor will review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility type.
- f. The audits will review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
- g. The auditor will have access to, and will observe, all areas of the audited facilities.
- h. The auditor will be permitted to request and receive copies of any relevant documents (including electronically stored information).
- i. The auditor will retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation will be provided to the Department of Justice upon request.
- j. The auditor will interview a representative sample of inmates, and of staff, supervisors, and administrators.
- k. The auditor will review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
- l. The auditor will be permitted to conduct private interviews with inmates.
- m. Inmates will be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

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- n. Auditors will attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.
- o. The PREA Coordinator will prepare any pre-audit documents and will work in conjunction with the Undersheriff to ensure the facility is prepared for the audit

### Q.2 Auditor qualifications.

#### a. An audit will be conducted by:

- a.1 A member of a correctional monitoring body that is not part of, or under the authority of, GCSO (but may be part of, or authorized by, the relevant State or local government);
- a.2 A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or
- a.3 Other outside individuals with relevant experience.

b. All auditors will be certified by the Department of Justice. The Department of Justice will develop and issue procedures regarding the certification process, which will include training requirements.

c. No audit may be conducted by an auditor who has received financial compensation from the agency being audited (except for compensation received for conducting prior PREA audits) within the three years prior to the agency's retention of the auditor.

d. The agency will not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the agency's retention of the auditor, with the exception of contracting for subsequent PREA audits.

### Q.3 Audit contents and findings.

a. Each audit will include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

b. Audit reports will state whether agency-wide policies and procedures comply with relevant PREA standards.

c. For each PREA standard, the auditor will determine whether the audited facility reaches one of the following findings: Exceeds Standard (substantially exceeds requirement of standard); Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period); Does Not Meet Standard (requires corrective action). The audit summary will indicate, among other things, the number of provisions the facility has achieved at each grade level.

d. Audit reports will describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility, and will include recommendations for any required corrective action.

## Grant County Sheriff's PREA policy

e. Auditors will redact any personally identifiable inmate or staff information from their reports, but will provide such information to the agency upon request, and may provide such information to the Department of Justice.

f. The agency will ensure that the auditor's final report is published on the agency's website if it has one, or is otherwise made readily available to the public.

### **Q.4 Audit corrective action plan.**

a. A finding of "Does Not Meet Standard" with one or more standards will trigger a 180-day corrective action period.

b. The auditor and the agency will jointly develop a corrective action plan that is reasonable and achievable.

c. The auditor will take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of a facility.

d. After the 180-day corrective action period ends, the auditor will issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.

e. If the agency does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that it has achieved compliance.

### **Q.5 Audit appeals.**

a. An agency may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be lodged within 90 days of the auditor's final determination.

b. If the Department determines that the agency has stated good cause for a re-evaluation, the agency may commission a re-audit by an auditor mutually agreed upon by the Department and the agency. The agency will bear the costs of this re-audit.

c. The findings of the re-audit will be considered final.

All case records associated with claims of sexual abuse or sexual harassment including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release and/or counseling are retained in accordance with this policy,

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Sheriff Glenn E. Palmer

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Date Approved

Grant County Sheriff's PREA policy

**Staff Reporting Responsibilities**

A. Inmates are encouraged to immediately report sexual abuse or sexual harassment to any staff member. Upon notification by an inmate that he/she has been sexually abused, harassed, or coerced into unwanted sexual contact, the staff member shall immediately:

1. Ensure the victim is safe and kept separated from the alleged perpetrator (if immediate need exists)
2. Notify the Officer in Charge or Supervisor
3. Officer in Charge will make appropriate notifications using the OIC checklist
4. Document your notification and basic required information obtained by you in space below, sign and submit to the OIC for incorporation to the Unusual Incident Report.

Reported Sexual Harassment, Sexual Abuse information:

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Date: \_\_\_\_\_

Signature: \_\_\_\_\_

# OIC PREA CHECKLIST

## PREA Policy Reporting & Investigation of Sexual Abuse

OIC \_\_\_\_\_ DATE \_\_\_\_\_

VICTIM(S) SID \_\_\_\_\_ ALLEGED ABUSER(S) SID \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Ensure the victim is safe and kept separated from the alleged abuser
- Notify the Jail commander and advice on the status of the victim and alleged abuser
- Isolate victim and Sexual Abuse Liaison or representative ask the following questions:

**Where did the reported "sexual contact" occur?**

**When was the last time you showered?**

**Have you changed clothes since the sexual contact? If yes, where is the clothing?**

**Have you brushed your teeth since the sexual contact?**

**Who did you have sexual contact with?**

**Was the sexual contact consensual? (Inmate on Inmate situations only)**

**Were there any witnesses to the sexual contact?**

# OIC PREA CHECKLIST

## PREA Policy Reporting & Investigation of Sexual Abuse

- If deemed appropriate maintain crime scene and chain of custody for evidence until the scene and evidence is released by the Oregon State Police. Refer to sheriff's office policy on Criminal Evidence Handling. Evidence may include but is not limited to the victim and aggressor's toothbrush, undergarments, clothing, personal items in cell.
- If the clothing is moist, damp, or wet, place on butcher paper in a secured location to be dried. Refer to Policy on Evidence Packaging
- After clothing is dried, place each item separately in a paper bag. Refer to Policy on Damp or biological evidence
- Place the alleged, identified inmate suspect(s) in a dry segregation cell(s) **if within 96 hours** or DSU if over 96 hours.  

**Do not interview the alleged suspect(s) unless authorized by the Oregon State Police.**
- Notifications: **\*Any life threatening injuries call 9-911\***

### IMMEDIATE NOTIFICATIONS

<u>Name</u>	<u>Date</u>	<u>Time</u>	
_____	_____	_____	Sheriff
_____	_____	_____	Undersheriff
_____	_____	_____	Sergeant
_____	_____	_____	OIC
_____	_____	_____	Jail Nurse
_____	_____	_____	Mental Health

- **Within 96 hours.** Work with the Jail Nurse and the State Police to arrange for transport to a designated medical facility for treatment, examination, documentation, collection of forensic evidence, testing for sexually transmitted diseases, and referral for counseling.
- **Over 96 hours.** Work with the Jail Nurse for:
  - \_\_\_\_\_ Evaluation and determination of on-site medical evaluations versus transport to a designated medical facility for treatment, examination, and documentation.
  - \_\_\_\_\_ Testing for sexually transmitted diseases.
  - \_\_\_\_\_ Referral to BHS for counseling.
- Prepare Incident Report.

# Grant County Sheriff's PREA policy

## Grant County Sheriff Intake Victimization Screening Tool (To be completed w/in 72 hours of arrival at intake)

Inmate Name: \_\_\_\_\_ SID#: \_\_\_\_\_

DOB \_\_\_\_\_ Age \_\_\_\_\_ Ht \_\_\_\_\_ Wt \_\_\_\_\_

1. Yes No Is this your first time incarcerated?
2. Yes No Have you ever been convicted of a violent crime?
3. Yes No Do you have any disabilities?  
Developmental? Yes No \_\_\_\_\_  
Physical? Yes No \_\_\_\_\_  
Mental? Yes No \_\_\_\_\_
4. Yes No Do you identify as any of the following? (check all that apply)  
Gay \_\_\_ Bisexual \_\_\_ Transgender \_\_\_ Intersex \_\_\_  
Gender non-conforming \_\_\_ other \_\_\_
5. Yes No Have you ever been sexually abused?  
If yes, did it occur in an institutional setting? \_\_\_\_\_  
If yes, did it occur within the last year? \_\_\_\_\_
6. Yes No Have you ever been convicted of a sex offense against an adult or child?
7. Yes No Do you feel at risk of being sexually abused by other inmates?  
Observable traits or behaviors of concern:

Staff Signature \_\_\_\_\_ : Date: \_\_\_\_\_

**Please place completed form in the Medical Room**

**Immediate Notification** If transgender, intersex or non-conforming:  
**Before 4 pm** – Verbal notification Sergeant.  
**After 4 pm or on weekends** – Verbal notification to OIC & phone call chain of command.

**PREA considerations**  
**If a yes to question 5 or 6, nursing staff will forward to the appropriate service at CCS.**

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_ Comments: \_\_\_\_\_

**This page is not part of the Health Care Record**

**Directions to Staff:**  
Verbally interview the inmate during intake screening. Place completed form in medical inbox for nurse review.