1.0 POLICY STATEMENT

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

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

2.0 DEFINITIONS

**Contractor**
A person who provides services pursuant to a contractual agreement.

**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 sexual 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, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

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

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

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

**PREA Compliance Manager**
An upper level manager responsible for the coordination of a facility’s efforts to comply with PREA standards.

**PREA related incident**
Any sexual abuse, sexual assault and/or sexual harassment of an inmate.

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

**Sexual Abuse**
Sexual abuse can be committed by inmates or detainees, staff, contractors, and volunteers. It includes, but is not limited to contact of the genitals or other parts of the suspect’s body with the genitals, anus, mouth or other body parts of the victim without consent or
under coercion, by overt or implied threats of violence, or if the victim is unable to consent, as defined by the California Penal Code. This is to include any incidents of penetration using foreign objects, however slight. Other acts of abuse include acts of voyeurism, exposure or any other touching without consent.

**Sexual Harassment**
Repeated and unwelcome sexual advances, verbal comments or gestures of a sexual nature, or requests for sexual favors to an inmate or detainee, demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures by another inmate or detainee, staff member, contractor, or volunteer.

**Staff Member**
Any employee of the County of Sonoma.

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

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

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

### 3.0 MANDATES

42 U.S.C. 1997
Prison Rape Elimination Act of 2003
Department of Justice National PREA Standards
Sheriff’s Office-Wide Rules and Regulations Regarding Conduct Policy
Sheriff’s Office-Wide Discrimination and Harassment Policy

### 4.0 GENERAL INFORMATION

A. The purpose of the Department of Justice National PREA Standards is to prevent, detect, and respond to rape pursuant to the Prison Rape Elimination Act of 2003.

B. The Sheriff’s Office shall appoint a PREA Coordinator with sufficient time and authority to coordinate, develop, implement, oversee and maintain efforts to comply with all PREA standards.

C. The Sheriff’s Office shall appoint a PREA Manager for each facility responsible for the coordination of efforts to comply with PREA standards.
D. The Sheriff’s Office will not enter into any contract, or renew any contract, for the confinement of Sonoma County inmates that does not include the agencies obligation to adopt, monitor and comply with PREA standards.

E. The Sheriff’s Office will not enter into or renew any collective bargaining agreement or any other agreement that limits the Sheriff Office’s ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

1. Nothing in this standard shall restrict entering into or renewal of agreements that govern:
   
   a. The conduct of the disciplinary process, as long as such agreements are not inconsistent with provisions of PREA mandates 115.72 or 115.76.

   b. Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the employees personnel file following a determination that the allegation of sexual abuse is not substantiated.

F. All reports of sexual abuse/harassment or expressed fear of sexual abuse/harassment shall result in prompt action and documentation which shall include, but not be limited to:

1. Medical and mental health attention.

2. Immediate initiation of an investigation.


G. The Sheriff’s Office shall ensure meaningful access and take reasonable steps in its effort to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited in their English proficiency.

1. Written PREA informational and educational material provided to inmates shall be in formats or through methods, including the use of interpreters if necessary, that ensure effective communication with inmates who are limited in English proficiency.

2. Inmate interpreters, inmate readers, or other types of inmate assistants shall not be used, except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate’s safety, the performance of first-response duties under 28 C.F.R. § 115.64, or the investigation of the inmate’s allegations.

H. There is no consensual sex in a custodial or supervisory relationship. Any sexual abuse or sexual harassment between staff, contractor, or volunteer with an inmate is inconsistent with the policy and procedures of the Sheriff’s Office and shall be investigated.

I. Sexual abuse includes:

1. Sexual abuse of an inmate or detainee by another inmate or detainee, includes, but not limited to, 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:

   a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.

   b. Contact between the mouth and the penis, vulva, or anus.

   c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
d. 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.

2. Sexual abuse of an inmate or detainee, by a staff member, contractor, or volunteer includes, but not limited to, any of the following acts, with or without consent of the inmate or detainee:
   a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
   b. Contact between the mouth and the penis, vulva, or anus.
   c. 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.
   d. 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.
   e. 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.

J. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in section (a.) through (e.) of this section is sexual abuse.

K. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate or detainee is sexual harassment.

L. Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means the invasion of privacy of an inmate or detainee for reasons unrelated to official duties, such as, but not limited to:
   1. Peering at an inmate who is using a toilet in his or her cell to perform bodily functions.
   2. Requiring an inmate to expose his or her buttocks, genitals, or breasts.
   3. Taking images of all or part of an inmate’s naked body or of an inmate performing bodily functions.
      a. Incidental viewing while performing ones duties is not voyeurism.

M. Sexual harassment includes, but is not limited to:
   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 or detainee, directed toward another.
   2. Repeated verbal comments or gestures of a sexual nature to an inmate or detainee, 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.

N. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates, and if applicable, reported to relevant licensing bodies.
1. The Sheriff’s Office shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of sexual abuse or sexual harassment policies by a contractor or volunteer.

O. Correctional Staff upon learning of an inmate’s substantial risk of imminent sexual abuse will take immediate steps to protect the inmate.

P. When designing or acquiring any new facility and in planning any substantial expansion or modifications of existing facilities, the Sheriff’s Office shall consider the effect of the design, acquisition, expansion, or modification upon the ability to protect inmates from sexual abuse.

Q. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Sheriff’s Office shall carefully evaluate and consider how such technology may enhance the Sheriff’s Office ability to protect inmates from sexual abuse.

5.0 PROCEDURES

5.1. TRAINING

A. All staff, including contractors and volunteers who may have inmate contact, shall receive training on the following topics:

a. The Office’s zero tolerance policy for sexual misconduct, sexual assault, and sexual harassment.

b. The rights of inmates, staff, contractors and volunteers to be free from sexual misconduct, sexual abuse and sexual harassment.

c. The rights of inmates, staff, contractors and volunteers to be free from retaliation for good faith reporting of suspected or observed instances of sexual misconduct, sexual abuse or sexual harassment.

 d. How staff and volunteers can fulfill their responsibilities under the Sheriff’s Office sexual abuse and harassment prevention, detection, reporting and response policies.

 e. The dynamics of sexual misconduct, abuse and harassment in confinement.

 f. The common reactions of sexual misconduct, abuse and harassment in confinement.

 g. How to detect and respond to signs of threatened and actual sexual misconduct, abuse or harassment.

 h. How to avoid inappropriate relationships with detainees and inmates.

 i. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex and gender nonconforming inmates.

 j. Mandatory reporting requirement.

B. All employees shall receive refresher training every two years.

C. All employees, in years when the above listed training is not provided, refresher information shall be provided on current sexual abuse and sexual harassment policies.

D. All training shall be documented through staff member, contractor or volunteer signature or electronic verification that staff members, contractors and volunteers understand the training they have received.
E. The Detention Division’s training unit is the custodian of records for all PREA training for Detention staff. The Law Enforcement Division is the custodian of records for all PREA training for the Law Enforcement Division. The Detention Division’s Program Sergeant shall ensure training is completed for all volunteers who have contact with inmates. The Detention Division’s research and planning Lieutenant shall ensure training is completed for all contractors who have contact with inmates. The training unit will audit the training files for medical staff, mental health staff, domestic violence and sexual assault detectives, contractors and volunteers.

5.2 INMATE EDUCATION

A. All inmates shall be given a PREA advisement during the booking process, to read and sign, pertaining to the Sheriff Office’s zero tolerance policy towards all forms of sexual abuse and sexual harassment, and how to report such incidents of sexual abuse or sexual harassment. This signed advisement shall be maintained in the inmate’s D-file.

B. All inmates shall be provided an inmate orientation handbook that explains the Sheriff Office’s zero tolerance policy regarding sexual abuse. The hand book informs inmates that any staff member can receive a report of sexual abuse and all reports of sexual abuse will be thoroughly investigated.

C. All housed inmates shall be provided a PREA informational brochure that describes, but not limited to, what sexual abuse is, ways to stay safe while incarcerated, a warning to potential abusers, why abuse should be reported and to whom, the availability of counseling, medical services and contact information for outside agencies that can provide further support.

D. Inmate education shall be provided to all housed inmates regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and Sheriff Office’s policies and procedures for responding to such incidents.

E. Each facility has PREA education and reference materials available to inmates. These materials include, but are not limited to: posters placed in conspicuous locations throughout the facilities, hand books and brochures.

5.3 RESPONSE TO A PREA INCIDENT

MAIN ADULT DETENTION FACILITY

A. Correctional Staff shall take immediate steps to protect an inmate from sexual abuse and shall separate abusers from potential victims.

B. Correctional Staff shall preserve and protect the crime scene until appropriate steps can be taken to collect evidence.

   1. If the first staff responder is not a Correctional Staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify Correctional Staff.

C. The Sergeant shall request a patrol Deputy via Sheriff’s Dispatch to respond to all PREA related crimes that occur in a facility.

   1. A Patrol Deputy will refer all PREA related crimes to the DVSA unit for investigation.
D. The Sergeant is responsible to ensure reasonable steps are taken to prevent the alleged abuser from taking any actions that could destroy physical evidence including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

E. Correctional Staff shall request mental health and/or medical staff to respond to all PREA related crime/incidents.
   
   a. On site medical staff shall be trained and will advise any alleged victim whose sexual abuse occurred within a time period that may still allow for the collection of physical evidence, not to take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
   
   b. Forensic medical evaluations will not be conducted at the detention facility. Any forensic medical evaluation necessary will be conducted at an off-site medical facility by qualified medical professionals.

F. The reporting Deputy will access the CJS system to complete an incident report.

G. The Sergeant shall ensure staff members, contractors and/or volunteers submit an incident report, civilian incident or memorandum detailing their observations and the role they played in the incident.

H. The Sergeant shall ensure the crime report and incident report numbers are cross referenced, and that copies of the incident reports, supplemental reports and any memorandums are forwarded to the Patrol Deputy and the PREA Coordinator.

I. All victims of sexual abuse shall be afforded the opportunity to have a Victims Rights Advocate made available to accompany and support the victim through the forensic medical examination process, the investigative interviews and shall provide emotional support, crisis intervention, information and referrals, at no cost to the inmate.

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

**NORTH COUNTY DETENTION FACILITY**

A. Correctional Staff shall take immediate steps to protect an inmate from sexual abuse and shall separate abusers from potential victims.

B. Correctional Staff shall preserve and protect the crime scene until appropriate steps can be taken to collect evidence.

   1. If the first staff responder is not a Correctional Staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify Correctional Staff.

C. The Sergeant shall request a patrol Deputy via Sheriff’s Dispatch to respond to all PREA related crimes that occur in a facility.

   2. A Patrol Deputy will refer all PREA related crimes to the DVSA unit for investigation.
D. The Sergeant is responsible to ensure reasonable steps are taken to prevent the alleged abuser from taking any actions that could destroy physical evidence including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

E. Correctional Staff shall request mental health and/or medical staff to respond to all PREA related crime/incidents.

   a. On site medical staff shall be trained and will advise any alleged victim whose sexual abuse occurred within a time period that may still allow for the collection of physical evidence, not to take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

   b. Forensic medical evaluations will not be conducted at the detention facility. Any forensic medical evaluation necessary will be conducted at an off-site medical facility by qualified medical professionals.

F. The reporting Deputy will access the CJS system to complete an incident report.

G. The Sergeant shall ensure staff members, contractors and/or volunteers submit an incident report, civilian incident or memorandum detailing their observations and the role they played in the incident.

H. The Sergeant shall ensure the crime report and incident report numbers are cross referenced, and that copies of the incident reports, supplemental reports and any memorandums are forwarded to the Patrol Deputy and the PREA Coordinator.

I. All victims of sexual abuse shall be afforded the opportunity to have a Victim Rights Advocate made available to accompany and support the victim through the forensic medical examination process, the investigative interviews and shall provide emotional support, crisis intervention, information and referrals, at no cost to the inmate.

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

5.4 REPORTING AND INVESTIGATIONS

A. Staff members, contractors and volunteers shall accept all allegations made verbally, in writing, anonymously, from third parties and promptly notify a supervisor or manager. All incidents of sexual abuse, sexual assault and sexual harassment upon inmates shall be investigated promptly, thoroughly, objectively and forwarded through the chain of command. Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution. The departure of the alleged abuser or victim from employment, control or custody shall not provide a basis for terminating an investigation. The standard used to substantiate allegations of sexual abuse shall be no higher than a preponderance of the evidence.

   1. The Sheriff’s Office shall maintain all written reports, investigations to include internal affair investigations for all sexual abuse investigations for as long as the alleged abuser is incarcerated or employed by the Sheriff’s Office, plus five years.
2. The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and shall not be determined by the person’s status as an inmate or staff.

3. The Sheriff’s Office shall cooperate fully with any outside investigations of sexual abuse and endeavor to remain informed about the process and disposition of any such investigation.

4. Third parties are encouraged to report all allegations of sexual abuse or harassment by phone (707-565-1412 or 707-565-1410) and request to speak with a correctional supervisor. Allegations can also be submitted on a citizen’s complaint form. Citizen complaint forms can be obtained from the front lobby of each facility, be mailed upon request or by downloading the form from the Sheriff Office’s website.

B. All staff members, contractors and volunteers have an affirmative duty to report to a supervisor or manager all allegations, suspicions, or knowledge of sexual abuse, sexual harassment, sexual assault or any sexual misconduct involving inmates that takes place within any Sheriff’s Office facility or within any other jurisdiction or agency. Failure to report is akin to committing the act and may be punishable as such.

C. Any staff member, volunteer or contractor who has knowledge, information or suspects retaliation against anyone who reports sexual abuse, cooperates with an investigation or that a staff member violated their responsibilities that may have contributed to an incident shall immediately notify a supervisor or manager. This notification may be made in private, but shall occur immediately upon obtaining knowledge. There is no requirement for any employee to use the chain of command.

1. Apart from reporting sexual abuse to a supervisor or manager, any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

D. Medical and mental health practitioners unless otherwise precluded by Federal, State, or local law shall be required to report all allegations of sexual abuse or retaliation. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18. All inmates must be informed of their duty to report, and the limitations of confidentiality, at the initiation of services.

E. If the alleged victim is under the age of eighteen (18) or considered a vulnerable adult under a State or local vulnerable persons statute, the Office shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

F. A patrol deputy shall be called to respond to all PREA related crimes that occur within the Detention Division. A patrol deputy shall refer all felony PREA related crime investigations to a domestic violence and sexual assault (DVSA) investigator. The DVSA investigators shall conduct investigations in compliance with all applicable PREA standards.

a. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
G. Staff members, contractors and volunteers accused of harassment or abuse of an inmate shall not have any contact with the reporting staff member or others involved in the investigation. Any form of retaliation shall be subject to punitive action.

H. Inmates may privately (if they so choose) report sexual harassment, abuse, or assault, retaliation for reporting, or staff indifference to any employee, volunteer or contractor.
   
   a. These reports can be made verbally or in writing through inmate request forms, letters, or any other medium. These reports can be made by third parties on behalf of the inmate.
      
      a. An inmate who alleges sexual abuse shall not be required to submit to a polygraph or any other truth-telling device as a condition for proceeding with the investigation of such an allegation.
   
   b. Retaliation reports filed against other inmates shall be investigated.
   
   c. Reports of retaliation by staff shall be documented in a memorandum and forwarded to the Assistant Sheriff or designee.
   
   d. Inmates can confidentially and anonymously report sexual abuse to the Sonoma County Rape Crisis Center, using inmate telephones by dialing #141. The Sonoma County Rape Crisis Center will comply with mandatory reporting requirements by reporting sexual abuse directly to a Sergeant.
      
      a. Inmates who do not speak English may request a translator upon contacting the Sonoma County Rape Crisis Center.
   
      b. Inmates who are hearing impaired shall be provided a TDD machine and may dial the Sonoma County Rape Crisis Center using a direct telephone number. Staff members shall accept reports made verbally, in writing, anonymously and from third parties, such as advocates or family members. All such reports shall be immediately documented and the employees’ immediate supervisor notified. The PREA Coordinator, the PREA Compliance Manager and the Facility Manager shall be notified, and an investigation shall immediately commence.
      
      e. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

I. Staff members shall accept reports made verbally, in writing, anonymously and from third parties, such as advocates or family members. All such reports shall be immediately documented and the employee’s immediate supervisor notified. The PREA Coordinator, the PREA Compliance Manager and the Facility Manager shall be notified, and an investigation shall immediately commence.

J. If the person who receives the report is a non-custody employee, he or she shall immediately notify any custodial supervisor.

K. Reports can be made through the Sheriff’s Office website by downloading, completing and submitting a citizen’s complaint form. A PREA related citizen’s complaint form submitted anonymously will be accepted.

L. PREA related crimes that involve inmates that are elderly or suffer from any disability will be referred to the DVSA Unit for investigation.
M. Copies of all completed PREA related incidents and investigations shall be forwarded to the PREA Coordinator.

N. Upon completion of an investigation involving an inmate’s allegation they were sexually abused in a Sheriff’s Office facility, the inmate shall be informed as to the final determination of the investigation (Sustained, Not Sustained, Inconclusive or Unfounded). If an outside agency conducts the investigation, the Sheriff’s Office shall request the relevant information from the investigative agency in order to inform the inmate.

1. All investigations shall include efforts to determine whether staff actions or failures to act contributed to the abuse.

O. Following an inmate’s substantiated allegation that a staff member committed an sexual assault against the inmate, unless the allegation is determined to be unfounded, the Sheriff’s Office shall inform the inmate by memorandum whenever:

1. The staff member is no longer assigned to the inmate’s housing area.
2. The staff member is no longer employed or assigned to the facility.
3. The staff member has been indicted or criminally charged related to abuse within the facility.
4. The Sheriff’s Office learns that a staff member has been convicted on a charge related to sexual abuse within the facility.
5. The Sheriff Office’s obligation to report under this standard shall terminate if the inmate is released from custody.

P. Following an allegation by an inmate that he was abused by another inmate, the victim shall be informed by memorandum whenever:

1. The alleged abuser has been indicted or criminally charged on charges related to sexual abuse within the facility; or
2. The alleged abuser has been convicted on a charge related to abuse within the facility.
3. The Sheriff Office’s obligation to report under this standard shall terminate if the victim is released from custody.

Q. Inmates can report sexual abuse they experienced while confined at another facility. Upon report of an allegation of an inmate being sexually abused while confined at another facility, the Assistant Sheriff or their designee shall notify in writing the head of the facility or appropriate office of the agency where the alleged abuse occurred. Such notifications shall be provided and documented as soon as possible, but no later than 72 hours after receiving the allegation.

R. When informed by another agency that an inmate in our custody was sexually abused while incarcerated, the allegation shall be thoroughly investigated and if necessary, forwarded for criminal prosecution.

S. Upon receipt of a completed investigation, the PREA Coordinator shall document the incident using a U.S. Department of Justice Bureau of Justice Statistics (USDOJ BJS) form SSV-1A and maintain the copy for use in the report submitted annually to USDOJ BJS. A copy shall be retained for no less than ten years.
T. The PREA Coordinator shall compile all information pertaining to assaults, abuse, and harassment on inmates, annually. This information shall be submitted to the USDOJ BJS using form SSV-3. This form shall be submitted to the USDOJ BJS electronically. A copy of the SSV-3 as well as copies of all reports included in the SSV-3 shall be forwarded to the Detention Division Assistant Sheriff and the PREA Compliance Manager. A copy of this data shall be maintained for no less than ten years.

U. The PREA Coordinator shall create an annual report using the data collected during the previous year and submit the report to the Sheriff for review. Once approved, this report shall be placed on the Sheriff’s Office web site for public viewing. Names of all involved parties shall be redacted.

5.5 ACCESS TO EMERGENCY MEDICAL AND MENTAL HEALTH CARE SERVICES

A. Inmate victims of sexual abuse shall 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. Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Treatment services shall be provided to the victim without financial cost, regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

5.6 ACCESS TO ONGOING MEDICAL AND MENTAL HEALTH CARE SERVICES

A. Any inmate victimized by sexual abuse or subject to a PREA related incident shall be referred by a Correctional Deputy to medical and/or mental health practitioners for evaluation and treatment consistent with the community level of care. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

1. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.

B. Inmate victims of sexually abusive vaginal penetration (while in custody) shall be offered pregnancy tests. If pregnancy results, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy related medical services.

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

5.7 VICTIM ADVOCACY

A. All victims of sexual abuse shall be afforded the opportunity to have a Victims Rights Advocate made available to accompany and support the victim through the forensic medical examination process, the investigative interviews and shall provide emotional support, crisis intervention, information and referrals, at no cost to the inmate.

1. The following Victim Rights Agencies addresses and telephone numbers are provided to all inmates:
a. Sonoma County Rape Crisis Center
b. Family Justice Center.
c. Young Women’s Christian Association (YWCA) counseling for women in abusive relationships.
d. National Human Trafficking hotline.

5.8 PROTECTION AGAINST RETALIATION

A. The Sheriff’s Office shall take immediate appropriate measures to protect anyone who expresses a fear of retaliation because they reported or cooperated with an investigation of sexual abuse.

B. Multiple protection measures shall be employed against any forms of retaliation, such as housing transfers or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

C. For at least 90 days following a report of sexual abuse, the PREA Coordinator shall monitor the conduct and treatment of inmates, or staff who reported the sexual abuse, and of inmates who were reported to have suffered sexual abuse to determine if there are indicators to suggest possible retaliation intentions by inmates or staff, and shall act promptly to remedy any such retaliation.

D. The PREA Coordinator may delegate this responsibility to any correctional staff member.

   1. Monitoring activities may include, but is not limited to, inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff.

   2. The PREA Coordinator or his designee shall continue such monitoring beyond 90 days if initial monitoring indicates a continuing need.

E. The PREA Coordinator shall coordinate with classification staff to ensure inmates who report sexual abuse are monitored by periodic status checks. The frequency and duration of the status checks shall be determined on a case by case basis.

F. Monitoring shall terminate if it is determined an allegation is unfounded.

5.9 DISCIPLINARY SANCTIONS FOR STAFF

A. Employees shall be subject to disciplinary actions up to and including termination for any violations of sexual abuse or harassment policies.

B. Termination shall be the presumptive disciplinary action for employees who have engaged in sexual abuse.

C. Disciplinary action for violations of Sheriff’s Office and County of Sonoma policies, and rules relating to sexual abuse or sexual harassment shall be commensurate with the nature and circumstances of the acts committed, the employee’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

D. All terminations for violations of sexual abuse or sexual harassment policies, or resignations by employees who would have been otherwise terminated, if not for their resignation, shall be reported to law enforcement agencies for any offenses outside the jurisdiction of the Sheriff’s Office, unless the activity was clearly not criminal, and to any relevant licensing bodies.
5.10 SEXUAL ABUSE INCIDENT REVIEWS

A. The PREA Coordinator shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Such review shall ordinarily occur within 30 days of the conclusion of the investigation. The review team shall include the Assistant Sheriff and the PREA Manager or their designees, with input, as necessary, from line supervisors, investigators, and medical and/or mental health practitioners.

B. The review team shall:
   1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.
   2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, gang affiliation or was motivated or otherwise caused by other group dynamics at the facility.
   3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
   4. Assess the adequacy of staffing levels in the housing locations during different shifts.
   5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

C. The PREA coordinator shall prepare a report of the review's findings and any recommendations for improvement. Recommendations for improvements shall be made and any reasons for not implementing the recommendations shall be explained. The final report shall be submitted to the Assistant Sheriff and the PREA Compliance Manager.

5.11 DATA COLLECTION AND ANNUAL REPORT

A. The Sheriff’s Office shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
   1. The Sheriff’s Office will obtain incident based and aggregated data from any agency contracted to provide confinement for Sonoma County inmates.

B. All managers and supervisors shall forward all PREA data to the PREA Coordinator, while maintaining a copy for their files. This data shall be securely maintained.

C. The PREA Coordinator shall aggregate the incident-based sexual abuse data on an annual basis using the most recent version of the Survey of Sexual Violence form from the Department of Justice.
   1. Upon request, the Sheriff’s Office will provide all data from the previous calendar year to the Department of Justice no later than June 30.

D. The information from all the incidents in the prior calendar year will be reviewed and compiled into an annual report. The report shall also include corrective actions for each facility, the Sheriff’s Office as a whole, along with a comparison to the previous year’s data and submitted to the Sheriff for review. Upon approval of the Sheriff, the report shall be posted on the Sheriff
Office’s website annually after all necessary redactions have been made pursuant to California Penal Code 293.

E. All documents pertaining to investigations shall be securely retained by the PREA Coordinator for no less than ten (10) years.

F. Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.

5.12 AUDITS

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

1. Staffing Plan.
2. Facility deployment of video monitoring systems and other monitoring technologies.
3. Resources available to commit to ensure adherence to the staffing plan.

B. All facilities under the Sheriff Office’s control shall be individually audited by an outside auditor who has been certified by the Department of Justice, once every three years. The auditor shall be provided all relevant policies and procedures, reports, internal and external audits and accreditations for the facility being audited.

1. During the audit, the auditor shall have access to all areas of the facility and supplied any relevant documentation requested.
2. The auditor shall have access to inmates, staff, and administrators. Staff will be expected to cooperate fully during this audit.

C. The results of all PREA audits will be documented via memorandum to the Sheriff via the chain of command.

5.13 HIRING AND PROMOTIONAL PROCESS

A. Hiring. The agency shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor or volunteer who may have contact with inmates, who:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or any other institution.
2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refused.
3. Has been civilly or administratively adjudicated to have engaged in the activity described above.
4. All incidents of sexual harassment shall be considered when determining whether to hire or enlist the services of any contractor, volunteer, or staff member who may have contact with an inmate.

5. Before hiring, all employees, contractors, and volunteers shall be subject to a criminal background check prior to employment. Consistent with Federal, State, and local law, the Office shall make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.

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

B. Current Employees. The agency is notified by the Department of Justice anytime an employee is fingerprinted as a result of any arrest.

C. Promotions. The Sheriff’s Office shall not promote anyone who may have contact with inmates who:

1. Have 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).

2. 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,

3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (C) (2) of this section.

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

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

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

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

6.0 REVISION HISTORY

Version: NEW OFFICE WIDE 1.07.15
(Replaces Version 3.11.14 - Revised 11/2014; replaces v. 2.09.13 - Revised 9/2013; replaces v. 01.04.06 - Revised 04/13/06)
Version 2.10.16 – Revised 10/2016
Version 3.11.16 – Revised 11/2016
Version 4.11.16 – Revised 11/2016
Version 4.11.16 – Revised 10/2018
Version 4.11.16 – Revised 12/2019