

MARIN COUNTY SHERIFF'S DEPARTMENT
GENERAL ORDER

CHAPTER 5 – OPERATIONS

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DATE
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PRISON RAPE ELIMINATION ACT (PREA)

POLICY

The Marin County Sheriff's Office, in compliance with the Prison Rape Elimination Act of 2003, mandates zero tolerance toward all forms of inmate sexual abuse, sexual harassment and/or retaliation of any sort against anyone who reports or cooperates with the investigations into such acts. All incidents of inmate sexual abuse that occur in the Main County Jail shall be 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 Marin 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 with, employed by or volunteering for the Marin County Sheriff's Office are subject to punitive sanctions for any violation of this policy.

This policy is in no way intended to replace Marin County Personnel Management Rule 21 and the requirements described therein. This policy is directed for the protection of inmates in the care and custody of the Marin County Jail.

PROCEDURE

I. ZERO TOLERANCE: The Sheriff's office will achieve zero tolerance through the implementation of:

1. Standardized definitions for prohibited behaviors and activities
2. Administrative accountability
3. Preventive personnel practices
4. Inmate screening, classification and housing practices
5. Inmate education and information
6. Limits on cross-gender viewing
7. Mandatory incident reporting
8. Providing medical/mental health services
9. Investigating all alleged incidents
10. Imposing disciplinary action on perpetrators
11. Collection and review of incident data
12. Routine facility PREA audit

II. DEFINITIONS: Definitions related to this policy include:

SEXUAL ABUSE: An act committed by inmates, staff, contractors or volunteers that 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 includes 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, demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures by another inmate, staff member, contractor or volunteer.

VOYEURISM: 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 body; or of an inmate performing bodily functions.

GENDER IDENTITY: Gender identity is a person's internal deeply felt sense of being male or female, distinct from his or her sexual orientation. Everyone has a gender identity and, for many, their gender identity is consistent with their assigned sex at birth and their physical anatomy. In some, this may not be the case.

LGBTI: Lesbian, Gay, Bisexual, Transgender, Intersex.

TRANSGENDER: A person who has a gender identity that is different from his/her assigned sex at birth.

INTERSEX: A person who's sexual, 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.

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

CONTRACTOR: A person who provides services pursuant to a contractual agreement.

III. ADMINISTRATION

The Detention Services Bureau Captain shall be accountable and responsible for overseeing and ensuring jail operations adhere to the PREA standards and ensuring response and reporting actions are adhered to by all staff, volunteers and contractors.

A. PREA Coordinator: The Sheriff or designee shall designate a sheriff's lieutenant as the PREA Coordinator, providing sufficient time and authority to develop, implement and oversee efforts to comply with PREA Standards in the Marin County Sheriff's Office. The PREA Coordinator's responsibilities include, but are not limited to:

1. Develop and maintain procedures to identify, monitor, and track inmate sexual abuse or harassment, and to comply with the PREA Standards.
2. Annually, review jail procedures to insure compliance with policies as they relate to PREA Standards.
3. Update PREA policies, processes and procedures as required.
4. Ensure delivery of PREA training to applicable audiences and revise training material as required.

5. Collaborate and coordinate social services for inmate sexual assault victims.
6. Ensure the proper collection, retention, analysis and destruction of records associated with claims of inmate sexual abuse, including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings and recommendations for post-release treatment and/or counseling.
7. Compile records, maintain complete and report statistical data, and file annual PREA audit jail documentation with the Federal Bureau of Justice or other applicable Federal/State agency.
8. Notify the Marin County Detention Services Bureau Captain of all allegations of inmate sexual abuse or harassment occurring within the inmate population.
9. Coordinate and plan all custody activities relating to the elimination of inmate sexual abuse.
10. Coordinate with the Jails Classification Unit to ensure inmates who report inmate sexual abuse are monitored by periodic status checks.

B. Staffing Plans/Security Systems: The Marin County Sheriff's Office shall be responsible for developing, documenting and making its best effort to comply with a staffing plan that provides adequate levels of staffing and video monitoring in order to protect inmates from sexual abuse. Further responsibility rests in ensuring adequate documentation and justification for all deviations from the staffing plan. In calculating adequate staffing levels and determining the need for video monitoring, the following shall be considered.

1. Generally accepted detention and correctional practices
2. Any judicial findings of inadequacy
3. Any findings of inadequacy from Federal investigative agencies
4. Any findings of inadequacy from internal or external oversight bodies
5. All components of the jail's physical plant, including blind-spots or areas where staff or inmates may be isolated
6. Composition of inmate population
7. The number and placement of supervisory staff
8. Institution programs occurring on a particular shift
9. Any/all applicable State or local laws, regulations or standards
10. The prevalence of substantiated and unsubstantiated incidents of inmate sexual abuse

At least once per year, or whenever otherwise deemed necessary, jail command staff and the PREA Coordinator shall conduct a review to assess, determine and document any needed adjustments to the staffing plan, the video monitoring systems and /or other monitoring technologies. The review shall also identify the resources the agency has available to commit to ensure adherence to the staffing plan.

C. Cooperation with community Sexual Assault Service Providers: The Marin County Sheriff's Office collaborates with Community Violence Solutions, which provides support services to inmate sexual assault victims. All victims shall be afforded the opportunity to have a Victim's Rights Advocate made available to them during an investigation, at the earliest possible time and at no cost to the inmate.

IV. EMPLOYEES/STAFF/VOLUNTEERS/CONTRACTORS

A. Hiring/Promotions: The Marin County Sheriff's Office shall not hire or promote anyone and shall not enlist the services of any contractor or volunteer 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 refuse.
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 Sheriff's 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.

Upon hiring any employee, staff, contractor or volunteers, they will be asked during the hiring process about any previous misconduct described in paragraph (A) of this section.

- B. Current Employees/Contractors:** The agency will be notified by the Department of Justice anytime an employee is fingerprinted as a result of any arrest. All employees have a continuing affirmative duty to disclose any such conduct to their direct supervisor as soon as practical.

The Sheriff's Office will conduct criminal background checks on all active contractors who may have contact with inmates during the course and scope of their work at least every five years.

- C. Past Employees:** Upon a request from an institutional employer or potential employer of a former employee, The Marin County Sheriff's Office will provide information regarding all substantiated allegations of sexual abuse or sexual harassment involving that former employee while they were employed by the Marin County Sheriff's Office.
- D. Training:** All custody staff, who has inmate contact, shall receive training in the following topics every two years. In years when this training is not provided, refresher information shall be provided on current inmate sexual abuse and sexual harassment policies. All training shall be documented through signature or electronic verification that staff members understand the training they have received and their responsibilities in adhering to the mandates of this policy.

Staff, volunteers and contractor training shall address the following components:

1. The Sheriff's Office's zero-tolerance policy for inmate sexual abuse and sexual harassment.
2. The rights of inmates to be free from sexual misconduct, sexual abuse and sexual harassment.
3. The rights of inmates, staff, contractors and volunteers to be free from retaliation for good faith reporting of suspected or observed instances of inmate sexual abuse or sexual harassment.

4. How staff and volunteers can fulfill their responsibilities under the Sheriff's Office inmate sexual abuse and harassment prevention, detection, reporting and response policies.
5. The dynamics of inmate sexual abuse and harassment in confinement.
6. The common reactions to inmate sexual abuse and harassment in confinement.
7. How to detect and respond to signs of threatened and actual inmate sexual abuse.
8. How to avoid inappropriate relationships with inmates.
9. How to communicate effectively and professionally with LGBTI and/or gender- nonconforming inmates.
10. Mandatory reporting of inmate sexual abuse, harassment and retaliation.

E. Volunteer and Contractor Training: The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates. At a minimum, all volunteers and contractors who have inmate contact shall be notified of the agency's zero-tolerance policy regarding inmate sexual abuse and sexual harassment and be informed as to how to report such incidents. The PREA Coordinator will maintain documentation confirming that volunteers and contractors understand the training they have received.

F. Cross-Gender Viewing: Inmates shall be 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 security checks. Staff of the opposite sex shall announce their presence when entering an inmate's housing unit to allow the inmate ample time to cover themselves should they be in the process of using the toilet, shower or are at some level of undress.

G. Cross-gender Pat-down Search Training: Training shall be provided to sworn 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 appropriate security needs. In the unlikely event of a cross-gender strip search, the search will be documented on a Marin County Sheriff's Office Strip Search Form.

H. Specialized Medical/Mental Health Training: Specialized PREA training shall be provided to all full-time and part-time medical and mental health care practitioners who work regularly in the jail. Likewise, all training shall be documented through signature or electronic verification that they understand the training they have received and their responsibilities in adhering to the mandates of this policy. The additional training for medical and mental health practitioners shall include:

1. How to detect and assess signs of inmate sexual abuse and sexual harassment.
2. How to preserve physical evidence of sexual abuse.
3. How to respond effectively and professionally to victims of inmate sexual abuse and sexual harassment.
4. How and to whom to report allegations or suspicions of inmate sexual abuse and sexual harassment.

I. Inmate Education: During the intake process, inmates will be informed of the Sheriff's Office zero-tolerance policy regarding inmate sexual abuse and sexual harassment, as well as how to report such incidents. All inmates shall have access to written material, including an inmate handbook and pamphlets, which explain the zero-tolerance policy regarding inmate sexual

abuse. Staff shall ensure that inmates with disabilities and inmates who are limited in English proficiencies, have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect and respond to inmate sexual abuse and sexual harassment.

V. REPORTING

All staff, volunteers, and contractors have an affirmative duty to report all allegations or knowledge of sexual abuse or sexual harassment involving inmates that take place within the Marin County Jail. All staff is mandated to report all substantiated PREA incidents to the relevant licensing bodies (Marin County Sheriff's Office Investigations, allied agencies and DOJ).

- A.** All staff, volunteers or contractors who have knowledge or suspect retaliation against anyone who reports inmate sexual abuse, cooperates with an investigation or believes that a staff member violated their responsibilities and may have contributed to an incident of inmate sexual assault or sexual harassment shall immediately notify a supervisor. 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 in reporting a violation of this policy.
- B.** Apart from reporting inmate sexual abuse to a supervisor or manager, staff shall not reveal any information related to an inmate sexual abuse incident to anyone other than to the extent necessary to make treatment, investigative and /or other security and management related decisions.
- C.** Rape crisis counselors and medical and mental health staff are considered mandated reporters. All inmates must be informed of their duty to report allegations of inmate sexual assault or sexual harassment, and the limitations of confidentiality that result, at the initiation of services. Subsequently, they shall, as required by law, report all of the following disclosures made by inmates:
 - 1. Any threat to kill or injure themselves.
 - 2. Any threat to kill or injure another.
 - 3. Any threat of sexual violence toward another.
- D.** Upon report of an allegation of an inmate being sexually abused while confined at another facility, the Detention Services Bureau Captain, or his/her designee, shall notify 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. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.
- E.** Inmates may report sexual harassment, abuse, retaliation for reporting or staff indifference to an inmate sexual assault or sexual harassment to any staff, volunteer or contractor. All such reports shall be immediately documented and the employee's immediate supervisor and the PREA Coordinator shall be notified and an investigation shall immediately commence. These reports can be made verbally or in writing through inmate request forms, grievances or letters. These reports can be made by third parties on behalf of the inmate.

- F. All third parties including, other inmates, staff members, family members, attorneys and outside advocates may report on behalf of an inmate, all allegations of sexual abuse or harassment 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 also be accepted. If an inmate declines third party assistance in filing a grievance alleging sexual abuse, the sheriff's office will document the inmate's decision to decline in the management section of CMS.
- G. Inmates can make confidential, toll-free calls to report inmate sexual abuse to Community Violence Solutions' Rape Crisis Center by dialing #72 from inmate telephones.
 - 1. Inmates who do not speak English may request a translator upon contacting the Community Violence Solutions' Rape Crisis Center.
 - 2. Those inmates who are hearing impaired shall be provided a TDD machine and may dial the Community Violence Solutions' Rape Crisis Center using the direct telephone number provided in the inmate handbook.
 - 3. Signage shall be posted in all facilities advising that inmate calls to these numbers are confidential and not subject to monitoring.
- H. Any grievance, submitted by an inmate, alleging inmate sexual abuse or imminent risk of inmate sexual abuse, shall immediately be withdrawn from the routine inmate grievance process. Rather, these grievances will be considered a complaint of inmate sexual abuse and not subject to any of the rules, procedures or timeliness regarding routine inmate grievances. All staff receiving such grievances, alleging inmate sexual abuse, shall immediately direct them to a Supervisor. The Supervisor shall immediately initiate the appropriate sexual abuse response.
- I. If the alleged victim is considered a vulnerable adult under a state or local vulnerable person's statute, the Sheriff's Office shall report the allegation to the designated state or local services agency.

VI. PROTECTION FROM RETALIATION

The Sheriff's office shall take appropriate measures to protect anyone who expresses a fear of retaliation because they reported or cooperated with an investigation of inmate sexual abuse. Any form of retaliation shall be subject to punitive action.

- A. Inmates may submit a grievance regarding a sexual abuse or sexual harassment via the inmate housing pod mailbox to prevent them from submitting the grievance directly to the staff member who may be the subject of the complaint. Any and all inmate grievances alleging sexual abuse or sexual harassment by a staff member will not be referred to or investigated by that staff member whom is the subject of the complaint. Inmates are not required to use an informal grievance process or otherwise resolve with staff, an alleged incident of sexual abuse.
- B. Any grievance, submitted by an inmate, alleging inmate sexual abuse or imminent risk of inmate sexual abuse, shall immediately be withdrawn from the routine inmate grievance process. Rather, these grievances will be considered a complaint of inmate sexual abuse and not subject

to any of the rules, procedures or timeliness regarding routine inmate grievances. All staff receiving such grievances, alleging inmate sexual abuse, shall immediately direct them to a supervisor. The Supervisor shall immediately initiate the appropriate sexual abuse response.

- I. Any and all grievances received regarding an alleged sexual abuse or sexual harassment will be investigated promptly and a merit to the allegations or any portion of the allegations will be made within 90 days of the filing date of the grievance. If a merit to the allegations has not been completed within 90 days, the Sheriff's Office will notify the inmate in writing that there has been an extension and the letter will contain the new projected merit date.

- D. Retaliation reports filed against other inmates shall be investigated by the Classification Unit. These reports can be made verbally or in writing through message requests, grievances or letters. Additionally, these reports can be made by third parties on behalf of the inmate.

- E. Reports of retaliation by staff shall be documented in a memorandum addressed to the Detention Services Bureau Captain or his/her designee.

- F. Multiple protection measures shall be employed against any forms of retaliation, such as housing transfers or transfers of 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 inmate sexual abuse or sexual harassment, or for cooperating with any subsequent investigation.

- G. For at least 90 days, following a report of inmate sexual abuse, the PREA Coordinator shall monitor the conduct and treatment of inmates or staff who reported the inmate sexual abuse, and of inmates who were reported to have suffered inmate 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. Monitoring activities may include, but is not limited to, inmate disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff.

- H. The PREA Coordinator may delegate the 90 day monitoring responsibility described above to a custody staff member.

- I. The Coordinator or his/her designee shall continue such monitoring beyond 90 days if initial monitoring indicates a continuing need.

- J. The PREA Coordinator shall coordinate with the Classification Unit to ensure inmates who report inmate 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. Monitoring shall terminate if it is determined an allegation is unfounded.

VII. RESPONSE TO AN INMATE SEXUAL ABUSE INCIDENT

If an allegation of inmate sexual abuse is made, the first Deputy to respond shall:

1. Separate the parties
 2. Request medical assistance, as appropriate. If no qualified health care or mental health professionals are on-duty when a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate qualified health care and mental health professionals.
 3. Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
 4. If the time period allows for collection of physical evidence, request that the alleged victim, and ensure that the alleged abuser, do not take any actions that could destroy physical evidence, i.e., washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating.
 5. Consider whether a change in classification or housing assignment for the victim is needed or whether witnesses to the incident need protection, both of which may include reassignment of housing.
 6. Determine whether the alleged perpetrator should be administratively segregated or administratively transferred during the investigation.
- A. If the first responder is not a Deputy, the responder shall request the alleged victim refrain from any actions that could destroy physical evidence and then immediately notify a Deputy.
- B. Should an investigation involve inmates who have disabilities or who have limited English proficiency, the first responder shall not rely on inmate interpreters, except in limited circumstances where an extended delay in obtaining an interpreter could compromise inmate safety, the performance of first responder duties, or the investigation of inmate sexual abuse or sexual harassment allegations.

VIII. INVESTIGATIONS

Allegations of inmate sexual abuse and sexual harassment upon inmates shall be investigated promptly, thoroughly and objectively and forwarded for review and appropriate action through the chain of command.

An on-duty sergeant will receive the allegation and begin a preliminary investigation to find if the complaint is criminal in nature. The preliminary investigation shall be documented onto the PREA Original Allegation Report Form by the on-duty sergeant. All criminal investigations of inmate sexual abuse shall be conducted by the Investigations Division and documented on an ARS report. Staff conducting these investigations shall be trained in conducting these types of investigations as outlined in 28 CFR §115.34. As part of the investigation, all prior complaints and reports of abuse involving the suspect shall be reviewed if the suspect is an inmate.

1. The standard used to substantiate allegations of inmate sexual abuse shall be no higher than a preponderance of evidence.
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. Inmates alleging sexual abuse shall not be required to submit to a polygraph or any other truth-telling device as a condition of proceeding with the investigation.

4. 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.

At a minimum the investigator(s) shall be responsible to:

1. Gather and preserve direct and circumstantial evidence, including any viable physical and DNA evidence and any available electronic monitoring data.
2. Interview alleged victims, suspected perpetrators and witnesses, and review prior complaints and reports, if any, of sexual abuse involving the suspected perpetrator.
3. When the quality of evidence appears to support criminal prosecution, the investigator(s) shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
4. Determine whether staff actions (including misconduct), or failures to act, contributed to the abuse.
5. Refer any/all substantiated allegations of inmate sexual abuse, sexual harassment or staff misconduct that appears to be criminal for prosecution.
6. Continue and not terminate an investigation of alleged inmate sexual abuse, even when the alleged abuser or victim has been released from custody or terminated active employment with the Marin County Sheriff's Office.

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

All written reports, physical, testimonial and/or documentary evidence, credibility assessments, electronic monitoring data, DNA and investigative facts and findings shall be thoroughly documented during the investigative process to adequately support the final outcome of the investigation, whether or not a referral for criminal prosecution is recommended or filed.

For administrative investigations of all inmate sexual abuse investigations, the Sheriff's Office shall maintain all written reports and investigations for as long as the alleged abuser is incarcerated or employed by the Sheriff's Office, plus five years.

If the Marin County Sheriff's Office did not conduct the investigation, it shall request relevant information from the investigation to inform the victim inmate of its findings. When outside agencies investigate inmate sexual abuse, the Marin County Sheriff's Office shall cooperate with outside investigators and shall endeavor to remain informed about the process of the investigation.

IX. DISCIPLINE, FINDINGS AND REVIEW

- A. The PREA Coordinator shall inform the reporting inmate of the investigative findings as to whether the allegation of inmate sexual abuse has been determined to be substantiated, unsubstantiated or unfounded.

Following an allegation by an inmate that he/she 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 inmate sexual abuse within the jail; or
2. The alleged abuser has been convicted on a charge related to abuse within the jail. This notification requirement shall terminate if the inmate victim is released from the Marin County Jail. The PREA Coordinator shall document all such notifications or attempted notifications.

B. Inmate Discipline: Inmates who violate inmate sexual abuse and sexual conduct rules shall be subject to disciplinary sanctions up to and including loss of good time and imposed segregation time pursuant to a properly conducted administrative discipline hearing.

1. Inmates who file frivolous or bad faith allegations of inmate sexual abuse shall be subject to the inmate disciplinary process and/or referral to law enforcement for criminal charges.
2. Sanctions shall be commensurate with the nature and circumstances of the abuse committed.
3. Prior to imposing discipline, the hearing officers shall consider if mental illness or mental disabilities contributed to his/her behavior.
4. Inmates will not be disciplined for sexual contact with staff unless it is determined that the staff person did not consent.

C. Following an investigation into the allegation by an inmate of sexual abuse, the inmate shall be notified as whether the allegation was determined to be substantiated, unsubstantiated or unfounded. Following an inmates substantiated allegation that a staff member committed an sexual assault against the inmate, the Sheriff's Office shall inform the inmate in writing the following:

1. The staff member is no longer assigned to the inmate's housing unit.
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 the abuse within the facility.
4. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

D. Incident Reviews: The PREA Coordinator and Command Staff, including the Nursing Supervisor, Lead Mental Health Practitioner and involved investigators shall conduct a PREA incident review no later than thirty (30) days following the conclusion of an investigation, unless it is determined to be an unfounded incident. The review is to analyze applicable information contributing to the reported PREA incident. The focus of the review will be to determine if there are corrective actions required to prevent future incidents. The review will consider, at a minimum, the following:

1. Classification and Housing
2. Imminent Risk Factor(s) for the victim
3. Review video monitoring technology capabilities
4. Upgrade, change and/or discontinuance of any daily operation activity
5. Adequacy of staffing levels in the area during different shifts

6. Consideration of jail facility/housing pods' troublesome physical barrier areas
7. LGBTI status or gender identity
8. Whether or not the incident was motivated by race, ethnicity, gang affiliation or other group dynamics in the jail.
9. Proper adherence to the PREA and jail operations policy, procedure and process by staff or whether the results of the investigation indicate a need to change to policy or practice.

The incident Review Team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement, and submit the findings to the Detention Services Bureau Captain. The Detention Services Bureau Captain or his/her authorized designee shall implement the recommendations for improvement or shall completely and adequately document the reason(s) for not doing so.

X. MEDICAL/MENTAL HEALTH SERVICES

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. Marin County Detention Health Services does not conduct forensic examinations and is limited to providing emergent medical and/or mental health care in the event of an inmate sexual assault. Forensic examinations will be conducted by a qualified Sexual Assault Nurse Examiner (SANE,) or Sexual Assault Forensic Examiner (SAFE,) where possible. Depending on the severity of the injuries, transportation may occur by a staff member or by ambulance. In either case, deputies shall ensure the safety and security of the inmate, hospital patients and staff, and prevent escape.

A. Screening: All newly booked inmates shall be seen by the Booking Nurse. During this time, the inmate will be asked about their medical and mental health history, as well as any current needs.

1. During this screening process, all inmates will be specifically asked if they have ever:
 - a. Perpetrated any type of sexual abuse or;
 - b. Suffered from sexual victimization, in or out of custody.
2. Inmates who provide an affirmative response to either question shall be offered an evaluation with a medical and/or mental health practitioner within 14 days, at no cost to the inmate that shall be consistent with the level of care provided in the community.
3. For those who request mental health assistance, the intake nurse shall be responsible for completing and forwarding a referral to Mental Health Services.
 - a. Mental Health shall note the name, booking number and date the referral was made.
 - b. The inmate shall be scheduled to be seen within 14 days of the date of the referral.
 - c. Jail Mental Health and Medical staff shall maintain records of all referrals written and received. These records shall be cross-referenced biweekly to ensure accuracy.
4. Inmates who disclose recent victimization shall immediately receive all necessary emergency medical and mental health care as determined by the respective providers.

- B. Reporting:** Any information related to sexual victimization or abusiveness that occurred in any correctional facility shall be limited to medical, mental health practitioners and necessary sworn staff. This information shall only be used for medical and mental health treatment plans or security and management decisions, including housing/bed assignments, work assignments and program education assignments.
1. Medical and mental health staff shall obtain informed consent from inmates before reporting information about prior sexual victimization in the community.
 2. Inmates, who are sexually abused, while in Sheriff's Office custody, shall be provided timely information about, and access to, emergency contraception, pregnancy tests and sexually transmitted infection prevention and testing, as appropriate.
 3. If a female inmate becomes pregnant, as a result of an abusive act in custody, she shall receive timely and comprehensive information about access to all lawful pregnancy related medical services.
 4. Upon the inmate's return to jail from any emergency medical treatment and/or sexual assault examination, Jail Medical Services shall make arrangements for follow-up care. Mental Health Services may schedule the inmate for an initial follow-up consultation and evaluation to determine if further mental health treatment is requested or necessary.
 5. All treatment for inmates, who have been abused in custody, shall be at no cost to the inmate, regardless of their level of cooperation in the investigation.
- C. Release from Custody:** Inmates who have been sexually abused in any confinement setting and who have been identified, evaluated and treated, shall also receive, as appropriate, follow-up services, treatment plans and, when necessary, referrals for continued care following their transfer or placement in other facilities or their release from custody.

XI. STAFF DISCIPLINE

- A.** Staff shall be subject to disciplinary sanctions, up to and including termination, for violating this policy. Termination shall be the presumptive disciplinary sanction for all staff who has engaged in inmate sexual abuse.
- B.** All staff terminated for violating this policy, or who resign from employment with the Marin County Sheriff's Office in lieu of termination for committing inmate sexual abuse, shall be subject to criminal investigation unless the activity was clearly not criminal. In addition, reports will be made to any relevant licensing body.
- C.** All discipline shall be proportionate with the nature and circumstances of the acts committed, the employee's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories.
- E.** Any contractor or volunteer who engages in inmate sexual abuse shall be prohibited from contact with inmates and reported for criminal investigation. Depending upon the outcome, the contractor or volunteer may be permanently barred from providing service to inmates at the Marin County Jail. In addition, reports will be made to any relevant licensing body.

XII. AUDITS

- A.** The PREA Coordinator shall annually review and document the Marin County Jail's compliance with PREA Standards. The review shall assess, determine and document any discrepancies and identify where adjustments are needed, including the staffing plan to ensure adequate levels of staffing and video monitoring systems to protect inmates from sexual abuse and sexual harassment. The results of the review will be documented via memorandum to the Sheriff, via the chain of command.
- B.** The Marin County Jail shall be 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 be 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.

XIII. DATA COLLECTION

- A.** The Sheriff's Office shall collect accurate, uniform data for every allegation of inmate sexual abuse at the jail.
- B.** Supervisors shall forward all information to the PREA Coordinator, while maintaining a copy for their files. This data shall be securely maintained.
- C.** Upon receipt of a completed investigation, the PREA Coordinator or his/her designee, shall compile all the incidents on an annual basis, using the most recent version of the Survey of Sexual Violence form from the Department of Justice. Upon request, the Sheriff's Office will provide all data from the previous calendar year to the Department of Justice. A copy of this data shall be maintained for no less than ten years.
- D.** The information from all the incidents in the prior calendar year will be reviewed and compiled into an annual report. The report shall also include corrective actions for the jail, 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 website annually, after all necessary redactions have been made, pursuant to California Penal Code § 293.
- F.** All documents pertaining to investigations shall be securely retained by the PREA Coordinator or designee for not less than ten (10) years.
- G.** The Sheriff's Office shall ensure all data collected is securely retained. All aggregated sexual abuse data shall be readily available to the public annually via the Sheriff's Office public website. Any and all personal identifiers shall be removed prior to posting.

RELATED STANDARDS:
TITLE 28 CFR §§115.11 - 93

AFFECTED DIVISIONS:
ALL

DATE REVISED
02/02/2017

By order of

ROBERT T. DOYLE
SHERIFF-CORONER