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# Montgomery County Sheriff's Office

## Jail Policy and Procedure Manual

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### Section III Security and Control

Chapter : 24

Effective Date: August 1, 2013

Subject : PREA Compliance - Sexual Abuse Prevention & Intervention Program

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### **PREA Compliance – Sexual Abuse Prevention & Intervention**

#### **Purpose:**

The Montgomery County Sheriff's Office recognizes sexual harassment and sexual abuse as being immoral and illegal and realizes the impact that sexual harassment and sexual abuse has on the Staff, the Detainees, the Facility, and the Community. The purpose of this policy is to prevent the occurrence of sexual harassment and sexual abuse at the Montgomery County Sheriff's Office and Jail Facility.

#### **Policy:**

It is the policy of the Montgomery County Sheriff's Office to prevent prison rape or other types of sexual misconduct from occurring in the Montgomery County Jail. This section of the policy manual contains policies and procedures that have been implemented in compliance with the standards of the Prison Rape Elimination Act.

#### **Expected Outcome:**

The expected outcomes of this Policy and Procedure is that:

1. Sexual abuse and sexual harassment of Detainees will be prevented.
2. Detainees will be informed about the Facility's Sexual Abuse Prevention and Intervention Program.
3. Detainees will be screened to identify those likely to be sexual aggressors or sexual victims and will be housed to prevent sexual abuse or assault.
4. All allegations of sexual abuse or sexual harassment will be promptly and effectively reported and investigated. Detainees will not be punished for truthfully reporting abuse or signs of abuse observed.
5. If sexual abuse of any Detainee occurs, the medical, psychological, safety, and social needs of the victim will be promptly and effectively met.
6. Where possible and feasible, a victim of sexual abuse will be referred under appropriate security provisions to a specialized community Facility for treatment and gathering of evidence.
7. Assaultants will be confined and disciplined and may be subject to criminal prosecution.
8. All case records associated with claims of sexual abuse will be retained in accordance with an established schedule.
9. Incidents of sexual abuse will be specifically documented and tracked as specified in this Policy and Procedure (in addition to standard Facility operational and disciplinary documentation of any assault).
10. The applicable content and procedures in this Policy will be communicated to the Detainee in a language or manner which the Detainee can understand.

#### **Procedures:**

##### **Montgomery County Jail Procedural Instructions**

Reference: [24.100.01 – 24.100.21-Sexual Abuse Prevention-Intervention Program Contractor / Volunteer PREA Manual](#)

<b>Montgomery County Jail Procedural Instructions</b>	<b>Effective Date: 08-01-2013</b>
<b>Subject: PREA Compliance –Sexual Abuse Prevention and Intervention Program</b>	<b>Chapter: 24.100.00</b>
<b>Date Last Reviewed: 01-03-2020</b>	<b>Approved: Lieutenant Eric E. Foree</b>

## PURPOSE AND SCOPE

The Montgomery County Jail Facility has a “Zero Tolerance” Policy regarding all forms of sexual abuse and harassment. The Montgomery County Jail is committed to providing a safe and secure environment for all Detainees, Staff, Contractors, and Volunteers, free from the threat of sexual abuse, by maintaining a Sexual Abuse Prevention and Intervention Program. The Program ensures effective procedures for preventing, reporting, responding to, investigating, and tracking incidents or allegations of sexual abuse. This Program is consistent with the Prison Rape Elimination Act of 2003 (PREA).

The Montgomery County Jail affirmatively acts to prevent acts of sexual abuse and harassment on Detainees, provide prompt and effective intervention and treatment for victims of sexual abuse, and control, discipline, and prosecute the perpetrators of sexual abuse or harassment.

## BACKGROUND

The Prison Rape Elimination Act of 2003 (PREA) sets a zero tolerance standard regarding sexual abuse in “any confinement facility of a Federal, state, or local government, whether administered by such government or by a private organization.

Research indicates that a small percentage of individuals express aggression and seek to dominate others through violent sexual behavior. Forceful and pressured sexual interactions are among the most serious threats to Detainee safety, Facility security, and good order. Victims suffer physical and psychological harm and could be infected with a life-threatening disease.

### 24.100.01 DEFINITIONS

For purposes of this policy, the following definitions apply:

- A. Exigent Circumstances:** Any set of temporary unforeseen circumstances that require immediate action in order to combat a threat to the security or order of the Jail Facility.
- B. First Responder:** The first person arriving on the scene of an incident or the first person having contact with an alleged victim.
- C. Least Restrictive Housing:** Housing that affords victims of Detainee sexual abuse the most access to programming and privileges while ensuring the safety of the victim and the security of the Jail Facility.
- D. Limited English Proficiency:** Individuals who are unable to communicate, read or speak, effectively in English because their primary language is not English and they have not developed fluency in the English language.
- E. Medical Practitioner:** 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.
- F. Mental Health Practitioner:** 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.
- G. PREA Program Coordinator:** A Facility Supervisor who is responsible for ensuring compliance of the PREA Standards.

**H. Staff Member:** Any person who is:

1. Employed by the Montgomery County Sheriff's Office and/or Jail and are paid by the County of Montgomery.
2. Contracted to perform services on a recurring basis within the Jail Facility pursuant to a contractual agreement.
3. Approved access to the Jail Facility for the purpose of volunteering their services, such as Jail Ministry Services, Education Services, Substance Abuse Services, etc.

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

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

**K. 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.

**L. Victim Advocate:** A Professional with specialized training who provides direct services, such as emotional support, counseling, and resources, to male and female victims of sexual abuse.

**M. Detainee / Inmate:** An individual incarcerated in the Montgomery County Jail who may identify as heterosexual, bisexual, homosexual or as a trans-gender person (male to female or female to male).

**N. Sexual Misconduct:** For purposes of this policy and procedure, Sexual Misconduct shall include:

1. An incident in which one or more Detainees are engaged in, are attempting to engage in, or have completed a consensual sexual act with another Detainee.
2. Any behavior or act of a sexual nature described in **Chapter 24.100.01, Paragraphs (N), (O), or (P).**

**O. Detainee-on-Detainee Sexual Abuse:** One or more Detainees, by force, coercion, or intimidation, engaging in or attempting to engage in a sexual act, including:

1. Contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph, contact involving the penis occurs upon penetration, however slight;
2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
3. Penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object;
4. Touching of the genitalia, anus, groin, breast, inner thigh, or buttocks, either directly or through the clothing, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
5. The use of threats, intimidation, inappropriate touching, or other actions and or communications by one or more Detainees aimed at coercing and or pressuring another Detainee to engage in a sexual act.

**P. Sexual Harassment:**

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, detainee, or resident directed toward another.
2. Repeated verbal comments or gestures of a sexual nature to a 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.

**Q. Staff-on-Detainee Sexual Abuse:** One or more Staff Members, Volunteers, or Contract Personnel, by force, coercion, or intimidation, engaging in or attempting to engage in a sexual act, including:

1. Contact between the penis and the vulva or the penis and the anus, including penetration however slight.
2. Contact between the mouth and the penis, vulva, or anus.
3. Contact between the mouth and any body part where the Staff Member has the intent to abuse, arouse, or gratify sexual desire.
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 has the intent to abuse, arouse, or gratify sexual desire.
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 has the intent to abuse, arouse, or gratify sexual desire.
6. Any attempt, threat, or request by a Staff Member to engage in the activities described in paragraphs (1) through (5) of this definition.
7. Any display by a Staff Member of his or her uncovered genitalia, buttocks, or breast in the presence of a Detainee.
8. Voyeurism by a Staff Member which is an invasion of privacy of a Detainee by staff for reasons unrelated to official duties, such as peering at a Detainee who is using a toilet in his or her cell to perform bodily functions; requiring a Detainee to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a Detainee's naked body or of a Detainee performing bodily functions.

**Q. Staff Misconduct of a Sexual Nature:** Staff Misconduct of a Sexual Nature shall mean the following acts when performed by a Staff Member and directed at any Detainee for the purpose of gratifying the sexual desire(s) of any person or getting a Detainee to engage in Staff Sexual Misconduct, or that have sexual undertones:

1. Exchanging personal letters, pictures, phone calls, or contact information with an individual known to be under Department Jurisdiction, or his/her immediate family, without the express authorization of the Sheriff.
2. Exchanging personal information with a Detainee known to be under Department Jurisdiction, or his/her immediate family, intended to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person and/or in an effort to get a Detainee to engage in Staff Sexual Misconduct or other conduct prohibited by this section.
3. Engaging in an unauthorized personal relationship with an individual known to be under Department Jurisdiction without the express authorization of the Sheriff.
4. Discouraging or preventing Detainees or Staff Member from:
  - a. Making good faith reports of Staff Sexual Misconduct or Staff Misconduct where a Detainee is the alleged victim, or
  - b. Providing, in good faith, information regarding Sexual Misconduct or Staff Misconduct where a Detainee is the alleged victim. This could include, but is not limited to, making threats, bribes, or acts of coercion toward a Detainee or Staff Member. This does not include short-term temporary delays in reporting necessary to ensure safety or security in the facility or instances where the Staff Member would not reasonably have known under the circumstances that he or she was in violation of this section.
5. Aiding or abetting another person to perform the acts prohibited in this section. This would include intentionally failing to report knowledge of another Staff Member engaging in Staff Sexual Misconduct or the acts prohibited in this section.

#### **24.100.02 ZERO TOLERANCE**

The Montgomery County Jail has a strict **Zero Tolerance Policy** for all acts of Sexual Abuse, Sexual Harassment, and Retaliation regardless of consensual status. The following acts of Sexual Abuse are strictly prohibited and subject to Administrative Sanction, Disciplinary Sanctions, and Criminal Prosecution.

1. Detainee-on-Detainee Sexual Abuse

2. Staff-on-Detainee Sexual Abuse
  3. Staff Misconduct of a Sexual Nature
  4. Staff-on-Detainee or Detainee-on-Detainee Sexual Harassment
  5. Any act defined above in **Chapter 24.100.01, Paragraphs (M) through (Q)**.
- Detainee Sexual Abuse by a Staff Member is a Class D Felony and could result in having to register as a Sex Offender.

**Reference:** [PREA Standards § 115.11](#)

### **24.100.03 PREA PROGRAM COORDINATOR**

The Jail Administrator shall designate an upper-level PREA Program Coordinator with sufficient time and authority to develop, implement, and oversee facility efforts to comply with the PREA Standards and the Jail Facility's Sexual Abuse Prevention and Intervention Program. The PREA Program Coordinator shall:

1. Ensure allegations are properly referred to the appropriate Investigating Agency and that an Administrative or Criminal Investigation is completed for all allegations of sexual abuse and harassment.
2. Assist in the development of the written policies and procedures for the sexual Abuse Prevention and Intervention Program. The Program Coordinator shall also be responsible for keeping them current.
3. Assist with the development of initial and ongoing training protocols.
4. Serve as a liaison with other agencies.
5. Coordinate the gathering of statistics and reports on incidents of sexual abuse, as detailed below in this policy and procedure.
6. Reviewing facility practices to ensure the required levels of confidentiality are maintained.
7. Reviewing the results of every investigation of sexual abuse and conducting an annual review of all investigations to assess and improve prevention and response efforts.
8. Receive PREA Allegation Notification Forms, review, and ensure correct housing assignments.
9. Receive all required documentation during the Coordinate Response and ensure assignment to the appropriate Investigator.

**Reference:** [PREA Standards § 115.11, § 115.13, § 115.22](#)

### **24.100.04 PREVENTION**

The Montgomery County Jail affirmatively acts to prevent acts of sexual abuse or sexual harassment on Detainees, provide prompt and effective intervention and treatment for victims of sexual abuse, and control, discipline, and prosecute the perpetrators of sexual abuse.

All Staff Members (employees, volunteers, and contractors) are responsible for being alert to signs of potential sexual abuse, and to situations in which sexual abuse might occur.

#### **A. Staff Hiring and/or Promotions**

The Montgomery County Jail shall not hire or promote anyone who may have contact with Detainees, and shall not enlist the services of any Contractor who may have contact with Detainees, who:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility.
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.

- Before hiring new employees or enlisting the services of contractors who may have contact with Detainees, the Montgomery County Jail shall perform a criminal background records check.

**Reference: PREA Standards § 115.17**

## **B. Staff Training**

Training on the Montgomery County Jail's Sexual Abuse Prevention and Intervention Program shall be included in initial and annual refresher training for all staff members, volunteers, and contract personnel. Staff training shall include, at a minimum, the following:

1. The Zero-Tolerance Policy for Sexual Abuse and Sexual Harassment.
2. How to fulfill their responsibilities under the Facility's Sexual Abuse Prevention and Intervention Program.
3. Detainee's right to be free from sexual abuse and sexual harassment.
4. The right of Detainees and Staff to be free from retaliation for reporting sexual abuse or sexual harassment.
5. The dynamics of sexual abuse and sexual harassment in confinement.
6. Recognition of physical, emotional and behavioral signs that sexual abuse or sexual harassment may have occurred and the prevention of such occurrences.
7. How to detect and respond to signs of threatened and actual sexual abuse or sexual harassment.
8. How to avoid inappropriate relationships with Detainees.
9. How to communicate effectively and professionally with Detainees including lesbian, gay, bisexual, transgender, or intersex Detainees.
10. Investigation process and the protection of evidence from destruction.
11. Prevention, recognition, and appropriate response to allegations or suspicions of sexual abuse or sexual harassment involving Detainees with mental health or physical disabilities.
12. Understanding how to report knowledge or suspicions of sexual abuse or sexual harassment and how to make intervention referrals.
13. Understanding the documentation of referral procedures and allegations of sexual abuse or sexual harassment.
14. The Facility PREA Program Coordinator shall maintain documentation verifying employee, volunteer, and contractor training.

**Reference: PREA Standards § 115.31**

## **C. Specialized Training: Health Care**

In addition to the training listed in **Paragraph (A) Staff Training**, Medical Staff training shall include, at minimum, the following:

1. Detainee's right to access outside, confidential support services.
2. Cross-gender viewing and search guidelines.
3. Access to care following a sexual assault.
4. Housing considerations for safety.
5. Intake screening questions.
6. Confidentiality.
7. Investigation requirements.
8. Medical Staff intervention, assessment, and documentation.

**Reference: PREA Standards § 115.35**

## **D. Specialized Training: Investigations**

In addition to the training listed in **Subparagraph (A) Staff Training**, Investigators shall receive specialized training in conducting sexual abuse and sexual harassment investigations in confinement settings. This specialized training shall include:

1. Techniques for interviewing sexual abuse victims.
2. Proper use of Miranda and Garrity Warnings.
3. Sexual abuse evidence collection in confinement settings.
4. Criteria and evidence required to substantiate a case for Administrative Action or Prosecution referral.

**Reference:** [PREA Standards § 115.34](#)

#### **E. Volunteer and Contractor Training**

The Montgomery County Jail shall ensure that all volunteers and contractors who have contact with Detainees have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. Volunteers and contractors are required to receive the training provided and sign an acknowledgement sheet prior to entering any area of the facility that contains Detainees.

**Reference:** [PREA Standards § 115.32](#)

#### **F. Upgrades to Facilities and Technologies**

At such time as the Montgomery County Jail plans any expansions or upgrades to the facility, such expansions or upgrades shall take into consideration, the need to accommodate Detainee safety and prevent sexual abuse.

**Reference:** [PREA Standards § 115.18](#)

#### **G. Contracting with Other Entities for the Confinement of Detainees**

The Montgomery County Jail will take steps to ensure that the Detainees are free from sexual abuse and sexual harassment while being housed in other facilities for Montgomery County by requiring the housing agency to observe PREA standards when dealing with Montgomery County's Detainees. The Montgomery County Jail shall monitor the contracting agency to ensure that such agency is in compliance with PREA standards.

**Reference:** [PREA Standards § 115.12](#)

#### **H. Supervision and Monitoring**

The Montgomery County Jail shall provide sufficient staffing to ensure that Detainee supervision is performed in a manner that will deter and prevent sexual misconduct. The Montgomery County Jail staffing includes multiple levels of supervision and support staff to assist in responding to incidents.

Montgomery County Jail Supervisory Staff shall make frequent unannounced rounds to identify and deter Staff and/or Detainee Sexual Misconduct. Such rounds shall take place on every shift. Staff is prohibited from alerting other Staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the Facility.

While some victims will be clearly identified, many, even most, may not come forward directly with information. Some victims may be identified through unexplained injuries, changes in physical behavior due to injuries, or abrupt personality changes such as withdrawal or suicidal behavior. Staff shall stay alert and watch for "Red Flags".

**Reference:** [PREA Standards § 115.13](#)

#### **I. Youthful Detainees**

For the purposes of the Prison Rape Elimination Act the term "Youthful Detainee" means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail. The Montgomery County Jail shall maintain a separation between Youthful Detainees and Adult Detainees in compliance with **Missouri Revised Statute Sections 221.044 and 219.071**.

**Reference:** [PREA Standards § 115.14](#)

## **J. Limits on Cross-Gender Viewing and Searches**

The Montgomery County Jail complies **Missouri Revised Statute Section 544.193** on strip searches. Cross-gender strip searches or cross-gender visual body cavity searches shall not be performed except in exigent circumstances or when performed by medical practitioners.

1. Staff of the opposite gender may not visually observe Detainees while changing clothing, showering, or performing bodily functions, except in exigent circumstances or when such viewing is incidental to routine cell checks.
2. Cross-gender strip searches or cross-gender visual body cavity searches shall not be performed except when performed by medical practitioners.
3. Staff entering a housing unit that contains Detainees of the opposite sex, they shall immediately announce their presence upon entry.
4. Staff of the same gender as the Detainee should perform pat searches of a female Detainee, unless Staff of the same gender are not present at the Facility at the time the pat search is required.
5. Special care shall be taken to ensure a strip search of a transgender Detainee be performed in private.

**Reference: PREA Standards § 115.15**

## **K. Detainees with Disabilities and Detainees with Limited English Proficient**

The Montgomery County Jail will take appropriate steps to ensure that Detainees with disabilities (including, for example, Detainees who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities, or those who do not speak English), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Staff shall contact the Jail Administrator and/or PREA Coordinator when admitting Detainees with disabilities or Detainees who are limited English proficient in order to ensure proper guidance.

Staff shall not rely on Detainee interpreters except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the Detainee's safety, the performance of First-Response duties, or the investigation of Detainee's allegations.

1. The Jail Administrator or designated Supervisor shall contact Interpreter Service when interviewing a Detainee who speaks limited or who does not speak English.
2. The Jail Administrator or designated Supervisor shall utilize the TTY System or Video Conferencing when interviewing a Detainee who is hearing impaired or deaf.

**Reference: PREA Standards § 115.16**

## **L. Screening and Classification**

Classification is an ongoing, dynamic process. A Detainee who is subjected to sexual abuse shall not be returned to general population until proper classification, taking into consideration any increased vulnerability of the Detainee as a result of the sexual abuse, is completed.

The Montgomery County Jail shall use information from the Admissions Medical and Mental Health Screening process to inform housing, bed, work, education, and program assignments with the goal of keeping separate those Detainees at high risk of being sexually victimized from those at high risk of being sexually abusive.

1. Detainees shall be screened, during admissions into the facility and when transferring to another facility, for their risk of being sexually abused by other Detainees or sexually abusive toward other Detainees. This assessment shall be completed utilizing the **Medical and Mental Health Screening Form**.
2. If the screening indicates that a Detainee has experienced prior sexual victimization or that the Detainee has previously perpetrated sexual abuse, whether it occurred in a



correctional setting or in the community, Staff shall notify a Supervisor immediately. The Supervisor shall:

- a. Ensure that a referral is made to the Medical or Mental Health Practitioner for assessment and treatment as appropriate.
  - b. Ensure the appropriate classification and housing assignment.
  - c. Ensure that Detainees who are considered likely to become victims are placed in the least restrictive housing that is available and appropriate.
  - d. Notify the PREA Coordinator.
3. Each new arrival shall be kept separated from the general population until he or she is classified and may be housed accordingly.
  4. Detainees identified as being at risk for sexual victimization shall be transported in accordance with that special safety concern.
  5. Transportation Staff shall seat each Detainee with particular attention to Detainees who may need to be afforded closer observation for their own safety.

**Reference:** PREA Standards § 115.41, § 115.42

### **M. Protective Custody**

Detainees at high risk for sexual victimization shall not be placed in involuntary segregated housing unless a Supervisory 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. In the event that an alternative means is not available, Staff shall note the likelihood of risk and provide increased supervision until the risk no longer exists.

1. If a Supervisor cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.
2. Detainees placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible.
3. Care must be taken not to punish a confirmed or alleged sexual abuse victim either for reporting sexual abuse or for participating in a sexual activity as a result of force, coercion, threats, or fear of force.
4. The Supervisor shall assign such Detainees to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 7 days.
5. If an involuntary segregated housing assignment is made, the Supervisor shall notify the PREA Coordinator and clearly document:
  - a. The basis for the concern for the Detainee's safety.
  - b. The reason why no alternative means of separation can be arranged.
6. The PREA Coordinator shall, every 7 days, afford each such Detainee a review to determine whether there is a continuing need for separation from the general population.

**Reference:** PREA Standards § 115.43, § 115.68

### **N. Detainee Education**

Upon admission to the Jail Facility, all Detainees shall be notified of the Facility's **Zero-Tolerance Policy** and **Sexual Abuse Prevention and Intervention Program** through the Admissions Orientation, Detainee Handbook, and the Housing Unit Posters. Detainee notification, orientation, and instructions shall be in a language or manner that the Detainee understands. Detainee notification, orientation, and instructions shall include:

1. The Facility's Zero Tolerance Policy for all forms of sexual abuse or sexual harassment.
2. The name of the Facility Sexual Abuse and Prevention and Intervention Program Coordinator, and information about how to contact him/her.
3. Prevention and intervention strategies.

4. Definitions and examples of Detainee-on-Detainee Sexual Abuse, Staff-on-Detainee Sexual Abuse, Sexual Harassment, and coercive sexual activity.
5. Explanation of methods for reporting sexual abuse or sexual harassment, including the investigation processes, and right of Detainees to report an incident or allegation of sexual abuse and sexual harassment, or intimidation to any staff member at the facility and to ICE/DHS if involving an ICE Detainee.
6. Information about self-protection and indicators of sexual abuse.
7. Prohibition against retaliation, including an explanation that reporting sexual abuse or sexual harassment shall not negatively impact an ICE Detainee's immigration proceedings.
8. The right of a Detainee who has been subject to sexual abuse to receive treatment and counseling.

**Reference:** [PREA Standards § 115.33](#)

#### **24.100.05 REPORTING SEXUAL ABUSE AND SEXUAL HARASSMENT**

The Montgomery County Jail provides multiple ways for Detainees to privately report sexual abuse and sexual harassment, retaliation by other Detainees or Staff for reporting sexual abuse and sexual harassment, and Staff neglect or violation of responsibilities that may have contributed to such incidents.

##### **A. Detainee Reporting**

Detainees shall be encouraged to promptly report signs or incidents of sexual abuse and sexual harassment, and may not be punished for reporting.

1. Staff shall take seriously all statements from Detainees claiming to be victims of sexual s, and shall respond supportively and no-judgmentally.
2. Staff shall accept reports made verbally, in writing, anonymously, and from third parties. Staff shall promptly document any verbal reports.
3. Any Detainee may report acts of sexual abuse or sexual harassment to any employee, contractor, or volunteer.
4. If a Detainee is not comfortable with making the report to an immediate point-of-contact line Staff, he/she shall be allowed to make the report to a Staff Member with whom he/she is comfortable in speaking about the allegations.
5. Detainee reports of sexual abuse and sexual harassment may be made using any available methods of communication, including but not limited to:
  - a. Verbal reports to a Staff Member or the PREA Coordinator.
  - b. Written requests or grievances to the Jail Administrator or PREA Coordinator.
  - c. Third-Party Reporting to Family Member, Friend, or other outside Entities.
  - d. Reporting to a Minister or Jail Ministries.
  - e. Reporting to a Counselor.
  - f. Reporting to Facility Medical Staff.
  - g. Reporting to the designated Victims Advocate Office.
  - h. ICE Detainees may report to any of the above or to DHS/ICE by completing an ICE Request Form and calling or sending a written report to the DHS/OIG or ICE/DRO.

**Reference:** [PREA Standards § 115.51](#)

##### **B. Exhaustion of Administrative Remedies**

The Montgomery County Jail will waive the time limit imposed by the Grievance System for reports of sexual abuse.

**Reference:** [PREA Standards § 115.52](#)

### **C. Detainee Access to Outside Confidential Support Services**

The Montgomery County Jail provides Detainees with access to outside victim advocates for emotional support services and reporting case of sexual abuse.

**Reference: PREA Standards § 115.53**

### **D. Third-Party Reporting**

The Montgomery County Jail will investigate reports of sexual abuse or sexual harassment that are submitted by third parties on behalf of Detainees. Third-Party reports may be submitted by family, friends, or other outside Entities. Third-Party report may be submitted in person, by telephone, or through the postal system. Instruction on Third-Party reporting shall be posted at the public entrance to the Jail Facility.

**Reference: PREA Standards § 115.54**

## **24.100.06 STAFF AND AGENCY REPORTING DUTIES**

The Montgomery County Jail requires all Staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against Detainees or Staff who reported such an incident; and any Staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Staff failing to make such reports are in violation of the Zero Tolerance Policy and shall be subject to Administrative Sanction, Disciplinary Sanctions, and Criminal Prosecution. Failing to report sexual abuse is a Class A Misdemeanor.

1. Staff shall take seriously all statements from Detainees claiming to be victims of sexual abuse or sexual harassment, and shall respond supportively and non-judgmentally.
2. Apart from reporting to Designated Supervisors or Officials, Staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.
3. Medical and Mental Health Practitioners are required to report (Mandated Reporters) sexual abuse pursuant to the above paragraph. Practitioners shall inform Detainees of the Practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
4. If the alleged victim is under the age of 18, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws. (Child Abuse Hotline).
5. Staff shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators.

**Reference: PREA Standards § 115.61**

## **24.100.07 AGENCY PROTECTION DUTIES**

The Montgomery County Jail, upon learning that a Detainee is subject to substantial risk of imminent sexual abuse, takes immediate action to protect the Detainee. Staff shall, upon learning that a Detainee is subject to substantial risk of imminent sexual abuse:

1. Immediately remove the Detainee from the area of the threat.
2. Contact the Shift Supervisor.
3. The Supervisor shall assess the risk and either:
  - a. Assign the Detainee to the appropriate least restrictive Housing Unit.
  - b. Contact the PREA Coordinator and/or Jail Administrator for further guidance.
  - c. Refer to Medical for further assessment.

- d. Complete and submit the appropriate documentation to the PREA Coordinator.

**Reference: PREA Standards § 115.62**

#### **24.100.08 REPORTING TO OTHER CONFINEMENT FACILITIES**

The Montgomery County Jail, upon receiving an allegation that a Detainee was sexually abused while confined at another facility, shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. Staff, upon learning a Detainee was sexually abused at another facility, shall:

1. Document the allegation on a **PREA Allegation Notification Form**.
2. Immediately refer the Notification to the PREA Coordinator. The PREA Coordinator shall:
  - a. Contact the head of the facility where the alleged abuse occurred.
  - b. Immediately forward all documentation to that facility, no later than 72 hours after receiving the Detainee's allegation.
  - c. Document that the facility was provided such notification.
  - d. Ensure that the allegation is investigated.

**Reference: PREA Standards § 115.63**

#### **24.100.09 PRESERVATION OF ABILITY TO PROTECT DETAINEE FROM CONTACT WITH ABUSER**

The Montgomery County Jail will not enter into any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any Detainees pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

**Reference: PREA Standards § 115.63**

#### **24.100.10 COORDINATED RESPONSE**

The Montgomery County Jail has developed the following procedures to coordinate actions taken in response to an incident of sexual abuse and sexual harassment, among Staff First Responders, Medical and Mental Health Practitioners, Investigators, and Facility Leadership.

- All allegations of Detainee sexual abuse or sexual harassment, including third-party and anonymous reports, shall immediately be forwarded to a Shift Supervisor to initiate the Coordinated Response utilizing the applicable **PREA Allegation Notification Form**.

**Reference: PREA Standards § 115.65**

#### **24.100.11 STAFF FIRST RESPONDER DUTIES**

Staff, upon learning of an allegation that a Detainee was sexually abused, whether it was reported or observed, shall be required to respond immediately, regardless of when the abuse occurred.

1. Take immediate action to separate any Detainee who alleges that he/she has been sexually abused, from the alleged assailant.
2. Ensure the safety of the victim.
3. Control Detainee movement.
4. If it is reported or observed that the sexual abuse just recently occurred, within the last 72-hours, all Detainees in the Housing Unit shall be required to return to their assigned cells until Investigators can process the crime scene. Both the alleged victim

and perpetrator's cells shall be secured and locked until Investigators arrive to process any evidence.

5. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
6. Observe the area, the victim's appearance, the victim's demeanor, and take notes. NOTE: Staff shall understand that people respond differently to trauma, Staff shall withhold judgement about the situation.
7. Responding Staff's contact with the victim shall be limited to obtaining onl the most basic information. Responding Staff shall ascertain briefly what happened, who was involved, where the incident occurred, and when the incident took place.
8. 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.
9. Both the alleged victim and perpetrator's bodies shall be treated as a crime scene.
10. Responding Staff shall understand that exceeding the above listed tasks may compromise the investigation.
11. If the first responder is a Contractor or Volunteer, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.
12. Notify Shift Supervisor, Emergency Medical Staff, PREA Coordinator, and Jail Administrator.
13. If the sexual abuse is involving the Staff Members Supervisor, then the Staff Member shall report the incident to the next Supervisor in the Chain of Command. Refer to [Montgomery County Sheriff's Office/Jail Organizational Chart](#).
14. Allegations of sexual harassment shall be immediately reported to the Shift Supervisor.

**Reference:** [PREA Standards § 115.64, § 115.65](#)

#### **24.100.12 SHIFT SUPERVISOR DUTIES**

Upon receiving notification from the First Responder, the Supervisor shall:

1. If an employee, contractor, or volunteer is alleged to be the perpetrator of Detainee sexual abuse or sexual harassment, the Jail Administrator and PREA Coordinator shall be notified immediately. The Jail Administrator shall ensure notification is made to the appropriate local government entity.
2. Ensure Staff suspected of perpetrating sexual abuse, are immediately removed from all duties requiring Detainee contact pending the outcome of an investigation.
3. Ensure the safety of the victim.
4. Ensure the Detainee victim is housed in the least restrictive housing available. Least restrictive options to ensure the safety of the Detainee and the security of the facility include:
  1. Return to assigned housing.
  2. Temporary reassignment of staff member.
  3. Assignment to another Housing Unit.
  4. Protective Custody Segregation (Segregation should not be considered as the first option, should only be considered as a temporary last resort.) Refer to [Section 24.100.04, Paragraph M Protective Custody](#).
    - Care must be taken not to punish a confirmed or alleged sexual abuse victim either for reporting sexual abuse or for participating in a sexual activity as a result of force, coercion, threats, or fear of force.
5. Ensure the alleged victim and perpetrators are separated by sight and sound.

6. Escort the Detainee to Health Services for treatment.
7. Ensure that the PREA Coordinator and Jail Administrator are notified.
8. Complete the PREA Allegation Notification Form and notify the PREA Coordinator.
9. The PREA Coordinator shall receive and review the PREA Allegation Notification Form for completeness and appropriate housing placement.

**Reference: PREA Standards § 115.64, § 115.65, § 115.68**

#### **24.100.13 HEALTH SERVICE DUTIES**

Victims of sexual abuse shall receive timely, unobstructed 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. Such 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. When conducting a medical assessment of any victim or alleged or suspected perpetrator of an incident of sexual abuse, Health Services staff members may not collect evidence but shall assist in the preservation of items related to the incident.
2. Health Services staff members should screen victims for obvious physical trauma, and at that time provide emergency medical care.
  - a. If Medical Staff witness obvious signs of physical injury and/or an emotional response by the Detainee, this shall be documented in the Medical Record.
  - b. Medical Staff shall not document hearsay or observations of others in the Medical Record.
  - c. If an allegation of Detainee sexual abuse is made within 72 hours of the event and consists of penetration of the mouth, anus, buttocks or vulva, of any kind, however, slight, by hand finger, object instrument or penis, the victim should be referred, under appropriate security provisions, to a Community Hospital for treatment, forensic exam, and mental health services.
  - d. If it has been greater than 72 hours since the alleged abuse, and the alleged victim has not showered, the victim should be referred, under appropriate security provisions, to a Community Hospital for treatment, forensic exam, and mental health services.
  - e. Detainee shall be offered Advocacy Services to be present during the examination at the Community Hospital.
  - f. Detainee shall be offered Advocacy Services throughout the Investigation, any prosecution, and for future treatment. Any refusal of Advocacy Service shall be documented.
  - g. Health Services staff members should contact the Shift Supervisor and the Community Hospital to arrange transportation.
  - h. If the victim has showered and it has been more than 72 hours since the reported assault, the Physician should determine treatment and whether or not the victim will be sent off site for a forensic exam.
  - i. If the victim refuses a forensic exam, medical staff members will educate the victim on the importance of the forensic exam. If the victim continues to refuse a forensic exam, documentation of the refusal shall be noted on a Refusal of Treatment Form.
3. Any emergency treatment provided shall be documented.
4. Health Services staff members should interact with the alleged victim in a neutral and non-judgmental manner.
5. Health Services staff members should ask the alleged victim for details of the incident that are important for the provision of Health Services.

6. Health Services related documentation of the alleged assault should be released only to the Jail Administrator, PREA Coordinator, and the Facility Investigator.
7. Alleged victims of Detainee sexual abuse that consists of penetration of the mouth, anus, buttocks or vulva, of any kind, however, slight, by hand finger, object instrument or penis should be provided with prophylactic treatment and follow-up for sexually transmitted or other communicable diseases, as clinically determined by the Physician. Female victims shall be offered timely information and timely access to pregnancy testing and emergency contraception in accordance with professionally accepted standards of care, where medically appropriate.
8. If initial disclosure of Detainee sexual abuse is made to health services staff members, notification shall be made to the Shift Supervisor to initiate the coordinated response to Detainee sexual abuse in accordance with this procedure.
9. The reported perpetrator's health record will be reviewed by the health services administrator or designee and referred to the physician for appropriate communicable disease diagnostic testing.
10. Upon receiving a report of a sustained case of Detainee sexual abuse the PREA site coordinator will submit a referral to ensure the perpetrator will be assessed by qualified mental health professional within 60 days of learning of such abuse.
11. If the allegation involves penetration and the Detainee is being sent to the Emergency Room for forensic exam and/or treatment, an evaluation by a qualified mental health professional for crisis intervention counseling and long-term follow-up is offered.
12. Initial exam and mental health referral(s) may be made through the facility providing the physical exam (i.e. Community Hospital).
13. If the allegation involves non-penetration, Medical Staff will offer the Detainee a Mental Health Assessment within the next business day unless emergent events warrant a more immediate response.
14. All Detainees requiring a referral for Mental Health treatment, shall be referred out to a Community Mental Health Professional.
15. If a request is made by the Investigator, the suspected assailant(s) shall be referred to the local emergency room for an examination and collection of physical evidence.
16. Ensure that Custody Staff is made aware of a higher potential for suicidality in sexual abuse victims.
17. Inform the Jail Administrator if Medical or Mental Health Staff feels a separation of Detainees is necessary to protect a potential victim or alleged assailant.

**Reference: PREA Standards § 115.81, § 115.82, § 115.83**

#### **24.100.14 PREA COORDINATOR DUTIES (COORDINATED RESPONSE)**

Upon receiving notification from the Shift Supervisor, the PREA Coordinator shall:

1. Arrange any transportation needed to the Community Hospital.
2. Receive PREA Allegation Notification Form, review for completeness, and ensure the appropriate housing assignment for the Detainee victim's safety.
3. Ensure allegations are properly referred to the appropriate Investigating Agency and that an Administrative or Criminal Investigation is completed for all allegations of sexual abuse and sexual harassment.
4. Ensure notification of the Jail Administrator and Sheriff.
5. Ensure notification, if involving an ICE Detainee, of the ICE Field Office Director.

6. Ensure continued updates, throughout the Investigation, to Jail Administrator, Sheriff, and ICE Field Office Director.
7. Ensure information concerning the identity of a Detainee victim reporting a sexual abuse, and the facts of the report itself, is limited to those who have a need-to-know in order to make decisions concerning the victim's welfare, and or Law Enforcement/Investigative purposes.
8. Document all notifications and involvement throughout the process.
9. Ensure Detainee was assessed and treated by Medical and Mental Health Services.
10. 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.

**Reference: PREA Standards § 115.86**

11. Ensure all victims and reporter and those that cooperated with the investigation or inquires, are monitored and protected from retaliation.
  - a. Immediately following any reported incident of sexual abuse or sexual harassment, the PREA Coordinator shall ensure that the alleged victim and reporter of the Detainee sexual abuse or sexual harassment are monitored for a minimum of 90 days to assess any potential risk or act of retaliation.
  - b. Detainee victim or reporter monitoring shall include a face-to-face status check at least once weekly. This status check shall be documented.
  - c. Detainee victims or reporters who express continued fear of retaliation, shall be monitored for an additional 90 day period or until the victim or reporter is no longer in fear of retaliation or if the investigation or inquiry is unfounded.
  - d. Staff reporters shall be monitored for a minimum of 90 days. Monitoring shall include, but is not limited to, monitoring for changes that may indicate retaliation, negative performance reviews or reassignments.
  - e. Any witnesses who voice concerns of retaliation shall be monitored for a minimum of 90 days.
  - f. Any victim, reporter, or witness, who voice they have no concerns regarding potential retaliation and do not wish to be monitored, upon the PREA Coordinator's discretion and authority only, shall not receive further monitoring. Those persons shall sign the appropriate documentation, requesting no further monitoring, in the presence of the PREA Coordinator.
  - g. If during status checks or assessment, possible retaliation is suggested, the PREA Coordinator shall act promptly to remedy any such retaliation and protect the individual.
  - h. The PREA Coordinator shall report any evidence of retaliation to the Jail Administrator to ensure an inquiry or investigation is initiated.
  - i. The PREA Coordinator shall ensure victims, reporters, or witnesses that report fear of retaliation and/or victims of retaliation are offered emotional support services such as, referral to Mental Health, Chaplain, or Advocacy Services when appropriate.
  - j. The PREA Coordinator shall ensure all actions taken to remedy retaliation or services offered victim or suspected victim, are documented.
  - k. In the event that a victim, Detainee reporter or a witness is transferred during a period of monitoring, the PREA Coordinator shall forward all documentation to the PREA Coordinator in the receiving facility.
  - l. The PREA Coordinator, in the event an allegation is determined to be unfounded, shall ensure monitoring is terminated.

**Reference: PREA Standards § 115.64, § 115.65, § 115.67, § 115.68**



## 24.100.15 INVESTIGATIONS

When The Montgomery County Jail conducts its own investigations into allegations of sexual abuse or sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

1. Allegations identifying an ICE Detainee as the victim of a sexual abuse involving criminal behavior, shall be referred to the ICE Office of Professional Responsibility (OPR) or Criminal Investigative entities responsible for investigations of the incident. Notifications to the OPR shall be made by the Jail Administrator and/or PREA Coordinator.
2. The Jail Administrator and/or PREA Coordinator shall be responsible for referrals for investigation.
3. Montgomery County Jail Staff shall cooperate with any Outside Agencies investigating allegations of sexual abuse or sexual harassment. Outside Agencies investigating allegations of sexual abuse or sexual harassment shall keep the Jail Administrator informed of the progress of the investigation.
4. Assigned Investigators shall have received special training in sexual abuse investigations.
5. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse or sexual harassment involving the suspected perpetrator.
6. 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.
7. 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 Detainee or Staff.
  - The Montgomery County Jail shall not request that a Detainee 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.
8. **Administrative Investigations** shall include an effort to determine whether staff actions or failures to act contributed to the abuse. Administrative Investigations shall be conducted in cases of alleged sexual harassment. Administrative Investigations shall 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.
9. **Criminal Investigations** shall be documented in a written report that contains thorough description of physical, testimonial, and documentary evidence. Copies of documentary evidence shall be attached to the written report.
10. The Montgomery County Jail impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
11. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
12. The departure of an alleged abuser or victim from employment or control of the facility, shall not provide a basis for terminating an investigation.

13. All written reports generated during any investigation shall be retained for as long as the alleged abuser is incarcerated or employed by the Montgomery County Jail, plus five years.

**Reference: PREA Standards § 115.71, § 115.72**

#### **24.100.16 REPORTING OUTCOMES**

Upon completion of a PREA investigation or inquiry regarding Detainee sexual abuse, the PREA Coordinator shall make written notification to the alleged victim regarding the outcome of the investigation.

1. The initial notification shall state whether the allegation was substantiated, unsubstantiated, or unfounded.
2. In the event that the investigation was conducted by an outside agency, the PREA Coordinator shall request relevant information from the outside agency in order to inform the Detainee of the outcome of the investigation.
3. Following a Detainee's allegation that a staff member has committed sexual abuse against the Detainee, the PREA Coordinator shall subsequently inform the Detainee (Unless the allegation or inquiry has been determined to be unfounded) whenever:
  - a. The staff member is no longer posted within the Detainee's Housing Unit.
  - b. The staff member is no longer employed at the facility.
  - c. The facility learns the staff member has been indicted on a charge related to sexual abuse within the facility.
  - d. The facility learns that a staff member has been convicted on a charge related to sexual abuse within the facility.
4. Following a Detainee's allegation that he or she has been sexually abused by another Detainee, the facility shall subsequently inform the alleged victim whenever:
  - a. The facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.
  - b. The facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
5. All notifications or attempted notifications shall be made by the Jail Administrator or PREA Coordinator and documented.
6. The facility's obligation to make such notifications listed above shall terminate if the Detainee is released from the facility's custody.

**Reference: PREA Standards § 115.73**

#### **24.100.17 DISCIPLINARY SANCTIONS**

All perpetrators of sexual abuse or sexual harassment shall be disciplined and/or referred for criminal prosecution as appropriate. Staff determined to have perpetrated sexual abuse or to have failed to comply with the requirements established by this policy shall be subject to disciplinary sanctions.

##### **A. Detainee Disciplinary Sanctions**

1. Detainees shall be subject to disciplinary sanctions or violations pursuant to a formal disciplinary process following an administrative finding or a criminal finding of guilt that the Detainee engaged in Detainee-on-Detainee sexual abuse in accordance facility policy and procedures regarding conduct violations and disciplinary sanctions.
2. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the Detainee's disciplinary history, and the sanctions imposed for comparable

offenses by other Detainees with similar histories in accordance with policy and procedures regarding conduct violations and disciplinary sanctions.

3. The disciplinary process shall consider whether a Detainee's mental disabilities or mental illness contributed to his behavior when determining what type of sanction, if any, shall be imposed.
4. If found guilty of sexual abuse, the Detainee shall be referred to appropriate treatment (therapy, counseling) by Health Services as available.
5. A Detainee who has sexual contact with a Staff Member may only be disciplined if the Staff Member did not consent to the contact.
6. The Montgomery County Jail prohibits all sexual activity between Detainees. Consensual sexual activity between Detainees will not be deemed sexual abuse and shall be addressed in accordance with the policy and procedures regarding conduct violations and disciplinary sanctions.

**Reference: PREA Standards § 115.78**

#### **B. Staff Discipline**

1. Staff Members shall be subject to disciplinary sanctions up to and including termination for violating the Montgomery County Jail's Zero-Tolerance Policy.
2. Termination from the Montgomery County Jail shall be presumptive disciplinary action for Staff Members who have engaged in sexual abuse.
3. Disciplinary action for violations shall be commensurate with the nature and circumstances of the act committed, excluding the engagement of sexual abuse, the Staff Member's disciplinary history and the sanctions imposed for comparable offenses by other Staff Members with similar department histories.
4. All terminations for violations or the resignation of a Staff member who would have been terminated if not for their resignation, shall be reported to relevant licensing or accreditation bodies and law enforcement.
5. Corrective action for contractors and volunteers:
  - a. Contractors and/or volunteers who engage in sexual abuse or sexual harassment shall be prohibited from contact with Detainees and shall be reported to relevant licensing bodies and law enforcement.
  - b. The Administrator or designee of the facility and/or contracted facility shall take appropriate measure and shall consider whether to prohibit further contact with Detainees in the case of any violation.

**Reference: PREA Standards § 115.76, § 115.77**

#### **24.100.18 DATA COLLECTION**

The PREA Coordinator shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control.

**Reference: PREA Standards § 115.87**

#### **24.100.19 DATA REVIEW FOR CORRECTIVE ACTION**

The PREA Coordinator shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training.

**Reference: PREA Standards § 115.88**

#### **24.100.20 DATA STORAGE, PUBLICATION, AND DESTRUCTION**

The Jail Administrator shall ensure that data collected pursuant to this policy are securely retained and shall maintain such data for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

**Reference: PREA Standards § 115.89**

#### **24.100.21 ICE NOTIFICATION AND DOCUMENTATION**

All allegations of sexual abuse or sexual harassment, involving an ICE Detainee, shall be reported in the following manner:

1. The Shift Supervisor shall immediately, upon receiving the allegation notification, contact the highest ranking on-site ICE/DRO Representative, by telephone and written documentation.
2. The Jail Administrator and/or PREA Coordinator shall immediately contact the ICE Field Office Director (FOD) and brief him or her on the alleged incident.
3. The Jail Administrator and/or PREA Coordinator shall continually keep FOD apprised of the status of the ongoing investigation and the filing of charges.
4. The Jail Administrator and/or PREA Coordinator shall provide the FOD a copy of the completed investigative report.