

POLICY

It is the policy of the Shasta County Sheriff's Custody Division, in accordance the Prison Rape Elimination Act of 2003 (PREA), to assure accountability, prevention, detection, response and monitoring of alleged sexual assault. This includes but is not limited to, the assurance that timely intervention takes place for any inmate who may be the victim of alleged sexual assault. This policy applies to all employees, contractors, volunteers, visitors, interns, and inmates of the Shasta County Jail or its Alternative Custody Programs.

This policy is enforced by ensuring all employees, contractors, volunteers, visitors, or inmates within the Custody Division or Alternative Custody Program complies with the PREA standards. Staff members found to have sustained allegations shall be subject to disciplinary action, including termination. Further, all sustained allegations will be forwarded to the Shasta County District Attorney's Office for review.

PURPOSE

The purpose of the Prison Rape Elimination Act is to:

- Increase the accountability of officials who fail to detect, prevent, reduce and punish jail or prison rape.
- Establish a zero tolerance standard for the incidence of rape in the jail.
- Make the prevention of rape a top priority in the jail and prisons.
- Develop and implement national standards for the detection, prevention, reduction and punishment of rape in the jail or prison setting.
- Increase the available data and information on the incidence of rape in jail or prison facilities, consequently improving the management and administration of corrections facilities
- Protect the Eight Amendment Rights of Federal, State and local prisoners.

DEFINITIONS

As defined by PREA (Section 10) and for the purposes if this policy the following definitions apply:

Intimacy: Inappropriate social or physical contact of a personal, romantic, sexual, or unduly familiar nature and may include kissing touching parts of the body not defined under sexual contact.

Invasion of Privacy: Intentionally observing, attempting to observe, or interfering in a probationers or activities, which are of a personal nature,

without a sound correctional purpose. Any act by any paid, contracted or volunteer personnel conducting official departmental duties and responsibilities will not be regarded as invasion of privacy.

Mandated Reporter: Individuals deemed Mandated Reporters include: Any employee of the police department, county sheriff's department, county probation department, county welfare department, or a custodial officer as defined in Penal Code Section 831.5.

Rape: The penetration, however slight, of the oral, vaginal, or anal opening for the purpose of sexual arousal, gratification, or abuse under one or more of the following circumstances:

- Where the victim is incapable through physical or mental incapacity, whether temporary or permanent.
- Where the victim resists but resistance is overcome by force or violence;
- Where the victim is prevented from resistance by threats of immediate and bodily harm, accompanied by an apparent power of execution, or is unable to resist because of any intoxicating, narcotic, or anesthetic substance;
- Where the victim submits under the belief that failure to submit will cause physical harm to some person in the future, damage to property, engaging in other conduct constituting a crime, accuse any person of a crime or cause criminal charges to be instituted against the victim, expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule;
- Where the victim is unconscious at the time of the act.

Sexual Abuse: Includes but is not limited to subjecting another person to sexual contact by persuasion, inducement, enticement or forcible compulsion; subjecting to sexual contact of another person who is incapable of giving consent by reason of his/her custodial status; subjecting another person to sexual contact who is incapable by reason of being physically helpless, physically restrained, or mentally incapacitated; and raping, molesting, prostitution of otherwise sexually exploiting another person. Sexual abuse is an inappropriate abuse of power and is prohibited by department policy and applicable state statutes.

Sexual Assault: Sexual physical contact without the other person's

expressed or implied consent, or the other person is unconscious or otherwise physically incapable of resisting, or verbal or written sexual proposals, threats, or harassment of another person.

Sexual Contact: Includes intentional sexual touching or physical contact in a sexual manner either directly or through clothing, of the genitalia, anus, groin, breasts, inner thighs, buttocks, with or without consent of the persons; or any touching or inappropriate viewing with intent to arouse, humiliate, harass, degrade or gratify the sexual desire of any person.

Sexual Misconduct: Any behavior or act of a sexual nature directed toward a person under the care, custody or supervision of the department and/or collateral contact by the person in authority including, but not limited to: family members, employers, friends, and other close associates. Sexual Misconduct includes but is not limited to acts or attempts to commit acts of:

- Sexual assault;
- Sexual abuse;
- Sexual harassment;
- Sexual contact of the genitals, breasts, or other intimate part of the body;
- Conduct of sexual nature by implication;
- Obscenity or unreasonable invasion of privacy;
- Conversations or correspondence which suggests a romantic or sexual relationship between parties in the groups referenced above.

Undue Familiarity: Any conversation, contact or business dealing between an employee and an offender under the supervision of the Department, or any collateral contact if an offender or a victim which is unnecessary, not part of the employees duties and related to a personal relationship or purpose rather than a legitimate correctional purpose. Undue familiarity includes, but not limited to, acts of horseplay, betting, giving food, sharing in inappropriate personal conversation, exchanging correspondence, sexual misconduct, or in any other manner developing a relationship with an offender which is anything other than a professional relationship.

Victim: For purposes of this policy, a person who is sexually assaulted.

Zero Tolerance: The Shasta County Sheriff's Office will not tolerate any form of sexual abuse and sexual misconduct.

GUIDELINES

The Shasta County Sheriff's Office is committed to providing a safe, humane, secure environment, free from sexual misconduct. This will be accomplished by maintaining a program to address education/prevention, detection, response, investigation, and tracking of sexual misconduct and to address successful community re-entry of the victim. The Shasta County Jail will maintain a **zero tolerance** for any sexual misconduct. All sexual misconduct is strictly prohibited. Any allegation of abuse or sexual misconduct will be investigated and may be referred to the District Attorney for filing of criminal charges.

This policy applies to all employees, contractors, volunteers, interns, and visitors of the Shasta County Jail. Further, it applies to inmates under the supervision of the Shasta County Sheriff's Office, in the custody of Shasta County Jail or out of custody on a Shasta County Sheriff's alternative custody program.

Sexual Misconduct is defined as any behavior or act of a sexual nature by a departmental employee, contractor, volunteer, visitor, or inmate, which is directed toward a person under the care, custody, or supervision of the Shasta County Sheriff's Office. Any sexual behavior between them constitutes sexual misconduct and may subject the employee, contractor, volunteer, visitor, or inmate to disciplinary action and/or prosecution under the law.

The legal concept of "consent" does not exist between departmental employees and offenders or between offenders.

Retaliatory measures against employees or inmates who report incidents of sexual abuse will not be tolerated and may result in disciplinary action and/or criminal prosecution. Retaliatory measures include, but are not limited to, coercion, threats of punishment, or any other activities intended to discourage or prevent an employee or inmate from reporting the sexual abuse.

PROCEDURE

I. GENERAL INFORMATION:

- A. Inmates may report allegations of abuse or misconduct by using any of the following methods (the inmate may remain anonymous if they choose):
 - Completion of a Custody Division inmate grievance / administrative process.
 - Write a letter to the Lieutenant, Jail Commander, Sheriff or any other law enforcement agency.
 - Report the allegation to any employee of the Shasta County Jail, medical staff, or mental health worker.

- B. Correctional Officers shall ask a PREA questionnaire to inmates prior to be housed upstairs. If the inmate answers yes to being sexually victimized within the last 72 hours, staff then shall immediately notify the Watch Commander and medical. Staff shall gather as much information as possible and notify the responsible jurisdiction of where the crime took place. If the inmate does not wish to pursue criminal charges or cooperate, staff shall generate an informational crime report and forward to the Watch Commander for disposition.
- C. All Shasta County Jail employees, volunteers, contractors, interns and visitors are required to report any and all incidents of sexual misconduct or alleged sexual misconduct immediately to their supervisor or available manager. Any employee, upon receiving a written, or oral complaint, allegation, or any notice whatsoever of conduct prohibited by this policy, or of retaliation for reporting such conduct will comply with the following protocol:
1. Notice of Alleged Sexual Misconduct: Any sexual misconduct or alleged sexual misconduct will be immediately reported, verbally and by written notice to your immediate supervisor. If your immediate supervisor is not available, the alleged act will immediately be reported to the next available supervisor or manager utilizing the departmental Chain of Command. An investigation will begin as soon as the complaint is received.
 2. Mandated Reporter: Pursuant to Penal Code Section 11165.7(a) (34), mandated reporters include any employee of a county Sheriff's Department. A mandated reporter, who in his or her professional capacity, or within the scope of his or her employment, has knowledge of, or reasonably suspects has been the victim of abuse must report the suspected incident. In addition to notifying the direct supervisor, the reporter will prepare a written report immediately after receiving the information concerning the incident. The report shall be forwarded to the supervisor. (No supervisor or administrator may impede or inhibit an individual's reporting duties or subject the mandated reporter to any sanction for making the report, PC 11666(i) (i)).
 3. Failure to Report: Failure to make a report of an allegation or complaint of sexual misconduct may be subject to disciplinary action.

At the time an allegation is made an investigation shall be commenced. The person taking the complaint will receive the information from the complainant. This information should include the date, time, and where the incident took place as well

as the names of witnesses, the victim(s), and suspect(s). The information/case will be turned over to investigations.

- D. The victims of abuse or sexual misconduct will be provided timely and appropriate medical and mental health care. For emotional support, access to victim advocates from rape crisis centers will be provided, when available.
- E. The facility Lieutenant or designee will complete and submit a “Survey of Sexual Violence – Incident Form” for each occurrence sustained or not. In addition, the facility Lieutenant or designee will complete and submit a “Survey of Sexual Violence – Summary Form” for the year’s end.

II. EDUCATION / TRAINING AND PREVENTION

A. Information For Staff/Employees:

1. Training will be arranged through the Shasta County Sheriff’s Training Coordinator and the Custody Division Training Supervisor.
2. In an effort to keep up on PREA updates, the Shasta County Sheriff’s Office will provide annual four (4) hour training in Preventing Sexual Misconduct (PREA training) to all employees of the Custody Division and Alternative Custody Programs.
3. This policy will be provided to volunteers, interns, and independent contractors of the Custody Division or site managers for Alternative Custody Programs. It does not supersede any policy established by the primary employer of a volunteer or contractor.