



PRISON RAPE ELIMINATION ACT

2014

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POLICY OF THE CANYON COUNTY SHERIFF'S OFFICE

Sexual abuse and sexual activity may seriously obstruct the ability of the Sheriff's Office to fulfill its mission to prevent crime and provide quality criminal justice service. In accordance with the Prison Rape Elimination Act of 2003, the Canyon County Jail has established a zero tolerance standard regarding the incidence of rape, sexual assault, sexual misconduct, sexual harassment and sexual activity.

1. SCOPE

With this policy the Canyon County Sheriff's Office is establishing practices that will attempt to abate any incidence of rape or sexual activity. The Sheriff's Office does not condone nor tolerate any type of inmate rape, sexual assault, sexual misconduct, consensual sexual contact, sexual abuse and sexual harassment toward any inmate. The Sheriff's Office shall protect the rights of staff, inmates, residents, clients, and all other authorized persons regardless of gender, or sexual orientation, by holding perpetrators accountable, holding Detention personnel accountable who fail to detect, prevent and reduce the incidence of illegal or inappropriate behavior and by holding accountable Detention personnel who fail to discipline the perpetrators of sexual crimes and sexual misconduct. Every allegation of sexual misconduct will be investigated, and when warranted, sanctions up to and including dismissal of authorized personnel, discipline of offenders, and criminal prosecution of authorized personnel and/or offenders will be imposed.

2. PURPOSE

Rape and sexual activity seriously reduces the Sheriff's Office's ability to fulfill its mission to protect the public. The consequences of rape and sexual activity include the following:

- Victimized vulnerable individuals such as mentally ill and youthful offenders.
- Continues the spread of serious communicable diseases.
- Increases the risk that the victims of rape will commit crimes when they are released.
- Exacerbates racial tension due to interracial sexual assaults.
- Causes victims severe psychological and physical effects.
- Increases the risk of homicide, suicide, and violence against offenders and staff.
- Reduces both victim and offender's ability to successfully transition to the community and a law-abiding lifestyle.

The Canyon County Detention Center prohibits housing youthful inmates with adult inmates.

Fundamental purposes of this policy include:

- Establishing a zero tolerance environment for sexual abuse in the Canyon County Detention Center.
- Make the prevention of sexual abuse a top priority in the Canyon County Detention Center.
- Develop and implement practices which comply with the National Standards to prevent, detect, and respond to Prison Rape; published by the United States Department of Justice on June 20, 2012.
- Make available any data and information on the incidence of sexual abuse in the Canyon County Detention Center.
- Include the standardized definitions in the Canyon County Detention Center policies.

- Clearly identify and express the accountability of all staff, when dealing with incidents of sexual abuse protects the 8th amendment rights of inmates in custody of the Canyon County Sheriff's Office.
- Increase the efficiency and effectiveness of programs within the Detention Center by providing a safe environment for inmates to be free from sexual abuse within the facility.

The Canyon County Sheriff's Office's approach to prevention, detection, and responding to sexual abuse, sexual harassment and sexual misconduct include, but are not limited to:

1. Annual Training.
2. Video Reviews.
3. Unannounced Supervisory Checks.
4. Mandatory Reporting practices.
5. Investigation of every allegation regarding sexual abuse, sexual harassment, sexual misconduct.

Rape and sexual abuse seriously reduces the Canyon County Sheriff's Office's ability to fulfil its mission to protect the inmates we house and the public we serve. The consequences of rape and sexual abuse include the following:

1. Victimized vulnerable individuals such as mentally ill and youthful offenders.
2. Continues the spread of serious communicable diseases.
3. Increases the risk that the victims of rape will commit crimes when they are released.
4. Exacerbates racial tension due to interracial sexual assaults.
5. Causes victims severe psychological and physical effects.
6. Increases the risk of homicide, suicide, and violence against offenders and staff.
7. Reduces both victim and offender's ability to successfully transition to the community and law abiding lifestyle.

The Canyon County Sheriff's Office's written policy mandates zero tolerance toward all forms of sexual abuse, sexual misconduct, and sexual harassment towards all persons working in or in the custody of this facility and outlines the agency's approach to preventing, detecting, and responding to such conduct.

Any sexual act, sexual contact, or sexual offense between an inmate and a staff member, visitor, volunteer, contractor, or other inmate is prohibited. No inmate, either incarcerated or under the supervision of the Sheriff's Office, can give consent to any sexual relationship with a staff member. Sexual contact and displays of affection of any kind between two inmates is prohibited by facility rules regardless of consent between the two participants.

The Canyon County Sheriff's Office will achieve "zero tolerance" through the implementation of:

1. Standardized definitions for prohibited behaviors and activities.
2. Administrative accountability.
3. Preventative 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 professional services.
9. Investigations of all alleged incidents.
10. Imposing disciplinary action on perpetrators.
11. Collection and review of incident data.
12. Routine facility audits.

3. DEFINITIONS

For purposes of this part, the term—

Advocate means a person who speaks or writes in support or defense of a person, cause, or otherwise, in favor of, support or urge by argument, and recommend publicly in behalf of another.

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

Agency head means the principal official of an agency.

Community confinement facility means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.

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

Detainee means any person detained in a lockup, regardless of adjudication status.

Direct staff supervision means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee means a person who works directly for the agency or facility.

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

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

Facility head means the principal official of a facility.

Full compliance means compliance with all material requirements of each standard except for *de Minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance.

Gender nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.

Inmate means any person incarcerated or detained in a prison or jail.

Intersex means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

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

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

Juvenile facility means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Law enforcement staff means employees responsible for the supervision and control of detainees in lockups.

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

Medical practitioner means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her

professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

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

Pat-down search means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

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

Resident means any person confined or detained in a juvenile facility or in a community confinement facility.

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

Security staff means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

Staff means employees.

Strip search means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

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

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

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

Victim Advocate means a professional trained to support victims of crime. Victim advocates offer victims information, emotional support, and help finding resources and filling out paperwork.

Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

Vulnerable Adult is a person 18 years or older who is unable to protect himself / herself from abuse, neglect or exploitation due to physical or mental impairment which affects the person’s judgment or behavior to the extent that he / she lacks sufficient understanding or capacity to make or communicate or implement decisions regarding his / her person.

Youthful inmate means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

Youthful detainee means any person under the age of 18 who is under adult court supervision and detained in a lockup.

For purposes of this part, the term—

Sexual abuse includes—

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

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

- (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) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

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

- (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, contractor, or volunteer 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, contractor, or volunteer 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, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

Sexual harassment includes—

- (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; and
 - (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident 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.
- Voyeurism by a staff member, contractor, or volunteer* means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Idaho Code 18-6110 - Sexual contact with a prisoner

18-6110. SEXUAL CONTACT WITH A PRISONER. (1) It is a felony for any employee of the Idaho department of correction, Idaho department of juvenile corrections or any officer, employee or agent of a state, local or private correctional facility, as those terms are defined in section [18-101A](#), Idaho Code, to have sexual contact with a prisoner or juvenile offender, not their spouse, whether an in-state or out-of-state prisoner or juvenile offender, as those terms are defined in section [18-101A](#), Idaho Code.

(2) It is a felony for any supervising officer, as that term is defined in section [18-101A](#), Idaho Code, to knowingly have sexual contact with any parolee or probationer, as those terms are defined in section [18-101A](#), Idaho Code, who is not the person's spouse.

(3) For the purposes of this section "sexual contact" means sexual intercourse, genital-genital contact, manual-anal contact, manual-genital contact, oral-genital contact, anal-genital contact or oral-anal contact, between persons of the same or opposite sex.

(4) Any person found guilty of sexual contact with a prisoner or juvenile offender is punishable by imprisonment in the state prison for a term not to exceed life.

Staff shall be subject to disciplinary sanctions and / or progressive discipline up to and including termination for violating agency sexual abuse or sexual harassment policies.

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

All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated, if not for their resignation, shall be reported to law enforcement agencies (Idaho Code 18-6110), unless the activity was clearly not criminal, and to any relevant licensing and certification bodies such as the Idaho Peace Officers Standards and Training Academy.

Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories, and discipline may be progressive in accordance to the policies of the Canyon County Sheriff's Office. The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

Disciplinary violations include, but are not limited to:

Minor Violations:

- Inmates will be completely dressed when off bunk.
- Disrespect to another inmate/insults/challenges.
- False report of an emergency/feign illness or injury.
- Lying or making a false statement to staff.

Major Violations:

- Violation of any Federal, State, or Local Law.
- Refusing to follow the directions of Jail Staff.
- Making threats to injure another person.
- Making a sexual suggestion to an Inmate or Staff.
- Participate in a sex act with another inmate.

The agency may discipline an inmate for sexual contact with staff only upon finding that the staff member did not consent to such contact. For the purposes of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. The agency may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. The agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

4. PREA COORDINATOR

The Canyon County Sheriff's Office will designate a PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards. The PREA coordinator will be responsible for, but not limited to, the following tasks:

- Updating PREA policies and procedures, when necessary
- Education of staff and inmates
- Maintaining PREA forms and data
- Review this policy and procedure, at a minimum, once a year to ensure that it remains current with best practices, legal decisions, and any change in the requirements of the Federal Law.
- Ensuring the PREA hotline is checked daily
- Reviewing reports of PREA complaints
- Administrative review of the handling of PREA incidents
- In overview of the PREA National Standards, the Department of Justice notes that the PREA coordinator should have access to agency and facility leadership on a regular basis and have the authority to work with other staff, managers, and supervisors to effect change if necessary. The PREA Coordinator is listed in the Office Organizational Chart.
- Whenever necessary, but no less frequently than once each year, shall assess, determine, and document whether adjustments are needed to the staffing plan, the facility's deployment of video monitoring systems, and other monitoring technologies, and the resources the facility has available to commit to ensure adherence to the staffing plan.
- Assisting in the development of orientation of new staff to PREA and proper conduct around inmates.
- Assisting in the education of staff, volunteers, contractors, and inmates and revision of training material as needed.
- Organizing internal investigations and referring them to external investigations when necessary.
- Ensure the proper collection, retention, analysis and destruction of records associated with claims of 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.
- Compile records, maintain, complete, and report statistical data to the Department of Justice when requested.
- Notify the Jail Commander of all allegations of sexual contact, assault, harassment, or misconduct.

5. STAFFING PLAN

The agency has developed a staffing plan that provides for adequate levels of staffing and will make its best efforts to comply with the staffing plan on a regular basis. Whenever necessary, but no less frequently than once each year, the agency in consultation with the PREA coordinator will assess, determine, and document whether adjustments are needed to the staffing plan.

In circumstances where the staffing plan is not complied with, the agency will document and justify all deviations from the plan.

Intermediate-level or higher-level supervisors (Sergeant's or Corporal's) will conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment on all shifts, at least once per shift. Unannounced Supervisory Checks will be documented written or electronically, and made available to the PREA auditor as requested at the time of the audit. The Compliance Office will complete additional facility inspections

during their weekly inspection of the detention facility. Staff is prohibited from alerting other staff members that these supervisor rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

The staffing plan shall consider the following:

- Generally accepted detention and correctional practices
- Any judicial findings of inadequacy
- Idaho Jail Standards
- Any findings of inadequacy from Federal investigative agencies
- Any findings of inadequacy from internal or external oversight bodies
- All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)
- The composition of the inmate population
- The number and placement of supervisory staff
- Institution programs occurring on a particular shift
- Any applicable State or Local Laws, regulations, or standards
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse and;
- Any other relevant factor

6. VIDEO MONITORING

The Canyon County Detention Center will continuously review the need for video monitoring to protect inmates from sexual abuse and will make every attempt to view "blind spots" or areas where inmates or staff may be isolated. Video monitoring will only supplement and will not replace physical checks on inmates by staff.

The planning of any upgrade or change to any part of the Detention Center shall also include an evaluation of how the upgrade or change will impact the ability of the staff to protect inmates against sexual abuse.

A review of the facility's staffing plan and video, audio, or any other monitoring systems shall be done during the planning stages of any upgrades or changes to the facility, which will include, but not limited to:

Construction, remodel, alteration, addition, or demolition of any part of the physical structure of the Detention Center; Including Pod 5; addition or subtraction of any video, audio, or any other monitoring devices.

7. JUVENILES

Any inmate under the age of eighteen will not be placed in a housing unit in which the inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.

In areas outside of housing units, the agency will maintain sight and sound separation between juvenile inmates and adult inmates or provide direct staff supervision when juvenile inmates and adult inmates have sight, sound or physical contact.

Absent exigent circumstances, juvenile inmates will be given the opportunity daily to engage in large- muscle exercise and legally required special education services. They will also have access to other programs and work opportunities to the extent possible. Any exigent circumstances will be documented.

8. CROSS GENDER VIEWING AND SEARCHES

Cross gender pat-down searches of female inmates will not be done except in emergency situations. Cross gender strip searches will not be done except in emergency situations. The detention staff will document all cross gender strip searches of inmates. All searches will be conducted in a professional and respectful manner and in the least intrusive manner possible. All cross gender strip searches will be documented. Body cavity searches will only be done by medical personnel.

Training on pat-searches, cross-gender pat-down searches, and searches of transgender and intersex inmates will be included in the training material of several aspects of training events such as, but are not limited to:

1. Annual PREA training.
2. Arrest Techniques training.
3. Defensive Tactics training.
4. New Hire Orientation.

Viewing of inmates of the opposite gender in showers, using the toilet, or changing clothes is prohibited except in exigent circumstances or when viewing is incidental to routine cell checks and unavoidable.

Staff members of the opposite gender of those inmates housed in the housing unit are required to announce their presence. Due to the constant nature of cross-gender supervision in all areas of the Detention Center, this announcement will be made at the beginning of each shift and will be documented. When the gender of the deputy assigned to the housing unit has changed, the announcement will be made to notify inmates, such as "Male of Floor" or "Female on Floor" when conducting a security check.

Staff members, except medical staff, will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

Male staff may pat search male inmates only, except in exigent circumstances. Female staff may pat search either gender. In cases of exigent circumstances where a male staff is required to pat search a female inmate, the staff person shall obtain supervisory permission prior to conducting the pat search and shall fully document his actions in an incident report. Additional permissions and forms may be required.

The following incidents include, but are not limited to, situations that may be considered exigent circumstances:

1. Crime in progress.
2. Inmate is injured or incapacitated.
3. An inmate trying to do self-harm.
4. An inmate experiencing a psychotic episode.
5. Inmate refuses to put clothes on.
6. Life is in jeopardy.
7. Any incident that required immediate response backup is needed.

The Canyon County Detention Center does not restrict female inmate's access to programs or other out-of-cell activities when a female deputy is not available to conduct searches.

9. DISABLED AND LIMITED ENGLISH PROFICIENT INMATES

The agency will ensure that inmates with disabilities and limited English proficient inmates 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.

Appropriate interpreters will be provided for inmates with disabilities and for inmates who are

limited English proficient. Written materials for inmates with disabilities and for inmates who are limited English proficient will be provided as necessary for recording the correct processing procedures.

Canyon County will not rely on inmate interpreters, inmate readers, or other type's inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegations. The Canyon County Detention Center shall also assist and ensure that the Zero Tolerance policy and reporting methods of sexual abuse are communicated to those inmates who are hearing impaired, have physical or other mental disabilities, to include intellectual, psychiatric, or speech disabilities. "Large Print" versions will be made available to help ensure effective communication for inmates with visual disabilities when necessary. Other information material such as posters, and / or handouts shall be accessible and visible to inmates throughout the facility on:

1. Kiosks.
2. In hanging baskets inside the housing units.
3. By request.

The Canyon County Detention Center will provide the following, but is not limited to:

1. Audio information in both English and Spanish.
2. Inmate Handbook / Inmate Orientation Booklet in both English and Spanish.
3. Interpreters.
4. Staff explaining the information one on one to inmates who are illiterate or who are unable to read the information themselves.
5. Access to TTY.
6. Access to help through sign language interpreters.
7. Intake forms.

10. HIRING

The Canyon County Sheriff's Office will complete a criminal background check and conduct a check of the state's child abuse registry, prior to hiring any employee or contractor and will make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse / harassment or any resignation during a pending investigation of an allegation of sexual abuse / harassment. Canyon County prohibits hiring, promoting, or contracting with anyone (that will have direct contact with inmates who has engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in sexual abuse / harassment in confinement settings).

Additionally, Canyon County will ask all applicants and employees who may have contact with inmates directly about previous misconduct, as described above, in either written applications or hiring and promotion interviews. Canyon County employees have a continuing affirmative duty to disclose any such misconduct.

A criminal background check will be completed a minimum of every five years on all current employees and long-term contractors. Documentation of the background records checks of current employees and long-term contractors at five year intervals will be kept on file and made available to the PREA auditor when requested.

The Canyon County Sheriff's Office shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who –

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997).
2. Has been convicted of engaging or attempting to engage in sexual activity in the

3. 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.
4. Has been civilly or administratively adjudicated to have engaged in the activity described in this section.
 - a. The Canyon County Sheriff's Office shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.

Before hiring new employees who may have contact with inmates, the Canyon County Sheriff's Office shall –

1. Perform a criminal background records check.
2. Consistent with Federal, State, and Local Law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
 - a. The Canyon County Sheriff's Office shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.
 - b. The Canyon County Sheriff's Office shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.
 - c. The Canyon County Sheriff's Office shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described, in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The Canyon County Sheriff's Office shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
 - d. Material omissions regarding such misconduct or the provision of materially false information shall be grounds for termination.
 - e. Unless prohibited by law, the Canyon County Sheriff's Office shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

The Sheriff's Office will ask all applicants and employees who may have contact with inmates directly about previous misconduct in either written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds of termination.

All requests for information on former employees will be referred to the Sheriff or his / her authorized designee. The Sheriff, or authorized designee, shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied for work.

11. CLASSIFICATION

Objective jail classification procedures are utilized to identify potentially aggressive or vulnerable inmates for sexual assault/misconduct. The information from the assessment shall be used to inform housing, bed, work, and programming assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. When an inmate is identified as possibly being at risk, Classification, detention deputies, and other appropriate facility personnel are notified to determine an appropriate

housing assignment and to take any other necessary safety and security measures. Inmates at high risk for sexual victimization shall not be placed in involuntary segregation unless an assessment of all available alternatives has been made and determination has been made that there is no available alternative means of separation from likely abusers. Housing and programming assignments for transgender or intersex inmates in the facility shall be determined on a case-by-case basis.

All inmates will be assessed within 72 hours during the intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates, as well as periodically throughout the inmate's confinement. Staff shall obtain and use information about each inmate's personal and criminal history, as well as behavior, to make informed decisions in an effort to keep each inmate safe and reduce the risk of sexual abuse and sexual harassment by or upon an inmate. Such assessments shall be conducted using objective screening instruments such as, but not limited to, the Intake Risk Screening and the information collected upon book-in at the ad-tech stations.

Individualized determinations will be made by the Classification Officer on how to ensure the safety of each inmate in housing and programs.

The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

- (1) Whether the inmate has a mental, physical, or developmental disability.
- (2) The age of the inmate.
- (3) The physical build of the inmate.
- (4) Whether the inmate has previously been incarcerated.
- (5) Whether the inmate's criminal history is exclusively nonviolent.
- (6) The inmate's level of emotional and cognitive development.
- (7) Whether the inmate has prior convictions for sex offenses against an adult or child.
- (8) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
- (9) Whether the inmate has previously experienced sexual victimization.
- (10) The inmate's own perception of vulnerability.
- (11) Whether the inmate is detained solely for civil immigration purposes.
- (12) Any gender non-conforming appearance, manner, or identification as lesbian, gay, bisexual, transgender or intersex.
- (13) Current charges and offense history.
- (14) Intellectual or developmental disabilities.
- (15) Physical disabilities.
- (16) Gang involvement.
- (17) Statements or observations of medical or psychological problems.
- (18) Statements of committing suicide.
- (19) If the arresting agency used force.
- (20) The type of restraints used to detain the inmate.
- (21) If there were threats or acts of violence of the actions of the inmate prior to arrest.

This information shall be ascertained through conversations with the inmate during the intake process as well as medical and mental health screenings, during classification assessments, and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the inmate's files.

Staff shall disseminate all responses to questions asked and information obtained pursuant to this standard on an as-needed basis, to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. The booking process and questions are a key component on initial housing of inmates. It gathers information that will determine if an inmate

needs to be segregated from other inmates.

The initial screening shall also consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence of sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive. A Reassessment of each inmate's risk of victimization or abusiveness shall be conducted within 30 days of the inmate's arrival at the Detention Center.

If the screening indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff will ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

If the intake screening indicates that an inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the inmate screening.

In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

Staff shall use all information obtained to make housing, bed, program, education, and work assignments for inmates with the objective of keeping all inmates safe and free from sexual abuse. Lesbian, gay, bisexual, transgender, or intersex inmates shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status.

In making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate. A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration when considering changing housing assignments. Transgender and intersex inmates shall be provided with the opportunity to shower separately from other inmates.

If an inmate is isolated, based on the information collected from the Intake and Booking process, staff shall clearly document:

1. The basis for the facility's concern for the inmate's safety.
2. The reason why no alternative means of separation can be arranged.
3. Documentation of a review every thirty (30) days of the isolation status to determine if there is a continuing need for further separation from the general population.
4. Any opportunities which are restricted, the duration of the restriction, the reasons for the limitations.

An inmate's risk level shall be reassessed when warranted due to referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

Any inmate placed in involuntary segregated housing shall have access to programs, privileges, education and work opportunities to the extent possible.

Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to the screening questions.

The Canyon County Sheriff's Office implements appropriate controls on the dissemination within the facility of responses to questions asked on the intake screening to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. Such information collected is accessible to the initial intake deputies, and then forwarded to Medical and Classifications.

The screening information shall be accessible to the following personnel in the event of an investigation:

1. Medical
2. Classifications
3. PREA Coordinator
4. PREA Compliance Officer
5. Administration
6. Investigators

Medical and mental health practitioners will obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

The agency will offer medical and mental health evaluation and, as appropriate, treatment and ongoing medical care to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer, or placement in, other facilities, or their release from custody.

The Canyon County Sheriff's Office does not typically detain inmates solely for civil immigration purposes, but in the event this occurs, the inmate shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security to report sexual abuse.

12. INMATE EDUCATION

During the intake process, inmates will receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment.

Inmates will be made aware of means to safely report sexual abuse, and sexual activity.

- Tri-fold pamphlets
- Inclusion in existing handbook
- Intake Acknowledgements signed by the inmate
- During orientation process
- Utilize inmate legal counsel
- During Medical assessments

Written materials shall include a Spanish interpretation. For languages other than Spanish, staff shall use an interpreter to communicate the agency's zero tolerance policy from online resources, Language line, or Interpreter from court services.

Staff shall personally explain the Zero Tolerance policy to inmate's who cannot read, have low reading skills, or who have cognitive or developmental disabilities, upon request.

Within 30 days of intake, the PREA Coordinator will provide comprehensive education to all inmates regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding the agency's policies and procedures for responding to such incidents. This will be accomplished through the use of an audio orientation recording played at both Headcounts throughout the entire facility. The Canyon County Detention Center will maintain documentation the audio recording played in English and Spanish and will be recorded on the Bulletin Board.

The agency will maintain documentation of inmate participation in these education sessions.

The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, otherwise disabled, as well as to inmates who have limited reading skills. In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

13. STAFF EDUCATION

The Sheriff's Office employees are provided a minimum of one hour of annual training specific to the prevention, identification, reporting and handling of inmate sexual misconduct/sexual assault, including common indicators of misconduct.

Topics will include:

- Zero tolerance policy
- How to fulfill their responsibilities for prevention detention, reporting and responses
- Inmate's right to be free from sexual abuse and sexual harassment
- Right of employees and inmates to be free from retaliation for reporting
- Dynamics of sexual abuse and sexual harassment in confinement
- Common reactions of victims
- How to detect and respond to signs of threatened and actual sexual abuse
- How to avoid inappropriate relationships with inmates
- Effective and professional communication with all inmates, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities

The agency will document, through employee signature or electronic verification that employees understand the training they have received. Training will occur on an annual basis for all employees who have contact with inmates.

All training shall be documented in the staff's training file and shall include, at a minimum:

1. Subject / topic areas covered.
2. Date training received.
3. Signature of persons receiving the training.
4. Name and / or bio of the trainer / instructor, and
5. Results of performance evaluations and / or testing, if applicable.

In addition to the general training provided to all employees, the Canyon County Sheriff's Office shall ensure that, to the extent the Canyon County Sheriff's Office conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.

Specialized training for Supervisors shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in

confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Canyon County Sheriff's Office shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

The Canyon County Sheriff's Office will investigate allegations of sexual abuse against inmates by following a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution.

This standard implicitly includes training on relevant linguistic, ethnic, and cultural differences of inmates. It is recommended that the Sheriff's Office (1) use the incident review process to make adjustments to training curricula; and (2) that the Sheriff's Office work with local rape crisis centers to ensure the training includes the most current information on sexual abuse, if possible.

Each year the employee will be required to sign that he / she understands the training that they have received and a copy of that form and the training received will be kept in the employee's training file.

14. VOLUNTEER AND CONTRACTOR TRAINING

The agency will ensure that all volunteers and contractors who have contact with inmates have been advised of the agency's policies on sexual abuse and sexual harassment and how to report incidences. The level and type of training provided to volunteers and contractors will be based on the services they provide and level of contact they have with inmates. All volunteers and contractors who have contact with inmates shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents, as well as their responsibilities under the department's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

The agency will maintain documentation confirming that the volunteers and contractors understand the training they have received.

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies unless the activity was clearly not criminal. In addition to internal and criminal actions, reports will be made to any relevant licensing bodies.

1. Control / Administrative Technicians will be notified not to allow the person(s) into the facility. (Print out of picture (Spillman), name, etc., posted in both work stations)
2. Administration staff will make contact with the contracted company supervisor personnel, notifying them that the contracted employee will no longer be permitted inside the secure facility.

15. SPECIALIZED TRAINING FOR MEDICAL AND MENTAL HEALTH CARE

The PREA Coordinator will ensure that all full and part time medical and mental health care practitioners who work regularly in the facilities have been trained in:

- Detecting and assessing signs of sexual abuse and sexual harassment
- How to preserve physical evidence of sexual abuse
- How to respond effectively and professionally to victims of sexual abuse and sexual harassment
- How and to whom to report allegations or suspicions of sexual abuse and sexual

- harassment and the duty to report
- Appropriate training to conduct forensic exams, if applicable
- The same training mandated for employees or for contractors and volunteers, depending on their status

The agency will maintain documentation that medical and mental health practitioners have received specialized training in addition to the annual training. Medical and mental health care practitioners completing the above training shall sign a document acknowledging that they understand the training they have received. All training documentation shall be maintained in the training file.

16. CONFIDENTIALITY

The sharing of information regarding a sexual assault and sexual activity will be limited to those who need to know for decision-making, investigation, and prosecution. Staff members shall refrain from talking openly about such issues. Staff shall immediately address inappropriate comments such as taunting or teasing.

Apart from reporting to designated supervisors or officials and designated State or Local service agencies, staff shall be prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in policy, to make treatment, investigation, and other security management decisions.

Medical and Mental Health Practitioners shall be required to report sexual abuse to designated supervisor and officials pursuant to this policy, as well as to the designated State or Local services agency where required by mandatory reporting laws.

Such practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality.

All substantiated allegations of sexual abuse, including third party and anonymous reports, shall be immediately referred for criminal prosecution to the Canyon County Prosecuting Attorney's Office.

Any and all reports or allegations that are received regarding sexual abuse or sexual harassment shall be documented regardless of outcome.

17. VICTIM REPORTING PROCESS

Victims are encouraged to report instances of rape, sexual assault, and sexual activity. Victims should be encouraged, but not forced to name the assailant. If it is believed that an inmate is the victim of a sexual assault or rape, but is unwilling or unable to name the assailant, the procedures of this policy remain in full force and effect. All procedures for evidence collection, reporting, and investigation should continue as if the perpetrator is known.

The best method of reporting is the quickest, surest, and safest method available to the victim at the time.

These methods are in the following order:

- Report it immediately to a staff member.
- Submit a medical kite, and report it to medical staff.
- Submit an Inmate Communication Form.
- Call someone outside the jail that can contact jail administration.

- Report the allegation to the PREA hotline using the Telmate telephone system.
- Report it to a public or private outside agency.

It is the responsibility of the (designated) Shift Supervisor or PREA Coordinator to check the Canyon County Jail Reporting Line and begin the investigation of any allegations.

Staff will accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports. The agency will make public how to report sexual abuse and sexual harassment on behalf of an inmate.

There is no time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. The inmate may submit the grievance without submitting it to a staff member who is the subject of the complaint and such grievance is not referred to a staff member who is the subject of the complaint. The agency will not discipline an inmate for filing a grievance related to alleged sexual abuse unless the agency confirms the inmate filed the grievance in bad faith. The inmate will not be required to use the informal grievance process to report.

The agency will issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. Computation of the 90 day time period will not include time consumed by inmates in preparing any administrative appeal. The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision and will notify the inmate in writing of the extension and the date the decision will be made.

Third parties, including fellow inmates, staff members, family members, attorneys and outside advocates are permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and may file on behalf of the inmate. In order for the agency to allow a request filed on behalf of the inmate, the agency may require that the alleged victim agree to have the request filed on his/her behalf and require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. Refusal of the inmate to allow the request being filed will be documented by the PREA Coordinator.

The agency will establish procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. The grievance will be immediately forwarded to administration for immediate corrective action. The review person will provide an initial response within 48 hours and will issue a final agency decision within 5 calendar days. The initial response and the final agency decision documents the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

There will be no time limit when an inmate may submit an emergency grievance regarding an allegation of sexual abuse or sexual harassment. Inmates will not be required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse or sexual harassment.

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

18. REPORTING AND INVESTIGATING-RAPE

All staff must report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility, retaliation against inmates or staff who reported such an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation to the PREA

Coordinator or Administration.

The facility will report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports to the facility's designated investigators.

If a staff member learns that an inmate is in substantial risk of imminent sexual abuse, he/she will take immediate action to protect the inmate.

If a staff member receives an allegation that an inmate was sexually abused while confined at another facility, administration is to be advised immediately. Administration will then notify the administration of the other facility where the alleged abuse occurred.

Allegations received from other facilities and agencies for Canyon County Detention Center inmates will be investigated in accordance with the PREA standards.

Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation, and the Canyon County Sheriff's Office will document that it has provided such notification. The facility head or agency office that received such notification shall ensure that the allegation is investigated in accordance with these standards.

An investigation will be completed for all allegations of sexual abuse, sexual harassment, and sexual misconduct.

Allegations of sexual abuse, sexual harassment, and sexual misconduct will be routed to the Detention Center Administration for review. If the allegation provides evidence of a criminal nature, the report will be routed to the prosecuting attorney's office.

Staff is required to accept all such reports from inmates and/or the public when informed of such incidents through any of the following means:

1. Written reports.
2. Verbal Reports.
3. Anonymous reports.
4. Telephone call / Voicemail message.
5. E-mail.
6. Third party reporting.

The reporting staff member or volunteer shall otherwise keep the report and its contents confidential, except as necessary to facilitate any investigation of the report and any administrative or criminal proceedings.

As an alternative, a staff member or volunteer may make a report directly to the facility's administration, either by writing or verbally, who shall, if requested, keep confidential the identity of the staff member or volunteer.

Any staff member or volunteer found to have failed to report sexual misconduct or sexual harassment is subject to disciplinary or other appropriate action, up to and including termination, and may also be subject to criminal prosecution.

If a staff member detects or learns of a sexual assault, or sexual act, he/she will do the following:

- (1) Separate the alleged victim and abuser
- (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
- (3) If the abuse occurred within a time period that still allows for the collection of physical

evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and

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

(5) If the "First Responder" is not a detention staff member, the responder shall request that the alleged victim not take any actions that could destroy physical evidence, keep the inmate in view, and notify a Supervisor.

The Shift Supervisor will do the following:

If a medical emergency exists, ensure the victim receives medical attention; and

If the assault occurred within 72 hours:

(1) Secure the victim alone in a cell to preserve evidence. If possible, turn water off. (Although it is natural for the victim to want to clean up, the victim should not shower eat, or drink until after evidence is collected.)

(2) Secure the alleged perpetrator alone in a cell to preserve evidence. If possible, turn water off.

(3) Contact the On- Call administrator and the on-call detective

(4) If the victim requires transport to a hospital, notify the hospital that the victim coming in is a rape victim and request the hospital SART (Sexual Abuse Response Team) be activated if possible.

In all cases:

(1) Notify Medical and Chain of Command as soon as possible.

(2) Ensure the scene and all evidence is protected/secured.

(3) Complete a written report (Non-Consensual Sexual Act or Abusive Sexual Contact).

Within 2 working days a mental health professional will:

(1) Interview the victim to assess any mental health issues or suicidal ideation.

(2) Offer crisis counseling limited to the crisis created by the assault.

(3) Make any appropriate recommendations to Medical or Classification.

Additionally, staff members are permitted to report incidents of sexual abuse and sexual harassment anonymously. Staff can report incidents of sexual abuse and sexual harassment to the Elected Official, Human Resources, A Supervisor, the Prosecuting Attorney, as well as other local law enforcement agencies.

19. INVESTIGATION

The Canyon County Sheriff's Office will complete investigations into every allegation of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third party and anonymous reports. Where sexual abuse is alleged, the investigator(s) from within the agency shall have received the specialized training required in the training and education standards of PREA.

The Canyon County Sheriff's Office may enlist the services of an outside law enforcement agency to conduct investigations when it determines that there may be a conflict of interest that may compromise the investigation or when a staff member has been accused of sexual misconduct. The facility will ask the outside investigator if he/she has had the specialized training and, if not, request that he/she takes it. If the investigator refuses to take the specialized training, the Canyon County Sheriff's Office will document its request to the investigator and the investigator's response. The facility will also request that the outside agency follow PREA standards relating to investigations.

The investigation, including interviews, videos, polygraph documents, witness statements, supporting documents, and other evidence is treated as confidential. The name of the complainant and/or alleged victim and the identity of witnesses are confidential.

At a minimum, and if applicable, the investigator(s) shall be responsible to:

1. Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data.
2. Interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports (if any), of sexual abuse involving the suspected perpetrator. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis only, and shall not be determined by the person's status as an inmate, or, as a staff member of the Canyon County Detention Center.
3. Shall not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation of such an allegation.
4. Determine whether staff actions (including misconduct) or failures to act contributed to the abuse and refer any/all substantiated allegations of sexual abuse, sexual harassment, or staff misconduct that appears to be criminal for prosecution.
5. 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.
6. Continue and not terminate an investigation of alleged sexual abuse even when the alleged abuser or victim has been released from custody, or, terminated active employment with the Canyon County Sheriff's Office.

Except for individuals responsible for conducting the investigation, other individuals alerted to the allegation, including Canyon County staff, are prohibited from conducting independent inquiries into the circumstances related to the alleged incident(s). Breach of confidentiality may result in disciplinary action, up to and including termination.

The confidentiality provision in no way limits the investigator or Canyon County staff from cooperating with or appearing or testifying before a grand jury, court, or local, state or federal investigatory agency.

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.

All completed administrative investigations shall be forwarded to the PREA Coordinator. The PREA Coordinator shall review the investigation and determine whether any allegations(s) of sexual abuse or sexual harassment are substantiated.

Any and all written reports that CCSO receives as a result of any criminal or administrative investigation completed as a result of an allegation, report of a grievance involving sexual abuse shall be kept for at least (7) seven years.

Reports of investigations involving sexual abuse by staff shall be turned over to the Canyon County Human Resource Department for inclusion in the staff members file, which are kept for at least (10) ten years past termination date.

A pending investigation shall in no way limit an inmate's right to access legal counsel.

The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and will not be determined by the person's status as inmate or staff.

No inmate who alleges sexual abuse may be required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation.

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 involving the suspected perpetrator.

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.

No matter the outcome of the investigation, each incident needs to have a determination such as substantiated, un-substantiated, or unfounded.

The PREA Coordinator shall ensure that facility investigative officers, in addition to the training provided to all staff, receive training in conducting investigations of sexual misconduct in a facility setting. This training shall be documented in the officer's training file. This training shall include techniques for interviewing victims of sexual misconduct including techniques specific to juvenile victims, proper use of Miranda and Garrity warnings, sexual misconduct evidence collection in facility settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

20. ADMINISTRATIVE INVESTIGATIONS

Criminal investigations will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

(1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse.

(2) 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.

The Canyon County Sheriff's Office will ensure that an investigation is completed for all allegations of sexual abuse and sexual harassment. The Canyon County Detention Center may begin such investigation by conducting a preliminary inquiry or review into the allegation to determine whether further investigation is necessary and whether the allegations should be referred for an administrative or criminal investigation.

The Canyon County Sheriff's Office will ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations unless the allegation does not involve potentially criminal behavior. The Sheriff will decide when the investigation will be handled by investigators of his / her agency or if the investigation should be referred to an outside agency. All referrals will be documented.

If an outside entity conducts criminal investigations, the Canyon County Detention Center will

cooperate fully with the investigation by providing access to the suspect, victim, witnesses, and necessary staff. The detention center will also provide a secure room for investigator to conduct the interviews and paperwork. The outside entity conducting the criminal investigation will be asked to comply with the rules of the facility and the PREA standards. All requests to the outside entity will be documented. Once the investigation is completed, the outside entity will be asked to meet with the Sheriff to give a full report of the outcome of the investigation and recommendation for prosecution.

The Canyon County Sheriff's Office will publish the policy regarding the referral of allegations of sexual abuse or sexual harassment for criminal investigation on its website.

Substantiated allegations of conduct that appears to be criminal will be referred for prosecution.

The departure of the alleged abuser or victim from the employment or control of the facility will not provide a basis for terminating an investigation.

When outside agencies investigate sexual abuse within our facility, all staff members will cooperate with their investigation.

The agency will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

No matter the outcome of the investigation, each incident needs to have a determination such as substantiated, un-substantiated, or unfounded.

21. MEDICAL ATTENTION AND SEXUAL ASSAULT EXAMINATION

Unless otherwise precluded by Federal, State, or Local Law, all medical and mental health professionals shall be required to report sexual abuse. The inmate victim of sexual abuse shall be informed at the initiation of any/all medical and/or mental health professional services being administered of the practitioner's duty to report, and the limitations of confidentiality regarding the release of medical/mental health information.

Any medical/mental health professional receiving a report of having knowledge of an incident of sexual abuse, shall limit related information to the treating medical/mental health professional staff and those persons conducting an investigation, administering and monitoring security measures, and response to official administrative inquiries by a Supervisor and/or administrator.

Incidents of sexual abuse and/or sexual harassment on inmates who are under the age of 18 or inmates classified as a vulnerable adult under Idaho Statute 18-1505 shall be reported to the Department of Social and Health Services – Adult Protective Services under mandatory reporting laws by the PREA Coordinator

Victims of sexual assault should receive prompt medical attention, and when the assault occurred within 72 hours, a sexual examination. The agency will offer all victims of sexual abuse access to forensic medical examinations without financial cost to the inmate, where evidentiary or medically appropriate. A trained medical professional must perform both and the chain of evidence must be maintained. Treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. The Canyon County Sheriff's Office shall provide such victims with medical and mental health services consistent with the community level of care. If pregnancy results from sexually abusive vaginal

penetration while incarcerated, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

Although the same medical personnel may conduct medical care and sexual assault examinations, they are separate procedures. Victims should be encouraged, but not forced to consent to a sexual assault examination.

Offenders have the right to refuse a sexual assault examination, at which time a search warrant may be requested. Victims can refuse consent to the sexual assault examination, and still consent to medical care.

Inmate victims of sexual abuse while incarcerated will be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care where medically appropriate.

The agency will attempt to make available to the victim a victim advocate from a rape crisis center. All efforts to secure services from rape crisis centers will be documented. As requested by the victim, the advocate will be allowed to accompany and support the victim through the forensic medical examination process and investigatory interviews and will provide emotional support, crisis intervention, information, and referrals.

After the medical examination is completed, the agency will provide inmates with access to outside victim advocates for emotional support related to sexual abuse by giving inmates mailing addresses and telephone numbers of local, State, or national victim advocacy or rape crisis organizations and will enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible. This contact information is available in the Medical Office. The Canyon County Sheriff's Office shall inform inmates, prior to giving them access to victim advocacy internally or externally, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. This information will be disclosed to the inmate verbally or in writing.

Phone numbers and addresses of outside victim advocates for emotional support related to sexual abuse and sexual harassment are available upon request and located in the Medical Office of the Detention Center. In addition to a memorandum of understanding with the Advocates Against Family Violence and HOPES Door, the Canyon County Sheriff's Office also employs a victim witness advocate which can be contacted for advocacy services. Staff members will explain the availability of victim's advocates and how to access their services when needed.

If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws. Staff will explain to the inmate that information may be relayed from the victim advocate in order to initiate and conduct an investigation into the sexual abuse allegations in accordance with mandatory reporting laws.

22. REPORTING TO INMATES

Following an investigation into an inmate's allegation that he/she suffered sexual abuse in the facility, the agency will inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded whenever:

- The staff member is no longer posted within the inmate's unit.
- The staff member is no longer employed at the facility.
- The agency learns that staff member has been indicted on a charge related to sexual abuse within the facility.
- The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

Following an inmate's allegation that he/she has been sexually abused by another inmate, the agency will subsequently inform the alleged victim whenever:

- The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.
- The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications will be documented.

The agency's obligation to report will terminate if the inmate is released from our custody.

23. SEXUAL ACTIVITY

Consensual sexual activity between inmates is prohibited. Detection can be difficult since both parties have consented and disclosure will result to disciplinary action. Good correctional practices can reduce, prevent, and detect sexual activity.

Avoiding a sexually charged atmosphere, conducting random well-being checks, observing offender behavior, taking extra precautions with vulnerable inmates, and ensuring offenders are housed in a correct housing assignment, reduces the opportunity for sexual activity.

Sexual contact between staff and inmates is never consensual. It is a felony for any officer, employee, or agent of a state, local or private correctional facility, and those terms are defined in section 18-101A of Idaho Code, to have sexual contact with a prisoner, whether an in-state or out of state prisoner, as those terms are defined in section 18-101A of Idaho Code, housed in such facility.

For the purposes of this section "sexual contact" means sexual intercourse, genital-genital, manual-anal, manual-genital, oral genital, anal-genital or oral-anal, between persons of the same or opposite sex. Any person found guilty of sexual contact with a Prisoner is punishable by imprisonment in the state prison for a term not to exceed life. (Idaho Code 18-6110)

24. RETALIATION

Disciplinary action will be taken against any employee who retaliates against other staff or inmates who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigation.

The agency employs such protection measures such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

For at least 90 days following a report of sexual abuse, the agency will monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and will act promptly to remedy any such retaliation.

During the 90 day monitoring period, the PREA Coordinator or his / her designee will conduct additional checks on the inmate as a method of monitoring the conduct and treatment of inmates or staff who reported the sexual abuse and sexual harassment to see if there are changes that may suggest possible retaliation by inmates or staff and promptly remedy any such retaliation.

These additional checks can include but are not limited to:

1. Additional interviews with the inmate / staff member
2. Video reviews
3. Performance Assessments
4. Conduct Assessments
5. Status Checks

If any other individual who cooperates with an investigation expresses a fear of retaliation, the Canyon County Sheriff's Office shall take appropriate measures to protect that individual against retaliation.

Inmates who are transferred from one facility to another will be educated regarding their rights to be free from sexual abuse, sexual harassment, and retaliation; as well as for reporting such incidents; and if the new facility policies and procedures differ from those of the previous facility.

Specific staff members can be assigned to the monitoring of possible retaliation allegations. CCSO shall deploy multiple protection measures, such as housing changes or transfers, for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

Items the agency should monitor include any inmate disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

The obligation to monitor shall terminate if the determination shows the allegation is unfounded.

25. SEXUAL ABUSE INCIDENT REVIEWS

The agency will conduct a sexual abuse incident review within 30 days after the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded to assess the entire process for recommendations for improvement as well as identifying what are good practices. The review team will include upper-level administrators with input from line supervisors, investigators, and medical or mental health practitioners.

The review team will:

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

- Prepare a report of its findings and any recommendations for improvement and submit such report to the administrator and PREA Coordinator.
- Review Classification and housing.
- Review imminent risk factors for the victim.
- Review proper adherence to the PREA and jail operations policy, procedures, and processes by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement.

The facility will implement the recommendations for improvement, or will document its reasons for not doing so.

26. FALSE REPORTS

If an investigation finds that an allegation of rape, sexual assault, or sexual activity was false, the case should be reviewed for prosecution. A disciplinary topic report should also be written.

An inmate who reports in good faith any incident of rape, sexual assault or sexual activity that is unfounded or unsubstantiated will not be disciplined.

Material omissions regarding such conduct or the provision of materially false information by staff, are grounds for termination.

27. FEDERAL REPORTING MANDATE

If the Canyon County Sheriff's Office is selected to receive the yearly Survey on Sexual Violence from the Bureau of Justice Statistics, it will complete and submit the survey.

28. DATA COLLECTION

The agency will collect accurate, uniform data for every allegation of sexual abuse and will aggregate the incident-based sexual abuse data at least annually. The data collected will include, at a minimum, the data necessary to answer all of the questions from the most recent version of the Survey of Sexual Violence. Upon request the agency will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

The agency will ensure that the data collected is securely retained and will maintain the data for at least 10 years after the date of the initial collection.

The agency will make all aggregated sexual abuse data readily available to the public at least annually through its web site or other means. Before making the data publicly available, the agency will remove all personal identifiers and comply with Idaho Public Records laws.

The agency shall obtain incident based and aggregated data from every private facility with which it contracts for the confinement of its inmates.

29. DATA REVIEW

The agency will review data collected and aggregated from above in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:

- Identifying problem areas
- Taking corrective action on an ongoing basis
- Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole

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

The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

The report will be approved by the Sheriff and made readily available to the public through our web site or through other means. The agency may redact specific material from the reports when publication presents a clear and specific threat to the safety and security of a facility, but will indicate the nature of the material redacted.

30. AUDITS

The agency will ensure that it is audited once every three years as required by PREA.

The audit shall be conducted by an auditor certified by the US Department of Justice to conduct audits of inmate facilities for compliance with the National PREA Standards to Prevent, Detect, and Respond to Prison Rape.

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

Subsequently, the CCSO shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the CCSO's retention of the auditor, with the exception of contracting for subsequent PREA audits.

The Canyon County Sheriff's Office shall bear the burden of demonstrating compliance with the standards.

The auditor shall:

- Review all relevant policies, procedures, reports, internal and external audits, and accreditations.
- Review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
- Have access to, and shall observe, all areas of the CCSO Detention Center.
- Be permitted to request and receive copies of any relevant documents (including electronically stored information).
- Retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations.
- Such documentation shall be provided to the Department of Justice upon request.
- Interview a representative sample of inmates, and of staff, supervisors, and administrators.
- Review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
- Be permitted to conduct private interviews with inmates
- Attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the CCSO Detention Center.
- Furnish contact information to the CCSO Detention Center, which shall be posted in a conspicuous place visible to staff and inmates, who shall both be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

Audit corrective action plan:

Upon receiving the summary report, if the auditor has found the CCSO Detention Center to be out of compliance with any number of standards, the CCSO Detention Center shall work with the auditor to jointly develop and fully implement a corrective action plan to achieve compliance within the allotted 180-day corrective action period.

After the 180-day corrective action period ends, the auditor shall issue a final report with the determination as to whether the CCSO Detention Center has achieved compliance with the PREA standards, including those requiring corrective action in the summary report.

If it is found that the CCSO Detention Center is non-compliant with any standard, the PREA Coordinator shall address those items with the Canyon County Board of Commissioners and the Canyon County Prosecuting Attorney's Office.

The CCSO Detention Center shall ensure that the auditor's final report is published on the CCSO Detention Center web site.

Canyon County Detention Center

PREA

**Sexual Assault Coordinated
Response Manual**

Sexual Assault

I. Introduction:

1. Prison Rape Elimination Act (PREA) is a Federal law to address sexual violence in prisons, jails, and other correctional facilities. Under PREA, the National Prison Rape Elimination Commission was created with the responsibility for establishing standards for the prevention, detection, response, and monitoring of sexual abuse and violence within correctional systems.
2. Sexual assaults include all sexual acts committed without the full consent of all participating parties, whether or not force or threat is employed. Sexual assault victims require supportive treatment in order to minimize the likelihood of lasting and devastating emotional damage. Because sexual assault is a criminal act, certain procedures must be followed in order to identify and preserve evidence for use in prosecution.
3. When assessing a sexual assault victim, you must first identify injuries that threaten life or limb and initiate appropriate treatment. Sexual assault victims may have been beaten, cut, strangled or otherwise injured. If life or limb threatening injuries are present these must be addressed first.
4. All staff members are responsible for the prevention, detection, and reporting of prison rape and sexual activity. Any employee who fails to report inmate on inmate sexual abuse or staff sexual misconduct/harassment is subject to discipline up to termination.

II. Reporting:

1. All staff members are mandatory reporters of sexual assault.
2. All information pertaining to sexual assault will be on a need to know basis only.

III. Procedures:

1. Notify the shift supervisor immediately.
 - a. The shift supervisor will notify the Jail Commander or his designee.
 - b. The Jail Commander or his designee will contact an investigator.
2. Separate the alleged perpetrator and victim.
 - a. If possible continuously observe the alleged perpetrator and victim until an investigator can see them.

3. Identify and separate witnesses.
4. Obtain a brief narrative of the assault, explaining that a complete statement will be taken at a later time.
5. Provide medical treatment as needed.
6. Secure the crime scene.
 - a. Leave the crime scene exactly as found.
 - b. Protect all areas where physical evidence may exist.
 - c. Provide limited access to the crime scene.
 - d. If evidence cannot be protected or secured take custody of it and retain in your possession until it can be transferred to the investigator.
7. Brief the investigator on the initial facts obtained from the victim.
8. The investigator will call the sexual assault treatment center and advise of the transport if requested and or needed.
9. The investigator will transport the alleged victim to the sexual assault treatment center if requested and or needed.
10. If the alleged victim refuses medical treatment it **must** be documented.
11. Ensure that a PREA response checklist and a Sexual Misconduct/PREA Investigation checklist are completed.
12. Ensure that a written report is completed.
 - a. Reports will be written as directed by the Jail Commander.
 - b. Reports will not be written using the Aegis Corrections system.

Any questions regarding this manual please contact the PREA coordinator or refer to the Prison Rape Elimination Act (PREA) policy.