

	<b>MARICOPA COUNTY SHERIFF'S OFFICE</b> <b>POLICY AND PROCEDURES</b>	
	<b>Subject</b> <b>PRISON RAPE ELIMINATION</b> <b>ACT (PREA)</b>	<b>Policy Number</b> <b>GJ-28</b> <b>Effective Date</b> <b>06-23-23</b>
<b>Related Information</b> Prison Rape Elimination Act 2003 Code of Federal Regulations, Title 28, Chapter I, Part 115 CP-2, <i>Code of Conduct</i> CP-11, <i>Anti-Retaliation</i> DF-1, <i>Inmate Classification and Files</i> DH-3, <i>Searches and Contraband Control</i> DI-2, <i>Administrative Restrictive Housing</i> DI-3, <i>Restrictive Housing Operation</i> DI-6, <i>Limited English Proficiency (LEP) Inmates</i> DJ-1, <i>Rules and Regulations for Inmates</i> DJ-3, <i>Inmate Grievance Procedures</i> GC-17, <i>Employee Disciplinary Procedures</i> GE-3, <i>Property Management and Evidence Control</i> GF-3, <i>Criminal History Record Information and Public Records</i> GH-2, <i>Internal Investigations</i> GI-1, <i>Radio and Enforcement Communications Procedures</i> GJ-5, <i>Crime Scene Management</i> GJ-9, <i>Restraint and Transportation of Prisoners and Inmates</i> GJ-37, <i>Transgender and Intersex Interactions</i>	<b>Supersedes</b> GJ-28 (02-20-19)	

**PURPOSE**

The Prison Rape Elimination Act (PREA) is a set of federal standards enacted to institute a **zero-tolerance** standard for incidents of sexual abuse in correctional facilities and establishes national standards for the prevention, detection, and response to sexual abuse and sexual harassment. This Office Policy establishes the procedural actions required by various divisions of the Office to follow the PREA standards.

Although this Office Policy refers to employees or personnel throughout, this policy also applies to all contractors and volunteers. Volunteers include, but are not limited to, reserve deputies, posse members, and Inmate Programs personnel.

**POLICY**

It is the policy of the Office to prevent, detect, and respond to incidents of sexual abuse and sexual harassment throughout the Office. The Office has a **zero tolerance** for any incidents of sexual abuse and sexual harassment. The Office shall impose fair and equitable discipline as necessary against any individual committing sexual abuse or sexual harassment, and when appropriate, pursue criminal charges.

**DEFINITIONS**

**Bad Faith:** An individual's action where there is an intentional dishonest act, misleading another, or violating basic standards of honesty, when they or another individual has been the victim of either sexual abuse or sexual harassment and has a fraudulent motive in reporting the incident.

**Command Officer:** An employee with the rank of lieutenant or above, or its civilian equivalent and above.

**Contractor:** A person who provides services on a recurring basis pursuant to a contractual agreement with the Office or Maricopa County.

**Detention Housing Plan:** A plan that describes the recommendations by the PREA Housing Committee (PHC) for each transgender, intersex, or gender-nonconforming individual in the Office's custody regarding: housing; clothing; commissary; showering; grooming; recreation; programming; escort; transportation; searches; and other relevant matters.

**Employee:** A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

**Facility:** A place, institution, building, or part thereof; a set of buildings, structures, or area, whether or not enclosed; or a building or set of buildings, that is used for the confinement of individuals.

**Gender Identity:** An individual's internal, deeply held sense of gender. Unlike gender expression, gender identity is not visible to others. Examples of gender identities include gender non-conforming; transgender; transgender man; transgender woman; man, and woman.

**Gender Non-Conforming:** A person whose appearance or manner does not conform to traditional societal gender expectations.

**Good Faith:** For the purpose of this Office Policy, an individual's action where there is a sincere or honest belief that they or another individual has been the victim of either sexual abuse or sexual harassment, and that the individual has no fraudulent motive in reporting the incident.

**Inmate:** An individual who has been accepted for confinement in any Office jail facility.

**Intersex:** A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

**LGBTQI+:** An acronym that refers to Lesbian, Gay, Bisexual, Transgender, Questioning, or Intersex and is considered an umbrella term that encompasses the spectrum of people who are not heterosexual.

**Medical Practitioner:** A healthcare 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 a health professional that has also successfully completed specialized training for treating certain patients.

**Pat-Down Search:** The examination of a prisoner or inmate by inspecting their clothing and feeling the contours of their clothed body. The ears, nose, hair, mouth, and throat may be visually checked during this search. Shoes and socks may also be removed and searched.

**PREA Compliance Manager:** The representative of the Office with the authority to coordinate the efforts to comply with the PREA standards at a jail facility, district, or division.

**PREA Compliance Supervisor:** The representative of the Office that shall act in the absence of the PREA Coordinator and assume the same authority.

**PREA Coordinator:** The representative of the Office responsible for ensuring that the Office follows the PREA standards. The PREA Coordinator shall have the authority to develop, implement, and oversee Office efforts to

comply with the PREA Standards in all the jails, districts, holding facilities, and other places where inmates or prisoners are held.

***PREA Housing Committee (PHC):*** An Office committee that gathers and assesses information to develop detention housing plans for transgender and intersex inmates. The committee also reviews an inmate’s history for any identifiable predatory behavior or potential for same behavior, and houses the inmate appropriately based on that review. The committee consists of detention, classification, and mental health staff.

***Prisoner:*** An individual deprived of their liberty and kept under involuntary restraint, confinement, or custody, prior to being accepted into any Office jail facility.

***Radio Codes:*** Numbers used for data collection in identifying incidents of sexual abuse or sex crimes within the Office. PREA related radio codes shall be listed in the *PREA Initial Report* form.

***Search:*** An inspection, examination, or viewing of persons, places, property, items, or area in which a person has a reasonable expectation of privacy, for the purpose of obtaining information or evidence.

***Sexual Abuse of an Inmate or Prisoner:*** 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. ***Sexual Abuse by Another Inmate or Prisoner:***

- A. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- B. Contact between the mouth and the penis, vulva, or anus.
- C. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instruments.
- D. Any other intentional touching, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

2. ***Sexual Abuse by an Employee or Contractor:***

- A. Contact between the mouth and any body part with the intent to abuse, arouse, or gratify sexual desire.
- B. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instruments, that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire.
- C. 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 with the intent to abuse, arouse, or gratify sexual desire.
- D. Any attempt, threat, or request to engage in the activities described above.
- E. Intentional display of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate or prisoner with the intent to arouse or gratify sexual desire.

- F. Any act of voyeurism.

**Sexual Assault Response Team (SART):** Responders consisting of the PREA Coordinator, PREA Managers, Jail Crimes Investigators, the shift commander, and Correctional Health Services (CHS) staff, who may be utilized to assess a PREA incident.

**Sexual Harassment:** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate or prisoner directed toward another; and repeated verbal comments or gestures of a sexual nature to an inmate or prisoner by an employee or contractor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gesture.

**Sheriff's Inmate Electronic Data (SHIELD):** An Office jail management system containing information about individuals who are, or have been, incarcerated or booked into an MCSO jail facility. Information is entered in this database when an individual is booked and updated throughout the term of incarceration. This includes but is not limited to: inmate charges; holds; court dispositions; bond and fine amounts; inmate listed booked in personal property; locker assignments; housing locations; restrictions; emergency medical information; scheduled inmate appointments; and the day-to-day operations of jail facility housing unit Shift Logs.

**Transgender:** A term for people whose gender identity, expression, or behavior is different from those associated with their assigned sex at birth. Transgender is a broad term and is appropriate for anyone to use.

**TheHUB:** The learning management system by which employees, reserve deputies, and posse members are provided access to all Office Policies; and where the acknowledgment of all Office Policy updates and revisions, indicating that they have been reviewed and understood by the viewer, are recorded. TheHUB shall also be used by employees, reserve deputies, and posse members to complete training requirements, and to register for in-person courses.

**Volunteer:** A person who performs hours of service for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An employee may not volunteer to perform the same, similar, or related duties for the Office that the employee is normally paid to perform.

**Voyeurism:** An invasion of privacy of an inmate or prisoner by an employee or contractor for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in their cell to perform bodily functions; requiring an inmate to expose their buttocks, genitals, or breasts; taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

## PROCEDURES

1. **Prevention and Planning:** The Office has a **zero tolerance** for all incidents of sexual abuse and sexual harassment. Inmates or prisoners in the custody of the Maricopa County Sheriff's Office have a right to be free from sexual abuse, sexual harassment, and retaliation as specified in this Office Policy.
  - A. The Office shall designate a custody lieutenant as an Office-wide Prison Rape Elimination Act (PREA) Coordinator to develop, implement, and oversee agency efforts to comply with the PREA standards.
  - B. Custody bureau chiefs shall assign command level personnel as the PREA Compliance Manager for each division responsible for holding or housing inmates, or any other divisions, as deemed necessary by the PREA Coordinator. This responsibility shall normally be assigned the executive lieutenant at each jail facility.

2. **PREA Training and Education:** The Training Division, in coordination with the PREA Coordinator, shall develop comprehensive training on the PREA standards regarding sexual abuse, sexual harassment, prevention, detection, response, and the obligations of the Office and Office personnel.
  - A. **Employee Training:** This training may consist of either a classroom course, a course through TheHUB, or both.
    1. All new detention recruits in the Detention Officer Training Academy shall complete training on the PREA standards by attending a classroom course. After attending a classroom course, detention personnel may complete an annual PREA course through TheHUB.
    2. All other detention personnel and those employees associated with detention related functions, or those who may have contact with inmates, shall receive training on the PREA standards by completing a PREA course through TheHUB or in person on an annual basis, through the Training Division.
    3. All in person and TheHUB PREA training completed by detention personnel and those employees associated with detention related functions, or those who may have contact with inmates, shall be documented through TheHUB by the Training Division.
  - B. **Volunteer Training:**
    1. Volunteers, such as Inmate Programs personnel, who may encounter inmates ,or those associated with detention related functions, shall be required to acknowledge their understanding of the PREA standards in writing as part of their volunteer application for Courtesy Identification. Additionally, volunteers shall receive training on the PREA standards by completing a PREA course through TheHUB or in person on an annual basis.
    2. Posse members shall receive PREA training, as specified in the Enforcement Support Operations Manual.
    3. Reserve deputies and those employees associated with detention related functions, or who may have contact with inmates, shall receive training on the PREA standards by completing a PREA course through TheHUB or in person on an annual basis, through the Training Division.
  - C. **Contractor Training:** Contractors or personnel that provide a contracted service to the Office and may encounter inmates, or those associated with detention related functions, shall be required to acknowledge their understanding of the PREA standards in writing as part of their contractor application for Courtesy Identification.
  - D. **Medical and mental healthcare practitioners** that provide their services to the Office shall comply with the requirements of the PREA standards. Correctional Health Services (CHS) shall provide the necessary training required to ensure compliance by their personnel.
3. **Inmate Access to PREA Information:**
  - A. The PREA Compliance Managers shall ensure that preventative measures are in place to include, but not be limited to, displaying posters in areas occupied by inmates. These posters shall be displayed in housing units, program areas, holding areas, and medical clinics, and shall encourage the reporting of all incidents of sexual abuse or sexual harassment.

- B. During the initial inmate classification process and prior to the inmate being transferred to another Office jail facility, all inmates shall be screened for risk of sexual abuse, victimization, or sexual abusiveness toward other inmates.
- C. All inmates shall be offered and provided educational material that informs them of their rights and obligations under the PREA standards.
  - 1. During the classification process, all newly booked inmates shall receive a copy of the *Rules and Regulations for Inmates*, as specified in Office Policy DJ-1, *Rules and Regulations for Inmates*.
  - 2. The *Rules and Regulations for Inmates* discusses PREA and the steps an inmate should take in reporting any incidents of sexual abuse, sexual harassment, or retaliation. Information includes, but not limited to, the following:
    - a. The right to be free of sexual abuse and sexual harassment;
    - b. The right to be free of retaliation for reporting sexual abuse, sexual harassment; and
    - c. Various methods of reporting sexual abuse, sexual harassment, or retaliation and the Office's procedures for responding to such incidents.
- D. The Office's Commitment to the Americans with Disabilities Act (ADA) and PREA Coordinator, in conjunction with PREA Compliance Managers, shall establish protocols to ensure that inmates with disabilities including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities, have an equal opportunity to participate in, or benefit from, all aspects of the Office's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.
  - 1. Protocols shall include, but not be limited to, the following:
    - a. Ensuring access through effective means of communication for inmates who are deaf or hard of hearing;
    - b. Providing materials in formats or through methods that ensure effective communication with inmates with disabilities; including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision; and
    - c. Ensuring meaningful access to all aspects of the Office's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient (LEP), as specified in Office Policy DI-6, *Limited English Proficiency (LEP) Inmates*.
  - 2. Employees shall not rely on inmates to interpret, read, or provide other types of assistance except in extraordinary circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-responder duties, or the investigation of the inmate's allegations, as specified in Office Policy DI-6, *Limited English Proficiency (LEP) Inmates*.
- E. All inmates shall be offered the opportunity to view a PREA zero tolerance education video on the

inmate tablet within 30 days of intake. At the conclusion of the video, inmates will be afforded the opportunity to address any questions or concerns they may have about PREA and reporting sexual abuse while incarcerated. LEP inmates who are hard of hearing shall be offered an alternate version of the video or a transcript of the video.

4. **Inmate Classification:** The Office maintains an inmate classification system, as specified in Office Policy DF-1, *Inmate Classification and Files*. This system attempts to identify inmates whose safety is, or may be, threatened from within an Office jail facility; or for their risk of being sexually abused by other inmates, who may be sexually abusive toward other inmates; or based on documented information, identifies inmates who pose a serious threat to life, themselves, other inmates, Office personnel, CHS personnel, property, or to the orderly operation of an Office jail facility. These inmates may be separated, as specified in Office Policies DI-2, *Administrative Restrictive Housing* and DI-3, *Restrictive Housing Operation*.
  - A. When warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that is relevant to the inmate's risk of sexual victimization or abusiveness, an inmate's risk level shall be reassessed within 30 days of incident.
  - B. Inmates shall not be disciplined for refusing to answer or for not disclosing complete information in response to questions intended to assess an inmate for risk of sexual victimization. Information obtained from these questions shall be safeguarded to ensure that sensitive information is not exploited to the inmate's detriment by Office personnel or other inmates.
5. **Inmate and Prisoner Search Procedures:**
  - A. Searches of inmates or prisoners shall be completed by authorized Office personnel as specified in Office Policy DH-3, *Searches and Contraband Control* and GJ-9, *Restraint and Transportation of Prisoners and Inmates*.
  - B. Office personnel shall not pat-down search or physically examine a transgender, intersex or gender-nonconforming inmate or prisoner for the sole purpose of determining the inmate or prisoner's genital status. If the inmate or prisoner's genital status is unknown, the status may be determined through a conversation with the inmate or prisoner by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by CHS staff, as specified in Office Policy GJ-37, *Transgender and Intersex Interactions*.
6. **Inmate Housing:**
  - A. Inmates at high risk for sexual victimization shall not be placed in involuntary administrative or security restrictive housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. The assessment shall be completed immediately, and circumstances documented, no later than 24 hours of an inmate's intake.
    1. The jail facility shall assign inmates to administrative, or security restrictive housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.
    2. Inmates placed in involuntary administrative, or security restrictive housing shall have access to programs, privileges, education, and work opportunities to the extent possible. If the jail facility limits access to programs, privileges, education, or work opportunities, jail facility personnel shall document in the Sheriff's Inmate Electronic Data (SHIELD) the reason and duration of the limitation.

- B. An inmate’s own view with respect to their own safety shall be given serious consideration. Placement and programming assignments for each transgender, intersex, or gender-nonconforming inmate shall be reassessed at least twice each year to review any threats against the inmate, and to review the inmate’s overall safety.
    - 1. Inmates who identify as transgender, intersex, or gender-nonconforming shall be reviewed by the PREA Housing Committee (PHC) and a detention housing plan shall be developed.
    - 2. Decisions determining where transgender, intersex, or gender-nonconforming inmates will be housed shall be made on a case-by-case basis by the PHC. Transgender, intersex, or gender-nonconforming inmates must be assessed individually to determine whether they should be housed with males or females. Inmate classification and placement of transgender, intersex, or gender-nonconforming inmates shall not be determined solely based on the inmate’s sex assignment at birth, identity documents, or physical anatomy. A transgender, intersex, or gender-nonconforming inmate’s gender identity and personal safety should be considered when deciding their housing location.
    - 3. Inmates who identify as transgender, intersex, or gender-nonconforming shall be afforded an opportunity to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.
  - C. The Office shall not place lesbian, gay, bisexual, transgender, questioning, intersex (LGBTQI+), or gender-nonconforming inmates in dedicated facilities, housing units, pods, or dorms solely on the basis of their identification or status, unless placement is in a dedicated Office jail facility, housing unit, pod, or dorm established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting identified inmates.
7. **PREA Safety Inspections:** The purpose of the PREA Safety Inspection is to ensure that inmates are free from sexual abuse and harassment from Office personnel and inmates. The shift commander, command officer, or shift supervisor acting as the shift commander on duty shall look for signs of Office personnel and inmate sexual abuse during these inspections.
- A. During each shift, the shift commander, command officer, or shift supervisor acting as the shift commander on duty, in compliance with the PREA standards, shall conduct a minimum of one PREA Safety Inspection in a housing unit, holding area, pod, or dorm where inmates are present. Excluding outside medical care facilities; circumstances may exist where these personnel are temporarily unable to complete this task. These circumstances include, but are not limited to, the following:
    - 1. Staffing issues;
    - 2. An emergency safety and/or security situation exists; or
    - 3. Shift commanders or command officers who are on modified duty or have no-inmate contact restrictions.
  - B. PREA Safety Inspections shall be conducted in a manner that gives the appearance of normal inmate housing operational activities.
    - 1. PREA inspections shall be unannounced and require the shift commander, command officer, or shift supervisor acting as the shift commander on duty to complete a security



walk in that area to deter and detect any acts of sexual abuse or sexual harassment. These inspections shall be completed in randomly selected housing units, holding areas, pods, or dorms.

2. Office personnel shall not be advised or have any indication that a PREA Safety Inspection is occurring, nor shall it be announced to the inmate population. Office personnel are prohibited from warning other Office personnel or inmates of PREA Safety Inspections.
  - C. After the PREA Safety Inspection is completed, and prior to the end of shift, the shift commander, command officer, or shift supervisor acting as the shift commander on duty shall document the PREA Safety Inspection in Blue Team by selecting the Incident Type Line Level Inspection and selecting the Allegation LLI-PREA Safety Inspection.
  - D. The MCSO PREA Coordinator will regularly audit the completion of PREA Safety Inspections through Blue Team in coordination with the Bureau of Internal Oversight (BIO).
  - E. The PREA Coordinator shall be responsible for conducting random PREA Safety Inspection checks in Blue Team every 30 calendar days.
8. **PREA Opposite Gender Announcements:** The Office maintains a practice to ensure Office personnel, contractors, or volunteers of the opposite gender announce their presence before entering an inmate housing unit.
- A. An opposite gender announcement shall be made at the beginning of each shift, if opposite gender personnel are working the housing unit for the duration of the shift. This announcement applies only to housing units; holding areas are exempt.
  - B. Office personnel, contractors, or volunteers, who enter an inmate housing unit of the opposite gender, shall announce their presence. Some examples are:
    1. Female detention personnel working at a male Office Jail facility, who enter a housing unit to conduct a security walk, shall announce their presence upon entrance such as, "*female officer.*"
    2. Male detention personnel working at the Estrella Jail facility, who enter a housing unit to conduct a security walk, shall announce their presence upon entrance such as, "*male officer.*"
    3. Male or female Office personnel, who enter a housing unit to conduct official business, shall announce their presence upon entrance such as, "*male employee or female employee.*"
    4. Male or female volunteers or contractors, who enter a housing unit to conduct official business, shall announce their presence upon entrance such as, "*male entering or female entering.*"
  - C. Announcement Documentation:
    1. If opposite gender personnel are working a housing unit all shift, only one opposite gender announcement needs to be documented in SHIELD, after the first opposite gender announcement is made by the employee. This does not preclude personnel from making opposite gender announcements every time they enter a housing unit.

2. If medical staff or a supervisor of the opposite gender enters the housing unit sporadically during the shift, an opposite gender announcement and a SHIELD entry shall be made for each access.
  3. The Medical Services Division shall conform to the documented procedures in place as established by the jail facility commander or designee.
9. **Reporting:** All incidents of sexual abuse, sexual harassment, voyeurism, neglect of duties by Office personnel in reporting or investigating a PREA-related incident, or retaliation by Office personnel or inmates for making such a report, shall be reported and investigated. Any individual who reports an incident in “good faith” shall not be subject to discipline or retaliation.
- A. Reporting by Inmates: The *Rules and Regulations for Inmates* provides the options and steps by which an inmate may report any sexual abuse, sexual harassment, voyeurism, or retaliation.
  - B. Reporting by Volunteers and Contractors: Volunteers and contractors who become aware of an incident of sexual abuse, sexual harassment, voyeurism, or retaliation against an inmate are required to notify Office personnel as soon as practical.
  - C. Reporting by Office Personnel: Any Office personnel who is made aware of an allegation of sexual abuse, sexual harassment, voyeurism, or retaliation, shall take immediate action to protect all parties involved and notify a shift supervisor. The supervisor shall ensure that the procedures outlined in this Office Policy are followed.
  - D. Reporting by CHS Staff: Unless otherwise precluded by federal, state, or local law, CHS staff shall be required to report sexual abuse and inform inmates of the medical practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services.
  - E. Reporting by Others: Third parties, including other inmates, staff members, family members, attorneys, and outside advocates, may report sexual abuse, sexual harassment, voyeurism, and retaliation by calling the Office to speak with the PREA Coordinator, the Silent Witness line at 480-WITNESS (948-6377), or through the Office Website [www.mcso.org](http://www.mcso.org).
  - F. Division commanders or designees shall ensure that anyone who reports allegations of sexual abuse, sexual harassment, voyeurism, or cooperates with investigations of these allegations are free from retaliation, and have a method to report privately.
  - G. PREA Compliance Managers are required to conduct at least one random inmate PREA interview per month.
  - H. PREA Compliance Managers, in conjunction with the PREA Coordinator, shall ensure that division commanders or designees monitor an inmate who reports an incident of sexual abuse or sexual harassment for 90 days or more if needed, and take all steps necessary to ensure the inmate’s safety, including periodic status checks.
10. **Actions Upon Report of Sexual Abuse:**
- A. When the Office learns an inmate is subject to a substantial risk of imminent sexual abuse, immediate action shall be taken to protect the inmate by separating the victim from their alleged abuser/housing unit.
  - B. Upon learning of an allegation that an inmate was sexually abused, the first officer to respond shall

be required to separate the alleged victim and abuser, then preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.

1. If the alleged victim is under the age of 18 or considered a vulnerable adult under a state or local vulnerable persons statute, the Office shall report the allegation to Jail Crimes Unit under applicable mandatory reporting laws.
  2. If the sexual abuse occurred within an approximate five day time period, this will allow for the collection of physical evidence. Detention personnel shall request that the alleged victim not take further actions that could potentially compromise physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, using the restroom, drinking, or eating.
  3. Victim: The victim shall be escorted to medical to be evaluated by CHS. The victim shall not be returned to a housing unit until a Jail Crimes investigator has authorized the return.
    - a. CHS shall provide only emergency medical treatment or referral.
    - b. CHS shall not conduct forensic examinations. This will be coordinated by the PREA Coordinator and Jail Crimes.
  4. Suspect: The suspect shall be isolated in a secure area until a Jail Crimes investigator arrives or has authorized their return to a housing unit.
    - a. If the suspect is injured, they shall be seen by CHS.
    - b. The investigator shall confiscate and process the suspect's clothing as evidence, as specified in Office Policies GE-3, *Property Management and Evidence Control* and GJ-5, *Crime Scene Management*.
    - c. If the suspect is an employee or contractor, steps shall be taken to separate the alleged offender from the alleged victim, including but not limited to, transferring the inmate to a different housing unit or reassignment of the employee.
- C. Supervisor Notifications: When a supervisor is made aware of an allegation of sexual abuse they shall promptly notify the PREA Coordinator, the shift commander, the PREA Compliance Manager, Jail Crimes Investigators, and the division commander, as soon as practical.
- D. Prior to the end of their shift, the shift supervisor shall notify the PREA Unit by email or phone, of any PREA allegation and provide either the unique identification number (Event [MC] Number) as specified in Office Policy GI-1, *Radio and Enforcement Communications Procedures* or *Incident Report (IR)* number for the incident.
- E. Sexual Abuse Investigation: Any detention supervisor assigned to investigate administrative sexual abuse incidents should receive training in conducting such investigations in confinement settings. Training shall include techniques for interviewing sexual abuse victims, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
1. The PREA Coordinator and Jail Crimes supervisor shall determine if the allegation will be investigated by the Jail Crimes Section or if an administrative investigation is required, as specified in Office Policy GH-2, *Internal Investigations*. The Sexual Assault Response

Team (SART) members may be contacted for scene response by the PREA Coordinator following the assessment of the reported incident information.

2. When necessary, the Jail Crimes investigator, with assistance from the PREA Coordinator, shall be responsible for:
    - a. Contacting a Sexual Assault Nurse Examiner (SANE) who is responsible for providing an objective medical and legal evaluation for victims of sexual assault.
    - b. Offering the victim, the accompany of a victim advocate during the forensic medical exam and interview. If a victim advocate is requested by the victim, the victim advocate shall be allowed to be present during the interviews; however, **the victim advocate shall only provide emotional support and shall not advise, coach, or provide answers for the victim unless the advocate is asked a direct question by the investigator.**
    - c. Collecting and processing the victim's clothing as evidence, as specified in Office Policy and GJ-5, *Crime Scene Management*.
    - d. Providing a *Victims' Rights Request/Waiver Form* that shall be placed in the inmates Facility File. This form shall be provided to the victim upon release from Office custody.
    - e. Collecting and preserving direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data.
    - f. Interviewing alleged victims, suspects, and witnesses.
    - g. Reviewing prior complaints and reports of sexual abuse involving the alleged suspect.
  3. When the quality of evidence appears to support criminal prosecution, the Office shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
  4. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate or Office personnel. The Office 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 the investigation of such an allegation.
- E. Evidence Preservation: All efforts shall be made to preserve evidence. Actions that can help preserve evidence include, but are not limited to:
1. Not allowing the persons involved to wash their hands or other body areas;
  2. Not allowing the persons involved to wash or dispose of clothing. Request the victim to not use the restroom;
  3. Not allowing the perpetrator the means to dispose of, tamper with, or destroy evidence; and

4. Control who has access to the persons involved.
- F. Documentation:
1. The supervisor shall ensure that an IR number is obtained from the Communications Division using the appropriate radio code. The supervisor shall ensure that a *PREA Initial Report* and any other documentation such as an IR, *Disciplinary Action Report (DAR)* and appropriate SHIELD entries are completed.
    - a. The *PREA Initial Report* shall be completed within 24 hours.
    - b. The *PREA Complete Report* and *PREA After Action Report* shall be completed within 10 days of the incident.
  2. Once the complete PREA Report is received by the PREA Coordinator or designee, the report shall be reviewed for completeness and any follow-up shall be completed.
  3. Following an inmate's allegation that they have been sexually abused by another inmate, the Office shall subsequently inform the alleged victim whenever:
    - a. The alleged abuser has been indicted on a charge related to sexual abuse within the Office jail facility; or
    - b. The alleged abuser has been convicted on a charge related to sexual abuse within the Office jail facility. All notifications to inmates described under this standard are made by a PREA Compliance Manager or the PREA Coordinator and documented.
  4. The Office shall retain all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
11. **Actions Upon Reports of Sexual Harassment and Voyeurism:** A PREA Compliance Manager or the PREA Coordinator may be contacted with questions regarding the reporting requirements for any incidents involving sexual harassment and voyeurism. All reported incidents of sexual harassment or voyeurism shall be investigated and at a minimum a *PREA Report* will be prepared; when appropriate, other documentation such as an IR, DAR and appropriate SHIELD entries shall be completed.
12. **Actions Upon Consensual Incidents:** Consensual incidents between inmates of a sexual nature are not PREA incidents. However, these incidents are violations of the *Rules and Regulations for Inmates* and a DAR shall be written. An IR may be written under the appropriate radio code; however, a consensual act is not a crime, therefore the IR shall be an informational only report. The Jail Crimes Section does not need to be notified for consensual incidents.
- A. The PREA Coordinator shall be notified by email of the incident so that they may follow up as needed to ensure the act was consensual.
  - B. After following up by the PREA Coordinator, and if the act was found to be consensual, the PREA Coordinator shall file the e-mail under Non-Reportable Report for future reference. If the act was found to be non-consensual, then the procedures, as specified in this Office Policy shall be followed.
13. **Professional Standards Bureau (PSB) Notifications:**

- A. The PREA Coordinator shall send all PREA allegations against an employee to the Professional Standards Bureau (PSB) for their review of possible misconduct, prior to closing out a PREA case.
  - B. Once a case has been returned from the PSB and no employee misconduct was found, the PREA Coordinator shall then close out the PREA administrative case.
14. **Inmate Discipline:** The Office shall address all complaints of sexual abuse, sexual harassment, voyeurism, and retaliation, and impose fair and equitable discipline, as necessary.
- A. Inmates who have engaged in sexual abuse, sexual harassment, or retaliation shall be disciplined as specified in the *Rules and Regulations for Inmates*. When appropriate, criminal charges shall be forwarded to the Maricopa County Attorney Office (MCAO) for prosecution.
    - 1. Inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding or a criminal finding of guilt.
    - 2. 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.
    - 3. The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to their behavior when determining what type of sanction, if any, should be imposed.
    - 4. The Office may discipline an inmate for sexual contact with Office personnel, only upon a finding that the Office personnel did not consent to such contact.
  - B. Inmates who engage in consensual sexual conduct shall be disciplined as specified in the *Rules and Regulations for Inmates*. The Office prohibits all sexual activity between inmates. If found that during the investigation that the sexual conduct was coerced, then the procedures, as specified in this Office Policy shall be followed.
  - C. Allegations of employee misconduct related to this Office Policy shall be investigated, as specified in Office Policy GH-2, *Internal Investigations*. Employees found to be in violation of this Office Policy may be subject to discipline, up to and including dismissal from employment, and where applicable, criminal prosecution as specified in Office Policies CP-2, *Code of Conduct* and GC-17, *Employee Disciplinary Procedures*.
  - D. Any contractor or volunteer, who engages in sexual abuse, sexual harassment, voyeurism, or retaliation shall be prohibited from contact with inmates, shall be reported to relevant licensing bodies, and where appropriate, criminally investigated, unless the activity was clearly not criminal.
15. **Inmate Grievances Alleging Employee Misconduct:**
- A. Inmate grievances alleging employee misconduct regarding a violation of this Office Policy, shall be addressed as specified in Office Policies DJ-3, *Inmate Grievance Procedures*, and GH-2, *Internal Investigations*.
  - B. An inmate may submit a grievance alleging sexual abuse without submitting it to Office personnel who is the subject of the complaint. An inmate may submit a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred.

- C. An emergency grievance alleging substantial risk of imminent sexual abuse requires an immediate response to ensure the inmate’s safety.
  - D. Any inmate who submits an inmate grievance shall not be subject to discipline unless there is clear evidence that the inmate filed the grievance in “bad faith.”
  - E. Any inmate who submits an inmate grievance in “good faith” shall not be subject to discipline, harassment, or retaliation by Office personnel. Retaliating against any person who reports or investigates alleged misconduct shall be considered serious misconduct and shall result in disciplinary action, up to and including dismissal from employment as specified in Office Policy CP-11, *Anti-Retaliation*.
16. **Medical and Mental Health Services:** Inmates who report that they have been victims of sexual abuse during any prior incarceration or while in the community shall receive timely, unimpeded access to medical treatment and crisis intervention services. The nature and scope of treatment and services shall be determined by medical and mental healthcare practitioners according to their professional judgment during the intake screening. The Office shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days.
- A. 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.
  - B. CHS within Office jail facilities shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any Office jail facility.
  - C. When informed, female inmates alleging sexual abuse or consensual vaginal penetration by a male subject while incarcerated shall be offered pregnancy tests.
  - D. If pregnancy results from sexual abuse while incarcerated, victims shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services.
  - E. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections by CHS, as medically appropriate.
  - F. CHS shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.
  - G. Access to inmate records related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners.
  - H. Medical and mental health practitioners must obtain documented informed consent from inmates before reporting allegations to MCSO about prior sexual victimization that did not occur in an institutional setting unless the inmate is under the age of 18.
17. **Hiring and Promotion of Employees:**
- A. The Office shall not hire or promote anyone that may have contact with inmates or prisoners, and shall not enlist the services of any contractor that may have contact with inmates, who:

1. Has engaged in sexual abuse in a prison, jail, community confinement facility, juvenile facility, or other institution;
  2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent, or was unable to consent or refuse;
  3. Has been civilly or administratively adjudicated to have engaged in the activity described in this Policy; or
  4. Has had a sustained PREA violation within any law enforcement agency.
- B. The Office shall take into consideration 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.
- C. The Office shall, before hiring any new employees who may have contact with inmates, conduct a criminal background record check that is consistent with federal, state, and local law, and makes 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. Additionally, at a minimum, every five years, the Records & ID Division shall conduct criminal records checks on all current employees for investigations of allegations of sexual abuse. Criminal History Record Information (CHRI) shall not be made available to anyone not authorized, except as specified in Office Policy GF-3, *Criminal History Record Information and Public Records*.
18. **Review and Data Collection:** The SHIELD, TraCS, and the PREA Report shall be used to capture and compile all incidents of inmate sexual abuse occurring within the Office. The shift supervisor shall ensure that the correct radio code is used when requesting an IR, as outlined in the *PREA Initial Report*.
- A. Review: At the conclusion of every sexual abuse investigation, a sexual abuse incident review shall be conducted.
1. The review shall normally occur within 30 days of the conclusion of the investigation; and
  2. The review team should include the PREA Compliance Managers, line-level supervisors, investigators, and medical or mental healthcare practitioners.
- B. Data Collection and Audits: The Office shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. Data collected shall be reviewed to assess and improve the effectiveness of the sexual abuse prevention, detection, and response policies, procedures, and training.
- C. Privacy: Office personnel are prohibited from revealing any information related to a sexual abuse or sexual harassment report to anyone other than their direct supervisor, the PREA Coordinator or designee, the PREA Compliance Manager, the PREA Unit, or designated investigators, and any other officials who make treatment, investigation, and other security management decisions. Information shall only be shared according to state law and ethical standards.