

\_\_\_\_\_ COUNTY DETENTION CENTER  
POLICIES AND PROCEDURES

<b>Chapter</b>	<b>15</b>	<b>IPREA</b>	<b>Policy # 15.3</b>
<b>Subject</b>	<b>3</b>	<b>Responsive Planning</b>	
<b>Effective Date:</b>		<b>Revision Date:</b>	
<b>Sheriff's Approval:</b>			

**Policy:**

The \_\_\_\_\_ County Sheriff's Office is committed to investigating all allegations of sexual assault and sexual harassment of inmates with the same expediency and thoroughness of sexual assault investigations in an outside setting. Investigators will be required to follow uniform evidence protocol, provide forensic medical examinations, and provide victims' advocates when necessary.

**Purpose:**

With this policy, the \_\_\_\_\_ County Detention Center has established practices that will ensure that inmates are treated humanely while receiving the same response to their sexual assault and sexual harassment allegations as someone outside the facility would receive by following established protocols.

**References:**

Idaho Jail Standards, Chapter 12  
IPREA

**Procedures:**

**§115.21 - Evidence Protocol and Forensic Medical Examinations**

**§115.21(a) Uniform Evidence Protocol**

The \_\_\_\_\_ 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 prosecutions.

### **§115.21(b) Youthful Inmates**

The investigator's protocol shall be developmentally appropriate for youth, where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents". (If your investigators use a similarly comprehensive and authoritative protocol developed after 2011, put that protocol here instead.)

### **§115.21(c) Forensic Medical Examinations**

The \_\_\_\_\_ County Detention Center will offer victims of sexual abuse access to forensic medical examinations, on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate.

These examinations will be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs), where possible.

If SAFEs or SANEs cannot be made available, the examination will be performed by other qualified medical practitioners. The agency will document the attempts to find a SAFE or SANE.

The investigator or employee who accompanies the inmate to the forensic medical exam will document who performed the forensic medical exam.

The \_\_\_\_\_ County Detention Center will maintain documentation that delineates the responsibilities of outside medical and mental health practitioners in the forensic medical exams.

### **§115.21(d)(h) Victim Advocate**

The \_\_\_\_\_ County Detention Center will make every effort to make available to the victim a victim advocate from a rape crisis center. The Detention Center will have on file a list of phone numbers to contact the victim advocate and will allow the advocate the opportunity to visit the inmate at the facility, talk to the inmate on the phone or accompany the inmate to the forensic exam when requested by the inmate.

If a rape crisis center is not available to provide victim advocate services, the Center will make available an appropriate staff member from a community-based organization or an appropriate agency staff member to provide these services. The agency will document the efforts made to secure these services.

An appropriate agency staff member or an appropriate community-based staff member shall be an individual who has been screened to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

If an agency staff member is used, the Detention Center will maintain documentation on the staff member's qualifications to provide victim advocate services.

#### **§115.21(e) Victim Advocate Support**

As requested by the victim, the victim advocate, appropriate agency staff member, or appropriate community-based organization staff member will accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

#### **§115.21(f) Outside Investigating Agencies**

If an outside agency is called in to conduct the investigation, the assisting agency will be required to follow the requirements of (a) through (e) of this section.

The \_\_\_\_\_ County Detention Center will document the request to the assisting agency to follow these requirements.

#### **§115.22 - Policies to Ensure Referrals of Allegations for Investigations**

##### **§115.22(a) Initial Review**

The \_\_\_\_\_ County Detention Center will ensure that an investigation is completed for all allegations of sexual abuse and sexual harassment.

The Detention Center may begin such investigations by conducting a preliminary inquiry or review into the allegations to determine whether further investigation is necessary and whether the allegations should be referred for an administrative or criminal investigation. The \_\_\_\_\_ (Put here who will do this in your agency, ex: Jail Administrator, Sheriff, etc.) will assign a person to complete this preliminary review into the allegations.

After the assigned employee has finished the review of the incident, he/she will advise the \_\_\_\_\_ (Put here who in your agency, ex: Jail Administrator, Sheriff, etc.) of his/her findings and whether or not further investigation is necessary.

The assigned employee will write a detailed report on his/her findings and recommendations.

### **§115.22(b) Referral**

The \_\_\_\_\_ County Detention Center 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 the Detention Center decides not to refer an allegation for criminal investigation, that decision must be reviewed and approved by the Sheriff or his/her designee.

If an outside entity conducts criminal investigations, the \_\_\_\_\_ 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 IPREA 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 recommendations for prosecution.

The \_\_\_\_\_ County Detention Center will publish the policy regarding the referral of allegations of sexual abuse or sexual harassment for criminal investigation on its website. (If your agency prefers, it can make the policy available through other means than a website. If this is the case, put here how you will make it available. (Ex: bulletin board in lobby, handouts in the lobby, etc.)

### **§115.22(c) Administrative Investigations**

The \_\_\_\_\_ County Detention Center will conduct administrative investigations of sexual abuse or sexual harassment when the violations do not involve potentially criminal behavior.

The Jail Administrator will assign an employee who is trained in conducting an administrative investigation to the investigation of the allegations. The assigned employee will interview all persons that were involved, or alleged to be involved, in the incident to verify the facts in the allegations.

Upon completion of the administrative investigation, the investigating employee will write a detailed report of his/her findings and will present his findings to the Jail Administrator.