

_____ COUNTY DETENTION CENTER
POLICIES AND PROCEDURES

Chapter	15	IPREA	Policy # 15.6
Subject	6	Official Response Following an Inmate Report	
Effective Date:		Revision Date:	
Sheriff's Approval:			

Policy:

The _____ County Detention Center shall require all employees accept all reports from inmates and report all incidents of sexual abuse/harassment, retaliation, or neglect of responsibilities to detect, prevent, or report sexual abuse.

Purpose:

With this policy, the _____ County Detention Center has established practices that will ensure that reports of sexual abuse, sexual harassment, retaliation or neglect of responsibilities will be addressed and responded to immediately and appropriately to protect inmates within the facility.

References:

Idaho Jail Standards, Chapter 12
IPREA Standards §115.61 to §115.68

Procedures:

§115.61 Staff and Agency Reporting Duties

All employees, staff, volunteer(s), and/or contract services personnel shall report all allegations and/or incidents of sexual abuse, harassment, misconduct, discrimination and/or retaliation to _____ immediately upon receiving such knowledge (Who will they make this report to in your agency? Ex: Supervisor, IPREA Coordinator, Administration). Reports shall be made to _____ (Aforementioned person) regarding any neglect or violation of responsibilities on the part of any facility employee that may have contributed to a sexual abuse incident or retaliation against those who have reported such incidents.

The reporting staff member or volunteer shall then write an incident report prior to leaving the facility and forward it to _____. (Who will they make this report to in your agency? Ex: Supervisor, IPREA Coordinator, Administration). The facility will forward the report to the facility's designated investigators.

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) Sheriff's Office Website
- (6) Third Party Reporting
- (7) E-mail

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 IPREA Coordinator, either by writing or verbally, who shall, if requested, keep confidential the identify 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.

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 or 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 administration.

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 IPREA Coordinator.

§115.62 – Agency Protection Duties

.When the _____ Detention Center learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

§115.63 – Reporting to Other Confinement Facilities

Upon receipt of an allegation of sexual abuse of an inmate while confined at another facility, the Jail Administrator or Sheriff shall notify the head of the facility where the alleged abuse occurred. The notification shall be made as soon as possible but, in no case, later than 72 hours after receiving the allegation. The Jail Administrator or Sheriff shall document the notification on _____ (List here where this will be documented. Ex: IPREA Checklist, IPREA log, Supervisor’s Log, Incident Report, etc.)

Upon transfer, the IPREA Coordinator, or designee, shall inform the receiving facility of an incident for an alleged inmate victim and the inmate’s potential need for medical or social services, unless the inmate requests otherwise.

§115.64 - Staff First Responder Duties

Upon learning of a report of sexual abuse or sexual assault, the first detention staff member to respond shall: (All of the following are required by the standard. However, if you require more of the first responder, please add it. It may benefit you to go into more detail in some of the components.)

- (1) Separate the victim and abuser.
- (2) Establish a “crime scene” to preserve and protect any evidence. Identify and secure any/all witness(es) until 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, showering, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- (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, showering, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. This will be accomplished by placing the alleged abuser in a dry cell.
- (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, and then notify a Supervisor.
- (6) Determine whether immediate medical care/mental health professional services are required and contact the appropriate staff for response and attention.

§115.65 – Coordinated Response

The “First Responder” will immediately contact the Supervisor to notify of the incident and the Supervisor will respond to the area.

The Supervisor will ensure that the “First Responder” has completed his/her responsibilities and will do the following:

- (1) Notify the Jail Administrator who will, in turn, will notify the Chief Deputy, Sheriff and investigators.
- (2) Notify the IPREA Coordinator
- (3) Ensure the only persons permitted to enter the secured crime scene shall be the assigned investigator, medical staff as needed, and facility leadership.
- (4) Ensure a log is maintained of anyone entering the crime scene and at what time he/she entered and exited.
- (5) Ensure the area remains secured as a crime scene until verification the investigation is completed and released by the investigating authority.

The _____ Detention Center shall make available to inmate victims of sexual abuse, immediate on-site medical/mental health care to the capacity to which the facility is able to administer such care. Additionally, in the event that outside medical/mental health services are required, the _____ Detention Center shall inform the receiving facility or service provider(s) of the incident unless otherwise requested by the inmate to restrict the release of information and their protection of privacy. Further, the _____ Detention Center will coordinate transport and accompany the victim to the outside treating facility.

§115.66 – Preservation of Ability to Protect Inmates From Contact with Abusers

You can skip this standard if you do not have or are not entering into a collective bargaining agreement.

Neither the _____ Detention Center nor any other governmental entity responsible for collective bargaining on the agency’s behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency’s ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

Nothing in the policy and standard shall restrict the entering into or renewal of agreements that govern:

- (1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §115.72 and §115.76; or
- (2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member’s personnel

file following a determination that the allegation of sexual abuse is not substantiated.

§115.67 – Agency Protection Against Retaliation

The _____ Detention Center strictly prohibits retaliation by or against any party involved in a complaint of sexual abuse or sexual harassment. Retaliation in and of itself, shall be grounds for disciplinary action up to and including termination.

Any inmate or staff member that reports sexual abuse or sexual harassment, or who cooperates with any such relative investigation(s), or, who fear retaliation, shall be protected from such unwarranted and prohibited behavior.

The _____ Detention Center shall implement various protective measures for inmates who face substantial risk of imminent sexual abuse that include, but are not limited or restricted to:

- (1) Direct monitoring of the victim by Detention staff for unusual or abnormal behavior
- (2) Housing reassignment or transfers for the victim
- (3) Removal of alleged staff or inmate abusers from contact with the victim
- (4) Referral for emotional/psychological support to the victim
- (5) Immediately request an investigation of the allegation of sexual abuse

The protective measures will remain in effect until all signs of danger or fear is removed for the inmate at risk.

Following a report of sexual abuse, the _____ Detention Center shall act promptly to remedy any allegation of retaliation against any inmate or staff member who reports sexual abuse or harassment.

For at least 90 days following a report of sexual abuse, the IPREA Coordinator will monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are any changes that may suggest possible retaliation by inmates or staff and shall immediately take measures to remedy any such retaliation.

The monitoring shall terminate if/when an investigation determines that the allegation is unfounded.