

KERN COUNTY SHERIFF'S OFFICE

Detentions Bureau Policies and Procedures

TITLE: REPORTING SEXUAL ABUSE

P-450

EFFECTIVE:	REVIEWED:	REVISED:	UPDATED:
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REFERENCE: PREA DOJ §115.51, §115.52, §115.54, §115.61, §115.63, §115.67, §115.68, DBPPM H-1200

POLICY

The Kern County Sheriff's Office (KCSO) takes all reports of sexual assault/abuse, sexual harassment, or retaliation against incarcerated people or staff for reporting seriously. KCSO has developed defined reporting mechanisms to ensure a timely response to allegations.

In accordance with the Prison Rape Elimination Act (PREA) standards, incarcerated people shall be provided multiple avenues, internally and externally, for reporting sexual assault/abuse. Anonymous and third-party verbal or written reports of sexual assault/abuse shall be accepted by staff from any person on an incarcerated person's behalf. Reports of assault/abuse occurring outside of KCSO facilities shall be referred to the appropriate custodial facility or law enforcement agency.

The KCSO Special Victims Unit (SVU) shall report all incidents of sexual abuse occurring in its custodial facilities in required annual reports to the State of California

The PREA coordinator shall report all incidents of sexual abuse occurring in its custodial facilities in required annual reports to the Department of Justice.

DEFINITIONS

Anonymous: Refers to the incarcerated person making the report, without revealing their identity.

Internally: Refers to reports taken by persons within the agency.

Externally: Refers to reports taken by persons outside of the agency.

Third party: Anyone who is not employed by the agency, contracted, or is a volunteer. This may include fellow incarcerated people, staff members, family members, attorneys, and outside advocates.

DIRECTIVE #1: Staff Responsibilities

Any staff member who has knowledge, suspicion, or information regarding an incident of sexual assault/abuse or sexual harassment; retaliation against incarcerated people or staff who reported such an incident; and any staff neglect that may have contributed to such an incident or retaliation, shall immediately report such information to a supervisor.

When reporting incidents of sexual abuse, If the alleged victim may be considered a vulnerable adult (based on age, or disability as defined in DBPPM H-1200) staff shall also notify the PREA coordinator in accordance with mandatory reporting laws.

Staff shall report staff misconduct through a confidential email to their immediate supervisor or section manager if the abuse involves their supervisor. Staff may also privately report directly to the PREA Coordinator or Internal Affairs Unit.

All staff receiving any direct or third-party report of a sexual assault, sexual abuse, sexual harassment, or retaliation for reporting sexual abuse or cooperating in a sexual abuse investigation shall follow the response protocol outlined in DBPPM P-500

DIRECTIVE #2: Confidentiality

Staff shall not reveal any information related to a sexual assault/abuse report to anyone uninvolved in the response and investigation.

DIRECTIVE #3: Medical and Behavioral Health reporting

Medical and behavioral health practitioners shall report knowledge, suspicion, or information regarding sexual assault/abuse, sexual harassment, retaliation, or staff neglect pursuant to this section.

Unless precluded by federal, state, or local law, Medical and Behavioral Health staff shall inform incarcerated people of their duty to report sexual abuse and the limits of their confidentiality at the initiation of services.

Medical staff will:

- Medical staff shall notify the shift supervisor of any third-party report of sexual or abuse. Medical staff shall immediately notify the facility supervisor of any

incarcerated person report of sexual assault, abuse, or harassment occurring in the facility. Medical staff shall obtain informed consent from the incarcerated person prior to reporting any sexual assault or abuse that did not occur in the facility.

Behavioral Health Staff will:

- Behavioral Health shall notify the shift supervisor of any third-party sexual assault, or abuse reports. Behavioral Health shall obtain consent to share information from any incarcerated person reporting sexual abuse prior to notifying the shift supervisor, except when significant danger to the incarcerated person or other person exists.

DIRECTIVE #4: Incarcerated person Reporting Methods

KCSO provides multiple avenues for incarcerated people to privately report sexual assault/abuse and sexual harassment, retaliation by other incarcerated people or staff for reporting sexual abuse or sexual harassment, and staff neglect that may have contributed to such incidents.

KCSO also provides a method for incarcerated people to report assault/abuse, harassment, retaliation, and staff neglect to an outside public entity that is not part of KCSO.

Incarcerated people may report assault/abuse or suspicions internally by:

- Telling any security staff member;
- Telling medical staff at med pass, or submit a sick call slip;
- Telling contracted staff at commissary pass or during classes;
- Submitting a request to see Behavioral Health staff;
- Requesting to see the Chaplain;
- Calling the free reporting hotline.

Incarcerated people may report abuse or suspicions externally by:

- Telling their family or attorney;

- Mailing a grievance or personnel complaint directly to the Sheriff;
- Calling the free reporting hotline (BPD monitored).

Any third-party person may assist an incarcerated person with writing, or directly filing on an incarcerated person's behalf a request for administrative remedy related to allegations of sexual assault/abuse provided that;

- The incarcerated person approves of any third-party administrative remedy request filed on their behalf;
- The incarcerated person agrees to participate in the administrative remedy process.

An incarcerated person's refusal to participate in administrative remedy shall be documented in JMS using code 4050.

DIRECTIVE #5 Incarcerated person reporting and counseling hotlines

Incarcerated Person Hotline numbers will be posted throughout the facilities to allow incarcerated people to report sexual assault/abuse, harassment, or retaliation, and to request confidential counseling related to past or current sexual assaults, abuse, harassment or retaliation.

- Hotline is accessible from any incarcerated person phone by dialing #7732;
- Hotline is for incarcerated people to report sexual assaults, abuse, harassment, or retaliation;
- Hotline will forward the caller to the Bakersfield Police Department (BPD);
- BPD will accept the report and notify KCSO's Communications Center;
- Communications Center shall notify the PREA Coordinator;
- The PREA Coordinator will make notification to the appropriate section manager.

DIRECTIVE #6: KCSO Public Website

The KCSO public website provides a link to file sexual assault/abuse related reports;

- Reports to the website shall generate an immediate notification to the PREA Coordinator;
- PREA Coordinator shall notify appropriate section manager.

DIRECTIVE #7: Protection from retaliation for reporting

KCSO policy is to protect all incarcerated people and staff who report sexual assault/abuse or sexual harassment or cooperate with sexual assault/abuse or sexual harassment investigations from retaliation by other incarcerated people or staff by utilizing:

- Classification changes;
- Housing or facility transfers;
- Staff re-assignment;
- Victim advocate services.

Use of separated housing to protect an incarcerated person who is alleged to have suffered sexual assault/abuse shall be in accordance with DBPPM K-300 and DBPPM K-400.

DIRECTIVE #8: Retaliation Monitoring

For at least 90 days following a report of sexual abuse, the PREA Manager assigned to the compliance section shall monitor the conduct and treatment of;

- Incarcerated people or staff who reported sexual assault/abuse;
- Incarcerated people who were reported to have suffered sexual assault/abuse.

Items to be monitored include:

- Incarcerated person disciplinary reports;
- Housing assignments;
- Program changes;
- Negative performance reviews;

- Reassignments of staff;
- Periodic status checks of the incarcerated person.

Retaliation monitoring shall be documented on a PREA Victim Monitoring form (Attachment 'A'). Monitoring shall continue after 90 days if the initial monitoring indicates a need.

KCSO's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

DIRECTIVE #9: Reporting Sexual Abuse to another Custodial Agency

If KCSO receives information that a sexual assault had occurred at another confinement facility, it has the duty to report the incident to that confinement facility.

- Security staff shall notify the next supervisor in their chain of command;
- Section manager shall notify the head of the appropriate agency or jurisdiction where assault/abuse occurred;
- Notification shall be made within 72 hours of the allegation;
- Section manager shall notify the PREA Compliance manager;
- Section manager shall ensure a JMS incident is written.