

Prison Rape Elimination Act

902.1 PURPOSE AND SCOPE

The Clear Creek County Sheriff's Office has a zero-tolerance policy against all forms of sexual abuse and sexual harassment. CCSO prohibits all sexual activity between or with any inmate(s) under our care and supervision. No staff may work at the facility before completing PREA training. Personnel are exempt from completing prior PREA training when responding to an emergency.

902.1.1 DEFINITIONS AND PROCEDURE

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

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- 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;
- 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;
- 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;
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- 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.
- Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate for reasons unrelated to official duties, such as peering at an inmate who is using a toilet 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.
- Any act of photographing, videotaping, filming, digitally recording or otherwise viewing, with or without a device, an inmate with the intent to arouse or gratify sexual desire.

Staff that has been found to have participated in any of the above behaviors will be terminated from employment and the matter will be reported to the appropriate law enforcement. Volunteers and contractors found to have participated in any activity in this policy will be reported to the appropriate law enforcement. Volunteers and contractors will also be prohibited from any further contact with any inmate and be denied access to any program.

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Sexual abuse of an inmate by another inmate 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:

- (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) Penetrations of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (d) Any act of intentional touching, either directly or through clothing, of the genitalia, anus, breast, inner thigh or buttocks of any person.

Inmates that have been found to have participated in any of the above behaviors will be reported to law enforcement for formal investigation and may be subject to sanctions.

An immediate response to any inmate who alleges sexual abuse will be subject to the following:

- (a) Immediately remove the alleged perpetrator away from victim (both sight and sound)
- (b) Determine if the perpetrator is a risk to others; if yes, they must be isolated from all inmates immediately.
- (c) Preserve and protect the scene until appropriate steps can be taken to collect any evidence.
- (d) An incident report should be completed.
- (e) All sexually abusive behavior allegations, investigations, etc., including information and documents pertinent to the allegation, will be handled with sensitivity and the appropriate level of confidentiality.
- (f) Information will normally only be revealed on a "need to know" basis or in defense of disciplinary and/or legal action.

902.2 PREA COORDINATOR POLICY POLICY

CCSO has designated the Detentions Captains an agency-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in its facilities.

PROCEDURE

In addition to above responsibilities, the PREA Coordinator will develop and oversee the implementation of training to all staff on PREA standards.

The PREA Coordinator, along with the Detentions Supervisors, will conduct an annual assessment to determine if staffing patterns, video monitoring systems, other technologies and resources are adequate to ensure the protection of inmates against sexual abuse.

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The PREA Coordinator will ensure a zero-tolerance philosophy throughout the entire organization to prevent, detect, and respond to sexual abuse and sexual harassment in the facility.

902.3 SUPERVISION AND MONITORING POLICY

CCSO will protect inmates against sexual abuse and sexual harassment by limiting the possibility that inmates and staff will be left alone and unmonitored through adequate and ongoing supervision. CCSO will ensure that the facility shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse.

The PREA Coordinator, along with the Facility Administration, will conduct an annual assessment to determine if staffing patterns, video monitoring systems, other technologies and resources are adequate to ensure the protection of inmates against sexual abuse and sexual harassment by limiting the possibility that inmates and staff will be left alone and unmonitored through adequate and ongoing supervision.

PROCEDURE

CCSO will maintain a staffing plan that provides for adequate levels of staffing to ensure for the protection of each inmate against sexual abuse and sexual harassment. When with an inmate, staff is to remain in an area that can be observed by another staff member directly or through video monitoring system. In situations where additional staffing is needed, the Supervisor will be notified, and additional staff will be made available.

When CCSO is calculating the appropriate staffing levels and determining the need for video monitoring, the following items shall be taken into consideration:

1. Generally accepted detention and correctional practices;
2. Any judicial findings of inadequacy;
3. Any findings of inadequacy from Federal investigative agencies;
4. Any findings of inadequacy from internal or external oversight bodies;
5. All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
6. The composition of the inmate population;
7. The number and placement of supervisory staff;
8. Facility programs occurring on a particular shift;
9. Any applicable State or local laws, regulations, or standards;
10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
11. Any other relevant factors.

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Whenever necessary, but not less frequently than once each year, in consultation with the PREA Coordinator, CCSO will assess, determine, and document whether adjustments are needed to:

1. The staffing plan established.
2. The facility's deployment of video monitoring systems and other monitoring technologies;
3. The resources the facility has available to commit to ensure adherence to the staffing plan

CCSO has implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night shifts as well as day shifts. CCSO will have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility.

902.4 LIMITS TO CROSS GENDER SEARCHES AND VIEWING POLICY

CCSO prohibits cross-gender strip, except in exigent circumstances. If required, the cross-gender strip search will be conducted by a trained staff member with a same gender witness in the room. CCSO prohibits staff of the opposite gender to view inmates showering, changing clothes, or performing bodily functions except when such view is incidental during routine cell (bed) checks.

CCSO shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmates' genital status. If an inmate's genital status is unknown, it may be determined during conversation 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.

Absent the availability of a same sex staff member, it is recommended that a witnessing staff member be present during any pat-down search of an individual of the opposite sex, and the cross-gender search shall be conducted in clear view of at least one facility camera, and the staff member's body camera is activated.

(28 CFR 115.15.). Pat-down searches, and searches of transgender and intersex inmates, shall be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

PROCEDURE

If required in exigent circumstances, when a cross-gender strip search is conducted, it will be done by a trained staff member, with a same gender witness. It will be conducted in a private setting and documented. Documents on cross gender pat search log, and all other jail logs, will not be adjusted at any time. Only a licensed physician or nurse under sanitary conditions may

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conduct a physical body cavity search. Except in exigent circumstances, only a physician who is not responsible for providing ongoing care to the inmate should conduct the search.

When staff are entering opposite sex housing units, they will announce their presence each time they enter the unit.

CCSO will train staff on cross gender pat-down searches and searches of transgender and intersex inmates, in a professional and respectful manner, during the PREA training and document completion. Staff will be required to watch the Cross-Gender and Transgender Pat Searches Video from the PREA Resource Center.

All new employees will complete Body Searches and Body Scanning training during orientation in compliance with CCSO policy. All searches shall be done in a manner that avoids unnecessary force, embarrassment, or indignity to the inmate. Staff are not permitted to complete searches until they have completed the training

902.5 INMATES WITH DISABILITIES AND WHO ARE LIMITED ENGLISH PROFICIENT POLICY

CCSO will take appropriate steps 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 program's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. When necessary to ensure effective communication with inmates who are deaf or hard of hearing, the program will provide access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, CCSO will ensure that written materials are provided 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. Note: A program is not required to take actions that can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans with Disabilities Act, 28 CFR 35.164.

CCSO will take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. CCSO will not rely on inmate interpreters, inmate readers, or other types of 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.

PROCEDURE

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CCSO will ensure that inmates with disabilities and inmates who are limited English proficient have equal access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

CCSO contracts with a language line for translation services to inmates who are not English proficient and for American Sign Language Translation.

The inmate education video, PREA: What You Need to Know will have closed captioning options for deaf inmates.

Zero Tolerance posters or materials will be displayed in inmate housing units and in the intake center of the CCSO Detentions center.

CCSO will not rely on inmate interpreters, inmate readers, or other types of 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-responder duties, or the investigation of the inmate's allegations. If an inmate is unable to read then a CCSO detentions deputy will read them the PREA Inmate brochure.

CCSO will evaluate and document disabilities on intake via the Internal Housing Risk Factor Form. When a disability is identified staff will notify the PREA Compliance Coordinator to ensure the correct accommodation for education of inmate's rights to be free from sexual abuse and/or sexual harassment are communicated in an appropriate manner. The PREA Coordinator will document efforts to include the inmate's needs and what accommodations were provided regarding inmate PREA education.

902.6 HIRING REQUIREMENTS AND PROMOTION DECISIONS POLICY

CCSO shall attempt to prevent staff sexual misconduct by ensuring that individuals who have a prior history of being sexually abusive are not hired or contracted into positions where they may have contact with inmates.

CCSO will 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 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 paragraph (a) (2) of this section.

CCSO will 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.

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Before hiring new employees, who may have contact with inmates, the CCSO will:

1. Perform a criminal background record 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.
3. CCSO will also perform a criminal background records check, before enlisting the services of any contractor who may have contact with inmates.
4. CCSO will conduct criminal background records checks at least every year upon hire date of current employees and contractors who may have contact with inmate or have in place a system for otherwise capturing such information for current employees.
5. CCSO will also ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section 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 CCSO will also impose upon employees a continuing affirmative duty to disclose any such misconduct.
6. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
7. Unless prohibited by law, CCSO will 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

PROCEDURE

CCSO will complete a thorough background check on all new employees prior to hire. The background will include the Disclosure of PREA Employment Standards Violation form which is a self-disclosure for prior misconduct 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. CCSO will perform a criminal background check for new hires, promotions, and every five years on current employees. CCSO will make its best effort 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. CCSO will provide information of 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.

902.7 UPGRADES TO FACILITY AND TECHNOLOGY POLICY

CCSO will take sexual safety into consideration when making decisions about upgrades to the facility's physical plant and video monitoring technologies, the acquisition of new facilities, and during the process of designing any new facility or expansion of an existing facility. Decisions will be documented.

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902.8 EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMINATIONS POLICY

CCSO will establish a relationship with a medical facility that has Sexual Assault Forensic Examiners (SAFE) or Sexual Assault Nurse Examiners (SANE) personnel and with a Rape Crisis Center. CCSO programs will refer victims of sexual abuse to an agency that follows evidence protocols for forensic medical examinations.

- (a) To the extent CCSO is responsible for investigating allegations of sexual abuse, the program shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- (b) The protocol to be used is the "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents."
- (c) CCSO will offer inmates who experience sexual abuse access to forensic medical examinations whether, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) when possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners informed on the protocols listed above. The CCSO will document its efforts to provide SAFEs or SANEs medical practitioners and place in the inmate's medical file.
- (d) CCSO will attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the program shall make available to provide these services a qualified staff member from a community-based organization or a qualified program staff member. CCSO will document efforts to secure services from rape crisis centers.
- (e) As requested by the victim, the victim advocate, qualified program staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
- (f) CCSO conducts administrative and criminal investigations and will follow a-e.
- (g) The requirements of paragraphs (a) through (f) of this section shall also apply to:
 - 1. Any State entity outside of the facility that is responsible for investigating allegations of sexual abuse in prisons or jails; and
 - 2. Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons and jails.
- (h) For the purposes of this standard, a qualified staff member or a qualified community based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

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- (i) When outside agencies investigate sexual abuse, CCSO shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

PROCEDURE

CCSO will ensure availability of forensic medical examinations performed by Sexual Assault Forensic Examiners (SAFE) and/or Sexual Assault Nurse Examiners (SANE). Inmates will be transported to the facility by staff for forensic medical examinations without financial cost to the victim at the closest location available.

CCSO will maintain resources to make available to the victim, a victim advocate from a rape crisis center. The rape crisis center is available 24/7 by calling 1-800-656-4673. CCSO will offer all victims of sexual abuse the opportunity to contact a victim advocate after the reported sexual abuse. The inmate's decision will be documented. If a victim advocate is not available through the rape crisis center, CCSO will refer to the PREA Coordinator and shall document efforts to secure services from rape crisis centers.

902.9 ENSURING REFERRALS OR ALLEGATIONS FOR INVESTIGATIONS POLICY

1. CCSO will ensure that an administrative investigation is completed for all allegations of sexual abuse and sexual harassment.
2. CCSO will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
3. CCSO will have in place a policy to 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. CCSO will publish such policy on its website. CCSO will document all referrals.
4. If a separate agency is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.
5. Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons and jails shall have in place a policy governing the conduct of such investigations.
6. Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

PROCEDURE

CCSO will ensure that all reports of sexual abuse and sexual harassment are investigated. The determination of whether an allegation involves potentially criminal behavior will be made by the PREA Compliance Coordinator.

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Sexual harassment violations will be investigated by administrative staff.

Criminal investigations of Sexual Abuse will be completed by CCSO. The victim will have the right to know the outcome of the investigation and can request a copy of the report.

902.10 TRAINING AND EDUCATION

902.10.1 EMPLOYEE TRAINING

POLICY

To ensure that staff can prevent, detect, and respond to sexual abuse and sexual harassment and to create a culture of sexual safety in the facility, all employees who may have contact with inmates shall be trained on:

1. The zero-tolerance policy for sexual abuse and sexual harassment;
2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
3. Inmates' right to be free from sexual abuse and sexual harassment;
4. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
5. The dynamics of sexual abuse and sexual harassment in confinement;
6. The common reactions of sexual abuse and sexual harassment victims;
7. How to detect and respond to signs of threatened and actual sexual abuse;
8. How to avoid inappropriate relationships with inmates;
9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

PROCEDURE

CCSO will provide PREA training to all new employees within 6 weeks of hire and prior to any contact with inmates. Employees will be required to provide a signature or electronic verification that staff understand the training they have received. Documentation will be kept in employee files.

All CCSO employees will receive an annual refresher training to ensure that staff can prevent, detect, and respond to sexual abuse and sexual harassment and to create a culture of sexual safety in the facility.

902.10.2 VOLUNTEER AND CONTRACTOR TRAINING

POLICY

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All volunteers and contractors who have contact with inmates will be trained on their responsibilities under CCSO's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the program's zero tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

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

PROCEDURE

CCSO will require all volunteers and contractors complete a "Read and Sign" explaining the facilities zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents. Documentation will be filed on site and volunteer and contractors will receive a copy of the PREA Guidelines Form, Volunteers, and Contractors to take with them. PREA Coordinator will be available to answer questions regarding the zero-tolerance policy.

902.10.3 INMATE EDUCATION

POLICY

CCSO shall provide inmates information on how to prevent sexual abuse and sexual harassment as well as encourage reporting through teaching inmates about their right to be free from sexual abuse and sexual harassment, educating them about the ways they can report it, and making sure they understand what will happen if there is an incident of sexual abuse or sexual harassment, including what services are available to victims. Inmate education can build their trust in staff and the facility's commitment to safety, which may increase reporting and ultimately deter sexual abuse and sexual harassment.

During the intake process, inmates shall receive information explaining CCSO's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

Within 30 days of intake, CCSO will provide comprehensive education to inmates either in person or through video, and each inmate will receive a PREA Brochure regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

CCSO will provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.

CCSO will maintain documentation of inmate participation in these education sessions.

In addition to providing such education, the program shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

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PROCEDURE

CCSO will provide inmates the Sexual Assault and Custodial Staff Sexual Misconduct brochure at intake which will explain the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. Within 30 days of intake, inmates will be required to watch the PREA video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents. During the intake process, staff will answer questions from inmates and review how to report sexual assault.

CCSO will ensure information is readily available or visible to inmates through posters, brochures, and the inmate handbook. Posters will be visible in each unit and the visiting area. Each inmate will also receive a digital copy of the inmate handbook which will provide reporting information.

There will be a Spanish version of the Inmate Handbook posted with the English version. The PREA video will be closed captioned and available in Spanish. If an inmate speaks a language other than English or Spanish, staff will utilize the Language Line for translation which will also offer American Sign Language translation as needed. For inmates who have limited reading skills, staff will review the brochure and reporting information 1:1 to ensure the inmate understands the information.

902.11 SPECIALIZED TRAINING; INVESTIGATIONS POLICY

To ensure that every allegation of sexual abuse at the Clear Creek County Detention Facility is thoroughly and appropriately investigated by a highly skilled, qualified investigator who has been trained to investigate sexual abuse allegations in confinement settings, all sexual abuse investigators shall be required to complete specialized training.

In addition to the general training provided to all employees CCSO shall ensure that, to the extent the agency itself conducts sexual abuse administrative investigations, its investigators have received training in conducting such investigations in confinement settings. This will include initial training and refresher training as needed.

Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement setting, and the criteria and evidence required to substantiate a case for administrative action or law enforcement referral.

CCSO will maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.

PROCEDURE

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All criminal allegations of sexual abuse will be referred to the Clear Creek County Sheriff's Office for investigation. CCSO will require specialized training be completed by investigators who will be conducting investigations of abuse in a confinement setting. Training will include: Investigating Sexual Abuse in a Confinement Setting which will cover Investigative Standards, Investigations, Working with Victims, Interviewing Techniques, and Institutional Culture and Investigations. CCSO will maintain documentation that investigators have completed the required specialized training.

902.12 MEDICAL AND MENTAL HEALTH CARE POLICY

CCSO will ensure that all full and part-time medical and mental health care practitioners who work regularly in facilities will receive specialized training in:

1. How to detect and assess signs of sexual abuse and sexual harassment;
2. How to preserve physical evidence of sexual abuse;
3. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

CCSO will maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.

Medical and mental health care practitioners shall also receive the training mandated for employees or for contractors and volunteers depending upon the practitioner's status at the agency.

902.13 SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS POLICY

CCSO will ensure that the facility has identified those at heightened risk of being sexually victimized and those at heightened risk of being sexually abusive so that it can make housing and programming decisions with the goal being to use information to prevent sexual abuse.

1. All inmates shall be assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
2. The intake screening shall ordinarily take place within 72 hours of arrival at the facility.
3. Such assessments shall be conducted using an objective screening instrument.
4. The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization
 - (a) Whether the inmate has a mental, physical, or developmental disability;
 - (b) The age of the inmate;
 - (c) The physical build of the inmate;

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- (d) Whether the inmate has previously been incarcerated;
 - (e) Whether the inmate's criminal history is exclusively nonviolent;
 - (f) Whether the inmate has prior convictions for sex offenses against an adult or child to determine if they were likely to be a victim or a perpetrator;
 - (g) Is the inmate gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - (h) Is the inmate perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - (i) Whether the inmate has previously experienced sexual victimization;
 - (j) The inmate's own perception of vulnerability; and
5. The initial screening shall consider prior acts of perpetration of sexual abuse,
- (a) Whether the inmate has perpetrated sexual abuse in an institutional setting;
 - (b) Whether the inmate had prior acts of sexual abuse in the community;
 - (c) Whether the inmate has current or prior adjudication or convictions for violent offenses (refer to Colorado Revised Statutes regarding classification of violent offenses.)
 - (d) Whether the inmate has a history of prior institutional violence.
 - (e) Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.
 - (f) An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
 - (g) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked.
 - (h) CCSO will implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. All PREA related documentation will only be available to sworn Law Enforcement personnel. This documentation will be protected by secure password access.

PROCEDURE

CCSO provide each inmate with the Prison Rape Elimination Act (PREA) Zero Tolerance Form for Sexual Assault and Sexual Harassment and have it signed by inmate to ensure they fully understand the statement. Following acknowledgement of the Zero Tolerance Form, a risk assessment will be completed by staff. The risk assessment will include all inmate information described in policy. Information will be confidential and only the scored designation will be

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available to all staff. The PREA Coordinator will receive information on all inmates who score as high risk for sexual victimization and for sexual abusiveness for the purpose of separating Inmates who are potentially at high risk of abuse from inmates who are at high risk of perpetrating abuse. Risk assessment will be completed within 72 hours of intake and reassessments will be completed within 30 days of arrival. Inmates who report a substantial allegation of sexual abuse at CCSO will receive a reassessment following the reported allegations to update the inmate's risk level.

902.14 PLACEMENT OF INMATES IN HOUSING, BED, PROGRAM, EDUCATION, AND WORK ASSIGNMENTS POLICY

CCSO shall use all information from the risk screening required to inform housing, bed, work, education, and program 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.

1. CCSO will make individualized determinations about how to ensure the safety of each inmate.
2. In deciding whether to assign a transgender or intersex inmate to a housing unit for male or female inmates, and in making other housing and programming assignments, CCSO 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.
3. 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.
4. A transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration.
5. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
6. CCSO will not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

PROCEDURE

CCSO will use the information from the risk screening to place inmates in appropriate housing assignments, job assignments and program assignments to reduce risk of sexual victimization. If an inmate is identified as transgender or intersex, he/she will be offered a separate time to shower when other inmates are locked down or do not have access to the shower, or in the intake center of the facility during a time that no other bookings are taking place. A transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration.

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902.15 PROTECTIVE CUSTODY POLICY

CCSO shall ensure that the facility does not automatically or routinely involuntarily segregate inmates at high risk of sexual victimization or restrict their access to programming or other available activities based on their at-risk status.

1. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated 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. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.
2. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:
 - (a) The opportunities that have been limited;
 - (b) The duration of the limitation; and
 - (c) The reasons for such limitations.
3. CCSO will assign such inmates to involuntary segregated 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.
4. If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the CCSO shall clearly document:
 - (a) The basis for the facility's concern for the inmate's safety; and
 - (b) The reason why no alternative means of separation can be arranged.
5. Every 30 days, CCSO shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

902.16 INMATE REPORTING POLICY

CCSO will ensure that inmates and staff can report sexual abuse and sexual harassment, regardless of who the perpetrator is and regardless of what other dangers they may face for doing so, by providing them with multiple avenues to report, including an avenue outside the facility, so that even if the abuser is someone directly supervising that inmate or higher up in the authority chain, or a staff person or inmate who might retaliate against that inmate, the victim still has a safe way to report. Thus, sexual abuse and sexual harassment is encouraged to be reported, which in turn is a deterrent of future abuse.

1. CCSO will provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse

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and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

2. CCSO will also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the program and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.
3. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
4. CCSO will provide inmates with access to tools necessary to make a written report.
5. CCSO will provide a method for staff to privately report sexual abuse and sexual harassment of inmates.

PROCEDURE

Regardless of its source, staff, contractors and/or volunteers who receive information concerning sexual abuse or sexual harassment behavior, or who observe an incident of sexual abuse and sexual harassment, or who have a reasonable cause to suspect that an inmate has been or is being subject to sexual abuse or harassment must immediately report such to his/her supervisor and the shift supervisor and/or designee. Staff cannot remain anonymous and have a duty to report violations. Staff who witness staff on inmate sexual abuse and/or sexual harassment can report privately to the PREA hotline or to the PREA Coordinator.

Inmates will have the option of reporting anonymously to an outside organization by calling the PREA Hotline at 1-800-809-2344 at the Colorado Department of Criminal Justice or the Internal Clear Creek County Detentions Facility PREA message line at 303-670-7519.. Calls to the PREA hotline are free of charge.. Inmates can also file a written grievance, file a written request to medical staff, have a third party report filed on their behalf, and they can report verbally to any staff member.

902.16.1 EXHAUSTION OF ADMINISTRATIVE REMEDIES

POLICY

To ensure that the substance of sexual abuse allegations are heard and evaluated by both confinement facilities and federal courts, when appropriate, without being barred by procedural requirements.

1. CCSO will not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
2. CCSO may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
3. CCSO will not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
4. Nothing in this section shall restrict the agency's ability to defend against a lawsuit filed by an inmate on the ground that the applicable statute of limitations has expired.

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CCSO will ensure that:

1. An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
2. Such grievance is not referred to a staff member who is the subject of the complaint.
3. CCSO will issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
4. Computation of the 90-day time period shall not include time consumed by inmate in preparing any administrative appeal.
5. CCSO 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. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.
6. At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of the inmate.

If a third-party file such a request on behalf of the inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

If the inmate declines to have the request processed on his or her behalf, CCSO shall document the inmate's decision.

CCSO will establish procedures for the filing of a PREA complaint alleging that the inmate is subject to a substantial risk of imminent sexual abuse.

After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the CCSO will immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document 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.

CCSO 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.

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902.17 THIRD PARTY REPORTING POLICY

To ensure the facility accepts third-party reports of sexual abuse and sexual harassment taking place inside the facility that comes to their attention and to trigger an investigation, CCSO will establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.

PROCEDURE

Any reports of sexual abuse or harassment from a third parties should be immediately referred to the PREA Coordinator. Reports of sexual abuse and sexual harassment can also be reported via the PREA Hotline or on the CCSO's website here: <https://www.clearcreekcounty.us/1514/Prison-Rape-Elimination-Act>

CCSO will display a poster in the lobby and visiting areas (and other areas deemed appropriate) outlining how third parties can report an incident of sexual abuse or sexual harassment.

902.18 STAFF AND AGENCY REPORTING DUTIES; REPORTING OF ALLEGATIONS POLICY

To establish a strong, effective reporting culture among staff and ensure that the facility receive timely information about sexual abuse, sexual harassment, retaliation, and staff neglect or violations of responsibilities that may have contributed to an incident or retaliation. The standard requires the agency to ensure facility staff report all allegations, while also taking steps to protect the confidentiality of sexual abuse information by sharing internally with only those who need to know.

1. CCSO will require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; 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.
2. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.
3. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
4. CCSO will report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators or PREA Coordinator.

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902.19 INMATE ACCESS TO OUTSIDE CONFIDENTIAL SUPPORT SERVICES POLICY

CCSO will provide inmate's access to outside victim advocates for emotional support services related to sexual abuse.

1. CCSO will provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. CCSO will enable reasonable communication between inmates and these organizations and agencies, in as confidential manner as possible.
2. CCSO will inform inmates, prior to giving them access, 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.
3. CCSO will maintain a list of resources of community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. CCSO will maintain copies of any agreements or documentation showing attempts to enter into such agreements.

PROCEDURE

Victim advocates are available 24/7. Inmates can call a victims advocate free of charge and CCSO will not record those calls. Written correspondences are not treated as confidential and would be subject to inspection unless considered legal mail.

902.20 FACILITY PROTECTION DUTIES POLICY

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

PROCEDURE

All inmates will complete a Risk Assessment at intake to determine housing classification. CCSO will not house known or potential victims with known or potential aggressors.

902.21 REPORTING TO OTHER CONFINEMENT FACILITIES POLICY

To ensure that allegations of custodial sexual abuse that are reported to any facility are timely investigated by the facility where the abuse allegedly occurred. The intent of the standard is to urge facility heads to send the notification to an individual or office that will ensure the facility takes immediate steps to investigate the allegation appropriately and promptly. It is important that the person receiving the report of sexual abuse at the facility understands the seriousness and gravity of the allegation, and that the communication originated at the highest level of the reporting facility.

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Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency.

Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

CCSO will document that it has provided such notification.

The facility head that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

PROCEDURE

If any inmate at intake, or any other time, reports being sexually abused in another facility, staff will immediately notify the supervisor who will relay the information to the Captain. The Captain will then contact the head of the facility of the agency where the alleged abuse occurred and shall notify the Sheriff. Notification will be made no later than 72 hours after receiving the allegation and will be documented.

902.22 STAFF FIRST RESPONDER DUTIES POLICY

To ensure that the first security staff member to respond to an allegation or report of sexual abuse addresses the victims' immediate safety and maintains security and control over the crime scene so that any physical evidence is preserved until an investigator arrives. Investigators will then have access to evidence that has not been accidentally or negligently compromised or destroyed, which will safeguard the quality of the investigation.

PROCEDURE

The first staff member to respond to an incident shall be required to:

1. Separate the alleged victim and abuser;
2. Preserve and protect the 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, strongly encourage 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.
4. If the abuse occurred within at time period that still allows for the collection of physical evidence, ensure that the alleged abuser 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 staff responder is not a security staff member, the responder shall be required to strongly encourage that the alleged victim not take any actions that could

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destroy physical evidence, and then notify security staff. The staff member shall do everything in their power to keep the victim safe.

902.23 COORDINATED RESPONSE POLICY

CCSO will develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

PROCEDURE

CCSO first responders will follow the PREA Incident Response Checklist, the CCSO PREA Coordinated Response, and requirements of PREA Standard 115.64.

1. At a minimum, the following is to be determined in the plan:

- Allegation Reported to CCSO Staff
- Inmate-on-Inmate
- Staff-on-Inmate

2. Immediate Response by CCSO Staff

- Ensure victim safety.
- Separate alleged perpetrator and victim.
- Preserve and protect any evidence (Both victim and suspect will need to be placed on camera or stay in the presence of a staff member until an investigator or a supervisor arrive on scene. Under no circumstance will you allow the suspect to eat, drink, brush their teeth, urinate, defecate, wash their body, hands or face, or change their clothing. You will strongly encourage the victim to refrain from eating, drinking, brushing his or her teeth, urinating, defecating, washing their body, hands, face, or change their clothing.)

3. Notification - Inmate-on-Inmate

- Notify Jail Administration
- Notify Investigations

4. Initial Medical and Mental Health

- Provide immediate medical care if the victim is in need of medical assistance.
- Contact medical, if no medical staff are on-site, contact EMS.
- Offer victim support services (contact a victims advocate)

5. Investigation Initiation (This step in the process is solely for investigations) - Inmate-on-Inmate

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- Investigator who was contacted will be assigned to the case or will assign a different investigator trained in PREA investigations.
 - Conduct interviews with victim, perpetrator, and witnesses
 - Collect and analyze evidence
 - Investigator who was contacted will be assigned to the case or will assign a different investigator trained in PREA investigations.
 - Conduct interviews with victim, and witnesses
 - Collect and analyze evidence
6. Administrative Review investigation findings.
- Determine if further actions or administrative leave is required for staff (if applicable)
7. Disciplinary Actions - Inmate-on-Inmate
- Disciplinary hearing for perpetrator if evidence supports the allegation
 - Implement disciplinary measures as appropriate
 - Administrative hearing if evidence supports the allegation
 - Implement disciplinary measures as appropriate
8. Support Services for Victim
- Ongoing medical and mental health support
 - Access to advocacy services
9. Documentation and Reporting
- Document all steps taken
 - Maintain records in accordance with PREA standards
 - Submit required PREA reports
10. Follow-Up - Conduct follow-up evaluations with the victim
- Review the effectiveness of actions taken. Make improvements to procedures as necessary

902.24 PRESERVATION OF ABILITY TO PROTECT INMATES FROM CONTACT WITH ABUSERS POLICY

To help prevent staff sexual abuse and foster a culture of reporting, recognizing that: inmates are more likely to report sexual abuse when CCSO is able to protect them from further abuse and when staff are held accountable for engaging in sexual abuse; and holding staff accountable for committing sexual abuse discourages future abuse. To ensure that employee collective bargaining agreements do not present a barrier to an agency's ability to protect inmates

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from contact with alleged sexual abusers during investigations or hinder an agency's ability to discipline staff who have been found to have engaged in sexual abuse of inmates.

PROCEDURE

CCSO will ensure that no contract with an outside entity will limit the agency's ability to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

902.25 FACILITY PROTECTION AGAINST RETALIATION POLICY

Inmate, staff, contractors, volunteers, or third-party reporters who choose to file a report of sexual abuse or sexual harassment, or cooperate with an investigation, shall not be subject to any form of retaliation related to the reporting of or participation in an investigation of such.

CCSO will establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff and shall designate which staff members or departments are charged with monitoring retaliation.

CCSO will employ 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.

1. For at least 90 days following a report of sexual abuse, CCSO 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 shall act promptly to remedy any such retaliation. Items CCSO should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. CCSO shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
2. In the case of inmates, such monitoring shall also include periodic status checks.
3. If any other individual who cooperates with an investigation expresses a fear of retaliation, CCSO shall take appropriate measures to protect that individual against retaliation.
4. CCSO's obligation to monitor shall terminate if CCSO determines that the allegation is unfounded or if the inmate is no longer at the CCSO Detention Facility.

PROCEDURE

CCSO will protect all inmates and staff who report sexual abuse or sexual harassment from retaliation by other inmates and staff. The PREA Coordinator will monitor for retaliation for at least 90 days following a report of sexual abuse. Monitoring will be completed via face-to-face contact with the inmate or staff monthly, and will include review of any inmate disciplinary reports, housing,

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or program changes, or negative performance reviews or reassignments of staff. Monitoring will also include periodic status checks of the inmate. If any individual who cooperated with an investigation expresses a fear of retaliation, CCSO will take appropriate measures to protect that individual against retaliation. Retaliation monitoring will terminate if the allegation is unfounded; if it is unsubstantiated, or substantiated, monitoring will continue for 90 days. If a report is made by a staff member who reported the incident after witnessing sexual assault and are reporting on behalf of the inmate, the PREA Coordinator will monitor the reporting staff member for retaliation. CCSO will not put victims in involuntary segregated housing unless it is necessary for the inmate's protection. CCSO will offer all staff members who fear retaliation emotional support services.

902.26 POST-ALLEGATION PROTECTIVE CUSTODY POLICY

To ensure that CCSO does not automatically, or routinely involuntarily segregate inmates alleged to have suffered sexual abuse or restrict their access to programming or other available activities, recognizing that any form of involuntary segregation and restrictions to programming or other privileges can be experienced as punitive by inmate. CCSO prohibits involuntary segregation of inmates who reported sexual abuse unless no available alternative means of separation from likely abusers exists.

PROCEDURE

CCSO will not isolate any inmates who have alleged to have suffered sexual abuse, unless it is a last resort when less restrictive measures are inadequate to keep them and other inmates safe, and then only until an alternative means of keeping all inmates safe can be arranged. If the inmate who has alleged to have suffered sexual abuse requests to be placed in isolation, staff will discuss continued housing options with the inmate daily.

902.27 CRIMINAL AND ADMINISTRATIVE AGENCY IN INVESTIGATIONS POLICY

CCSO will ensure that all allegations of sexual abuse and sexual harassment are investigated thoroughly and properly so that incidents are substantiated when they should be, both to deter these incidents and to increase reporting.

1. When CCSO conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
2. Where sexual abuse is alleged, CCSO shall use investigators who have received special training in sexual abuse investigations.
3. 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

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shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

4. When the quality of evidence appears to support criminal prosecution, CCSO shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
5. 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 inmate or staff. CCSO will 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.

Administrative investigations:

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

Criminal investigations:

1. Shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attach copies of all documentary evidence where feasible.
2. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
3. The CCSO shall retain all written reports for as long as the alleged abuser is incarcerated or employed by CCSO, plus five years.
4. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
5. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
6. When outside agencies investigate sexual abuse, CCSO shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

PROCEDURE

Investigations of sexual abuse will be referred to The Clear Creek County Sheriff's Office. Deputies who respond for investigation will have completed special training in sexual abuse investigations.

902.28 EVIDENTIARY STANDARD FOR ADMINISTRATIVE INVESTIGATION POLICY

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To ensure that all administrative investigations into allegations of sexual abuse and sexual harassment use the correct standard of proof – a preponderance of the evidence, which means the greater weight of the evidence.

Using the proper evidentiary standard enables an agency to substantiate actual incidents of sexual abuse and sexual harassment in noncriminal investigations. Consistent, properly done investigations into allegations, including using the appropriate evidentiary standard, will increase the chances that consequences will follow substantiated reports of sexual abuse and sexual harassment while also encouraging reporting and deterring further abuse. CCSO will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

PROCEDURE

CCSO will ensure that investigations are being conducted properly by an official investigator with official training in PREA investigations.

902.29 REPORTING TO INMATES POLICY

To ensure agencies increase the likelihood that inmates will report incidents of sexual abuse, by ensuring that their reports will be taken seriously and fully investigated. Inmates may not be aware of the steps CCSO will take to address a report of sexual abuse, and informing inmates of the results of investigations will, at a minimum, let the inmate know that the report has been addressed and investigated.

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

If CCSO did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.

902.30 ALL NOTIFICATIONS OR ATTEMPTED NOTIFICATION SHALL BE DOCUMENTED PROCEDURE

Staff on Inmate Allegations: Following an investigation into an inmate's allegation of sexual abuse suffered at the CCSO jail, the inmate will be informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If the investigation was completed by the Clear Creek County Sheriff's Office, CCSO will request the relevant information in order to inform the inmate. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, CCSO will inform the inmate (unless the program has determined that the allegation is unfounded) whenever:

1. The staff member is no longer posted within the inmate's unit;
2. The staff member is no longer employed at CCSO;

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3. The staff member has been indicted on a charge related to sexual abuse within CCSO; or
4. The staff member has been convicted on a charge related to sexual abuse within CCSO.

Inmate on Inmate Allegations: Following an inmate's allegation that he or she has been sexually abused by another inmate, CCSO will inform the alleged victim whenever:

1. The alleged abuser has been indicted on a charge related to sexual abuse within CCSO; or
2. The alleged abuser has been convicted on a charge related to sexual abuse within CCSO.

All such notifications or attempted notifications shall be provided to the inmate in writing) and be kept in the inmate's file.

Note: Obligation to report outcomes to the inmate shall terminate if the inmate is released from the agency.

902.31 DISCIPLINARY SANCTIONS FOR STAFF POLICY

To protect inmates from staff sexual abuse and sexual harassment, and to hold staff accountable for violating CCSO sexual abuse or sexual harassment policies.

Staff shall be subject to disciplinary sanctions up to and including termination for violating CCSO sexual abuse or sexual harassment policies.

Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

Disciplinary sanctions for violations of CCSO 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 CCSO 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, unless the activity was clearly not criminal, and to any relevant licensing bodies.

PROCEDURE

Any CCSO staff member under investigation for sexual abuse will be placed on administrative leave pending the investigation to eliminate contact between the inmate and the abuser. Corrective action for contractors and volunteers

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902.32 CORRECTIVE ACTION FOR CONTRACTORS AND VOLUNTEERS POLICY

To protect inmates from sexual abuse and sexual harassment from contractors and volunteers, and to hold contractors and volunteers accountable for violating CCSO sexual abuse or sexual harassment policies. Consistent and meaningful corrective actions demonstrate CCSO's commitment to sexual safety, and ensure that contractors and volunteers follow agency policies, thus deterring sexual abuse and sexual harassment of inmates in the facility.

PROCEDURE

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies and to any relevant licensing bodies unless the activity was clearly not criminal. CCSO will take appropriate corrective measures and will consider whether to prohibit further contact with inmate, in the case of any violations of CCSO sexual abuse or sexual harassment policies by a contractor or volunteer.

902.33 INTERVENTIONS AND DISCIPLINARY SANCTIONS FOR INMATES POLICY

To ensure that inmates are held accountable for inmate-on-inmate sexual abuse through a formal disciplinary process that provides appropriate and measured sanctions commensurate with the nature and circumstances of the abuse, the inmate's disciplinary history and sanctions imposed for comparable offenses by inmates with similar histories. Imposing consistent disciplinary sanctions demonstrates CCSO's commitment to sexual safety and helps deter sexual abuse. The disciplinary process considers factors such as mental capacity, intent, and what resources or supports can be offered to the inmate abuser to support rehabilitation.

PROCEDURE

CCSO promotes a safe environment with established rules that are designed to protect the inmate and staff. Inmates shall understand the program rules, as well as the consequences for not meeting them. Rule violations shall be addressed through a consistent and fair process as outlined in the Inmate Handbook.

An inmate will 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.

Any disciplinary sanctions will 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.

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.

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CCSO will discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

CCSO will not issue disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.

902.34 MEDICAL AND MENTAL HEALTH SCREENINGS; HISTORY OF SEXUAL ABUSE; INFORMATION MANAGEMENT POLICY

To require CCSO to timely address any medical, mental health, or security needs concerning inmates who have experienced or perpetrated prior sexual abuse, either in a confinement setting or in the community. Identifying and offering treatment to inmates with prior victimization is intended to address immediate mental health needs. Identifying and offering a follow-up meeting with a mental health practitioner to prior abusers has the potential to reduce future incidents of sexual abuse and create an improved overall sense of safety within CCSO.

To ensure that CCSO receives information related to sexual victimization or abusiveness that occurred in an institutional setting limits access to those individuals with a need to know and ensures informed consent regarding the release of information about prior sexual victimization in the community. Protecting the confidentiality of inmate information is essential to increase inmate confidence and trust in the system of reporting, investigation, and treatment.

PROCEDURE

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

Any information related to sexual victimization or abusiveness that occurred in an institutional setting will be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

Medical and mental health practitioners shall 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.

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902.35 INMATE ACCESS TO EMERGENCY MEDICAL AND MENTAL HEALTH SERVICES PROCEDURE

Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim and will immediately notify the appropriate medical and mental health practitioners.

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.

Mental health and medical services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

A written Memorandum has been established for outside services for emergency medical and mental health services.

902.36 ONGOING MEDICAL AND MENTAL HEALTH CARE FOR SEXUAL ABUSE VICTIMS AND ABUSERS; VICTIM SERVICES POLICY

To ensure that an inmate who has experienced sexual abuse in any confinement setting is offered treatment services.

1. CCSO will offer medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
2. Treatment of sexual abuse victims will include, follow-up services, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from CCSO.
3. The treatment services will be consistent with the community level of care.
4. Victims of sexually abusive vaginal penetration while at CCSO will be offered pregnancy tests. If pregnancy is detected, victims will receive information about and timely access to all lawful pregnancy-related medical services.
5. Victims of sexual abuse while at CCSO will be offered tests for sexually transmitted infections as medically appropriate.
6. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. CCSO will attempt to conduct a mental health evaluation for all

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known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

902.37 SEXUAL ABUSE INCIDENT REVIEWS POLICY

At the conclusion of every sexual abuse investigation, an incident review will be completed to evaluate whether any changes in policy or practice at the facility need to be made. The incident review process is intended to allow the facility to identify systemic problems in policies, practices, dynamics, and physical barriers, staffing levels, and monitoring what may have contributed to an incident or allegation of sexual abuse, so that the facility can improve conditions to avoid future incidents of allegations.

PROCEDURE

Within 30 days of the conclusion of the sexual abuse investigation, the PREA Coordinator will conduct a sexual abuse incident review.

The review team will include upper-level management officials, investigators, and medical or mental health practitioners.

The PREA Coordinator and 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 program; examine the area of 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; and Prepare a report of its findings.

CCSO will implement the recommendations for improvement or document the reasons for not making changes.

902.38 DATA COLLECTION POLICY

To ensure that agencies collect uniform data on how many allegations of sexual abuse are made at its facilities, the type of sexual abuse alleged, and how the allegations were resolved. Collecting this data and comparing the data annually can reveal trends or changes in facility sexual safety. The standard envisions sharing of the data annually with the Department of Justice to increase the knowledge of the prevalence of sexual abuse in correctional facilities. Additionally, increasing the available data and information on the incidence of sexual abuse consequently improves the agency and facility management.

PROCEDURE

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CCSO will collect accurate, uniform data for every allegation of sexual abuse in the facility. The PREA Coordinator will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. Data collected by site PREA Coordinator shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Victimization conducted by the Department of Justice. The PREA Coordinator will aggregate the incident-based sexual abuse data at least annually. Upon request, CCSO will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

902.39 DATA REVIEW FOR CORRECTIVE ACTION POLICY

To ensure that required sexual abuse data is used to identify problem areas, and to take ongoing corrective action to improve the prevention, detection and response policies and practices of the facility and agency.

To require CCSO to prepare an annual report for their facility and for the agency as a whole on the prevalence of sexual abuse and to provide this report to the public through the agency website or other means thus ensuring transparency. Comparing the current year's data with data from prior years and providing an assessment of the agency's progress promotes agency accountability.

PROCEDURE

CCSO will review data collected in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. Data reviewed will include the following: identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective actions for each program, as well as the organization as a whole.

The 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 organization's progress in addressing sexual abuse. CCSO's report shall be approved by the Sheriff(Agency Head,) and made readily available to the public through the website.

CCSO may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a program but must indicate the nature of the material redacted.

902.40 DATA STORAGE, PUBLICATION, AND DESTRUCTION POLICY

To ensure that sexual abuse data is published appropriately for transparency while ensuring the safe storage of data to protect confidentiality, and to ensure that data is not destroyed prematurely.

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To inform the public about the levels of sexual abuse experienced by people in confinement and raise awareness of the issue, while also protecting the privacy of inmates who have been sexually abused.

PROCEDURE

CCSO will ensure that data collected is securely retained for at least 10 years after the date of its initial collection unless Federal, State, or local laws require otherwise. Hard copies of data are secured at the facility in either the Human Resources office or the PREA Coordinator's office.

The electronic data is securely retained with access limited to the PREA Coordinator, and upper-level Administration.

CCSO will make all aggregated sexual abuse data, from programs under its direct control readily available to the public at least annually through its website.

Before making aggregated sexual abuse data publicly available, CCSO will remove all personal identifiers.

902.41 FREQUENCY AND SCOPE OF AUDITS POLICY

To outline how often CCSO will be audited.

PROCEDURE

CCSO will have PREA Audit's conducted on a 3-year cycle.