

**XXX.XX Prison Rape Elimination Act (PREA)**  
**Stakeholder Review: 04/12/2024-05/12/2024**

**Refer:**

- [28 CFR Part 115](#) – Prison Rape Elimination Act National Standards
- [ORS 162.405](#) & [162.415](#) – Official Misconduct
- [ORS 163.305\(5\)](#) – Sexual Contact
- [ORS 163.452](#) & [ORS 163.454](#) – Custodial Sexual Misconduct
- [ORS Chapter 421](#) - Department of Corrections Institutions; Compacts
- [Multnomah County Records Management and Archives Investigations Retention Schedule](#)
- [MCSO Law Enforcement Division Manual – 1.6 Prison Rape Elimination Act](#)

**Definitions:**

- Adult(s) in custody: Any adult person(s) incarcerated or detained in a prison or jail.
- Contractor: A person who provides services on a recurring basis pursuant to a contractual agreement with the County.
- Custodial Sexual Misconduct: As defined and used in Chapter 163 of the Oregon Revised Statutes.
- Detainee: Any person detained in a lockup, regardless of adjudication status.
- Interference with Official Process: Any failure to report or cover up an incident of sexual misconduct sexual abuse or other prohibited conduct. Making an allegation or statement that the party or witness knew or should have known was not true, or any other form of failure to cooperate with an investigation.
- Involved Person: A person who is stopped or detained by a Sheriff's Office member for any reason or placed into active custody (advised under arrest and/or secured with restraints) or constructive custody (where a reasonable person would believe they are under arrest).
- Jail: A confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.
- Lockup: A facility that contains holding cells, cell blocks, or other secure enclosures that are:
  - Under the control of a law enforcement, court, or custodial officer; and
  - Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

- Member: Employees, volunteers, interns, reserve deputies, any similar member of other agencies, contract employees of or for the Multnomah County Sheriff's Office.
- Offender: A person who is:
  - In the custody of a law enforcement agency following arrest;
  - Confined or detained in a police lockup;
  - Confined or detained in a correctional facility;
  - Under the care, custody, or control of a Sheriff's Office member;
    - Participating in an adult in custody or offender work crew or work release program; or
    - On probation, parole, post-prison supervision or other form of conditional or supervised release.
- PREA Compliance Manager: An individual with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. The individual will be assigned to either MCDCC or MCIJ and oversees implementation of PREA related policies, procedures, and response plans in the facility, ensures facility staff understand their responsibilities related to preventing, detecting, and responding to sexual abuse and sexual harassment, creates training materials for staff, contractors, volunteers and adults in custody, collects information from all available sources for sexual abuse and sexual harassment allegations and documents this information in individual casefiles, and ensures that victims of sexual abuse and sexual harassment are properly monitored for retaliation.
- PREA Coordinator: An upper-level manager, who has sufficient time and authority agency-wide to develop, implement and oversee agency efforts to comply with the PREA standards. The PREA Coordinator manages a PREA Compliance Manager assigned to each facility and reviews all aspects of PREA response, makes final determinations in case dispositions after reviewing all available information, conducts sexual abuse incident reviews, makes recommendations for shifts in policy or procedure, and coordinates PREA compliance efforts.
- Prison Rape Elimination Act (PREA): A federal law enacted to establish a zero-tolerance standard for the incidence of prison rape which includes police lock ups and local jails and juvenile facilities, mandates the prevention of prison rape as a top priority in the prisons, police lock-ups, local jails and juvenile detention facilities, and requires agencies to develop and implement the national standards for the detection, prevention, reduction and punishment of prison rape.
- Prohibited Conduct: Conduct involving an adult in custody that includes but is not limited to:
  - Any sexual advance by a member, contractor, or visitor;
  - Requests for sexual favors by a member, contractor, or visitor;
  - Voyeurism;
  - Inappropriate touching, to include fondling, hugging or kissing;

- Any sexual act or contact between a member, contractor, or visitors and adults in custody;
  - Indecent exposure by a member, contractor, or visitor in front of an adult in custody;
  - Other verbal and physical conduct of a sexual or gender based nature;
  - Any comments, gestures, drawings, pictures, writings, or physical conduct that is sexually suggestive, derogatory or offensive;
  - Influencing, promising, or threatening an adult in custody's safety, custody level, privacy, housing privileges, work detail, programs status or court proceedings in exchange of sexual favors;
  - Failing to report any suspicious activity of a sexual nature either observed or suspected based on possible evidence;
  - Permitting sexually offensive behavior, sexual harassment, or sexual abuse to continue once its occurrence is known;
  - Interfering with the official process of reporting or investigating incidents or allegations of sexual abuse; and
  - Masturbating while on county property, in a county vehicle, or otherwise while on duty.
- Retaliation: Any act, covert or overt, or threat of action taken against an adult in custody or member in response to the person's complaint of sexual abuse or cooperation in the reporting or investigation of sexual abuse, regardless of the merits or disposition of the complaint. Examples of such acts are unnecessary discipline, unwarranted negative performance reviews, intimidation, unnecessary changes in work assignments, unjustified transfers, and unjustified denials of privileges and/or services.
  - Sexual abuse: Any of the following acts between adults in custody, if the adult in custody does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
    - 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.
    - Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument.
    - Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation. (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the adult in custody, detainee, or resident:

- 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 above.
  - Any display by a staff member, contractor, or volunteer of their uncovered genitalia, buttocks or breast in the presence of an adult in custody, detainee or resident.
  - Voyeurism by a staff member, contractor, or volunteer. (28 CFR 115.6)
- Sexual Contact: Any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party. (ORS 163.305)
  - Sexual Harassment: Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one adult in custody, detainee, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to an adult in custody, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures. (28 CFR 115.6)
  - Transgender - A person whose gender identity is different from the person's assigned sex at birth.
  - Visitor: Any person granted access to the Multnomah County Sheriff's Office facilities for official reasons who is not a member.
  - Voyeurism: An invasion of privacy of an adult in custody, detainee, or resident by a staff member, contractor, or volunteer for reasons unrelated to official duties, such as peering at an adult in custody who is using a toilet in their cell to perform bodily functions; requiring an adult in custody to expose their buttocks, genitals, or breasts; or taking images of all or part of an adult in custody's naked body or of an adult in custody performing bodily functions.

**Policy:**

1. It is the policy of the Sheriff's Office that there is zero tolerance for any form of sexual abuse or sexual harassment between members, volunteers, visitors, contract employees or other agency representatives and an offender or involved person, and such conduct will be grounds for disciplinary action up to and including termination. The Sheriff's Office shall maintain an environment that is free from any

form of custodial sexual misconduct, sexual abuse, or sexual harassment. To support an environment of zero tolerance, the Sheriff's Office:

- 1.1. Actively trains staff members on detection, prevention, reporting, and response processes;
  - 1.2. Educates adults in custody on how to protect themselves in custody, how to report sexual abuse and harassment and what services are available to them;
  - 1.3. Employs a thorough risk screening process to aid in determining appropriate housing for individuals in custody; and,
  - 1.4. Maintains an agency PREA Coordinator and a facility PREA Compliance Manager to assist with PREA implementation and compliance processes.
2. All members as defined in this order have an affirmative duty to act on all allegations of custodial sexual misconduct, or violations that fall under the Prison Rape Elimination Act of 2003 (PREA) regardless of who is making the report.
- 2.1. All reports of sexual abuse will be taken seriously and will be investigated in a timely manner.
  - 2.2. Substantiated violations of this policy will result in corrective action, up to and including termination.
  - 2.3. Substantiated violations rising to the level of a statutory violation will be referred for prosecution.
3. All adults in custody and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations, shall be protected from retaliation.
- 3.1. Protective measures, including housing changes, transfers, removal of alleged abusers from contact with victims, administrative reassignment or reassignment of the victim or alleged perpetrator to another housing area, and support services for adults in custody or staff who fear retaliation shall be utilized. (28 CFR 115.67)
  - 3.2. The PREA Compliance Manager or their designee shall monitor, for at least ninety (90) days, the conduct and treatment of adults in custody who report sexual abuse or sexual harassment, as well as adults in custody who were reported to have suffered sexual abuse, to determine if there is any possible retaliation. The supervisor shall act promptly to remedy any such retaliation.
  - 3.3. The PREA Coordinator shall monitor, for at least ninety (90) days, the conduct and treatment of staff who report sexual abuse or sexual harassment, to determine if there is any possible retaliation. The PREA Coordinator shall act promptly to remedy any such retaliation.

- 3.4. The PREA Coordinator and PREA Compliance Manager should consider disciplinary reports, housing or program changes, negative staff performance reviews or reassignment of staff members in their monitoring, and such monitoring may continue beyond ninety (90) days if needed.
    - 3.4.1. Adult in custody monitoring shall also include periodic status checks.
    - 3.4.2. Retaliation monitoring will cease if the allegation is determined to be unfounded or does not qualify as PREA.
  - 3.5. The PREA Coordinator should take reasonable steps to limit the number of people with access to the names of individuals being monitored and should make reasonable efforts to ensure that staff members who pose a threat of retaliation are not entrusted with monitoring responsibilities. If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take reasonable measures to protect that individual against retaliation. (28 CFR 115.67)
    - 3.5.1. Every reasonable effort will be made to maintain confidentiality of the persons involved.
  - 3.6. Retaliation of any type related to the preceding will be separate grounds for corrective action.
4. Preservation of Ability to Protect Adults in Custody.
    - 4.1. The Sheriff's Office, or any other governmental entity responsible for collective bargaining on the Sheriff's behalf, shall not enter into or renew any collective bargaining labor agreement or other agreement that limits the Sheriff's ability to remove alleged staff sexual abusers from contact with any adults in custody pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. (28 CFR 115.66)
5. Hiring and Promotion Decisions.
    - 5.1. The agency shall not hire or promote anyone who may have contact with adults in custody, and shall not enlist the services of any contractor who may have contact with adults in custody, who:
      - 5.1.1. 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);
      - 5.1.2. 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; or
      - 5.1.3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph 5.1.2. of this section.

- 5.2. The agency shall 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 adults in custody.
  - 5.3. Before hiring new employees, who may have contact with adults in custody, the agency shall:
    - 5.3.1. Perform a criminal background records check; and
    - 5.3.2. 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.
  - 5.4. The agency shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with adults in custody.
  - 5.5. The agency shall conduct criminal background records checks at least every five (5) years of current employees and contractors who may have contact with adults in custody.
  - 5.6. The agency shall ask all applicants and employees who may have contact with adults in custody directly about previous sexual activity described in paragraph 5.1 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 agency shall also impose upon employees a continuing affirmative duty to disclose any such sexual activity.
  - 5.7. Material omissions regarding such sexual activity, or the provision of materially false information, shall be grounds for termination.
  - 5.8. Unless prohibited by law, the agency shall 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. (28 CFR 115.17)
6. Contractors.
- 6.1. The advertising and awarding of contracts for Sheriff's Office services shall:
    - 6.1.1. Identify its zero tolerance for any form of sexual abuse with an adult in custody;
    - 6.1.2. Define prohibited behavior by contractors and members;
    - 6.1.3. Incorporate policies and procedures on expected professional behavior and prohibited sexual abuse;
    - 6.1.4. Specify training and orientation for contractors prior to entering the jail;

- 6.1.5. Establish reporting requirements and timetables for contractors to report allegations or suspicions of sexual abuse with adults in custody;
  - 6.1.6. Address how to deal with incidents of potential sexual abuse involving contract employees; and
  - 6.1.7. Define procedures for barring contractors from the facility during the investigation of any allegations.
7. Upgrades to Facilities and Technologies.
- 7.1. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect adults in custody from sexual abuse.
  - 7.2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect adults in custody from sexual abuse.
8. Training.
- 8.1. All new members will receive training on the PREA Act of 2003, Oregon custodial sexual misconduct laws, and MCSO policy as part of their new employee orientation. All MCSO members who may have contact with adults in custody shall receive follow-up training at least every other year. Minimally, the training will include the following PREA Act of 2003 requirements:
    - 8.1.1. The agency's zero-tolerance policy for sexual abuse and sexual harassment;
    - 8.1.2. How members are to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
    - 8.1.3. The rights of adults in custody to be free from sexual abuse and sexual harassment;
    - 8.1.4. The right of adults in custody and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
    - 8.1.5. The dynamics of sexual abuse and sexual harassment in confinement;
    - 8.1.6. The common reactions of sexual abuse and sexual harassment victims;
    - 8.1.7. How to detect and respond to signs of threatened and actual sexual abuse;
    - 8.1.8. How to avoid inappropriate relationships with adults in custody;
    - 8.1.9. How to communicate effectively and professionally with adults in custody, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming adults in custody; and



- 8.1.10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. (28 CFR 115.31)
  - 8.1.11. Additional training on MCSO policy and Oregon law requirements, including:
    - 8.1.11.1. Avoiding inappropriate relationships;
    - 8.1.11.2. Red flag activities;
    - 8.1.11.3. Detecting and preventing sexual abuse;
    - 8.1.11.4. Issues of consent;
    - 8.1.11.5. Official Misconduct Offenses (ORS 162.405 and 162.415);
    - 8.1.11.6. Reporting requirements;
    - 8.1.11.7. Responding to incidents of sexual abuse; and
    - 8.1.11.8. Consequences
  - 8.1.12. In years when PREA training does not occur, refresher information including policy information will be provided.
  - 8.1.13. The agency shall maintain documentation confirming that employees understand the training they have received.
- 8.2. Specialized Training: Investigations.
- 8.2.1. In addition to the training provided to all employees described above, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
  - 8.2.2. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
  - 8.2.3. The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. (28 CFR 115.34)
- 8.3. Specialized Training: Medical and Mental Health Care.
- 8.3.1. The agency shall ensure that all medical and mental health care practitioners who work regularly in its facilities have been trained in:
    - 8.3.1.1. How to detect and assess signs of sexual abuse and sexual harassment;
    - 8.3.1.2. How to preserve physical evidence of sexual abuse;
    - 8.3.1.3. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and

- 8.3.1.4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
    - 8.3.2. If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.
    - 8.3.3. The agency shall maintain documentation that medical and mental health practitioners have received the training either from the agency or elsewhere.
    - 8.3.4. Medical and mental health care practitioners shall also receive the training mandated for employees under section 4.1 (above), or for contractors and volunteers under section 4.4 (below), depending upon the practitioner's status at the agency. (28 CFR 115.35)
  - 8.4. All volunteers and contractors who have contact with adults in custody shall be trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
    - 8.4.1. 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 adults in custody, but all volunteers and contractors who have contact with adults in custody shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
    - 8.4.2. The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received. (28 CFR 115.32)
- 9. Reporting:
  - 9.1. The agency shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices, and training by:
    - 9.1.1. Identifying problem areas.
    - 9.1.2. Identifying corrective actions taken.
    - 9.1.3. Recommending corrective actions.
    - 9.1.4. Comparing current annual data and corrective actions with those from prior years.
    - 9.1.5. Assessing the agency's progress in addressing sexual abuse.
  - 9.2. The reports shall be approved by the Sheriff and made available through the agency website. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and

security of the facility. However, the nature of the redacted material shall be indicated. (28 CFR 115.88)

- 9.3. All aggregated sexual abuse data from Multnomah County Sheriff's Office facilities and private facilities with which it contracts shall be made available to the public at least annually through the agency website. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed. (28 CFR 115.89)
10. Records.
  - 10.1. All case records and reports associated with a claim of sexual abuse and sexual harassment, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment or counseling, shall be retained in accordance with confidentiality laws.
  - 10.2. Federal law requires that minimally:
    - 10.2.1. The agency shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Sheriff's Office, plus five years. (28 CFR 115.71)
    - 10.2.2. All other data collected pursuant to this policy shall be securely maintained for at least 10 years after the date of the initial collection, unless federal, state, or local law requires otherwise. (28 CFR 115.89)
  - 10.3. Multnomah County's archive retention schedule requires that all Sheriff's Office investigation case files be retained permanently. (MOAR 166-150-0135(40))
11. All information collected through a sexual abuse or sexual harassment allegation investigation will be sent to the Jail Detective and PREA Compliance Manager for review and incident documentation.

**Procedure:**

1. Reporting Sexual Abuse.
  - 1.1. All members, visitors, and contractors have an affirmative duty to report all allegations, complaints, observations, and suspicions of sexual abuse or sexual harassment and any retaliation or staff neglect/violation of responsibilities that may have contributed to an incident.
  - 1.2. Members are required to take all reports made verbally, in writing, anonymously, and from third parties, and MCSO will provide a method of reporting to the public on the agency website.

- 1.3. When an incident or allegation of sexual abuse is reported to or observed, members, visitors, or contractors shall:
  - 1.3.1. Notify an on-duty supervisor of the conduct immediately.
  - 1.3.2. Write a detailed report and submit it to a supervisor as soon as possible.
  
- 1.4. The responsible supervisor shall:
  - 1.4.1. Immediately notify their chain of command. The on duty OIC shall notify immediate chain of command i.e., a Chief Deputy and the Sheriff's Human Resource Director.
  - 1.4.2. Take any immediate action necessary to separate the parties involved in the alleged sexual abuse to include, if necessary, relieving a member from duty.
  - 1.4.3. Inform all parties to the complaint that retaliation against the complainant, witnesses or others involved in the complaint or investigation is strictly prohibited, and can result in separate corrective action.
  - 1.4.4. Should an investigation involve adults in custody who have disabilities or who have limited English proficiency, the supervisor shall not rely on adults in custody to act as interpreters, except in limited circumstances where an extended delay in obtaining an interpreter could compromise adult in custody safety, the performance of duties, or the investigation of sexual abuse or sexual harassment allegations. (28 CFR 115.16)

## 2. Investigations.

- 2.1. An administrative investigation, criminal investigation or both shall be completed for all allegations of sexual abuse and sexual harassment. (28 CFR 115.22)
- 2.2. Administrative investigations shall include an effort to determine whether the staff's actions or inaction contributed to the abuse.
- 2.3. All administrative and/or criminal investigations 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.
- 2.4. Only investigators who have completed Sheriff's Office-approved training on sexual abuse and sexual harassment investigation shall be assigned to investigate these cases. (28 CFR 115.71)
- 2.5. The departure of the alleged abuser or victim from the employment or control of the jail or agency shall not provide a basis for terminating an investigation. (28 CFR 115.71)

- 2.6. If the investigation is referred to another agency for investigation, the Sheriff's Office shall request that the investigating agency follow the requirements as provided in 28 CFR 115.21 (a) through (e). The referral shall be documented. The Sheriff's Office shall cooperate with the outside agency investigation and shall request to be informed about the progress of the investigation. (28 CFR 115.71)
    - 2.6.1. If criminal acts are identified as a result of the investigation, the case shall be presented to the appropriate prosecutor's office for filing of new charges. (28 CFR 115.71)
  - 2.7. Adults in custody alleging sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation. (28 CFR 115.71).
3. Investigative Findings.
    - 3.1. Staff Members.
      - 3.1.1. Members shall be subject to disciplinary sanctions, up to and including termination, for violating this policy. Termination shall be the presumptive disciplinary sanction for staff members who have engaged in sexual abuse.
      - 3.1.2. All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the law enforcement agency that would handle any related investigation and to any relevant licensing bodies. (28 CFR 115.76)
    - 3.2. Contractors and Volunteers.
      - 3.2.1. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with adults in custody and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
      - 3.2.2. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with adults in custody, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.
      - 3.2.3. (28 CFR 115.77)
  4. Sexual Abuse Victims Rights.
    - 4.1. For sexual abuse allegations, a coordinated response plan is needed to ensure first responders are aware of their duties.
    - 4.2. The agency shall 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. (28 CFR 115.65)

- 4.3. Within the 120-hour evidence collection period, a victim advocate from a rape crisis center should be made available to the victim.
  - 4.4. If a rape crisis center is not available, the agency shall make available a qualified member of a community-based organization, or a qualified agency staff member, to provide victim advocate services.
  - 4.5. Efforts to secure services from a rape crisis center shall be documented.
  - 4.6. A rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 34 U.S. Code § 12511, to sexual assault victims of all ages. A rape crisis center that is part of a government unit may be used if it is not part of the criminal justice system (such as a law enforcement agency), and it offers a level of confidentiality comparable to the level at a nongovernmental entity that provides similar victim services. (28 CFR 115.21)
5. Forensic Medical Examinations.
- 5.1. Forensic medical examinations shall be performed as evidentiarily or medically appropriate, without financial cost to the victim.
  - 5.2. Where possible, these examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANE)s.
    - 5.2.1. If neither SAFEs nor SANEs are available, other qualified medical practitioners can perform the examination.
  - 5.3. The Sheriff's Office shall document its efforts to provide SAFEs or SANEs. (28 CFR 115.21)

**History:**

- Originating Policy/Procedure:
- Next Review Date:
- Review By:

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