

Gooding County Detention Facility Policy

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Approved: _____

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Sheriff

Rape and sexual activity seriously reduces the mission of the Gooding County Sheriff 's Office to prevent crime and provide quality criminal justice service. In accordance with the Prison Rape Elimination Act of 2003, the Gooding County Jail has established a zero tolerance standard regarding the incidence of rape and sexual activity.

Scope

With this policy the Gooding County Sheriff's Office is establishing practices that will attempt to abate any incidence of rape or sexual activity. The Sheriff's Office does not condone nor tolerate any type of inmate rape, sexual assault, sexual misconduct, consensual sexual contact, sexual abuse and sexual harassment toward any inmate.

PURPOSE

Rape and sexual activity seriously reduces the Sheriff's ability to fulfill its mission to protect the public. The consequences of rape and sexual activity include the following:

- Victimized vulnerable individuals such as mentally ill and youthful offenders.
- Continues the spread of serious communicable diseases.
- Increases the risk that the victims of rape will commit crimes when they are released.
- Exacerbates racial tension due to interracial sexual assaults.
- Causes victims severe psychological and physical effects.
- Increases the risk severe psychological and physical effects.
- Increases the risk of homicide, suicide, and violence against offenders and staff.
- Reduces both victim and offender's ability to successfully transition to the community and a law-abiding lifestyle.

Definitions

Gender Nonconforming- A person whose appearance or manner does not conform to traditional societal gender expectations.

Intersex- A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Pat-Down Search- Running the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband.

Visual Change Out- A search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Transgender- A person whose gender identity (i.e. internal sense of feeling male or female) is different from the person's assigned sex at birth.

Substantiated Allegation- An allegation that was investigated and determined to have occurred.

Unfounded Allegation-An allegation that was investigated and determined not to have occurred.

Unsubstantiated Allegation- An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Sexual Abuse- Includes sexual abuse of an inmate by another inmate, staff member, contractor or volunteer.

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:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) 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.

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

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) 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;
- (4) Penetration of the anal or genital opening, however slight, by a hand finger, object, or other instrument, that is unrelated to the official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) 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 the official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) 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;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, and
- (8) Voyeurism by a staff member, contractor or volunteer.

Voyeurism by a Staff member, contractor, or volunteer means an invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring the inmate to expose his or her buttocks, genitals, or breast; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual Harassment- Includes:

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate 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.

Idaho Code 18-6110- Sexual contact with a prisoner

- (1) It is a felony for any employee of the Idaho Department of Corrections, Idaho Department of Juvenile Corrections, or any officer, employee or agent of a state, local or private correctional facility to have sexual contact with a prisoner or juvenile offender, not their spouse, whether an in-state or out-of-state prisoner or juvenile offender.

- (2) For the purposes of this section “sexual contact” means sexual intercourse, genital-genital contact, manual-anal contact, manual-genital contact, oral-genital contact, anal-genital contact or oral-anal contact, between persons of the same or opposite sex.
- (3) Any person found guilty of sexual contact with a prisoner or juvenile offender is punishable by imprisonment in the state prison for a term not to exceed life.

PROCEDURES

DETECTION AND PREVENTION.

All staff members are responsible for the detection, prevention, and reporting of rape and sexual activity.

PREA COORDINATOR

The Gooding County Sheriff’s Office will designate a PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards. The PREA coordinator will be responsible for, but not limited to, the following tasks:

1. Updating PREA policies and procedures, when necessary
2. Education of staff and inmates
3. Maintaining PREA forms and data
4. Checking the PREA hotline daily
5. Reviewing reports of PREA complaints
6. Administrative review of the handling of PREA incidents

STAFFING PLAN

The Gooding County Jail has developed a staffing plan that provides for adequate levels of staffing and will make its best efforts to comply with the staffing plan on a regular basis. Whenever necessary, but no less frequently than once a year, the agency in consultation with the PREA coordinator will assess, determine and document whether adjustments are needed to the staffing plan.

In circumstances where the staffing plan is not complied with, the agency will document and justify all deviations from the plan.

Intermediate-level or higher-level supervisors will conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment on all shifts. Staff are prohibited from alerting other staff members that these supervisor rounds are

occurring, unless such announcement is related to the legitimate operational functions of the facility.

VIDEO MONITORING

The Gooding County Jail will continuously review the need for video monitoring to protect inmates from sexual abuse and will make every attempt to view “blind spots” or areas where inmates or staff may be isolated. Video monitoring will only supplement and will not replace physical checks on inmates by staff.

JUVENILES

Any inmate under the age of eighteen will not be placed in a housing unit in which the inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.

In areas outside of housing units, the agency will maintain sight and sound separation between juvenile inmates and adult inmates or provide direct staff supervision when juvenile inmates and adult inmates have sight, sound, or physical contact.

Absent exigent circumstances, juvenile inmates will be given the opportunity daily to engage in large-muscle exercise and legally required special education services. They will also have access to other programs and work opportunities to the extent possible.

CROSS GENDER VIEWING AND SEARCHES

Cross gender pat-searches or visual change outs will not be done except in an emergency situation. The detention staff will document all cross gender visual change outs and will document all cross gender pat-down searches of female inmates. All searches will be conducted in a professional and respectful manner and in the least intrusive manner possible. Body cavity searches will only be done by medical personnel.

Viewing of inmates of the opposite gender in the shower, using the toilet, or changing clothes is prohibited except in exigent circumstances or when viewing is incidental to routine cell checks and unavoidable. Staff members of the opposite gender of those inmates housed in the housing unit are required to announce their presence when entering the housing unit.

Staff members, except medical staff, will not search or physically examine a transgender or intersex inmate for sole purpose of determining the inmate’s genital status. If the inmate’s genital status is unknown, it may be determined during conversations 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 medical practitioner.

DISABLED AND LIMITED ENGLISH PROFICIENT INMATES

The Gooding County Jail will ensure that inmates with disabilities and limited English proficient inmates have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

HIRING

The Gooding County Sheriff's Office will complete a criminal background check prior to hiring any employee or contractor and will make its best effort to contact all prior institutional employers for information on substantial allegation of sexual abuse or any resignations during a pending investigation of an allegation of sexual abuse.

A criminal background check will be completed a minimum of every five years on all current employees.

CLASSIFICATION

Objective jail classification procedures are utilized to identify potential aggressive or vulnerable inmates to sexual assault/misconduct.

All inmates will be assessed during the intake screening for risk of being sexually abused by other inmates or sexually abusive toward other inmates. Individualized determinations will be made by the classification officer on how to ensure the safety of each inmate in housing and programs.

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

Medical and mental health practitioners will 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.

The Gooding County Jail will offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. These medical and mental health services will be consistent with the community level of care.

INMATE EDUCATION

Inmates will be made aware of means to safely report rape, and sexual activity.

- Posters
- Tri-fold pamphlets
- Inclusion in existing handbook
- During orientation process
- Utilize inmates legal counsel
- During medical distribution

Within 30 days of intake, the PREA Coordinator will provide comprehensive education to all inmates regarding their rights to be free from sexual abuse and the agency's policies and procedures for responding to such incidents.

The Gooding County Jail will maintain documentation of inmate's participation in these education sessions.

STAFF EDUCATION.

Gooding County Jail staff is provided a minimum of one hour of annual training specific to the prevention, identification, reporting and handling of inmate sexual misconduct/sexual assault, including common indicators of misconduct. Topics will include:

- (1) Zero tolerance policy
- (2) How to fulfill their responsibilities for prevention detention, reporting and responses
- (3) Inmate's right to be free from sexual abuse and sexual harassment
- (4) Right of employees and inmates to be free from retaliation for reporting
- (5) Dynamics of sexual abuse and sexual harassment in confinement
- (6) Common reactions of victims
- (7) How to detect and respond to signs of threatened and actual sexual abuse
- (8) How to avoid inappropriate relationships with inmates
- (9) Effective and professional communication with all inmates, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming
- (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities

The Gooding County Jail will document, through employee signature or electronic verification that employees understand the training they have received

VOLUNTEER AND CONTRACTOR TRAINING

The Gooding County Jail will ensure that all volunteers and contractors who have contact with inmates have been advised of the agency's policies on sexual abuse and sexual

harassment and how to report incidences. The level and type of training provided to volunteers and contractors will be based on the services they provide and level of contact they have with inmates.

The Gooding County Jail will maintain documentation confirming that the volunteers and contractors understand the training they have received.

SPECIALIZED TRAINING FOR MEDICAL AND MENTAL HEALTH CARE

The PREA Coordinator will ensure that all full and part time medical and mental health care practitioners who work regularly in the facilities have been trained in detecting and assessing signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, reporting practices and effective communication.

The Gooding County Jail will maintain documentation that medical and mental health practitioners have received the training.

CONFIDENTIALITY

The sharing of information regarding a sexual assault and sexual activity will be limited to those who need to know for decision-making, investigation, and prosecution. Staff members shall refrain from talking openly about such issues. Staff shall immediately address inappropriate comments such as taunting or teasing.

VICTIM REPORTING PROCESS.

Victims are encouraged to report instances of rape, sexual assault, and sexual activity. Victims should be encouraged, but not forced to name the assailant. If it is believed that an inmate is the victim of a sexual assault or rape, but is unwilling or unable to name the assailant, the procedures of the policy remain in full force and effect. All procedures for evidence collection, reporting, and investigation should continue as if the perpetrator is known.

The best method of reporting is the quickest and safest method available to the victim at the time. These methods are in the following order:

1. Report it immediately to a staff member.
2. Submit a medical kite, and report it to medical staff.
3. Call someone outside the jail that can contact jail administration.
4. Call the jail rape reporting hotline.

Staff will accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports. The Gooding County Jail makes public aware through a lobby flyer of how to report sexual abuse and sexual harassment on the behalf of an inmate.

There is no time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. The inmate may submit the grievance without submitting it to a staff member who is the subject of the complaint and such grievance is not referred to a staff member who is the subject of the complaint. The Gooding County Jail will not discipline an inmate for filing a grievance related to alleged sexual abuse unless the agency confirms the inmate filed the grievance in bad faith.

REPORTING AND INVESTIGATING-RAPE

All staff must report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility.

If a staff member learns that an inmate is in substantial risk of imminent sexual abuse, he/she will take immediate action to protect the inmate.

If a staff member receives an allegation that an inmate was sexually abused while confined at another facility, administration is to be advised immediately. Administration will then notify the administration of the other facility where the alleged abuse occurred.

If a staff member detects or learns of a sexual assault, or sexual act, he/she will do the following:

- (1) Separate the alleged victim and abuser
- (2) Preserve and protect any crime 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, request that 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; and
- (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and

The Supervisor will do the following:

1. If a medical emergency exists, ensure the victim receives medical attention; and
2. If the assault occurred within 72 hours:
 - a. Secure the victim alone in a cell to preserve evidence. If possible, turn water off. (Although it is natural for the victim to want to clean up, the victim should not shower, eat, or drink until after evidence is collected.)

- b. Secure the alleged perpetrator alone in a cell to preserve evidence. If possible, turn water off.
- c. Contact an on-call detective or outside agency detective.
- d. If the victim requires transport to a hospital, notify the hospital that the victim coming in is a rape victim and request the hospital SART (Sexual Abuse Response Team) be activated if possible.

In all cases:

3. Notify Medical and Chain of Command.
4. Ensure the scene and all evidence is protected/secured.
5. Complete a written report

Within 2 working days a mental health professional will:

1. Interview the victim to assess any mental health issues or suicidal ideation.
2. Offer crisis counseling limited to the crises created by the assault.
3. Make any appropriate recommendations to Medical or Classifications.

INVESTIGATION

The investigation, including interviews, videos, polygraph documents, witness statements, supporting documents, and other evidence is treated as confidential. The name of the complainant and/or alleged victim and the identity of witnesses are confidential.

Except for individuals responsible for conducting the investigation, other individuals alerted to the allegation, including Gooding County staff, are prohibited from conducting independent inquiries into the circumstances related to the alleged incident(s). Breach of confidentiality may result in disciplinary action, up to and including termination.

The confidentiality provision in no way limits the investigator or Gooding County staff from cooperating with or appearing or testifying before a grand jury, court, or local, state or federal investigatory agency.

A pending investigation shall in no way limit an inmate's right to access legal counsel.

MEDICAL ATTENTION AND SEXUAL ASSAULT EXAMINATION

Victim of sexual assault should receive prompt medical attention, and when the assault occurred within 72 hours, a sexual examination. A trained medical professional must perform both and the chain of evidence must be maintained. Although the same medical personnel may conduct medical care and sexual assault examinations, they are separate examinations.

Offenders have the right to refuse a sexual assault examination, at which time a search warrant may be requested. Offenders can refuse consent to the sexual assault examination, and still consent to medical care.

The Gooding County Jail will attempt to make available to the victim a victim advocate from a rape crisis center. All efforts to secure services from rape crisis centers will be documented. As requested by the victim, the advocate will be allowed to accompany and support the victim through the forensic medical examination process and investigatory interviews and will provide emotional support, crisis intervention, information, and referrals.

After the medical examination is completed, the Gooding County Jail will provide inmates with access to outside victim advocates for emotional support related to sexual abuse by giving inmates mailing addresses and telephone numbers of local, State, or national victim advocacy or rape crisis organizations and will enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

REPORTING TO INMATES

Following an investigation into an inmate's allegation that he/she suffered sexual abuse in the facility, the Gooding County Jail will inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

SEXUAL ACTIVITY

Consensual sexual activity between inmates is prohibited. Detection can be difficult since both parties have consented and disclosure will result to disciplinary action. Good correctional practices can reduce, prevent, and detect sexual activity.

Avoiding sexually charged atmosphere, conducting random well-being checks, observing offender behavior, taking extra precautions with vulnerable inmates, and ensuring offenders are housed in a correct housing assignment, reduces the opportunity for sexual activity.

Sexual contact between staff and inmates is never consensual. It is a felony for any officer, employee, or agent of a state, local, or private correctional facility, as those terms are defined in section 18-101 A, Idaho Code, to have sexual contact with a prisoner, whether and in-state or out-of-state prisoner, as those terms are defined in section 18-101A, Idaho Code, housed in such facility. For the purposes of this section "sexual contact" means sexual intercourse, genital-genital, manual-anal, manual-genital, oral-genital, anal-genital or oral-anal, between persons of the same or opposite sex. Any person found guilty of sexual contact with a prisoner is punishable by imprisonment in the state prison for a term not to exceed life.

RETALIATION

Disciplinary action will be taken against any employee who retaliates against other staff or inmates who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations

SEXUAL ABUSE INCIDENT REVIEWS

The Gooding County Jail will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded to assess the entire process for recommendations for improvement as well as identifying what are good practices.

FALSE REPORTS

If an investigation finds that an allegation of rape, sexual assault, or sexual activity was false, the case should be reviewed for prosecution. A disciplinary report should also be written.

FEDERAL REPORTING MANDATE

If the Gooding County Sheriff's Office is selected to receive the yearly Survey on Sexual Violence for the Bureau of Justice Statistics, we will complete and submit the survey.

DATA COLLECTION

The Gooding County Jail will collect accurate, uniform data for every allegation of sexual abuse and will aggregate the incident-based sexual abuse data at least annually. The data collected will include, at a minimum, the data necessary to answer all of the questions from the most recent version of the Survey of Sexual Violence. Upon request the Gooding County Jail will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

The Gooding County Jail will ensure that the data collected is securely retained and will maintain the data for at least 10 years after the date of the initial collection.

AUDITS

The Gooding County Jail will ensure that it is audited once every three years as required by PREA.