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| ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE | NUMBER: 12.03 | PAGES: 1 of 5 |
| | RELATED ORDERS: MJS 1050 PREA 115.41. 42, 43, 67 D&C 9.03, 12.01, 12.05 | |
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| CHAPTER: Classification | SUBJECT: Classification PREA Requirements | |

- I. PURPOSE:** To properly ensure the care, custody and control of inmates as it relates to the duties of the Classification Office, in accordance with the Prison Rape Elimination Act.
- II. POLICY:** It is the policy of the Alameda County Sheriff's Office to provide an environment free of sexual harassment, discrimination, abuse, and retaliation. All newly booked inmates shall receive, upon completion of the booking process, a copy of the inmate rules, which provide the inmate with information pertaining to avoiding sexual assault while in custody, how to report an assault, and services available to victims of sexual assault, both in and out of custody. All newly booked inmates shall have the opportunity to view the inmate orientation video while in the booking area, which also provides this information. Consular contact information for immigration detainees is also provided in the inmate rules.
- III. DEFINITIONS:**
- A. **ASSESSMENT:** A review of an inmate's risk for victimization or abusiveness based upon any relevant information received by the agency.
- B. **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 sexual development.
- C. **RETALIATION:** Any negative act by any person toward or against another for reporting or cooperating with an investigation involving sexual abuse or harassment.
- D. **SEXUAL ABUSE:** Sexual abuse can be committed by inmates, detainees, staff, contractors, and volunteers. It includes contact of the genitals or other parts of the suspect's body with the genitals, anus, mouth or other body parts of the victim as defined by the California Penal Code. This is to include any penetration, however slight.
- E. **SEXUAL HARASSMENT:** Repeated and unwelcome sexual advances, verbal comments or gestures or a sexual nature, or requests for sexual favors to an inmate or detainee, by another inmate or detainee, staff member, contractor, or volunteer.

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- F. **SCREENING:** The intake process incorporating the medical examination and questions and the classification process and interview as outlined in Detention and Corrections Policy and Procedure (D&C P&P) 12.01.
- G. **TRANSGENDER:** A person whose gender identity is different from the person's assigned sex at birth.
- IV. PROCEDURE:** All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. All inmate information provided by the inmate is released on a need to know basis.
- A. **SCREENING PROCESS:** As outlined in D&C P&P 12.01, all inmates shall be screened within 24 hours of arrival for potential vulnerabilities to become victimized or tendencies of acting out with sexually aggressive behavior. Additionally, the following criteria shall be used to assess an inmate's risk of sexual victimization.
1. Mental, physical or developmental disabilities.
 2. Age.
 3. Physical stature.
 4. Previous incarceration.
 5. Nonviolent criminal history.
 6. Prior convictions for sex offenses.
 7. If the inmate is perceived to be, or admits to being gay, lesbian, bisexual, transgender, intersex or gender nonconforming.
 8. Previous sexual victimization.
 9. The inmate's perception of vulnerability.
 10. If the inmate requests to be segregated.
- B. **SCREENING FOR TRANSFER INMATES:** Inmates who are being transferred out of the facility shall have their files reviewed the day they are transferred to another facility. If an inmate is found to have either been victimized or suspected of sexual assault or abuse while in our custody, a notification letter shall be prepared as outlined in D&C P&P 12.05.
- C. **RISK OF ABUSIVENESS:** In assessing inmates for risk of being sexually abusive, Intake Classification deputies shall consider the following:
1. Prior acts of sexual abuse

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2. Prior convictions for violent offenses
 3. History of prior institutional violence or sexual abuse.
- D. VICTIMIZATION RISK: 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.
1. If the involuntary placement is deemed to be necessary, the Classification Sergeant, Classification Lieutenant or on duty Watch Commander will review the placement. The Classification Sergeant, Classification Lieutenant or on duty Watch Commander will have the sole authority to overturn the decision of the Intake Classification Deputy to house the inmate in Administrative Isolation (A/I) and order the inmate be placed into more appropriate housing. If approved, the Classification Sergeant or on duty Watch Commander shall initial the intake sheet, approving the placement and confirming the following have occurred:
 - a. An assessment of all available alternatives has been made, and;
 - b. There are no available alternative means of separation from likely abusers.
 2. A Classification Unit A/I Deputy shall review the status of the inmate in A/I with the Classification Supervisor within 72 hours to verify the placement in A/I is appropriate.
 3. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If restrictions are in place inhibiting access to programs, privileges, education, or work opportunities, the following shall be documented in the Classification file;
 - a. The opportunities that have been limited;
 - b. The duration of the limitation; and
 - c. The reasons for such limitations
 4. Involuntary housing in A/I due to risk of sexual victimization shall be minimized and every effort shall be made to not exceed 30 days. All involuntary housing of inmates who present a risk of sexual victimization shall clearly document the following:
 - a. The basis for concern for the inmate's safety; and
 - b. The reason(s) why no alternative means of separation can be arranged.
 5. A Classification Unit A/I Deputy will review the status of at risk inmates in A/I every seven (7) days for the first two (2) months and at least every thirty (30) days thereafter. During each review, the following A/I Deputy shall document in the file and ensure;
 - a. An assessment of all current available alternatives is been made, and;
 - b. There are no available alternative means of separation from likely abusers.

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6. Within 30 days of arrival, or if any additional information that bears on an inmate's risk of sexual victimization or abusiveness, an inmate's risk level for sexual assault or abusiveness shall be reassessed.
- E. **TRANSGENDER/INTERSEX INMATES:** Transgender inmates shall be treated the same as other inmates and provided the same opportunities for programs within the facility.
1. Information gathered during intake process shall be used to assist the Classification deputy in making a decision on where to house the inmate. The decision will take into consideration the inmate's health and safety as well as management and/or security issues. All decisions shall be made on a case by case basis.
 2. Housing assignments and any program assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threat to safety experienced by the inmate. Consideration shall be given to the inmate's own views with respect to their own safety when making housing assignments.
- F. **RETALIATION:**
1. Inmates who report or cooperate with investigations pertaining to sexual abuse or harassment shall have their conduct and treatment monitored for 90 days, unless the report is determined to be unfounded. This will include periodic face to face discussions with the inmate. Any indications of retaliation shall be acted upon immediately, with the inmate's safety as a priority. Protective measures shall include, but are not limited to:
 - a. Housing unit change for victim or suspect.
 - b. Assignment of Keep Separate (KSF) in classification detail.
 - c. Emotional support services for the victim.
 2. Indicators of possible problems include:
 - a. Disciplinary reports
 - b. Housing or cell changes
 - c. Program changes.
 3. If during the 90 day monitoring period, there appears to be a continuing need for monitoring (signs of retaliation, complaints of retaliation, etc.), the monitoring period shall be extended for an additional 90 days and a re-evaluation for additional monitoring shall be conducted by the PREA Manager.
- G. **TRACKING OF INMATES:** It shall be the responsibility of the Classification Sergeant

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or his/her designee to maintain current tracking within Advanced Technology Information Management Systems (ATIMS) of the following:

1. All known LGBTI inmates and their housing locations.
2. All inmates at an increased/high risk for sexual abuse and their housing locations.
3. All non English speaking inmates.