

ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE	NUMBER: 13.07	PAGES: 1 of 10
	RELATED ORDERS: General Order 5.24 ACA 4D-22-6, 4D-22-7 PREA 115.21, 22, 51, 53, 54, 61-65, 82, 83, 86, 88, 89 California Penal Codes 220, 243.4, 261-289, 314, 637.4(a)	
	ISSUED DATE: July 1, 1989	
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CHAPTER: Medical and Health Care Services	SUBJECT: Sexual Assaults in Custody	

I. **PURPOSE:** To protect the physical and mental welfare of persons in the custody or the Alameda County Sheriff's Office, provide a standardized procedure for identifying and meeting the service needs of sexual assault inmates, and to standardize procedures for conducting the investigation and processing a case for prosecution.

II. **POLICY:** All inmates of sexual assault will be referred to the jail *medical staff* for evaluation and referral for services. All sexual assaults will be investigated.

III. **DEFINITIONS:**

A. **CRISIS INTERVENTION:** Immediate delivery of services related to a specific acute need. The services provided include assessment, treatment, referral, follow-up and evaluation.

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. **SEXUAL ABUSE:** Sexual Abuse can be committed by an inmate, volunteer, contractor or other staff member against another inmate. It is a broader term which is inclusive of sexual assault, but also includes consensual sexual contact of any kind from other inmates, contractors, volunteers or staff. Also included is sexual battery as defined in 243.4 of the California Penal Code (PC), any attempt to engage in any of the above acts, any act as defined by section 314PC, or any act of voyeurism as defined below.

D. **SEXUAL ASSAULT:** Any threatened or completed sexual act forced upon another, against his/her will. Forced sexual assault would include situations in which the inmate

was coerced into a sex act.

- E. **SEXUAL HARASSMENT:** Repeated and unwelcome sexual advances, verbal comments or gestures of a sexual nature, or requests for sexual favors to an inmate or detainee, demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures by another inmate or detainee, staff member, contractor, or volunteer.
- F. **TRANSGENDER:** A person whose gender identity or gender expression is different from the person's assigned sex at birth.
- G. **VOYEURISM:** An invasion of privacy of an inmate, detainee, or resident 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 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.

IV. PROCEDURE:

- A. **INMATE IDENTIFICATION:** While some inmates who have been sexually assaulted may be easily identified, many will require some sensitive investigation to verify an assault occurred, as most inmates do not want anyone to know they have been assaulted. Staff may hear of an inmate being threatened, having become inmate to a sexual assault, or observe unexplained injuries. Other signs include changes in physical behavior due to injuries, or abrupt personality changes such as withdrawal or suicidal behavior. The following guidelines may be used to provide assistance to a suspected inmate:
 - 1. Staff should question a suspected inmate without jeopardizing the inmate's safety, identity, and confidence by removing them from the immediate area.
 - 2. Ask the suspected inmate open-ended questions in an attempt to give him/her the opportunity to talk about the assault.
 - 3. If there are no indications of harassment or an assault, advise the inmate he/she can contact a deputy, the medical staff, the facility psychiatric staff, or the Highland Hospital Sexual Assault Hotline at (510) 534-9290 in the event of an assault or harassment.
 - 4. If an inmate claims to have been sexually harassed or assaulted, it is important that all contacts with the inmate be professional and nonjudgmental. Advise the inmate of services available and determine what services the inmate needs. It is important for the inmate's safety and health that this is provided as soon as possible. The incident shall be documented.
- B. **INMATE REPORTING:** Inmates who believe they are victims, may report sexual abuse or sexual harassment in the following ways:

1. To any sworn staff member.
 2. To any civilian staff member, including medical staff, mental health staff, clergy, recreation staff, contractor, etc.
 3. To any third party, including, but not limited to an agency not affiliated with the Sheriff's Office, such as the Sexual Assault Crisis line, which any inmate can access by dialing *89 on any inmate telephone. These lines are not recorded and reports are confidential at the inmate's request. Signage shall be posted advising inmates these calls are not monitored. Inmates may also call Highland Hospital Sexual Assault Hotline (510) 534-9290, which accepts collect calls from inmates. Inmates may also contact Social Services by calling 211, which is toll free. Inmates who have been assaulted may request anonymity at any time. Trained crisis line workers will answer the calls and have the capability to arrange three-party conference calls with a translator or social worker.
 4. Inmates may also report sexual harassment or abuse via message request, grievance, letter or any other medium.
 5. Staff shall accept all forms of reports, to include, but not limited to; verbally, in writing, anonymous and from third parties. All reports shall be documented without delay, regardless of whether or not the inmate requests to remain anonymous.
 6. Staff members reporting sexual abuse, assault, or harassment, by another staff member, they should do so through their immediate supervisor and may do so privately if necessary.
 7. If an inmate calls the Sexual Assault Crisis number on an inmate telephone, the representative from the crisis center will notify the facility Watch Commander. The representative will advise if the report is anonymous or not. Anonymous reports will only have limited information, which shall be documented in an incident report and forwarded to the PREA manager at the facility.
 8. Criminal Justice Mental Health (CJMH) may also perform some of the above services for the inmate, if the inmate does not wish to contact the Sexual Assault Center. If an inmate reports an assault to a CJMH staff member, as a mandated reporter, the staff member is required to report the assault to the Sheriff's Office. An appropriate investigation will commence immediately. The on-site psychiatric staff will handle all necessary follow-up care at the facility.
 9. CJMH and **medical staff** are required to inform inmates of their duty to report, and the limitations of confidentiality at the initiation of any services provided.
- C. STAFF REPORTING: Staff who becomes aware of sexual abuse or harassment by another staff member are expected to report the abuse or harassment immediately. Furthermore, all staff shall report immediately any knowledge, suspicion, or information regarding 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. Failure to do so is akin to committing the act and subjects the staff member with knowledge of the act to discipline. Staff may report these acts in the following ways:

1. Verbally to a supervisor or Watch Commander
2. In writing via memorandum to the Captain of Internal Affairs.
3. Verbally via telephone, to Internal Affairs.

D. DEPUTY INTERVENTION AND INVESTIGATION: Investigative steps will vary based upon the timeline of the inmate's assault. However, regardless of the timeline, a thorough investigation shall be documented and completed in all cases of reported harassment or assault. It is important that all contact with sexual assault inmates be professional and nonjudgmental.

1. 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. No agency shall 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.
2. Identify and place the inmate in a secure protective area with no access to running water, until he/she can be brought to the medical clinic. Request *medical* staff to respond immediately.
3. If the assault occurred within a time period that still allows for the collection of physical evidence, explain to the inmate he/she is not to shower, wash, drink, eat, or defecate until he/she has been examined at Highland Hospital. The inmate should be asked if he/she has partaken in any of these activities prior to reporting. This information shall be included in the report as well as supplied to the physician.
4. As soon as practical, provide the inmate with all new clothing. Place each item of the clothing taken from the inmate into separate paper evidence bags. Label and sign the bags in the appropriate place and maintain the chain of custody.
5. Notify your immediate supervisor. Secure the crime scene and ask for assistance. The reporting deputy is in charge of directing the investigation. The sergeant will assign deputies to protect the crime scene, gather witnesses and keep them separate until interviewed, identify and isolate the assailant(s) and any other duties related to the crime.
6. A thorough investigation will be conducted and documented, regardless if the inmate has made a decision to press charges or requests anonymity. The Watch Commander will notify Eden Township Substation Investigations and request a

detective and evidence technician to respond, if necessary.

7. Bring the inmate to the housing unit clinic for a medical evaluation immediately. The medical staff will perform first aid treatment and refer the inmate to the Highland Hospital Emergency for a forensic sexual assault examination if appropriate. The inmate shall be advised that there is no cost to them for any medical treatment pertaining to the assault, including the forensic medical exam. The transporting deputy shall notify the Highland Hospital Sexual Assault Center at (510) 534-9290 of the inmate's estimated arrival time. The Sexual Assault Social Worker has a thirty (30) minute response time.)
 8. Get a brief statement of what occurred, audio record if possible. The deputy who made the discovery, or who it was reported to, shall be responsible for interviewing the inmate and accompanying him/her to the hospital, unless directed otherwise.
 9. The inmate may not want to report the name of the assailant(s), or cooperate with the investigation, but he/she is, nevertheless, entitled to protection as well as medical and mental health treatment and support services, at no cost to them. The reporting deputy shall document in their report the offer for medical and mental health services and the inmate's response.
 10. While at the hospital you must get the attending physician's identifying information for your report. The interviewing deputy should also get the physicians medical opinion regarding the injuries and assault, as this is imperative to the investigation.
 11. The inmate shall be offered the services of a victim advocate and if the inmate does request a victim's advocate, the advocate is to be permitted to be with the inmate throughout the investigatory process. Access to the inmate shall be made available upon return to the facility as well. The advocate's role during this process is to provide emotional support, crisis intervention, information, and referrals.
 12. The deputy accompanying the inmate to the hospital will accept the Sexual Assault Evidence Kit from the attending physician, and place it into evidence in accordance with General Order 5.24. In the event the kit is not ready at the time the deputy is leaving, the deputy must advise his/her supervisor immediately.
 13. As with any other criminal investigation, information related to cases of sexual assault or harassment are of a confidential nature and shall only be discussed with those involved in the case.
- E. CIVILIAN STAFF INTERVENTION: An inmate may notify a civilian staff member if a sexual assault or harassment has occurred. If this occurs, the following guidelines are to be followed:
1. If an inmate claims to have been sexually abused or harassed, contact a Deputy or Sergeant immediately. It is important that all contacts with the inmate be

professional and nonjudgmental.

2. Ascertain the inmate's immediate physical well being and contact medical staff as needed. Keep the inmate under observation until the deputy arrives. While maintaining observation of the inmate, relay to the inmate the necessity to avoid the following activities until the deputy arrives:
 - a. Changing clothes
 - b. Use the toilet
 - c. Wash or shower
 - d. Eat or drink

This is vital in the event physical evidence is still present.

3. As soon as the inmate is safe, notify the nearest Deputy.

F. SECURING THE ASSAILANT(S):

1. Identify and if possible, isolate the suspect. Make sure he/she is not placed with any other inmates. The suspect should be placed in an area with no access to water.
2. If the assault occurred within a time period that still allows for the collection of physical evidence, the suspect shall not be allowed to shower, wash, drink, eat, brush their teeth, change clothes, or use the toilet. The suspect shall remain under constant and continuous supervision to ensure none of these activities occur.
3. Collect the suspect(s)' clothing for evidence. If clothing is wet, hang in a secure area until dry, then place each piece of clothing into a separate paper bag and mark it for identification. Give the suspect(s) fresh clothing.
4. All other collection of evidence will be conducted by or at the direction of the evidence technician and/or the detective assigned to the case.
5. All evidence collected by the deputies stationed at the jail will be placed into an evidence locker or given to the evidence technician/investigating detective for transfer to the Crime Lab. Deputies who have collected evidence shall document so in a supplemental report.
6. Keep witnesses separate from the assailant(s). Unless otherwise directed, the investigating detective assigned to the case will conduct the interviews. SRJ deputies shall not attempt to interrogate suspect(s) unless directed to do so by the investigating detective.
7. Attach an inmate roll-call sheet of the inmate's housing area, and/or other area where the assault occurred, to the crime report.

8. Advise the Classification Unit of the events via memorandum to ensure the suspect has no future contact with the inmate.
9. Complete a Consolidated Arrest Report if the assailant is to be charged with the crime.

G. PRELIMINARY JAIL MEDICAL ASSESSMENT:

1. When staff becomes aware of a sexual assault, **medical staff** shall be notified immediately for a preliminary medical assessment of the inmate's injuries. Determine the seriousness of the injuries, if injuries are life threatening, request EMS immediately
2. If a sexual assault or attempted sexual assault has occurred, and the inmate consents, transportation to Highland Hospital shall be provided for the inmate so he/she may be seen by an emergency physician and a forensic medical exam may be performed.
3. It is important that all contact with a sexual assault inmate be professional and nonjudgmental. Staff shall behave in a professional manner consistent with their training. Advise the inmate of services available and that may be provided.
4. If the inmate refuses medical treatment, immediately notify the Watch Commander or supervisor in charge.
5. Contact the Classification Unit and advise of the circumstances.

H. TRANSPORTATION FOR EXAMINATION AND TREATMENT:

1. The medical staff will notify the appropriate jail staff to arrange transportation for the inmate to the indicated medical facility. Sexual assault inmates have the next priority after acute medical cases.
2. Transport the inmate to Highland Hospital Emergency. Life threatening cases will be sent via ambulance to a hospital with appropriate emergency services or the EMS designated hospital, with the deputy following.
3. When an inmate is sent to a hospital other than Highland, medical treatment should be given only for life threatening injuries. The inmate will be transferred to Highland Hospital once his/her condition is stable. Medical collection of evidence can then be performed at Highland.
4. Information about the sexual assault is sensitive and as with all medical information, is confidential and only given staff directly involved in the investigation or providing direct services to the inmate.
5. When an inmate is critical and unable to be moved to Highland Hospital for sexual

assault treatment, medical collection of evidence will be performed by the attending physician. The Watch Commander will be notified at the time by the attending deputy. This information shall be documented in the deputy's report or via supplemental report as necessary.

6. Routine clinical procedures:
 - a. Registration
 - b. Inmate must sign a medical permission and information release form
 - c. The transporting deputy may be required to sign an authorization at the hospital for the sexual assault exam. (This is appropriate and standard procedure)
 - d. Medical examination and treatment
 - e. Completion of a police report
 - f. Collection of evidence and sperm samples
 - g. Crisis counseling for emotional trauma
 - h. Sexually transmitted disease information, testing and treatment.
 - i. If the victim is female, she shall receive access to emergency contraception and pregnancy testing as needed.
 - j. Discharge planning and referral
 - 1) Inmates returned to detention facility and placed into protective custody
 - 2) Inmates admitted to the hospital for further treatment of injuries

H. HIGHLAND SEXUAL ASSAULT CENTER: Once the Sexual Assault Center has been contacted, the following steps will be taken:

1. If contacted directly by an inmate, the crisis worker will attempt to find out who the inmate is, and what facility he/she is in. If the inmate refuses to identify him/herself, the worker will elicit as much information about the assault as possible, such as where and when it occurred. After speaking with the inmate, the crisis worker will attempt to convince the inmate to report the assault. Should the inmate refuse to allow the information to be released, the crisis worker will notify the facility only that an assault was reported to him/her and give what information he or she can without violating the inmate's confidentiality.
2. Facility staff will conduct an investigation and attempt to identify the inmate. If the

inmate is identified, the protocol will be followed and the Sexual Assault Unit notified of the inmate's arrival time. The social worker has a thirty (30) minute response time to Highland Emergency.

3. The Sexual Assault Center offers crisis intervention and the following services, by telephone or in person, 24 hours a day on a daily basis.
 - a. Medical treatment
 - b. Collection of evidence
 - c. Information and referral
 - d. Accompaniment and advocacy
 - e. Translation services
 - f. In-person counseling after an assault for up to ten (10) weeks
 - g. Post-release planning
 4. The Sexual Assault Center telephones are located in Highland Hospital's Medical Social Services Department. Calls to the hotline can be made collect by an inmate 24 hours a day. Trained crisis line workers will answer the calls and have the capability to arrange three-party conference calls with a translator or social worker. All calls will ring at the Suicide Prevention Center at a special number used only for the hotline.
 5. CJMH may also perform some of the above services for the inmate, if the inmate does not wish to contact the Sexual Assault Unit. In this case, permission is needed from the inmate to allow CJMH to report the assault to the Sheriff's Office. This is due to existing laws on patient confidentiality. The on-site psychiatric staff will handle all follow-up care at the facility. This section applies only to circumstances where the inmate has not reported the assault and chooses to bypass the other available services.
- I. RETURN TO FACILITY: Once the inmate is returned to the detention facility, he/she is to be placed into an ITR holding cell, alone.
1. The Classification deputy will notify the clinic staff when the inmate returns.
 2. The ITR nurse will medically evaluate the inmate and the Classification deputy will then determine the proper housing area for the inmate.
 3. Classification shall consider all options for maintaining the safety of the inmate, including, but not limited to; moving to another facility, removal from contact with the alleged abuser, reclassifying to Protective Custody, or change of housing assignment. This shall also include monitoring the inmate, witnesses, and the reporting party if different from the inmate for any form of retribution or retaliation, for a minimum of 90 days.
- J. POST INCIDENT NOTIFICATIONS: Inmates who are sexually abused or assaulted

shall be notified in writing by the PREA Coordinator of the following:

1. When the abuser has been formally charged with a crime pertaining to the assault or abuse.
 2. When the abuser has been convicted of a crime related to the assault or abuse.
 3. If the inmate is no longer in custody, no notifications are required.
- K. FOLLOW UP: Follow-up services include providing medical follow-up care as directed by the Highland Hospital physician.
1. Jail medical staff will perform all follow-up VDRL and pregnancy testing. Detention and Corrections facilities' medical staff, psychiatric staff, CJMH, and the sexual assault worker should coordinate delivery of follow-up services required during the remainder of the jail sentence or stay.
 2. The primary concern is for the inmate's continued protection and providing counseling and medical follow-up for the post-trauma stages of the assault. Post incident emotional support services shall be made available for all victims to include those who fear retaliation for reporting or cooperating with the investigation.
3. POST RELEASE REFERRAL: Coordination between the CJMH clinic and the Sexual Assault Center will assist the inmate with referrals for continued intervention services and mental health follow-up upon release from custody.