



Lake County Sheriff's Office

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TITLE: PREA

POLICY AND PROCEDURE: 200B

EFFECTIVE DATE: OCTOBER 1, 2012

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APPROVED BY: FRANK LEONBRUNO, SHERIFF 

LAKE COUNTY PROSECUTOR:  1/28/22

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POLICY:

It is the policy of the Lake County Sheriff's Office to establish a zero-tolerance standard for the detection, reduction and punishment of sexual abuse of inmates, to address the safety and treatment of inmates who have been a victim of a sexual act, and to discipline and prosecute those who perpetrate these acts upon inmates.

PURPOSE:

ZERO TOLERANCE OF SEXUAL ABUSE AND SEXUAL HARASSMENT (§115.11)

To establish zero-tolerance standards for sexual abuse, sexual battery, and sexual harassment within the Lake County Adult Detention Facility while protecting the rights of inmates regardless of gender or sexual preference, through accountability of perpetrators and the punishment of those Lake County Sheriff's personnel who fail to prevent, detect, and respond to sexual abuse, sexual battery, and sexual harassment crimes for incarcerated inmates and those offenders under departmental jurisdiction. (**§115.11a**)

To establish and provide implementation of standards for the detection, prevention, reduction and punishment of sexual abuse, sexual battery, and sexual harassment by

increasing the availability of data, information, and training on the incidence of sexual abuse, sexual battery, and sexual harassment, consequently improving the management and administration of the Lake County Adult Detention Facility.

To establish guidelines for proper and immediate reporting of such incidents as well as providing appropriate safeguards for victims, the management of evidence, and actions to be taken from reporting an allegation to substantiation of sexual abuse, sexual battery, and sexual harassment.

The definitions contained herein are limited to the reporting, training, and investigation of alleged sexual abuse, sexual battery, sexual harassment, and sexual misconduct made pursuant to the Prison Rape Elimination Act of 2003. No definition contained herein expands or provides a cause of action under state or federal law. No definition contained herein applies to any other procedure or protocol of the Lake County Adult Detention Facility unless expressly provided for in applicable procedure.

PROCEDURE:

It is the policy of the Lake County Detention Facility to be in full Compliance with all applicable standards of the Prison Rape Elimination Act (PREA).

To ensure compliance with the Lake County Sheriff's Office policy, procedures and PREA standards, the Lake County Detention Facility's Lieutenant in charge of PREA, on an annual basis conduct an assessment of all aspects of facility operations to identify any deficiencies in regard to PREA. The Lieutenant in charge of PREA will develop, prepare, and forward an action plan to the Executive Lieutenant for correcting any noted deficiencies.

All staff shall report immediately to a supervisor any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency. Retaliation against inmates or staff who reported such an incident and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. **(§115.61a)**

Unless otherwise precluded by Federal, State or local law, medical and mental health practitioners will be required to report sexual abuse pursuant to paragraph (C) of this section and to inform inmates of the practitioner's duty to report and the limitations of confidentiality at the initiation of services. **(§115.61c)**

Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in the Lake County Adult Detention Facility's policy, to make treatment, investigation, and other security and management decisions. **(§115.61b)**

If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person statute, the Lake County Adult Detention Facility will report the allegation to the designated State or local services agency under applicable mandatory reporting laws. (§115.61d)

This policy will stand as the written facility plan to coordinate actions taken in response to an incident of sexual abuse, among members to include first responders, medical and mental health practitioners, investigators and facility leadership. (§115.65)

1. DEFINITIONS: (§115.5, §115.6)

- **Abuser**-where used herein, refers to a staff member, volunteer, contractor, or inmate committing forcible sexual contact against another staff member, volunteer, contractor, or inmate.
- **Audit**-where used herein, refers to the inspection of facilities, conducted by individuals certified by the U.S. Department of Justice (USDOJ), to ensure compliance of PREA standards.
- **Compliance Manager**-where used herein, refers to an employee designated to coordinate the Agency's effort to comply with PREA standards.
- **Contractor**-where used herein, refers to a person who provides service on a recurring basis pursuant to a contractual agreement with the Lake County Sheriff's Office or any agency in which inmates are housed, worked or kept within the county.
- **Data**-where used herein, refers to the information collected from the appropriate office/department and processed by the Bureau of Research and Data Analysis regarding incidents or allegations of sexual abuse, sexual battery, staff sexual misconduct, and sexual harassment. This data will be made available to the federal government as required.
- **Jail Management System (JMS)**-refers to the database utilized by the Executive Lieutenant and her/his designees to prepare and maintain records of Accreditation activities including compliance checklists, reports, standard lists, labels, self-evaluations, etc.
- **Employee/Staff**-where used herein, refers to individuals who work for the Lake County Sheriff's Office on a fulltime or part-time basis.

- **Gender Nonconforming**-where used herein, refers to a person whose appearance or manner does not conform to traditional societal gender expectation.
- **Inspector**-where used herein, refers to the Inspector assigned by the Facility Administrator/designee to investigate the allegations of sexual battery, sexual abuse, staff sexual misconduct, and staff sexual harassment.
- **Intersex**-where used herein, refers to a medical condition wherein a person's sexual anatomy or chromosomal pattern does not fit the definition of male or female. This may also be referred to as disorders of sex development.
- **LGBTI**-where used herein, refers to Lesbian, Gay, Bisexual, Transgender, and Intersex.
- **Prison Rape Elimination Act (PREA)**-where used herein, refers to Part 115 of Title 28 of the Code of Federal Regulations (C.F.R.), National Standards to Prevent, Detect, and Respond to Prison Rape, under the "Prison Rape Elimination Act of 2003." The Act provides for analysis of the incidence and effects of prison rape in federal, state, and local institutions, and for information, resources, recommendations and funding to protect individuals from prison rape.
- **PREA Coordinators**-where used herein, refers to the staff member appointed by the Facility Administrator/designee assigned to develop, implement, and oversee the Lake County Adult Detention Facility's effort to comply with the PREA standards.
- **Sexual Abuse**- where used herein, refers to:
 - A. Any unwanted or coerced act by an inmate against another inmate, without the inmate's consent including any of the following:
 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, however slight, by a hand, finger, object or other instrument.
 4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, excluding contact incidental to a physical altercation.
 - B. Any of the following acts perpetrated by a staff member, contractor, or volunteer against an inmate, 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 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 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.
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1-4 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.
8. Voyeurism by a staff member, contractor, or volunteer.

- **Sexual Abuse Investigation Review Committee (SAIRC)**-where used herein, refers to the committee that is responsible for reviewing sexual abuse incidents at the Lake County Adult Detention Facility
- **Sexual Assault Response Team (SART)**-where used herein, refers to a contract medical team that, at the direction of the Jail Administrator/designee, responds to reported sexual assault incidents in the Lake County Adult Detention Facility has an agreement to conduct a forensic sexual assault examination with University Hospitals.
- **Sexual Battery**-where used herein, refers to nonconsensual oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the oral or vaginal penetration of another by any other object. However, sexual battery does not include an act done for bona fide medical purpose. Any inmate, employee, volunteer, or contractor who commits a sexual battery may be criminally prosecuted pursuant to Ohio Revised Code sections 2907.
- **Sexual Harassment**-where used herein, includes "repeated" verbal statements or comments of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, agency representative, or another inmate such as:

- a. Demeaning references to gender or derogatory comments about body or clothing
 - b. Profane or obscene language or gestures.
 - c. Statements conveyed through normal conversation with sexual or inappropriate connotation.
 - d. Coercive statements of a sexual nature.
 - e. Unwelcome sexual advances, and requests for sexual favors.
- **Staff Sexual Misconduct**-where used herein, refers to the "consensual" oral, anal, or vaginal penetration by or union with, the sexual organ of an inmate or offender and an employee. Pursuant to Ohio Revised Code 2907 any employee of the Department, who engages in sexual misconduct with an inmate or offender without committing the crime of sexual battery, commits a felony of the third degree.
 - **Transgender**-where used herein, refers to a person whose gender identity is different from the person's assigned sex at birth.
 - **Victim Advocate**-where used herein, refers to a qualified individual trained in rape crisis counseling.
 - **Volunteer**-where used herein, refers to an individual who donates her/his time or effort on a recurring basis to enhance the activities and programs at the facility.
 - **Voyeurism**-where used herein, refers to the invasion of an inmate's privacy by staff for reasons unrelated to official duties or by another inmate such as staring at an inmate who is using a toilet to perform bodily functions, showering, changing clothes, or taking images of all or parts of an inmate's naked body.

2. PREVENTION:

A. Zero Tolerance of Sexual Abuse:

1. The Lake County Adult Detention Facility does not tolerate sexual abuse of any kind in its facility.
2. Sexual conduct between staff and Inmates; among Inmates; or between volunteers, contracted personnel and Inmates regardless of consensual status, shall be prohibited and subject to administrative and criminal disciplinary sanctions.

B. PREA Compliance:

To ensure compliance with PREA standards the Executive Lieutenant on an annual basis will conduct an assessment of all aspects of the jails operations to identify any deficiencies in regard to PREA.

The jail Supervisor who oversees PREA will develop, prepare and forward an action plan to the Executive Lieutenant or designee for correcting any noted deficiencies.

1. No agreement shall be made that limits the agency's ability to remove alleged staff sexual or abuser from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
 2. Nothing in this policy shall restrict the entering into or renewal of agreements that govern (§115.66b)
- A. Whether a no-contact assignment that is imposed pending the outcome of an investigation will be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated. (§115.66b-2)
- B. The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of (§115.72 and 115.76). (§115.66b-1)

3. PREA COORDINATOR

- a. In an effort to develop, implement, and oversee the Lake County Adult Detention Facility's efforts to comply with the PREA standards, the Executive Lieutenant will be designated as the PREA Coordinator.
- b. The Executive Lieutenant will be designated as the Lake County Adult Detention Facility's PREA Coordinator and has sufficient time and authority to develop, implement and oversee agency efforts to comply with the PREA standards. (§115.11b)
- c. The PREA Coordinators responsibilities will include but are not limited to:
 1. Developing written policies that follow Correctional best practices and meets the intent of the PREA Standards.
 2. Oversees training plans that fulfill the PREA training requirements.

3. Monitoring inmate screening procedures, investigations, and medical and mental health care treatment according to the PREA Standards.
 4. Supervising the jails data collection efforts and provide appropriate access and materials to auditors.
- B. The PREA Coordinator will provide quarterly reports to the Jail Administrator addressing the following areas:
1. Each of his or her areas of responsibilities.
 2. Progress reports on standards implementation and/or compliance.
 3. Any deficiencies in standards, problems, and or challenges that need to be addressed or resolved.

4. HIRING AND PROMOTION DECISIONS

- A. The Lake County Sheriff's Office will not hire or promote anyone who may have contact with inmates and shall not enlist the services of any contractor who may have contact with inmates who: **(§115.17a-1,2,3)**
1. Have engaged in sexual abuse in a prison, jail, lockup, community confinement, juvenile facility or other institution. (As defined in 42 U.S.C. 1997)
 2. Have 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.
 3. Have been civilly or administratively adjudicated to have engaged in the activity described in paragraph, **(A, 2)** of this section.
- B. The Lake County Sheriff's Office will consider any incidents of sexual harassment in determining whether to hire or promote anyone or to enlist the services of any contractor who may have contact with inmates. **(§115.17b)**
- C. Before hiring new employees, who may have contact with inmates, the Lake County Sheriff's Office Detective Bureau will: **(§115.17c-1, 2)**
1. Perform a criminal background records check; and
 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. (§115.17c-2)

- D. Before enlisting the services of any contractor who may have contact with inmates, the Detective Bureau will perform a criminal background records check. (§115.17d)
- E. The Lake County Sheriff's Office will have in place a system for conducting criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees capturing details on any arrests by utilizing the automatic response system in LEADS. All information for current employees and printed volunteers will immediately be forwarded to the Human Resources department within the Sheriff's Office. This process is automatic due to all fingerprints being electronic. (§115.17e)
- F. The Lake County Sheriff's Office will ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (A) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of the reviews of current employees. The Sheriff's Office will also impose upon employees a continuing affirmative duty to disclose any such misconduct. (§115.17f)
 - 1. Material omissions regarding such misconduct or the provision of materially false information is grounds for termination. (§115.17g)
- G. Unless prohibited by law, the Lake County Sheriff's Office will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. (§115.17h)

5. CONTRACTING WITH OTHER ENTITIES FOR THE CONFINEMENT OF INMATES

- A. When entering into any new contract or contract renewal with private agencies or other entities, including other government agencies for the confinement of its inmates The Sheriff's Office will include the facility's obligation to adopt and comply with the PREA standards. (§115.12a)
- B. Any new contract or contract renewal will provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. (§115.12b)

6. AGREEMENTS WITH OUTSIDE PUBLIC ENTITIES AND COMMUNITY SERVICE PROVIDERS

- A. The Lake County Adult Detention Facility has an agreement with Cleveland /Lake Rape Crisis Center who will be able to receive and immediately forward inmate reports of sexual abuse to the Facility Administrator, Captain, Executive Lieutenant, and PREA Coordinator.
- B. The Lake County Sheriff's Office shall inform inmates prior to giving them access of the extent to which such communication will be monitored and that the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. (**§115.53b**)
- C. The Lake County Sheriff's Office Adult Detention Facility has entered into a Memorandum of Understanding (MOU) with the Crossroads Health, a community service provider that is able to provide inmates with confidential emotional support services related to sexual abuse and help victims of sexual abuse during their transition from incarceration to the community. The Lake County Sheriff's Office will maintain copies of agreements or documentation showing attempts to enter into such agreements. (**§115.53c**)

7. AGREEMENTS WITH THE PROSECUTING AUTHORITY:

- A. The Lake County Sheriff's Office will ensure all cases of sexual abuse within the Facility confinement settings are processed and prosecuted accordingly.
- B. The Lake County Sheriff's Office will report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, to the facility's Detective Bureau. (**§115.61e**)

8. VIDEO TECHNOLOGY FACILITY UPGRADES

- A. The Lake County Sheriff's Office will use video monitoring systems and other cost-effective and appropriate technology to supplement its sexual abuse, prevention, detection, and response efforts with high definition video cameras strategically located throughout the facility and on the grounds.
- B. Annually the Executive Lieutenant will assess the feasibility of and need for new or additional monitoring technology and/or equipment and develop an after-action report with suggestions for correction to the Jail Administrator.
 - 1. When designing or acquiring any new facility and in planning any substantial expansion or modification, of existing facilities, the Lake

County Sheriff's Office will consider the effect of the design, acquisition, expansion, or modification upon the Detention Center's ability to protect inmates from sexual abuse. (§115.18a)

2. When installing or updating a video monitoring system, electronic surveillance system or other monitoring technology, the Lake County Adult Detention Facility will consider how such technology will enhance the ability to protect inmates from sexual abuse. (§115.18b)

9. SUPERVISION AND MONITORING (§115.13 a-1,2,3,4,5,6,7,8,9,10,11. b, c-1,2,3 and d)

- A. The Lake County Adult Detention Facility's developing, documenting, and complying on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring and will take into consideration:
 1. Generally accepted detention and correctional practices.
 2. Any judicial findings of inadequacy.
 3. Any findings of inadequacy from Federal investigative agencies.
 4. Any findings of inadequacy from internal or external oversight bodies.
 5. All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated).
 6. The composition of the inmate population.
 7. The number and placement of supervisory staff.
 8. Institution programs occurring on a particular shift.
 9. Any applicable State or local laws, regulations, or standards.
 10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
 11. Any other relevant factors.
- B. It will be documented if circumstances exist where the staffing plan is not compile with and justify all deviations from the plan.
- C. Whenever necessary, but no less frequently than once each year the Lake County Adult Detention Facility will in consultation with the PREA Coordinator required by (§115.11), shall assess, determine, and document whether adjustments are needed to:
 1. The staffing plan established pursuant to paragraph (a) of this section.
 2. The facility's deployment of video monitoring systems and other

monitoring technologies

3. The resources the facility has available to commit to ensure adherence to the staffing plan

- D. The Lake County Adult Detention Facility complies with having first line supervisors and higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. These practices are implemented for night shift, second shift as well as day shift. If a staff member alerts other staff member that these supervisory rounds are occurring that will result in disciplinary action, unless such announcement is related to the legitimate operational functions of the facility.

10. VIEWING AND SEARCHES:

- A. **Cross Gender:** Except in the case of an emergency or other extraordinary or unforeseen circumstance, the jail will prohibit cross-gender Frisk Searches, except in exigent circumstances. The facility will not conduct cross gender strip searches or cross gender visual body cavity searches (meaning a search of the annual or genital opening) except in exigent circumstances or when performed by medical practitioners. (§115.15a) The Lake County Adult Detention Facility will restrict cross-gender viewing by non-medical staff of inmates, who are nude or performing bodily functions. Except in the case of an emergency or other extraordinary or unforeseen circumstance the jail will restrict cross gender pat-down searches. When staff of the opposite gender enters into a housing pod, or cell, they will announce their presence when entering to the inmates in that housing area. (§115.15d) The jail will allow inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. In the case of an emergency or other extraordinary or unforeseen circumstance where a cross-gender viewing or search has been conducted, the incident will be documented in a report. (§115.15c) The jail will document all cross-gender strip searches and cross gender visual body cavity searches and will document all cross-gender pat-down searches of female inmates. The Corrections Officers will receive training in how to conduct cross-gender and transgender pat down searches, in a respectful and the least intrusive manner consistent with security needs. The inmate does have the option to decide the gender of the staff to conduct a search if it is determined that a search is to be performed (§115.15a, f)
- B. The Lake County Adult Detention Facility will not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. The jail will not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. This standard does not apply to our facility at this time. (§115.15b)

- C. Transgender Individuals:** The facility shall not search or physically conduct examinations of transgender or intersex individuals for the sole purpose to determine their genital status. This will be determined by staff through conversation with the inmate or by reviewing their medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical examiner. **(§115.15e)**

A. Inmates with Special Needs:

1. The Lake County Adult Detention Facility will take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps will include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters through the UbiDuos system and Language Line Services 1-800-752-6096 who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. **(§115.16b)** The Lake County Adult Detention Facility will ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision. It is not required to take actions that the agency can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164. **(§115.16a)**
- A. At no time shall the Lake County Adult Detention Facility rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under **(§115.64)**, or the investigation of the inmate's allegations. **(§115.16c)**
 1. Information about PREA and how to report sexual abuse will be distributed to each inmate in the following manner:
 - A. Verbally during the intake process to ensure inmates with limited reading skills or who are visually impaired understand key issues and points concerning PREA
 - B. Written (English and Spanish) in the Inmate Handbook and played 24/7 on the Inmate News Channel in each Housing Unit

11. JUVENILE INMATES:

- A.** Juvenile inmates will not be placed in housing units where the juvenile inmate will have sight, sound or physical contact with any adult inmates through the use of a shared dayroom or other common space, shower area or sleeping quarters. **(§115.14a)**
- 1.** In areas outside of the housing unit sight, sound and physical contact separation between juvenile and adult inmates will be maintained or, in cases where separation is not possible, direct staff supervision shall be provided. **(§115.14b-1,2)**
 - 2.** Except in exigent circumstances, the Lake County Adult Detention Facility will not deny youthful inmates daily large-muscle exercise and any legally required special education services to comply with this requirement. **(§115.14c)**
 - 3.** Juvenile inmates shall also have access to other programs and work opportunities to the extent possible. **(§115.14c)**

12. TRAINING AND EDUCATION:

A. Employee Training: All employees who may have contact with inmates have received training necessary to fulfill their responsibilities in the prevention, detection, and response to inmate sexual abuse allegations. All PREA Training shall be included in the jails F.T.O. Program to be completed within the twelve weeks with the agency and refresher training is mandatory and provided on an annual basis. All training shall be documented. All Corrections Officers will be trained to comply with standards and to supervise all genders. **(§115.31abc)**

B. Training classes at a minimum will include the following:

- 1.** Zero tolerance policy for sexual abuse and sexual harassment. **(§115.31a-1)**
- 2.** PREA Standards. **(§115.31a-2)**
- 3.** Lake County Sheriff's Office PREA Policy and Procedures. **(§115.31a-2)**
- 4.** Sexual Abuse Reporting Duties. **(§115.31a-4)**
- 5.** An inmate's right to be free from sexual abuse. **(§115.31a-3)**
- 6.** The Right of inmates and employees to be free from retaliation from reporting sexual abuse. **(§115.31a-4)**
- 7.** The dynamics of sexual abuse in confinement. **(§115.31a-5)**
- 8.** The common reactions of sexual abuse and sexual harassment victims. **(§115.31a-6)**

9. How to detect and respond to signs of threatened and actual sexual abuse. (§115.31a-7)

a. How to avoid inappropriate relationships with inmates. (§115.31a-8)

b. Medical and Mental Health Care Duties.

c. Initial Contact / Securing the Crime Scene.

d. How to comply with relevant laws related to mandatory reporting of sexual abuse to inmates. (§115.31a-10)

e. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates. (§115.31a-9)

C. All employees shall receive training in Cultural Diversity and Interpersonal Communications Skills with the primary goal being effective and professional communication between staff and inmates, including lesbian, gay, bisexual and transgender, intersex or gender nonconforming inmates, as well as staff to staff communications. (§115.31a)

D. The Training Supervisor will ensure that all training classes developed for the training of Corrections Officers in relationship to PREA require the Corrections Officers receiving training will sign documentation stating that they understand the training that they have received.

E. Physical or electronic signatures of the Sheriff's Office Civilians and Deputies indicating that they understand the training and those copies shall be maintained for review during PREA Standard Inspections. (§115.31d)

13. VOLUNTEER AND CONTRACTOR TRAINING:

A. The Lake County Sheriff's Office Support Services Lieutenant will ensure that all volunteers and contractors who have contact with inmates are trained on their responsibilities in regard to this policy as it relates to the prevention, detection, and response to inmate sexual abuse allegations. (§115.32a)

B. The Lake County Adult Detention Facility will modify training for volunteers and contractors based on the services they provide and the level of contact they have with inmates. (§115.32b)

C. At a minimum volunteers and contractors shall receive training in the following areas:

1. PREA Standards.
2. The Lake County Sheriff's Office Zero Tolerance and PREA Policy and Procedure. (§115.32b)
3. Sexual Abuse Reporting Duties.
4. How to report sexual abuse to jail staff and/or other parties, when appropriate.

- D. The Lake County Adult Detention Facility Support Services Lieutenant will ensure that all training classes developed for the training of volunteers and contractors in relationship to PREA require the individual receiving training to sign documentation stating that they understand the training that they have received. Physical or electronic signatures of individuals indicating that they understand the training and it will be maintained for review during PREA Standard Inspections. (§115.32c)

14. INMATE EDUCATION:

- A. Corrections Officers during the intake process will inform inmates verbally and through written material brochures and posters posted of the Lake County Sheriff's Office of the Zero Tolerance policy regarding sexual abuse. This information is also on the inmate tablets that are available for each housing unit and isolation cells. This will be documented in the inmate's classification file. (§115.33a)
- B. During the intake process booking officers will inform inmates verbally as well as be provided written material regarding how to report incidents or suspicions of sexual assault and/or abuse. (§115.33a)
- C. The Lake County Adult Detention Facility will provide comprehensive education to all inmates within 30 days following the intake process, this includes inmates transferred from prisons and other facility's. Inmate education will be available in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. (§115.33b, c, d)

• **The comprehensive education for inmates will include at a minimum:**

1. An inmate's right to be free from retaliation for reporting abuse.
 2. The dynamics of sexual abuse in confinement.
 3. The common reactions of sexual abuse victims.
 4. Agency sexual abuse response policies and procedures.
- D. The Lake County Adult Detention Facility maintains documentation of inmate participation in these education sessions. (§115.33e)

15. REFRESHER TRAINING:

- A. The Lake County Adult Detention Facility will provide periodic refresher training to inmates to ensure that all inmates are educated on the agencies most current sexual abuse policies and procedures.
- B. The Lake County Adult Detention Facility will document all training received by inmates on the inmate's individual jail record utilizing the jail's current computerized jail management system.

16. SPECIALIAZED TRAINING AND INVESTIGATIONS

- A. To ensure compliance with the standards of PREA, Detectives for the Lake County Adult Detention Facility will receive training in conducting sexual abuse investigations in a confinement setting. (**§115.34a**)
 - The specialized training for Detectives will include the following areas: (**§115.34a, b**)
 1. Techniques for interviewing sexual abuse victims.
 2. Proper use of Miranda and Garrity warnings.
 3. Sexual abuse evidence collection in confinement settings.
 4. Criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- B. The Lake County Adult Detention Facility will maintain written verification of a Detective's completion of specialized training in conducting sexual abuse investigations in a confinement setting. (**§115.34c**)

17. SPECIALIZED TRAINING/MEDICAL AND MENTAL HEALTH CARE:

- A. To ensure compliance with the standards of PREA, medical staff assigned to the Lake County Sheriff's Office will receive the same training as all volunteer and contractors in how to detect and assess signs of sexual abuse. (**§115.35d**)
- B. Jail Medical Staff will receive additional training related to PREA in the following areas: (**§115.35a**)
 1. How to detect and assess signs of sexual abuse and sexual harassment. (**§115.35a-1**)
 2. How to preserve physical evidence prior to having the inmate examine by a S.A.N.E nurse. (**§115.35a-2**)
 3. How to respond effectively and professionally to all victims of sexual Abuse. (**§115.35a-3**)

**4. How to and whom to report allegations of suspicions of sexual abuse.
(§115.35a-4)**

- A.** The Lake County Adult Detention Facility will maintain written verification of all medical staff that has received specialized training in detecting, assessing, and responding to sexual abuse victims.
- B.** The Lake County Adult Detention Facility will maintain documentation on any outside entity that employs medical and mental health practitioners trained to conduct forensic examinations. Medical and mental health care practitioners shall also receive the training mandated for employees under **(§115.31)** or for contractors and volunteers under **(§115.32)**, depending upon the practitioner's status with the agency. **(§115.35bcd)**

18. EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMS:

- A.** All reports of Inmate-on-Inmate Sexual Abuse or Staff-on-Inmate Sexual Abuse will be investigated by the Lake County Sheriff's Office. The agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceeding and criminal prosecutions. **(§115.21a)**
- B.** The protocol shall be developmentally appropriate for youth where applicable and as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women Publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011. **(§115.21b)**
- C.** Jail victims of inmate-on-inmate sexually abusive penetration or staff-on-inmate sexually abusive penetration shall be provided access to a forensic medical exam. **(§115.21c)**
- D.** The examination shall be conducted by a Sexual Assault Forensic Examiners or a Sexual Assault Nurse Examiner. **(§115.21c)**
- E.** The Detectives will ensure that all forensic medical exams performed on inmates under the secure control of the Lake County Adult Detention Facility are conducted by a qualified forensic medical examiner at University Hospitals. **(§115.21c)**
- F.** Forensic medical exams for inmates under the secure control of the Lake County Adult Detention Facility will be provided free of charge to the inmate. Jail victims of inmate-on-inmate sexually abusive penetration or staff-on-inmate sexually

abusive penetration shall be made available and a victim's advocate to accompany them through the forensic medical exam process. (§115.21c)

- G. The Lake County Adult Detention Facility will provide inmates access to an outside mailing address where they can write to a victim advocate for emotional support services related to sexual abuse. The mailing address for Crossroads Health is 1083 Mentor Avenue Mentor Ohio 44060. The Lake County Adult Detention Facility will also provide a toll-free number which is posted in the inmate Rules of Conduct and on PREA posters throughout the facility and is answered by an outside source, the Cleveland/Lake Rape Crisis Center. This center will then report any and all allegations to the local or state authorities. Once the information is received by the Lake County Adult Detention Facility it will be forwarded to the Detention Center Inspector. Services shall be provided through the Cleveland/Lake Rape Crisis Center victim advocacy or our local Lake County Victims Advocate for any counseling required. (§115.21d) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member will accompany and support the victim through the forensic medical examination process and investigatory interviews. This service will also provide emotional support, crisis intervention, and referrals. (§115.21e) In regard to persons detained solely for civil immigration purposes, immigrant service agency numbers shall be provided. For the purposes of this section, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. (§115.21h) The facility will enable reasonable communication between inmates and these organizations and maintain confidentiality in all possible manners. (§115.53a)
- H. The jail will inform inmates of the extent to which such communications will be monitored and to the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws prior to giving the inmates access. (§115.53b)

19. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS:

- A. The Jail Administrator will ensure all inmates are screened to assess their risk of being sexually abused by other inmates and/or their risk of being sexually abusive toward other inmates at the following times: (§115.41a) (ACA 4D-22-3)
1. Initial Intake. (Within 24 hours of arrival to facility) (§115.41b)
 2. Initial Classification.
 3. Transfer to another facility. (§115.41a)
 4. All Subsequent Classification reviews are assessed weekly. (115.42d)

- B. Within 30 days from the inmate's arrival at the jail, the inmate's risk of victimization or abusiveness shall be reassessed based upon any additional relevant information received by the facility since the intake screening. **(§115.41f)**
- C. An inmate's risk level will be reassessed when warranted due to a referral, request, and incident of sexual abuse or receipt of any additional information that bears on the inmate's risk of sexual victimization or abusiveness. **(§115.41g)**
- D. The Lake County Adult Detention Facility's Executive Lieutenant will ensure that those staff members who are screening inmates are provided with an objective written screening instrument tailored to both male and female inmates. **(§115.41c)**
 - 1. The intake screening will consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: **(§115.41d)**
 - a. Any Mental or Physical Disabilities. **(§115.41d-1)**
 - b. Inmates Age. **(§115.41d-2)**
 - c. Inmate Build. **(§115.41d-3)**
 - d. First incarceration in prison or jail. **(§115.41d-4)**
 - e. Inmate History. **(§115.41d-5)**
 - Any convictions for sex offenses against an adult or child. **(§115.41d-6)**
 - f. Sexual Orientation of gay or bisexual. **(§115.41d-7)**
 - Gender Nonconformance. (i.e., transgender or intersex identity) **(§115.41d-7)**
 - g. Prior sexual victimization. **(§115.41d-8)**
 - h. Inmate's own perception of vulnerability. **(§115.41d-9)**
 - i. If the inmate is detained solely for civil immigration purposes. **(§115.41d-10)**
- E. Inmates will not be disciplined for refusing to answer or for not disclosing complete information in responses to questions asked during the risk assessments. **(§115.41h)**
- F. The Lake County Adult Detention Facility will implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to risk screenings to ensure privacy of sensitive information that may be used for exploitation by staff or other inmates. **(§115.41i)**

1. Male Screening instruments for risk of being sexually abusive will contain at a minimum:

- a. Prior acts of sexual abuse.
- b. Prior convictions for violent offenses.

2. Female Screening instruments for at risk will contain at a minimum:

- a. Prior sexual victimization.
- b. Inmate's own perception of vulnerability.

2.Procedures:

1. The Inmate orientation process will begin in Booking during the intake process. The jail will use the information from the risk screening to determine housing/bed location, work, education and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. While in Booking the inmate will be provided information, which will include information regarding the protection/prevention and intervention of sexual abuse, harassment, or assault. **(115.42a, c, e)**
2. While in Booking the inmate will receive a health screening by trained Corrections Officers and will at a minimum:
 - a. Explain to the inmate how to access medical care.
 - b. Identify inmates as high risk for sexually assaultive behavior. Inmates with a history of sexually assaultive behavior shall be identified, monitored, and counseled.
 - c. Identify inmates as high risk for sexual victimization. Inmates at risk for sexual victimization shall be identified, monitored, and counseled.
 - d. Make individual determinations about how to ensure the safety of each inmate. **(115.42b)**
3. During the intake process, Booking Officers will provide any information and will inform the inmate how to access all information and rules in the "Inmate Rules of Conduct Handbook".
 - a. The "Inmate Rules of Conduct Handbook" will be available in English and Spanish.
 - b. The "Inmate Rules of Conduct Handbook" will include a written explanation of the following:

1. How to access medical care.
2. Sexual assault/ harassment/abuse, including prevention and intervention, self-protection, and how to receive treatment and counseling.

C. Methods for reporting sexual abuse/assault:

1. Notify any jail, Medical/Mental Health or Chaplain Staff member.
2. Toll free confidential hotline is available primarily for reporting sexual abuse/assault only. Misuse will result in disciplinary action. All information regarding the hotline is provided on literature available throughout all Housing Units and in the Inmate Rules of Conduct Handbook.
3. Complaints and grievances of sexual harassment and abuse will not be referred to a staff member who is the subject of the **complaint**. Any allegations made against staff may be reported through the provided toll-free hotline which is confidential and offers the inmate anonymity. (**§115.52c-1, 2**)

D. Exhaustion of Administrative Remedies: (§115.52b)

1. Third parties, including fellow inmates, staff members, family members, attorneys and outside advocates shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates. (**§115.52e1**)
 - a. If a third-party file such a request on behalf of any inmate, the facility has the right to require, as a condition of processing the request, that the alleged victim agree to have the request filed on his or her behalf and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. (**§115.52e-2**)
 - b. Third Party reports of sexual harassment will be reported to the jail Supervisor.
 - c. Information on how to report sexual abuse and sexual **harassment** will be provided on the Lake County Sheriff's Office website. (**§115.54a**)
2. If the inmate declines to have the request processed on his/her behalf, the Lake County Adult Detention Facility will document the inmate's decision. (**§115.52e-3**)

- a. The Lake County Adult Detention Facility does not impose a time limit for an inmate to submit a grievance regarding an allegation of abuse. **(§115.52b1)** (see Policy 206)
- b. The Lake County Adult Detention Facility apply applicable time limits to any portion that does not allege an incident of sexual abuse. **(§115.52b-2)**
- c. The Lake County Adult Detention Facility does not require an inmate to use any informal grievance process or to otherwise attempt to resolve the alleged incident with staff. Throughout the facility and in the Inmate Rules of Conduct Handbook the inmate can locate toll free numbers to a designated hotline to report all allegations and maintain anonymity. All allegations of sexual abuse or harassment will be investigated. **(§115.52b3)**
- d. Nothing in this section shall restrict the Lake County Adult Detention Facility's ability to defend against an inmate lawsuit on the grounds that the applicable statute of limitations has expired. **(§115.52b-4)**

E. Placement:

- 1. The Lake County Adult Detention Facility will make the decision to assign a Transgender or Intersex inmate to a facility for male or female inmates and other housing and programming assignments on a case by case basis. Such placement considerations should ensure the inmate's health and safety and prevent management and security issues. **(§115.42c)**
- 2. Placement and programming assignments for each transgender or intersex Inmates will be reassessed no less than twice per year to review any threats to safety experienced by the inmate. **(§115.42d)**
- 3. A Transgender or Intersex inmate's own views with respect to his or her own safety shall be given serious consideration. **(§115.42e)**
- 4. Transgender and Intersex inmates will be given the opportunity to shower separately from other inmates. **(§115.42f)**
- 5. The Lake County Adult Detention Facility will not place Lesbian, Gay, Bisexual, Transgender or Intersex inmates in dedicated ranges or cells solely on the basis of such identification. **(115.42g)**
- 6. **If an inmate is placed in protective custody based on inmate classification or voluntary requested by the inmate, he/she will:**

- A. Inmates at high risk for sexual victimization will not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while conducting the assessment. **(§115.43a)**
- B. Have access to programs, privileges, education, and work opportunities to the extent possible, if restricted it must be documented with the following: **(§115.43b)**
- The opportunities that have been limited. **(§115.43b-1)**
 - The duration of the limitation. **(§115.43b-2)**
 - The reason for the limitation. **(§115.43b-3)**
- C. If involuntary, the documentation must include: **(§115.43d)**

The basis for the facility's concern for the inmate's safety. **(§115.43d-1)**

The reason why no alternative means of separation can be arranged. **(§115.43d-2)**

7. The Lake County Adult Detention Facility will assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed 30 days. **(§115.43c)**
8. Every 30 days the Lake County Adult Detention Facility will reassess the segregated inmate to determine a continuing need for separation from the general population. **(§115.43e)**

F. Signage:

1. The Executive Lieutenant or designee will ensure that signage regarding the Agency's zero-tolerance policy and Cleveland/Lake Rape Crisis Center Hotline is posted throughout the jail on Posters. **(§115.33f)**

20. MEDICAL AND MENTAL HEALTH SCREENINGS: HISTORY OF SEXUAL ABUSE:

- A. If the initial medical 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 a

medical or mental health practitioner within 14 days of the intake screening. (**§115.81ac**)

- B. If the initial medical screening indicates that an inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff will ensure that the inmate is offered a follow up meeting with a medical or mental health practitioner within 14 days of the intake screening. (**§115.81b**)

21. SEXUAL ABUSE REPORTED HOTLINE:

- A. A telephone dedicated to receiving calls from inmates calling the Cleveland/Lake Rape Crisis Center Hotline will be available (216-619-6194). (**§115.51a**)
- B. The Cleveland/Lake Rape Crisis Center Hotline will be posted in the Inmate Rules of Conduct Handbook, tablets and PREA Posters. The inmate does not have to state the details of the abuse but need only state his/her full name and housing location, and that he/she would like to speak to a supervisor regarding sexual abuse/assault. No other questions will be directed at the potential victim, unless asked by the Detective Bureau. (**§115.51b**)
- C. Upon receiving a call from the Cleveland/Lake Rape Crisis Center Hotline, they are tasked to answer the calls promptly and handle them in a sensitive, timely, and confidential manner. Their staff will attempt to obtain the following information from the inmate:
 - 1. Inmate's name.
 - 2. Inmate's housing location.
 - 3. Housing location of alleged assailant.
- D. When the Shift Supervisor is notified of the alleged sexual abuse/assault, he/she will immediately report to the scene and ensure the following:
 - 1. The victim is isolated and is in view of a staff member at all times.
 - 2. All alleged assailant(s) and witness(s) are isolated and not questioned by Correctional staff only questioned by PREA trained investigators.
 - 3. The Executive Lieutenant will notify the Jail Administrator and the Detective Bureau who will assess the situation. The Detective Bureau will initiate the investigation process. The Jail Administrator will then determine the need to notify the Sheriff, based on his findings.
 - 4. Staff will attempt to identify the location where the alleged crime took place and the make the crime scene secure.
 - 5. The Lake County Adult Detention Facility Medical Division Nursing Coordinator is notified if emergency medical care is needed.

6. The victim is not permitted to eat, drink, change clothes, shower, or use the restroom, if possible, until cleared by the Lake County Sheriff's Office Detective Bureau /or designee.

1. The following documentation is collected:

- a. Copy of the Inmate Daily Roster of the area where the alleged attempted/sexual battery occurred.
- b. Copy of all inmates' Booking Sheet who were present when the alleged attempted/sexual battery occurred.
- c. Copy of the Daily Shift Rosters for the date and shift the alleged attempted/sexual battery occurred.

2. Copy of the Officer Logs covering the area during the time period of the alleged attempted/sexual battery, if applicable.

22. SEXUAL ABUSE REPORTED TO STAFF:

A. When staff becomes aware of an alleged attempted/sexual battery, verbally, in writing, anonymously or from a third party the staff member will document the occurrence on an Incident Report in the Jail Management System (JMS). They will then proceed with the following directions: **(§115.51c) (§115.64a)**

1. Isolate the victim and ensure the inmate is in view of an officer at all times. **(§115.64a) (§115.64a-1)**
2. Attempt to identify the location where the alleged crime took place, secure the crime scene, and gather all other pertinent information.
3. Isolate the alleged assailant, if known, and place in administrative segregation status in a holding cell **(§115.64a-2)**
4. Immediately notify the Supervisor.
5. Notify the Medical staff and request response to assess victim for any potential medical or mental health needs.
6. Ensure the victim is not permitted to eat, drink, change clothes, shower, brush teeth or use the restroom, if possible, until cleared by the Lake County Sheriff's Office Detective Bureau/or designee. **(§115.64a-3,4)**
7. Ensure that the alleged aggressor is not permitted to eat, drink, change clothes, shower, brush teeth or use the restroom, if possible, until cleared by the Lake County Sheriff's Office Detective Bureau/or designee /or designee. **(§115.64a-3,4)**
8. Notify the Executive Lieutenant who will notify the Lake County Sheriff's Office Detective Bureau/or designee to begin the investigation process.
9. Initiate an Incident Report.

B. The tower officer /or Floor Safety Officer notified of a sexual battery or attempted sexual battery will:

10. Request that the alleged victim not take any actions that could destroy physical evidence. **(§115.64b) (§115.64a-3,4b)**

11. Confirm the Shift Supervisor was notified.

12. Notify the Executive Lieutenant who will notify the Lake County Sheriff's Office Detective Bureau/or designee to begin the investigation process and will ensure that the allegation is investigated in accordance with the PREA standard **(§115.63d)**

13. Document the alleged sexual battery or attempted sexual battery in the JMS log and initiate an Incident Report.

A. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the supervisor shall notify the head of the facility or appropriate office of the agency where the alleged abuse had occurred within 72 hours. The supervisor shall then document the incident in a report to the Executive Lieutenant including who the incident was reported to at the offending facility. **(§115.63abc)**

B. Inmates detained solely for civil immigration purposes shall be provided with information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security. **(§115.51b)**

C. The Lake County Adult Detention Facility provides anonymity through the Cleveland/Lake Rape and Crisis Center hotline and with all organizations contracted through the Lake County Sheriff's Office to meet the guidelines of PREA. The Crisis Hotline 800-411-0103 is a toll-free number for all members of the jail. It provides private reporting of sexual abuse and sexual harassment of inmates. The hotline is posted throughout the jail, the inmate Rules of Conduct and the Inmate News Channel and is provided during their initial new employee orientation to include PREA training. **(§115.51d)**

23. Actions Required After Report of Sexual Abuse

1. Facility Protection Duties (§115.62/§115.262)

A. When a Facility learns that an Individual in the Facility or Program is subject to substantial risk of imminent Sexual Abuse, it shall take immediate action to protect the alleged victim. Employees shall report and respond to all allegations of Sexually Abusive Behavior and Sexual Harassment. Employees should assume that all reports of sexual victimization, regardless of the source of the report (i.e. "third party") are credible and respond accordingly.

- B. Only designated Employees specified by policy should be informed of the incident, as it is important to respect the victim's security, identity and privacy.
- C. All allegations of Sexual Abuse shall be handled in a confidential manner throughout the investigation.
- D. All conversations and contact with the victim should be sensitive, supportive and non-judgmental.

24. ACCESS TO EMERGENCY MEDICAL AND MENTAL HEALTH SERVICES

- A. Inmate victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are to be determined by medical and mental health practitioners according to their professional judgment. **(§115.82a)**
- B. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, the jails first responders shall take the preliminary steps to protect the victim according to policy and procedure and shall immediately notify the appropriate medical and mental health practitioners. **(§115.82b) (§115.64a)**
- C. Inmate victims of sexual abuse while incarcerated will be offered timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care where medically appropriate. **(§115.82c)**
- D. Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments or as otherwise required by Federal, State or local law. **(§115.81d)**
- E. 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 18. **(§115.81e)**
- F. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. **(§115.82d) (§115.83g)**

25. ONGOING MEDICAL AND MENTAL HEALTH CARE FOR SEXUAL ABUSE VICTIMS AND ABUSERS

- A. The 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. (**§115.83a**)
- B. The evaluation and treatment of such victims will include, as appropriate, follow up services, treatment plans, and referrals for continued care following their transfer to or placement into other facilities, or their release from custody, when necessary. (**§115.83b**)
- C. The jail will provide such victims with medical and mental health services consistent with the community level of care. (**§115.83c**)
- D. Inmate victims of sexually abusive vaginal penetration while incarcerated will be offered pregnancy tests. (**§115.83d**)
- E. If pregnancy results from sexual abuse the victim will receive timely and comprehensive information and access to pregnancy related services. (**§115.83e**)
- F. Inmate victims of sexual abuse while incarcerated will be offered tests for sexually transmitted infections as medically appropriate. (**§115.83f**)
- G. The Lake County Adult Detention Facility will attempt to conduct a mental health evaluation of all known inmate on inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. (**§115.83h**)

26. INVESTIGATION:

- A. The Lake County Adult Detention Facility will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The Lake County Adult Detention Facility is responsible for investigating all allegations of sexual abuse or sexual harassment. (**§115.22ab**)
- B. When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it will do so promptly, thoroughly and objectively for all allegations including third party and anonymous reports. When a Detective is responding to a sexual abuse allegation it is to be confirmed that he/she has received special training in sexual abuse investigations pursuant to (**§115.34**). (**§115.71ab**)
- C. For the purpose of this section, the Law Enforcement Officer, a qualified agency staff member or designee will be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. (**§115.21h**)

- D. Detectives will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. The Detective/or designee will interview alleged victims, suspected perpetrators and witnesses. The Detective/or designee will review prior complaints and reports of sexual abuse involving the suspected perpetrator. **(§115.71c)**
- E. The requirements of the following will also apply to any state entity outside of the jail that is responsible for investigating allegations of sexual abuse in the jail and any Department of Justice component that is responsible for investigation allegations of sexual abuse in the Lake County Adult Detention Facility.
1. When the Law Enforcement Officer arrives at the facility to investigate an alleged crime, the Shift Supervisor or designee will brief them on the situation.
 2. Based upon the criminal investigation, isolation of the victim and alleged assailant(s) may continue.
 3. In the event the Law Enforcement Officer determines a forensic assault exam is needed, the Lake County Sheriff's Office will transport the alleged victim for examination.
 - **The Transport Officer will maintain custody, control, and security of the inmate when being evaluated.**
 - **Restraints will be used. (Except where prohibited, (policy 227B) Shackling of incarcerated pregnant women.)**
 4. Upon return, the Transporting Officer will notify the Executive Lieutenant or designee.
 5. The Medical Coordinator or designee will assess the inmate and recommend housing.
 6. The Executive Lieutenant or designee will determine appropriate housing based on the Medical Coordinator's or designee's recommendation and any other relevant factors. Any use of segregated housing to protect an inmate who is alleged to have suffered from sexual abuse is subject to the requirements of (policy 205C). **(115.68a)**
- F. When the quality of evidence appears to support criminal prosecution, the agency will conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. **(§115.71d)**
- G. The agency will impose no standard higher than the preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. **(§115.72a)**

- H. The credibility of an alleged victim suspect, or witness will be assessed based on an individual basis and will not be determined by the person's status as inmate or staff. Furthermore, no agency will require an inmate who alleges sexual abuse to submit to a Controlled Voice Stress Analyzer or other truth telling device as a condition for proceeding with the investigation of such allegation. (**§115.71e**)
- I. Substantiated allegations of conduct that appears to be criminal will be referred for prosecution. (**§115.71h**)
- J. The departure of the alleged aggressor or victim from the employment or control of the facility will not provide a basis for terminating an investigation. (**§115.71j**)
- K. When outside agencies investigate sexual abuse the Lake County Adult Detention Facility will cooperate with outside investigators and will endeavor to remain informed about the progress of the investigation. (**§115.71i**)

27. CRIMINAL AND ADMINISTRATIVE AGENCY INVESTIGATIONS REPORTS

- A. All administrative investigations will 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 and will include an effort to determine whether staff actions or failures to act contributed to the abuse. (**115.71f1-2**)
- B. Criminal investigations will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. (**§115.71g**)
- C. The agency will retain all written criminal and administrative investigations and reports for as long as the alleged aggressor is incarcerated or employed by the agency plus five years. (**§115.71i**)

28. REPORTING TO INMATES:

- A. Following an investigation into an inmate's allegation that he or she has suffered sexual abuse in the jail, the Detective Bureau will inform the inmate as to whether the allegation has been substantiated, unsubstantiated or unfounded. (**§115.73a**)
- B. If the Detective Bureau did not conduct the investigation, the Detectives will request the relevant information from the investigative agency in order to inform the inmate. (**§115.73b**)

C. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency will subsequently inform the inmate, unless the allegation is unfounded, whenever: **(§115.73c)**

1. The staff member is no longer assigned to work the floor the inmate is housed on (§115.73c-1)
2. The staff member is no longer employed at the facility. (§115.73c-2)
3. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility. (§115.73c-3)
4. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility. (§115.73c-4)

D. Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency will subsequently inform the alleged victim whenever: **(§115.73d)**

1. The agency learns that the alleged aggressor has been indicted on a charge related to sexual abuse within the facility. **(§115.73d-1)**
2. The agency learns that the alleged aggressor has been convicted on a charge related to sexual abuse within the facility. **(§115.73d-2)**

E. All such notifications or attempted notifications are documented. **(§115.73e)**

F. The agency's obligation to report under this policy will terminate if the inmate is released from the agency's custody. **(§115.73f)**

29. **MEDIA: STAFF WILL REFER ALL MEDIA INQUIRIES TO THE PUBLIC INFORMATION OFFICER**

30. **EMERGENCY GRIEVANCES**

A. After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the staff member will immediately forward the grievance to a supervisor, who will provide an immediate initial response of administrative confinement and start an investigation within 12 hours from receipt of the emergency grievances and will issue a final agency decision within 3 calendar days. **(§115.52f1)** There will not be a time limit imposed on when an inmate may submit a grievance regarding an allegation of sexual abuse. **(§115.52b-1) (§115.62)**

B. The initial response and final agency decision will document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

- C. The agency will notify the inmate in writing if an extension is needed and provide a date by which a decision will be made. The extension will never exceed the PREA Act limitations of 48 hours response and 5 calendar days for the agency's final decision. (**§115.52f-2**)

- D. The Lake County Adult Detention Facility issues a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. (**§115.52d1**)
 - 1. Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal. (**§115.52d-2**)
 - 2. The agency may claim an extension of up to 70 days to respond if the normal time period for response is insufficient to make an appropriate decision. The agency will notify the inmate in writing of any such extension and provide a date by which a decision will be made. (**§115.52d-3**)
 - 3. At any level of the administrative process, including the final level, if the inmate does not receive a response within the allotted time to reply, including any properly noticed extension, the inmate may consider the absence of a response to be denial at that level. (**§115.52d-4**)

- E. The agency will discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith. (**§115.52g**)

31. AGENCY PROTECTION AGAINST RETALIATION

- A. All staff and inmates who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations will be protected by the Lake County Adult Detention Facility from retaliation by other inmates or staff by offering anonymity. The two confidential hotlines are available which can be used if the inmate or staff member has a fear of retaliation. These hotlines offer resources such as Victim Advocates and Mental Health Counselors. These lines are provided in the Inmate Rules of Conduct. When an accusation is made to the hotline, the Detention Center Inspector will be responsible to monitor all allegations and ensure policy is being complied with. (**§115.67a**)
 - 1. The Lake County Adult Detention Center offers multiple protection measures such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services through Victim Advocates and Mental Health Counselors. Inmates or staff who fears retaliation for reporting sexual abuse or sexual harassment or for cooperation with

investigations are offered anonymity through the toll-free hotlines that are provided. (§115.67b)

2. For at least 90 days following a report of sexual abuse the Detective Bureau will monitor the conduct and treatment of inmates or staff who reported sexual abuse and of inmates who were reported to have suffered sexual abuse to monitor possible retaliation by inmates or staff and will act promptly to remedy any such situation. Items to be monitored may include but are not limited to disciplinary reports, negative performance reviews/reassignments of staff. If deemed appropriate, the Detective Bureau will continue to monitor beyond 90 days. (§115.67c)
3. Inmate monitoring will also include periodic status checks through review of the video monitoring system and unannounced rounds made by jail sergeants, lieutenants and higher-level supervisors. (§115.67d)
4. The jail will take appropriate measures to protect any other individual who cooperates with an investigation and expresses a fear of retaliation. (§115.67e)
5. The jails obligation to monitor will be terminated if the agency determines that the allegation is unfounded. (§115.67f)

32. DISCIPLINARY SANCTIONS FOR STAFF:

- A. Staff will be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. (§115.76a)
- B. Termination will be the presumptive disciplinary sanction for staff who engages in sexual abuse. (§115.76b)
- C. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment will commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. (§115.76c)
- D. All terminations for violations of agency sexual abuse or sexual harassment policies or resignations of staff who would have been terminated if not for their resignation will be reported to law enforcement agencies, unless the act was clearly not criminal and to any relevant licensing bodies. (§115.76d)

33. CORRECTIVE ACTION FOR CONTRACTORS AND VOLUNTEERS

- A. Any contractor or volunteer who engages in sexual abuse is prohibited from contact with the inmates and will be reported to law enforcement agencies and relevant licensing bodies, unless the act was clearly not criminal. (**§115.77a**)
- B. In the case of any other violation of the Lake County Sheriff's Office's sexual abuse and sexual harassment policies by a contractor or volunteer, the jail will take appropriate remedial measures and considers whether to prohibit further contact with inmates. (**§115.77b**)

34. DISCIPLINARY SANCTIONS FOR INMATES

- A. Inmates will be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in an inmate on inmate sexual abuse or following a criminal finding of guilt for inmate on inmate sexual abuse. (**§115.78a**)
- B. Sanctions will commensurate with the nature and circumstances of the abuse committed the inmate's disciplinary history and the sanctions imposed for comparable offenses by other inmates with similar histories. (**§115.78b**)
- C. The disciplinary process will consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. (**§115.78c**)
- D. The agency may discipline an inmate for sexual contact with the staff only upon a finding that the staff member did not consent to such contact. (**§115.78e**)
- E. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon reasonable belief that the alleged conduct occurred will not constitute falsely reporting an incident even if an investigation does not establish evidence sufficient to substantiate the allegation. (**§115.78f**)
- F. The jail in its discretion, may prohibit all sexual activity between inmates and may discipline inmates for such activity. The jail may not, however, deem such activity to constitute sexual abuse if it is determined that the activity is not coerced. (**§115.78g**)

35. SEXUAL ABUSE INCIDENT REVIEWS

- A. Within one (1) shift of the conclusion of the critical event, all incident reports, supporting department and agency reports, and any other pertinent documentation will be compiled, and made available to the Jail Administrator or designee.

B. The Detective Bureau will conduct a sexual abuse incident review within 30 days of the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. **(§115.86ab)**

C. The review team shall include upper level management officials, with input from line supervisors, detectives and medical or mental healthcare professionals. **(§115.86c)**

D. The review team shall: (§115.86d)

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse. **(§115.86d-1)**
2. Consider whether the incident or allegation was motivated by race, ethnicity, sexuality, sexual identity, sexual status or perceived status, gang affiliation, or was motivated by other group dynamics. **(§115.86d-2)**
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse. **(§115.86d-3)**
4. Assess whether monitoring technology should be deployed or augmented to supplement staff supervision and if there are adequate staffing levels in that area during different shifts. **(§115.86d-4,5)**
5. Prepare a report of its' findings including, but not limited to, determinations made pursuant to paragraphs (d)(1) – (d)(5) of this section, and any recommendations for improvement and submit such report to the Executive Lieutenant and PREA Coordinator. **(§115.86d-6e)**

36. DATA COLLECTION

- A.** The Detective Bureau will collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions. The incident-based data collected will include, at a minimum, the data necessary to answer all the questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. **(§115.87ac)**
- B.** The Detective Bureau will aggregate the incident based sexual abuse data at least annually. **(§115.87b)**
- C.** The annual reports will be approved by the Jail Administrator or designee and made readily available to the public through a public records request. **(§115.89b)**

1. The agency will redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility but will indicate the nature of the material redacted. **(§115.89c)**
 2. All reports must be reviewed by the agency's the Lake County Prosecutors Office prior to publication.
- D. The Detective Bureau will maintain, review and collect data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews. **(§115.87d)**
 - E. The facility will implement the recommendations for improvement or will document its reason for not doing so. **(§115.86e)**
 - F. The jail will obtain incident based and aggregated data from every private facility with which it contracts for the confinement of its inmates. **(§115.87e) (§115.89b)**
 - G. Upon request, the Detective Bureau will provide all such data from the previous calendar year to the Department of Justice no later than June 30. **(§115.87f)**
 - H. The Detective Bureau will ensure that data collected is securely retained. **(§115.89a)**
 - I. The Detective Bureau will maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise. **(§115.89d)**

37. DATA REVIEW FOR CORRECTIVE ACTION

- A. The Lake County Sheriff's Office will review data collected and aggregated pursuant to **(§115.87)** in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: **(§115.88a)**
 1. Identifying problem areas. **(§115.88a-1)**
 2. Taking corrective action on an ongoing basis. **(§115.88a-2)**
 3. Preparing an annual report of its findings and corrective actions for the jail, as well as the agency as a whole. **(§115.88a-3)**
- B. Such report will include a comparison of the current year's data and corrective actions with those from prior years and will provide an assessment of the agency's progress in addressing sexual abuse. **(§115.88b)**

- C. The report will be approved by the Jail Administrator and made readily available to the public through it's the Lake County Sheriff's Office website. **(§115.88c)**
- D. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility but must indicate the nature of the material redacted. **(§115.88d)**

38. NOT APPLICABLE TO THE LAKE COUNTY ADULT DETENTION FACILITY

- A. The Lake County Adult Detention Facility does not operate more than one facility, if there is a time where another facility is constructed the Lake County Adult Detention Facility has designated the PREA compliance manager who is tasked with the coordination of the facility's efforts to comply with the PREA standards. **(§ 115.11c)**
- B. Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf will enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. At this time there is no entity that has collective bargaining power over the Lake County Sheriff's Office. **(§115.65a)**
- C. The Lake County Sheriff's Office is not a state entity or Department of Justice component that conducts such investigations or will do so pursuant to the requirements stated in this policy. **(§115.71k)**
- D. The Lake County Adult Detention Facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for abuse, however, as a County facility we do not require for the offending inmate to participate in such interventions. **(§115.78d)**