

**Harvey County Detention Center
Jail and Detention**

Policies and Procedures Subject: Prison Rape Elimination Act	Policy Number: 2.17
Issue Date: 07/30/2014	Revision Date: 01/05/2016
Approval Authority Title and Signature: Sheriff T. Walton	

POLICY: The Harvey County Detention Center takes proactive measures to enforce the standards of the Prison Rape Elimination Act, and its ZERO TOLERANCE policy toward any violation herein. This policy will supersede existing policy when conflicts exist with HVDC policy, or any policy in effect prior to the issue date above.

PENOLOGICAL INTEREST:

It is in the penological interest of this detention facility to ensure the sexual safety of inmates and staff and ensure that staff is appropriately trained in sexual assault prevention, detection and response.

Policy Contents & Layout

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Definitions and Terms:

Abuse Related Definitions (115.6)

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse by another inmate, detainee, or resident includes —

Any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, excluding contact incidental to a physical altercation.

Sexual abuse by a staff member, contractor, or volunteer includes —

- (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 the buttocks that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) – (5) of this section;

(7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and

(8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, 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.

Sexual harassment includes —

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

General Definitions (115.5)

Agency: means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice (DOJ), with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

Agency head: means the principal official of an agency.

Community confinement facility: means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential reentry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during non-residential hours.

Contractor: means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Detainee: means any person detained in a lockup, regardless of adjudication status.

Direct staff supervision: means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee: means a person who works directly for the agency or facility.

Exigent circumstances: means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility: means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

Facility head: means the principal official of a facility.

Full compliance: means compliance with all material requirements of each standard except for de minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance.

Gender nonconforming: means a person whose appearance or manner does not conform to traditional societal gender expectations.

Inmate: means any person incarcerated or detained in a prison or jail.

Intersex: means a person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Jail: means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

Juvenile: means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

Juvenile facility: means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Law enforcement staff: means employees responsible for the supervision and control of detainees in lockups.

Lockup: means a facility that contains holding cells, cell blocks, or other secure enclosures that are:

- (1) Under the control of a law enforcement, court, or custodial officer; and
- (2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

Medical practitioner: means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental health practitioner: means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Pat-down search: means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

Prison: means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Resident: means any person confined or detained in a juvenile facility or in a community confinement facility.

Secure juvenile facility: means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

Security staff: means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

Staff: means employees.

Strip search: means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia.

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

Substantiated allegation: means an allegation that was investigated and determined to have occurred.

Unfounded allegation: means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation: means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Volunteer: means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency

Youthful inmate: means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

Youthful detainee: means any person under the age of 18 who is under adult court supervision and detained in a lock up.

PREA Coordinator: PREA standard 115.11: The role of PREA coordinator for HVDC is assigned by the Harvey County Sheriff. The PREA coordinator will be allowed sufficient time and authority to oversee the PREA standards of the HVDC. The coordinator will maintain ledgers assuring all Staff, Inmates, Volunteers and contractors have been provided training in regards to PREA. Those ledgers will contain the date of training and name of person trained. The coordinator will be provided access to upper staff of HVDC through monthly Sheriff meetings and provide updates, changes, training, and review of PREA standards.

Reporting Requirements:

Any employee, who believes that he or she has been subjected to unlawful or inappropriate harassment, by another employee, visitor, or contractor, or has witnessed such conduct while on the job, immediately reports the incident to his or her supervisor. Possession of knowledge, suspicion, or information received of sexual abuse that occurred in a facility, regardless of whether or not it is a part of this agency is subjected to reporting requirements as though it were at our agency.

If the supervisor is the subject of the alleged complaint, or *if for any reason* the employee does not wish to report such an incident to their supervisor, the employee immediately reports the matter directly to the Jail Captain.

In the event the employee alleges that the Jail Captain is the subject of the complaint, the report is made directly to the Sheriff. In the event the employee alleges that the Sheriff is the subject of the complaint; the report is made directly to the County Administrator.

If the employee is unsatisfied with the response at any level, the employee may request the decision be reviewed at the next higher level.

In the event the alleged offender is a *detainee, trustee, or inmate* under the control of the Jail Captain or State corrections authorities, the offended inmate's supervisor, takes immediate action to stop the harassment action, and report the matter to the controlling agency authority.

All reporting should be completed within forth-eight [48] hours of the alleged occurrence.

If the alleged offender is an inmate:

An officer, employee, or their supervisor takes immediate action to stop the sexual misconduct and move to have the inmate disciplined, reclassified, and/or criminally charged. Management of this facility does not tolerate inmate behavior that constitutes sexual misconduct to other inmates, officers, employees, or authorized visitors. The fact that an individual is incarcerated is not a license for inappropriate behavior.

Policies to ensure referrals of allegations for investigations (115.22)

1. The Harvey County Sheriff's Office ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment (including inmate-on-inmate sexual abuse or staff sexual misconduct).
2. Allegations of sexual abuse or sexual harassment must be referred for investigation to an agency with the legal authority to conduct criminal investigations, including the agency if it conducts its own investigations, unless the allegation does not involve potentially criminal behavior.
3. This policy and any other regarding the referral of allegations of sexual abuse or sexual harassment for a criminal investigation is published on the agency website or made publicly available via other means.
4. All referrals of allegations of sexual abuse or sexual harassment for criminal investigations must be documented.

Investigation of Complaints:

All reported incidents of sexual misconduct alleged against an officer, employee, or authorized visitor, is immediately investigated by a Harvey County Sheriff investigator or designee. Officers of the department trained and experienced in investigation

conduct these investigations. Statements of the complaining party and key witnesses are completed on official *witness statement* forms, signed, and witnessed. Prior to any signing, each complainant, witness, or subject of an investigation is reminded of the perjury laws of the state. Any individual suspected or accused of an offense is read their *Miranda Warning*, prior to any interview or interrogation.

Reported incidents of sexual misconduct by an inmate against an inmate are referred to the Harvey County Sheriff Investigator, or designee, or otherwise handled in accordance with policy *Inmate Discipline*.

Failure to Immediately Report:

Failure to report perceived sexual harassment, abuse, or misconduct in a timely manner is prejudicial to good order and may subject the observing employee to disciplinary action. It is not acceptable behavior for an employee to observe, participate in, or passively accept sexual harassment or misconduct from anyone. Employees who, in good faith, timely report misconduct, or violations of criminal law may not be suspended, terminated, or have other adverse personnel action taken against them by the employing governmental entity. It is critical that reporting of alleged sexual or other misconduct be made within forty-eight [48] hours, so that abuses can be investigated, and corrected as soon as reasonably possible.

If it is concluded that a complaint or report of sexual misconduct was intentionally false or that information provided in an investigation was intentionally false, the individual(s) providing such false complaint, report, or information are subject to disciplinary action, and possible criminal charges for *filing a false police report* or *official document*.

Inmates accused of sexual misconduct by other inmates, visitors, staff, or officers are subject to the facilities inmate *Disciplinary* and *Classification* policies, as well as possible criminal charges.

Security of Information:

Staff is strictly prohibited from revealing any information related to a sexual abuse report to anyone other than those necessary to provide treatment, investigations, or other security operations. Staff may not disclose any information to any party that may conflict with treatment, investigations, management, or security decisions. As a general practice, Staff will only disclose this information to those department personnel that operate within the capacity mentioned above.

Screening of outgoing mail to any of the advocacy services (DV/SA office, Sheriff's Office, Department of Homeland Security, Rape Crisis Center, etc.) will not be viewed by staff, and will be processed as legal mail for the purpose of inmate confidentiality. Screening of incoming inmate mail will be subject to the same restrictions as legal mail for the purpose of controlling contraband.

CHAPTER 2

ADMINISTRATIVE OPERATIONS (PREA COMPLIANCE)

I. Supervision and Monitoring (115.13) (HVDC Policy 2.02, 2.15)

1. HVDC will develop, document, and make the best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing, and where applicable, video monitoring to protect inmates against sexual abuse.
2. Each time the staffing plan is not complied with, the facility documents and justifies all deviations from the staffing plan.
 - a) The shift Supervisor will update their post orders throughout the shift to document staffing assigned to each area.
 - b) The post orders are the responsibility of the shift Supervisor to keep updated.
 - c) There will be written justification for all deviations from the post orders.
3. At least once every year the facility, Detention Center Administration, in collaboration with the PREA Coordinator, reviews the staffing plan to see whether adjustments are needed in:
 - a) The staffing plan
 - b) The deployment of monitoring technology
 - c) The allocation of agency/facility resources to commit to the staffing plan to ensure compliance
4. Supervisors will conduct unannounced supervisor rounds of the Jail daily to identify and deter staff sexual abuse and sexual harassment.
 - a) Each unannounced round is documented as a computer entry in the jail log. The entry will be logged as "Supervisory Round". All supervisor rounds will be recorded utilizing this code.
 - b) The unannounced supervisor rounds are to be conducted on both day and night shifts and will cover all areas of the facility.
 - c) Staff is prohibited from alerting other staff members when the Supervisor is conducting these unannounced rounds.
 - d) Supervisor unannounced rounds are completed in accordance with policy 2.17.1 *Supervisory unannounced rounds*.

II. Hiring and Promotion decisions (115.17) (HVDC Policy 2.09)

1. The HVDC policy prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who:
 - a) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution.
 - b) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, open or implied threats of force, or coercions, or if the victim did not consent or was unable to consent or refuse
 - c) Has been civilly or administratively adjudicated to have engaged in the activity described in any paragraph in this section.
2. The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone or to enlist the services of any contractor, who may have contact with inmates.
3. Before this agency hires any new employees who may have contact with inmates, it:
 - a) Conducts criminal background record checks
 - b) Consistent with federal, state, and local law, makes 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.
 - c) Conducts a formal interview with the applicant regarding the desired position and any relevant factors.
 - d) Where applicable, or as desired, the agency will coordinate a polygraph for applicants to be completed at no cost to the applicant.
 - e) Sheriff's Office Investigators will perform unannounced 'knock and talks' with potential employees as a general practice.
4. This agency requires that a criminal background record check be completed before enlisting the services of any contractor who may have contact with inmates.
5. Criminal background records checks will be conducted by the Harvey County Sheriff's Office on all current employees, volunteers, and contractors, who may have contact with inmates at least every five (5) years.

6. The agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (1a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as a part of reviews of current employees. The agency shall impose upon employees a continuing affirmative duty to disclose any such misconduct.
7. Employees must disclose any such misconduct. Any material omission(s) regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
8. Any information requested of a current or previous employee by a prospective employer will be supplied by Human Resources.
9. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work

III. Reference checks from other agencies (115.17)

The agency will provide information on substantiated allegations of sexual abuse/harassment involving former employees upon request from an institutional employer that the former employee has applied to work. Requests for this information must be directed to the Jail Administrator or Harvey County Sheriff. Other requests for information shall be directed to the Harvey County Administration Office.

IV. Upgrades to facilities and technology (115.18) (HVDC Policy 2.02)

1. The HCDC will consider the effect of the design, acquisition, expansion or modification in reference to the Jail's ability to protect inmates from sexual abuse during any planned expansions, modifications, or video equipment updates to the facility.
2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

V. Contracting with other entities for the confinement of inmates (115.12)

1. Any contract entered into for the confinement of inmates after August 20, 2015, or since the last PREA audit, whichever is later, requires:
 - a) All of the contractors to adopt and comply with PREA standards.

b) All contracts require the agency to monitor the contractor's compliance with PREA standards

VI. Youthful inmates (115.4) (HVDC Policy 4.03)

1. Youthful inmates are not housed at the HVDC. Juveniles (under the age of 18) that may be processed at the HVDC for felony crimes will not be within sight, or physical contact with any adult inmate.
2. The HVDC always provides direct staff supervision with juveniles who may come to the HVDC to be processed for felony crimes, but are not housed.
3. For Juveniles that may be adjudicated as adults through a court action, they will be housed in a facility that is PREA compliant. HVDC has a contract with Reno County Youth Services. Any adjudicated juvenile will be placed at Reno County Youth Service facility which is also PREA compliant.

VII. Disciplinary Sanctions-for those found to have participated in prohibited behaviors (115.11) (HVDC policy 2.15, 3.01, 3.05, 3.06, 6.01)

1. HVDC has a zero-tolerance policy for all forms of sexual abuse and sexual harassment
2. Allegations of sexual abuse or sexual harassment not clearly defined in this policy can and will be reviewed by the PREA coordinator and/or Sheriff's Investigations Unit. Any findings of violation of this policy, or policy 2.15, are subject to disciplinary procedures herein.
3. Harvey County Detention Center (HVDC) staff members, contractors, or volunteers, will be subjected to disciplinary sanctions up to and including termination for violating the sexual abuse and sexual harassment policies.

A. Disciplinary sanctions for staff (115.76) (HVDC Policy 3.01)

1. Staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination is the likely disciplinary sanction for staff who engaged in sexual abuse.
2. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are 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.

3. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to The Harvey County Sheriff, Sheriffs Investigation Unit, or other law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

B. Corrective action for contractors and volunteers (115.77) (HVDC Policy 3.03C)

1. The agency requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
2. Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and is reported the Harvey County Sheriff
1. The facility will take remedial measures and prohibit further contact with inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.
2. The HVDC will take appropriate remedial measures, in considering whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policy by a contractor or volunteer.

C. Disciplinary sanctions for inmates (115.78) (HVDC Policy 3.01)

1. Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse.
2. Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse.
3. Sanctions are proportionate with the nature and circumstance of the abuses committed, the inmate's disciplinary history, and the sanctions imposed for the comparable offenses by other inmates with similar histories.
4. The disciplinary process considers 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.
5. The facility does not offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for abuse.

6. The agency disciplines inmates for sexual conduct with staff only upon finding that the staff member did not consent to such contact.
7. The agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.
8. The HCDC prohibits all sexual activity between inmates.
9. Although all sexual activity is prohibited between inmates, the agency will only deem such activity to constitute sexual abuse if it determines that the activity is coerced. HVDC will not deem the activity as sexual abuse if it was not coerced.

An inmates' report of sexual abuse made in good faith and based on reasonable belief will not be disciplined for falsely reporting an incident or lying, even if the investigation does not establish evidence sufficient to substantiate the allegation.

Disciplinary Action:

Violations of this policy are grounds for disciplinary action, including but not limited to *suspension, demotion, transfer, probation, or discharge*. The Jail Captain may also impose other remedial actions in appropriate circumstances, including but not limited to, *counseling, training, treatment, placing of conditions on continued employment, and criminal referral*.

VIII. Sexual abuse incident reviews (115.86)

1. The facility conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including whether the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
2. Sexual abuse incident reviews will be conducted within 30 days of concluding the investigation.
3. The sexual abuse incident review team will include upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health staff.
4. The review team shall:
 - a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

- b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification status or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
 - c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
 - d) Assess the adequacy of staffing levels in that area during different shifts.
 - e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
 - f) Prepare a report of its findings and any recommendations for improvement and submit such report to the HCDC Captain and PREA compliance coordinator.
5. The facility will implement the recommendations or will document the reason for not doing so.

IX. Data collection (115.87)

- 1. The agency collects accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions.
- 2. The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.
- 3. The agency aggregates the incident-based data at least annually.
- 4. The agency maintains reviews and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- 5. Upon request, the agency will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

A. Data review for corrective action (115.88)

- 1. The agency reviews data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, and training, including:
 - a) Identifying problem areas.

- b) Taking corrective action on an ongoing basis.
 - c) Preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole.
2. The annual report will include a comparison of the current year's data and corrective actions with those from prior years.
 3. The annual report will provide an assessment of the agency's progress in addressing sexual abuse.
 4. The agency will make its annual report readily available to the public at least annually through its website.
 5. The annual reports are approved by the Harvey County Sheriff.
 6. When the agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility.
 7. The agency will indicate the nature of the redaction.

B. Data storage, publication, and destruction (115.89)

1. The agency ensures that the incident-based and aggregate data are securely retained.
2. Aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website.
3. Before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers.
4. The agency maintains sexual abuse data collected pursuant to 115.87 for at least 10 years after the date of initial collection, unless federal, state, or local law requires otherwise.

CHAPTER 3

TRAINING AND EDUCATION

PREA Coordinator: The PREA Coordinator will ensure that all staff members, contractors, volunteers, and inmates will be trained adequately in the following areas. It is the responsibility of the PREA Coordinator to identify training needs outside of scheduled blocks, in an effort to keep staff informed on policy changes, or inadequate levels of performance. Records will be updated and maintained by the PREA Coordinator indicating what training was received, who received it, and document overall compliance with training as needed. In the event that the PREA Coordinator is not the Training Sergeant, the PREA Coordinator will maintain a copy of these records specifically for PREA training as well.

A. Employee Training (115.31) HVDC Policy 3.03, 4.04)

1. The agency trains all employees who have contact with inmates on the following matters:
 - a) Agency's zero-tolerance policy for sexual abuse and sexual harassment.
 - b) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
 - c) The right of inmates to be free from sexual abuse and sexual harassment.
 - d) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
 - e) The dynamics of sexual abuse and sexual harassment in confinement.
 - f) The common reactions of sexual abuse and sexual harassment victims.
 - g) How to detect and respond to signs of threatened and actual sexual abuse.
 - h) How to avoid inappropriate relationships with inmates.
 - i) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender-nonconforming inmates.
 - j) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

a) Pat Search – Strip Search/ Transgender – Intersex inmates:

- i. A certified member of the same sex and in compliance with Kansas State Statute 22-2521(b) searches inmates upon admission. The Statement of Search Preference Form (HCDC-100) will be completed by the transgender/intersex inmate, choosing to have a male, female or both conduct the search.
- ii. The officer performing the pat search should be of the same sex as identified by the transgender/intersex inmate on the Statement of Search Preference Form (HCDC-100). The inmate can choose to have a male or female officer pat search different areas based on the anatomy of the inmate.
- iii. When a strip search is required for a transgender/intersex inmate, the search will be conducted by an officer and overseen by a supervisor or witnessing officer per the Statement of Preference Form as signed by the inmate. The officer, supervisor or witnessing officer will be of the same sex that is listed on the Statement of Preference Form as signed by the inmate (HCDC-100).
- iv. Strip searches will never be performed as a punitive measure – ZERO TOLERANCE.
- v. Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.
- vi. If the genital status is unknown, it may be determined during conversations with the inmate, reviewing medical records, or as part of a broader medical examination conducted in private by medical personnel requiring approval of Detention Administration.
- vii. The officers and Health Services provider must attempt to communicate with the inmate for the cooperation in determining gender for the purpose of housing and additional inmate services without resorting to a physical examination. If the inmate refuses to cooperate, the inmate will be housed in a single cell by themselves until the review team communicates and attempts to receive confirmation. A metal detector wand will be used prior to admitting the inmate into the single cell.

b) The Review Team will consist of the following or designees:

- i. Medical Health Services Administrator or Mental Health Counselor
- ii. Detention Captain
- iii. Detention Lieutenant or shift supervisor
- iv. PREA Coordinator

- c) The booking Deputy is responsible for notifying the medical staff that a transgender/intersex inmate has been identified at intake.
 - d) Deputies will conduct these searches in a professional and respectful manner. The searches will be conducted in the least intrusive manner possible consistent with security needs, and only if a search needs to occur based on exigent circumstances. All transgender/intersex searches will be documented in an incident report.
 - e) The security of the facility, staff and inmate's safety must be maintained at all times.
- 3. Between training sessions, employees are provided with information about current policies regarding sexual abuse and harassment.
 - 4. The PREA Coordinator documents that employees received training by date of attendance, and accurate training reports. These documents will be stored by the PREA Coordinator for review as needed.
 - 5. The agency will provide refresher training every two years to staff, or as needed as PREA policies change. Periodic compliance checks, to identify training needs, will be done by the PREA Coordinator & Training Cadre..

B. Volunteer and contractor training (115.32) (HVDC Policy 3.03C)

- 1. All volunteers and contractors, who have contact with inmates, will be trained on their responsibilities under the agency's Prison Rape Elimination Act (PREA) policy. The type and level of training is based on the services they provide and level of contact they have with inmates.
- 2. All volunteers and contractors who have contact with inmates have, at the very least, been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- 3. Documentation confirming that the volunteers/contractors understand the training they receive is kept on file with the agency.

C. Inmate Education (115.33)

- 1. All inmates, during intake, will receive orientation explaining the facility zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

- a) A sexual assault awareness pamphlet is provided to each inmate in the inmate's property bag during dress out with information on self-protection and prevention techniques, treatment and counseling, and reporting methods.
 - b) Posters containing sexual assault awareness and reporting information are posted in the pre-booking room, living, and common areas.
 - c) Upon request by the inmate; either electronically, written, or verbal; Inmates may speak with the PREA Coordinator directly regarding PREA Policy.
2. Inmate PREA education is available in accessible formats for all inmates including those who are:
 - a) Limited English proficient (currently a version in Spanish is available)
 - b) Deaf
 - c) Visually impaired
 - d) Otherwise disabled
 - e) Limited in their reading skills
 3. The agency ensures that key information about the agency's PREA policies is continuously and readily available or visible through posters, comprehensive education within 30 days of incarceration, Detention Center Kiosks, or other written formats.

D. Specialized training: Investigations (115.34)

1. Investigators who investigate allegations of sexual abuse are trained in conducting sexual abuse investigations in confinement settings.
2. The specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in a confinement setting, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
3. The agency maintains documentation showing that investigators have completed the required training.

E. Specialized training: Medical and Mental Health care (115.35) (HVDC Policy 11.01)

1. Agency medical staff does not conduct forensic exams. Forensic exams will be conducted at a local hospital.
2. All Deputies and Medical Staff will be trained on the proper procedures for securing a crime scene and preserving evidence in exigent circumstances to include: [115.35 (a)]
 - a) Crime scene security
 - b) Crime scene log
 - c) Evidence handling
 - d) Evidence packaging
 - e) Chain of custody
3. The agency shall ensure all full-and part-time medical and mental health care practitioners that work regularly at the agency receive the training mandated for contractors and volunteers under 115.32, depending on the practitioner's status at the agency. The agency will maintain documentation the training was received.

CHAPTER 4

INMATE SCREENING

I. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

A. Screening for risk of victimization and abusiveness (115.41) (HVDC Policy 4.02, 4.03)

1. All inmates will be screened during intake using an objective screening instrument to identify **immediate** concerns of sexual victimization or predation.
2. The intake screening will take place within 72 hours of arrival at the facility. The facility will reassess the inmate(s) predatory or victimization index, no later than 30 days from the inmate's arrival, based upon any additional relevant information received by the facility since the intake screening & certain items identified during intake screening.
3. The intake screening will consider at the minimum the following:
 - a) Whether the inmate has a mental, physical, or developmental disability.
 - b) Age of the inmate.
 - c) Physical build of the inmate.
 - d) If the inmate has previously been incarcerated.
 - e) If the inmate has prior convictions for sex offenses against an adult or child.
 - f) If the inmate is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (LGBTI); or wishes to be identified as such for classification purposes.
 - g) If the inmate has previously experienced sexual victimization.
 - h) The Inmate's own perception of vulnerability.
 - i) If the inmate is detained solely for civil immigration.
 - j) If the inmate has prior convictions for violent offenses.

*i- We do not house inmates solely for this purpose, but if an inmate is housed for this, they will not be placed in population without screening from the PREA Coordinator

4. Based on the answers provided and the inmate's own perceptions of vulnerability: a determination for the inmates' housing is made during intake. If the inmate feels comfortable in general population and does not flag for further screening, he/she will be housed. If the inmate feels uncomfortable being placed in general population, the inmate will be housed alone until seen and evaluated by the PREA Coordinator. The inmate may still be housed in population pending review, but will be evaluated first.
5. An inmate's risk level shall be reassessed at any time and when warranted

due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

6. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked on the 'booking screening' page of the booking wizard; OR during PREA coordinator screening.
7. The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to inmate screening. The PREA coordinator will secure screening records in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

B. Use of screening information (115.42) (HVDC Policy 4.01, 4.02, 4.03, 4.04, 4.06)

1. Information from the risk screening will be used to determine housing, bed, work, education, and program assignments to prevent inmates with the high risk of being sexually victimized from those at the risk of being sexually abusive.
2. The agency makes individualized determinations about how to ensure the safety of each inmate.
3. The agency makes housing and program assignments for transgender or intersex inmates in the facility on a case-by-case basis to ensure the inmates' health and safety; and whether the placement would present management or security problems.
4. Placement and programming assignments for transgender or intersex inmates shall be reassessed at least twice each year to review any threats to the inmates' safety.
5. A transgender or intersex inmates' own views with respect to his or her own safety shall be given serious consideration.
6. Transgender or intersex inmates shall be given the opportunity to shower separately from other inmates.
7. The PREA Coordinator or designee will assess all transgender or intersex inmates for housing to include:
 - a) Does the inmate feel comfortable being housed in general population?
 - b) What gender of inmates does the inmate feel comfortable being housed

with?

c) Does the inmate feel comfortable showering around other inmates?

d) Does the inmate prefer to shower away from other inmates?

e) Transgender or intersex inmates who prefer to shower separately will be taken to the booking shower and allowed to shower in the booking shower room with the use of a divider privacy screen as desired.

f) Transgender or intersex inmates in general population can submit a request to the Shift supervisor via the inmate kiosk to request a change in housing or showering status.

g) Lesbian, gay, bisexual, transgender or intersex inmates shall not be placed in dedicated facilities, units or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit or wing established in connection with a consent decree, legal settlement or legal judgment for the purpose of protecting such inmates.

8. The PREA coordinator will disseminate these records only as needed to ensure the safety of the inmate and staff. Records will be maintained in a confidential manner, and be stored with that level of consideration.
9. Medical Staff will obtain informed consent from the inmate prior to reporting information about sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

C. Protective Custody (115.43) (HVDC Policy 4.01, 4.02, 4.03, 4.04, 4.06)

1. 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.
2. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:
 - a. The opportunities that have been limited.
 - b. The duration of the limitation.
 - c. The reasons for such limitations.
3. If an involuntary segregated housing assignment is made, the facility shall

clearly document:

- a. The basis for the facility's concern for the inmates' safety.
 - b. The reason why no alternative means of separation can be arranged.
4. An incident report will be completed on all inmates placed in involuntary segregated housing.
- a. PREA Coordinator will review all incident reports and determine if the need for continued segregated housing is required.
 - b. If the inmate is to remain in involuntary segregated housing, Classification will complete an incident report documenting the reason the inmate will remain in segregated housing, any limitations to programs, education and work opportunities, the duration of the limitations and why the limitations are placed based on the safety of the inmate and security of the facility.
 - c. Classification will also document this information in the inmates file.
5. Inmates in involuntary segregated housing will be reviewed at least every 30 days by Classification and the PREA Coordinator to determine whether there is a continuing need for separation from the general population.
6. Involuntary Segregation will not be used longer than 24 hours absent exigent circumstances, or availability of the PREA coordinator to complete the assessment. Any deviation from this time restriction will be documented by the PREA coordinator or designee.

D. PREA Reassessment (HCDC-200, HCDC-300)

Upon intake, inmates will be given the opportunity to identify certain conditions they wish to have considered for housing classification. For those inmates that indicate by choice, or staffs assessment, that a risk of sexual victimization exists, a reassessment will be done upon notification of the PREA coordinator prior to housing. These reassessments will include, at a minimum, the following:

- a) A review of the intake screening results
- b) The charges of the inmate,
- c) Age and build of the inmate,
- d) Any appearance of disability increasing the risk of victimization/predation
- e) If the inmate wishes to be classified as LGBTI
- f) Criminal history of the inmate
- g) History of the inmate in custody
- h) Gang affiliation
- i) History of sexual victimization
- j) If the inmate wishes to receive advocacy services if ever victimized
- k) If the wishes to notify the facility that sexual victimization occurred in that facility

1. A review of whether or not protective custody was merited, if applicable.
2. A determination made on current housing assignment, or any changes that need to be made.
3. What programs, if any, should be restricted due to the inmate's status.
4. A decision made that classifies the inmate as either high/low victim/predator risk, or if no indicators exist (n/a)
5. What follow up care will be provided, or referrals made, due to any indicators identified by the PREA coordinator.
6. The PREA Coordinator will also use this screening opportunity to provide education to the inmate about:
 - a. Reporting options available to the inmate
 - b. The extent which communication are monitored
 - c. Agencies zero-tolerance policy on sexual harassment/abuse
 - d. Disciplinary actions to be taken for filing false reports
 - e. Policy against retaliation for filing reports
 - f. The extent to which screening records will be disseminated
7. If the inmate is transgendered or intersex, an *additional* screening tool will be utilized to obtain further information about appropriate accommodations for the inmate/staff (HCDC-400).
8. These screenings should have minimal impact on inmate participation in facility programs. If an inmate is approved for general population, they will be subject to the same screening for programs as other inmates in that housing area.
9. PREA related screening will not affect inmate eligibility for programs unless it is the determination that the inmate is best housed in segregation. If the inmate is segregated, the PREA coordinator will review options available to the inmate with the Programs Director to attempt alternative provisions.

CHAPTER 5

STAFF OPERATIONS

PREA COORDINATOR: The PREA Coordinator will ensure staff is adequately trained in all aspects of staff operations as they pertain to PREA. Staff hired after implementation of PREA policy will be trained on this material during their On-The-Job training phase, but will be formally trained by the PREA Coordinator no later than 6 months upon hiring.

**THIS CHAPTER IS REDACTED DUE TO SENSITIVE MATERIAL REGARDING
TRANSPORT SECURITY, FACILITY ORDER, AND OFFICER SAFETY.**

CHAPTER 6

REPORTING SEXUAL ABUSE

PREA COORDINATOR: The PREA Coordinator will document all reports made of sexual abuse/harassment by any source. This documentation will provide date, time, source of the report, and parties involved (if known).

I. REPORTING

A. Inmate reporting (115.51)

1. The HCDC allows for internal reporting, by inmates, to report privately to agency officials about:
 - a) Sexual abuse or sexual harassment.
 - b) Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment; and
 - c) Staff neglect or violation of responsibilities that may have contributed to such incidents.
2. The multiple internal reporting methods inmates may utilize, are:
 - a) Verbal Reporting (documented by staff)
 - b) Inmate kiosk, under PREA (confidential)
 - c) Request Forms
 - d) Grievance Forms
 - e) Domestic Violence/Sexual Assault Association Hotline- 800-487-0510 (toll free, non-recorded line), Kansas Crisis Hotline- 1-888-363-2287 (toll free, non-recorded line), or write to the Domestic Violence/Sexual Assault Association at: Harvey County Court House, PO Box 942, Newton, KS 67114
 - f) National Sexual Abuse Hotline- 1-800-656-4673 (toll free, non-recorded line)
3. Inmates detained solely for civil immigration purposes may contact the department of homeland security by writing to 271 W 3rd St, Wichita, KS 67202, or calling (316) 977-8600.

4. Staff must accept reports of sexual assault and sexual harassment made verbally, in writing, anonymously, and/or from third parties.
5. Staff is required to immediately document verbal reports.
6. The Harvey County Detention Staff can privately report sexual abuse and sexual harassment of inmates to any facility Supervisor, or directly to the PREA coordinator.
7. Staff is informed of these procedures in the following ways:
 - a) Classroom training
 - b) DVD training
 - c) Training bulletins
 - d) E-learning programs
 - e) Policies

B. Exhaustion of administrative remedies (115.52)

1. The agency has an administrative procedure for dealing with inmate grievances regarding sexual abuse.
2. Agency policy allows an inmate to submit a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred.
3. Inmates are not required to use an informal grievance process, or otherwise to attempt to resolve with staff, an alleged incident of sexual abuse.
4. Inmates may submit a grievance alleging sexual abuse without submitting said grievance to the staff member who is the subject of the complaint.
5. Any inmate grievance alleging sexual abuse shall not be referred to the staff member who is the subject of the complaint.
6. The Harvey County Detention Center Administration will issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
7. The Detention Center Administration may claim an extension of time to respond up to 70 days, if the normal time period for response is insufficient to make an appropriate decision.
8. If an extension is needed, the inmate will be notified in writing. The notification will also include a date by which a decision will be made.

9. Agency policy and procedure permits third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of inmates.
10. Inmates will be required to state whether they agree or disagree to having the request filed for administrative remedy by third parties. Either declaration will be documented by the PREA Coordinator in the initial report file.
11. The agency has a policy and an established procedure for filing an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. Staff will follow both *Staff Reporting* requirements, as well as beginning the *Coordinated Response Plan*.
12. Emergency grievances alleging substantial risk of imminent sexual abuse require an initial response within 24 hours.
14. Emergency grievances alleging substantial risk of imminent sexual abuse require that a final agency decision be issued within five (5) days.
15. After an agency decision is made, a copy of the emergency grievance and all responses shall be filed by the PREA Coordinator, to include determinations of risk, and actions taken in response to the emergency grievance.
16. The agency shall only 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.

C. Third-party reporting (115.54)

1. The agency provides a method to receive third-party reports of inmate sexual abuse or sexual harassment by posting reporting information and contact numbers on the agency's website.
2. The agency publicly distributes information, on the agency website, on how to report inmate sexual abuse or sexual harassment on behalf of inmates.
3. The agency posts contact numbers and reporting information in the lobby and visitation entrance to the facility for public viewing.
4. Advocacy providers may report occurrences directly to the HVDC Sergeant at (316) 284 6959, or PO Box 267 Newton, KS 67114.
5. Advocacy providers may also report occurrences to the PREA coordinator at (316)284 6986, by email, or writing to the Harvey County Sheriffs Office.

6. The agency allows third parties to assist inmates with filing request for remedial actions in regards to sexual abuse.
7. Assisting inmates with filing requests for remedial action will not be done in any manner that creates security risks, or provides to the inmate conditions that would not exist to the inmate otherwise (i.e. contact visitation, extended or altered visitation etc.)
8. If third party requests for administrative remedies are made, the agency will require the reported victim agree to have the request filed for them prior to any agency response. The victims' response, whether agreeing or disagreeing, will be documented in the initial report file.

D. Staff Reporting

1. Staff that suspects an inmate with a disability needs to report an incident of any kind, but is unable to communicate with that inmate due to that disability, will make every attempt to provide access to a resource that can communicate for them.
2. These occurrences will be documented and forwarded to the shift sergeant **AND** PREA coordinator.
3. The PREA Coordinator will keep a record indicating inadequacies for reporting options available. These records will be reviewed annually to determine where improvements are needed, or otherwise eliminate inadequate reporting options.
4. Staff will not rely on inmate interpreters to facilitate communication with a suspected (or known) victim of sexual abuse without the approval of the Harvey County Sheriff, Jail Administrator, or PREA Coordinator.
 - a) In exigent circumstances where the inmate's safety could be compromised, first responders may use inmate interpreters to identify the need for immediate care to the inmate

II. Protection From Retaliation

A. Agency Protection Duties

1. The agency shall not permit any form of retaliation from staff, contractors, or volunteers against an inmate for having filed a report of sexual abuse.
2. The agency shall not permit any form of retaliation from inmates against an inmate that has filed a report of sexual abuse.
3. Detention Center Administration is responsible for identifying concerns or indications of retaliatory behavior amongst staff members.

4. Any observed or suspected acts of retaliation will be documented and forwarded to the Jail Administrator and PREA Coordinator.

5. Agency officials who have observed or suspect acts of retaliation for reporting incidents of sexual abuse will consider the following actions to limit retaliation

- a) Housing change assignments to remove either party (victim or aggressor)
- b) Removal of staff member from contact with inmate
- c) Providing emotional support services to victim.
- d) Administrative action, up to termination, of staff member.

6. The agency will also monitor retaliatory actions against those that cooperate with investigative efforts (i.e. witnesses, translators, etc.).

7. The PREA Coordinator is responsible for monitoring retaliatory behavior concerning inmates

CHAPTER 7

INMATE CARE

I. MEDICAL AND MENTAL HEALTH CARE

A. Medical and mental health screening; history of sexual abuse (115.81)

1. All inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to 115.41 are offered a follow-up meeting within 14 days with a medical or mental health practitioner.
2. Medical and mental health staff maintain secondary materials (e.g. form, log) documenting compliance with the above standard.
3. Information related to sexual victimization or abusiveness that occurred in an institutional setting is not limited to medical and mental health practitioners. The information shared with other staff is strictly limited to informing security and management decisions, including treatment plans, housing, bed, work, education, and program assignments, or as otherwise required by federal, state or local law.

B. Access to emergency medical and mental health services (115.82) (HVDC Policy 11.01)

1. Inmate victims of sexual abuse receive timely and unimpeded access to emergency medical treatment and crisis intervention services.
2. Medical and mental health staff maintain secondary materials (e.g. form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.
3. Treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

C. Ongoing medical and mental health care for sexual abuse victims and abusers (115.83)

1. The facility offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse.

2. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody.
3. The facility shall provide such victims with medical and mental health services consistent with the *community* level of care.
4. Female victims of sexual abuse while incarcerated are offered pregnancy tests.
5. If pregnancy results from sexual abuse while incarcerated, victims receive timely and comprehensive information about and timely access to, all lawful pregnancy-related medical services.
6. Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate.
7. Treatment services are 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.
8. The facility will maintain that a mental health evaluation is conducted of all inmate-on-inmate abusers within 60 days of learning of such abuse history and offers treatment when deemed appropriate by mental health practitioners.

D. Inmate access to outside confidential support services (115.53)

1. Inmates are provided with access to outside victim advocates for emotional support services related to sexual abuse by:
 - a) Giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available, for local, state, or national victim advocacy or rape crisis organizations.
 - b) Giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes.
 - c) Enabling reasonable communication between inmates and these organizations in as confidential a manner as possible.
2. The facility informs inmates, prior to giving them access to outside support services, the extent to which such communications will be monitored.

3. The facility informs inmates, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law.
4. The agency shall maintain or attempt to enter into memoranda of understanding (MOU) or other agreements with community service providers.
5. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.