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	<b>Date</b>	<b>8-29-16</b>			
	<b>CHAPTER</b>	<b>FACILITY SAFETY AND SECURITY</b>			
	<b>SUBJECT</b>	<b>Sexual Abuse and Assault Prevention &amp; Intervention Program</b>			

### **PURPOSE**

To ensure the Santa Ana Jail has written policy regarding rape and sexual assault in accordance with the Prison Rape Elimination Act of 2003 (PREA).

### **POLICY**

Santa Ana Jail (SAJ) maintains a zero-tolerance policy for all forms of sexual abuse or assault. It is the policy of SAJ to provide a safe and secure environment for all detainees, employees, contractors, and volunteers, free from the threat of sexual abuse or assault, by maintaining a Sexual Abuse and Assault Prevention and Intervention Program that ensures effective procedures for preventing, reporting, responding to, investigating, and tracking incidents or allegations of sexual abuse or assault.

Sexual assault or abuse of inmates/detainees by other inmates/detainees or by employees, contractors, or volunteers is prohibited and subject to administrative, and/or disciplinary, and/or criminal charges.

### **PROCEDURE**

#### **I. PREA Program Coordinator**

A. SAJ has a PREA Program Coordinator who is responsible for overseeing all aspects of the facility's efforts to comply with the sexual abuse and assault prevention and intervention "zero tolerance" policy, including:

1. Assisting with keeping current these written policies and procedures for the Prison Rape Elimination Act mandate;
2. Assisting with the development of initial and ongoing training protocols;

3. Serving as a liaison with other agencies;
4. Coordinating the gathering of statistics and reports on incidents of sexual abuse or assault;
5. Reviewing the results of every investigation of sexual abuse and conducting an annual review of all investigations to assess and improve prevention and response efforts; and
6. Reviewing facility practices to ensure required levels of confidentiality are maintained.

## II. Definitions

A. For the purposes of this policy, the following definitions apply:

1. *Inmate/detainee-on-inmate/detainee Sexual Abuse and/or Assault:* One or more inmates/detainees, by force, coercion, or intimidation, engaging in or attempting to engage in:
  - a. Contact between the penis and the vagina or anus and, for purposes of this subparagraph, contact involving the penis upon penetration, however slight;
  - b. Contact between the mouth and the penis, vagina or anus;
  - c. Penetration, however slight, of the anal or genital opening of another person by a hand or finger or by any object;
  - d. Touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person; or
  - e. Threats, intimidation, or other actions or communications by one or more detainees aimed at coercing or pressuring another detainee to engage in a sexual act.
2. *Staff-on-inmate/detainee Sexual Abuse and/or Assault:* One or more staff member(s), volunteer(s), or contract personnel engaging in or attempting to engage in:

- a. Contact between the penis and the vagina or anus and, for purposes of this subparagraph, contact involving the penis upon penetration, however slight;
- b. Contact between the mouth and the penis, vagina or anus;
- c. Penetration, however slight, of the anal or genital opening of another person by a hand or finger or by any object;
- d. Except in the context of proper searches and medical examinations, touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing;
- e. Threats, intimidation, harassment, indecent, profane or abusive language, or other actions (including unnecessary visual surveillance) or communications aimed at coercing or pressuring an inmate/detainee to engage in a sexual act; or
- f. Repeated verbal statements or comments of a sexual nature to an inmate/detainee, including demeaning references to gender, derogatory comments about body or clothing, or profane or obscene language or gestures.

### III. Prevention

- A. All staff (employees, volunteers, and contractors) is responsible for being alert to signs of potential sexual abuse, assault, or harassment and to situations in which sexual assaults or harassment might occur.
- B. Staff of the opposite gender shall announce their presence when entering an inmate/detainee housing unit.
- C. Screening and Classification
  - 1. Screening and Classification Requirements
    - a. All inmates/detainees shall be screened upon arrival at the facility for potential risk of sexual victimization or sexually abusive behavior, and shall be housed to prevent sexual abuse or assault.
    - b. Each new inmate/detainee shall be kept separate from the general population until he/she has been classified and may be housed accordingly.
    - c. Inmate/detainees identified as having a history of sexually assaultive behavior or at risk for sexual victimization shall be assessed by Classification and if deemed necessary by a mental health

professional or other qualified health care professional and housed accordingly.

- d. Inmates/detainees considered at risk for sexual victimization shall be placed in the least restrictive housing that is available and appropriate. Those found to be in substantial risk of imminent sexual abuse, shall be addressed no later than 48 hours of staff being aware of the risk. A final decision regarding the risk shall occur within five days. If appropriate custodial options may not be available at the facility, Santa Ana Jail shall consult with the contract agency to determine if they can provide additional assistance or removal from the facility.

## 2. Screening and Classification Procedures

- a. Inmates/detainees will be housed with similar classification levels to ensure those with a history or tendencies of acting out with sexually aggressive behavior are not housed with those with a high risk of victimization. *Refer to Policy 2.04 Classification, Re-Classification and Housing Procedures.*

## D. Staff Training

### 1. Staff Training Requirements

- a. Training on the facility's Sexual Abuse and Assault Prevention and Intervention Program shall be included in initial and annual refresher training for all employees, volunteers, and contract personnel.
- b. All facility staff responsible for conducting sexual abuse or assault investigations shall receive initial specialized training in conducting such investigations in confinement settings, which includes techniques for interviewing sexual abuse victims, sexual abuse evidence collection in confinement settings, and the criteria and evidence required for administrative action or prosecutorial referral.
  - i. All cases requiring a criminal investigation shall be completed by a patrol officer, detective; if SAJ staff is the alleged perpetrator, an investigator from the District Attorney's office, shall complete the investigation.
- c. All full- and part-time medical and mental health care practitioners who work regularly in the facility shall have specialized training in

detecting and assessing signs of sexual abuse and assault, responding effectively to victims of sexual abuse and assault, and reporting allegations or suspicions of sexual abuse or assault. The facility Program Coordinator shall maintain documentation verifying employee, volunteer and contractor training.

## 2. Staff Training Procedures

- a. On-site PREA Program Coordinator shall be responsible for all staff training activities and ensuring that all staff are appropriately trained, and respond in a coordinated and appropriate fashion to detainee reports of sexual abuse or assault.
- b. Initial training for all staff shall include the following:
  - i. Department's prohibitions on retaliation against arrestees/detainees who report sexual abuse to include an understanding that sexual abuse or assault is never an acceptable consequence of detention for inmates/detainees.
  - ii. Recognition of the physical, behavioral, and emotional signs of sexual abuse or assault and ways to prevent such occurrences which will include special circumstances involving inmates/detainees with mental or physical disabilities.
  - iii. Understanding of how to report knowledge or suspicion of sexual abuse or assault and recognizing situations where sexual abuse or assault may occur.
  - iv. Understanding of documentation and referral procedures of all allegations or suspicion of sexual assault and the Departments reporting procedure. To include the investigation process and how to ensure evidence is preserved.
  - v. Limit the reporting of sexual abuse and sexual assault to persons with a need to know in order to make decisions concerning the inmate/detainee's welfare and for law enforcement and investigation purposes.

## E. Inmate/Detainee Education

### 1. Inmate/detainee Education Requirements

- a. Upon admission to Santa Ana Jail, all inmates/detainees shall be notified of the facility's zero-tolerance policy for all forms of sexual abuse and assault through the orientation program and detainee handbook, and provided with information about the facility's Sexual Abuse and Assault Prevention and Intervention Program. The information shall be reviewed with the inmate/detainee and include the following information:
  - i. The facility's zero tolerance policy for all forms of sexual abuse or assault;
  - ii. The name of the facility PREA Coordinator, and information about how to contact him/her;
  - iii. Prevention and intervention strategies;
  - iv. Definitions and examples of inmate/detainee-on-inmate/detainee sexual abuse, staff-on-inmate/detainee sexual abuse and coercive sexual activity;
  - v. Explanation of methods for reporting sexual abuse or assault, including the Office Inspector General(OIG) and the ICE/Office of Professional Responsibility (OPR) investigation processes, and right of inmates/detainees to report an incident or allegation of sexual abuse, assault, or intimidation to any staff member at the facility, ICE personnel, and US Marshal's(USM) personnel;
  - vi. Information about self-protection and indicators of sexual abuse;
  - vii. Prohibition against retaliation, including an explanation that reporting an assault shall not negatively impact the inmate's/detainee's court or immigration proceedings; and
  - viii. The right of an inmate/detainee who has been subject to sexual abuse or assault to receive treatment and counseling.
  - v. Inmate/detainee notification, orientation and instruction must be in a language or manner that the detainee understands.
  - vi. The facility shall maintain documentation of inmate/detainee participation in the instruction session.

## 2. Inmate/Detainee Education Procedures

- a. Classification officers shall be responsible for inmate/detainee education regarding issues pertaining to sexual abuse and assault.
- b. Prior to being housed in the facility, the Classification Officer shall

review the PREA “Zero Tolerance” policy with the inmate/detainee and obtain their signature on a form stating they are acknowledging that they have been given a copy of the policy.

- c. The signed acknowledgement shall be scanned and kept as an electronic copy in their file.

#### IV. Inmate/detainee Reporting Procedures

##### A. Inmate/detainee Reporting Requirements

1. Inmate/detainees shall be encouraged to promptly report signs or incidents of sexual abuse, assault, or harassment and may not be punished for reporting. However, the inmate/detainee may submit the grievance regarding the allegation of sexual abuse at any time, regardless of when the incident is alleged to have occurred.
2. Staff shall take seriously all statements from detainees claiming to be victims of sexual assaults or harassment, and shall respond supportively and non-judgmentally.
3. Any inmate/detainee may report acts of sexual abuse, assault or harassment to any employee, contractor, or volunteer.
4. If an inmate/detainee is not comfortable with making the report to immediate point-of-contact line staff, he/she shall be allowed to make the report to a staff person with whom he/she is comfortable in speaking about the allegations.
5. Inmate or detainee grievances related to sexual abuse shall not be referred to the staff member who is the subject of the complaint.

##### B. Inmate/detainee Reporting Procedures

1. Options for Reporting to the Facility include:
  - a. Verbal reports to a staff member (including the Sexual Abuse and Assault Prevention and Intervention Program Coordinator or medical staff)
  - b. Written informal or formal requests or grievances to the facility on the Inmate Request Form or Inmate Grievance Form.

- c. Sick call requests
- d. Reports to family members, friends, or other outside entities
- e. Reports to an individual or organization outside the facility who can contact facility staff
- i. If an inmate or detainee declines to have third-party assistance in filing a grievance alleging sexual abuse, the decision shall be documented in the inmate/detainee's file.
- f. Inmates/Detainees may confidentially submit reports to Department of Homeland Security (DHS)/Immigration Custom Enforcement (ICE) detainees or US Marshal inmates may confidentially submit reports to those contract agencies via a sealed envelope.
- g. Written informal or formal requests or grievances (including emergency grievances) to ICE personnel.
- h. Telephone calls or written reports to the DHS/OIG or ICE/OPR.

#### V. Effective Communication with Inmates/Detainees

- 1. In compliance with Federal law, Santa Ana Jail takes reasonable steps to provide meaningful access to the facility's Sexual Abuse and Assault Prevention and Intervention Program for inmates/detainees with Limited English Proficiency (LEP).
- 2. Santa Ana Jail makes available competent foreign language interpreters to ensure effective communication with inmates/detainees with LEP and disabilities (e.g., inmates/detainees who are deaf, hard of hearing, or blind and inmates/detainees with low vision) during all aspects of the facility's efforts to fulfill this zero tolerance policy.
- 3. To obtain a competent interpreter (oral) or translated (written) materials for a detainee with LEP, facility staff shall contact an on-duty employee who has the ability to speak the language understood by the inmate/detainee requesting assistance with translation. If an employee with ability to speak the requested language is not available, the jail shift supervisor shall authorize the use of Language Line for translating assistance.
  - a. The use of the Language Line Service or ASL interpreter shall be indicated on the PREA orientation form the system used to effective communication of the PREA policy.

#### VI. To obtain accommodations for a detainee with a disability, facility staff shall contact the contract agency personnel to address the concerns related to the disability.



## VII. Staff Notification and Reporting

### A. Staff Notification and Reporting Requirements

1. All staff shall as soon as feasible report any known or suspected incidents or allegations of sexual abuse or assault through the facility's chain of command.
2. The Jail Administrator or designee shall promptly as soon as feasible, report the incident to the contract agency personnel and refer all cases that appear potentially to support criminal prosecution to the Chief of Police or designee for further direction. Depending on the circumstances and if Jail staff are involved, the Jail Investigation Team or the County District Attorney's Office may be requested to investigate. This decision shall be determined by the Office of the Chief of Police.
3. If an employee, contractor, or volunteer is alleged to be the perpetrator of inmate/detainee sexual abuse or assault, the Jail Administrator shall also notify the local government entity or contractor that operates within the facility.
4. Information concerning the identity of an inmate/detainee victim reporting a sexual assault, and the facts of the report itself, shall be limited to those who have a need-to-know in order to make decisions concerning the victim's welfare, and for law enforcement/investigative purposes.
5. Upon receiving an allegation that an inmate/detainee was sexually abused while confined at another facility, the Jail Administrator or designee shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred as soon as possible, and no later than 72 hours after receiving the allegation. The Jail Administrator or designee shall notify the detainee in advance of such reporting.

### B. Staff Notification and Reporting Procedures

1. Refer to SAJ Policy 5.07 regarding staff notification and reporting procedures.

## VIII. Response

A. First Responders

1. First Responder Requirements

- a. Staff shall take immediate action to separate any inmate/detainee who alleges that he/she has been sexually assaulted from the alleged assailant, and shall refer the alleged victim for a medical examination and/or clinical assessment for potential negative symptoms.
- b. When the reporting staff member is not a correctional employee, they shall immediately notify the on-duty correctional supervisor or their designee.
- c. Staff suspected of perpetrating sexual abuse or assault shall be removed from all duties requiring inmate/detainee contact pending the outcome of an investigation.
- d. When possible and feasible, staff shall immediately preserve the crime scene, and safeguard information and evidence consistent with the facility's evidence-gathering and evidence-processing procedures. If evidence existed, the staff member shall not take any additional actions that may potentially destroy evidence. This includes not allowing the alleged victim and alleged abuser to take any actions that could destroy physical evidence, including washing, brushing of teeth, changing clothes, urinating, defecating smoking, drinking or eating.

B. First Responder Procedures

- 1. The on-duty shift supervisor shall make notification to the Jail PREA Coordinator or Jail Administrator and seek guidance based on the information related to the allegations.
- 2. Investigative procedures contained in this policy shall be followed when allegations are reported to have occurred at SAJ by other agencies.
- 3. If a forensic medical examination is warranted, refer to SAPD Training Bulletin Forensic Medical Exams for Sexual Assaults.

C. Specialized Responders

1. Specialized Responder Requirements

- a. Staff must use a coordinated, multidisciplinary team approach to responding to sexual abuse, which includes a medical practitioner, a mental health practitioner, a security staff member, and an investigator from the assigned investigative entity, as well as representatives from outside entities that provide relevant services and expertise.
- b. Care must be taken not to punish a confirmed or alleged sexual assault victim either for reporting sexual abuse or for participating in sexual activity as a result of force, coercion, threats, or fear of force.
- c. The victim shall be housed in a supportive environment that represents the least restrictive housing option possible, and that will, to the extent possible, permit the victim the same level of privileges he/she was permitted immediately prior to the sexual assault.
- d. The victim shall be reclassified to ensure it would be safe and appropriate to return them to their previously assigned housing location or to determine if the victim prefers to be moved to a different module.
- e. Victims may not be held for longer than five days in any type of administrative segregation for protective purposes, except in highly unusual circumstances or at the request of the victim. If any of these requirements cannot be met, **SAJ** shall consult with the affected contract agency to determine if that agency can provide additional assistance.
- f. If the facility determines the incident occurred in another facility, the contract agency shall be notified of the allegation within 72 hours. Notification shall be documented and maintained by the PREA Coordinator.
- g. Allegations received from other facilities are investigated in accordance with PREA standards.
- h. If it is determined that the allegations were false, disciplinary and/or criminal charges may be filed against the individual who made the false allegation. This shall be determined by the Jail Administrator and affected contract agency personnel.

2. Specialized Responder Procedures

- a. At the direction of the PREA Coordinator, the Classification officer shall ensure suitable housing for the alleged victim or perpetrator

based on the classification levels and available housing.

- b. Community Services Programs, Inc. (CSP) operates a sexual assault victim service and prevention program that provides extended support services to victims of rape and sexual abuse. Rape Crisis Centers are located in Santa Ana and Irvine. Certified sexual assault counselors, working with law enforcement and the criminal justice system serve all of Orange County. Staff and volunteers respond to hospitals and police departments on request. Support groups for survivors of sexual assault are offered in English and Spanish. Sexual Assault Victim Services for North Orange County (714) 834-4317. The shift supervisor or PREA coordinator shall offer and coordinate this service to the alleged victim, if requested.

## IX. Health Care Services

### A. Health Care Services Requirements

- 1. Victims shall be provided emergency and ongoing medical and mental health services as needed. If adequate health care services are not available, SAJ shall consult with the affected contract agency to determine if they can provide additional assistance. Refusal for these services shall be documented by the medical staff in the inmate/detainee medical file.
- 2. If abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim and alleged perpetrator not take any actions that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating.
- 3. Medical staff responsible for examination or treatment of sexual abuse or assault victims shall be specially trained or certified in such procedures.

### B. Health Care Services Procedures

- 1. Immediate physical/mental health examinations shall be offered to the alleged victim by the on-duty Supervisor.
- 2. The investigating officer shall send the alleged victim to the local hospital to

obtain an evidentiary medical exam, if warranted.

3. If additional requested care or treatment is not available at SAJ, the affected contract agency shall be notified to arrange for the transfer to another custody facility, or to determine if transport to a medical facility where requested care can be obtained, is feasible.
4. Appropriate training and certification of medical staff in the treatment of sexual assault shall be coordinated and documented by the Medical Contractor.
5. If an inmate/detainee who is treating for mental health issues as a result of sexual abuse or assault while incarcerated and the inmate is released while undergoing treatment, the inmate/detainee should be advised of mental health services in the area.

## X. Investigation

### A. Investigation Requirements

1. A prompt, thorough, objective, and fair investigation shall be conducted by qualified investigators for every incident or allegation of sexual abuse or assault.
2. For administrative investigations, those investigating PREA cases impose a standard of a preponderance of evidence when determining whether allegations of sexual abuse or sexual harassment are substantiated.
3. Inmate/detainee interpreters are prohibited from being used during investigations unless a delay in obtaining an effective interpreter could compromise the safety of the alleged victim or the investigation.
4. The alleged victim is verbally informed as to whether their allegation of sexual abuse or sexual harassment has been deemed unfounded, substantiated, or unsubstantiated by the investigating officer or designee at the completion of the investigation. The notifications shall be documented in the inmate/detainee file.
  - a. When an employee was the alleged perpetrator, the victim is informed when:

- i. The staff member is no longer assigned within the victim's assigned housing unit.
  - ii. The staff member is no longer employed at the facility.
  - iii. The agency learns the staff member has been indicted on a charge related to sexual abuse within the facility; or
  - iv. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility. All such notifications shall be documented.
  - v. An agency's obligation to report under this standard shall terminate if the inmate/detainee is released from custody.
- 5. SAJ shall ensure that all allegations of sexual abuse or assault involving potentially criminal behavior are referred to:
  - a. SAPD Sex Crimes Investigation Unit for cases where inmates/detainees are both the victim and perpetrators.
  - b. The Orange County District Attorney shall investigate cases where SAPD staff is the alleged perpetrator.
- 6. The Jail Administrator or designee shall coordinate as necessary with the criminal investigative entities responsible for investigation of the incident.
- 7. At no cost to the detainee, Santa Ana Police Department shall arrange for the victim to undergo a forensic medical examination. All collected forensic evidence must be secured and processed according to SAPD Training Bulletin: *Forensics Medical Exams for Sexual Assaults* for maintaining the chain of custody for criminal evidence. A written summary of all medical evidence and findings shall be completed and maintained in the detainee's medical record.

**B. Investigation Procedures**

- 1. SAJ shall conduct an internal investigation in all cases of sexual abuse. Refer to Departmental Order 120, Administrative Report Writing for internal investigation process.
- 2. For necessary forensic exams, the handling detective or investigator shall transport the alleged victim to the local hospital.
- 3. Victims of sexual assault and assailants if identified should be referred to the hospital for the gathering of evidence when penetration was made and/or

physical injury occurred and should be transported separately.

4. CSI will be called to collect evidence and complete a rape kit.
  - a. With the victim's consent, hospital staff will complete an examination which will include the collection of evidence.
  - b. A rape kit will only be completed when there was penetration.
  - c. CSI will secure and process the evidence to ensure a chain of custody for possible criminal prosecution on male suspects.

C. The Contracted Medical staff shall conduct the initial medical examination for the following:

1. To offer additional medical attention, if requested by the victim.
2. To test for sexually transmitted diseases (e.g., HIV, gonorrhea, hepatitis, and other diseases), for non-evidentiary purposes.
3. To make available prophylactic treatment including emergency contraception and follow up exams as appropriate. Inmate/detainee victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
4. To schedule and refer victim for psychological counseling, as appropriate.
  - a. A mental health professional shall evaluate the need for crisis intervention counseling and long-term follow-up.
5. Complete the necessary paperwork for hospital transport, if necessary.

D. Internal administrative investigations shall be suspended pending the outcome of the criminal investigation, or at the direction of the Chief of Police.

## XI. Disciplinary Sanctions

### A. Disciplinary Sanctions Requirements

1. All perpetrators of sexual abuse or assault shall be disciplined and referred for criminal prosecution as appropriate.
2. Staff determined to have perpetrated sexual abuse or assault or to have failed to comply with the requirements established by this policy shall be subject to disciplinary actions outlined in *Departmental Order Standards of Conduct and Procedures Governing Complaints of Police Personnel Misconduct*.
3. With the approval of the Chief of Police or designee, when there is a sustained allegation against a contractor or instructor, they shall be reported to relevant licensing bodies for engaging in sexual abuse of inmates/detainees, unless the activity was clearly not criminal.
4. Depending on the circumstances related to the allegation, the Jail Administrator or designee shall determine if the staff member shall be prohibited from all inmates/detainee contact.

X. Sexual Abuse Incident Reviews

A. Sexual Abuse Incident Review Requirements

1. The facility PREA Coordinator shall, together with upper-level management officials, conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation to assess and improve prevention and response efforts.
2. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
3. In conducting the review, the PREA Program Coordinator shall seek input from line supervisors, investigators, and medical or mental health practitioners.
4. The reviewer(s) 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; and
  - f. Prepare a report of findings and any recommendations for improvement and submit such report to the facility administrator.
- 5. The facility shall implement the recommendations for improvement, or shall documents its reasons for not doing so.

#### B. Sexual Abuse Incident Review Procedures

- 1. Following each sustained case of sexual abuse, the PREA coordinator shall coordinate a meeting with Jail management staff, a member of the Contract agency involved, the medical director, the Jail's Chief of Security and the Classification Supervisor for review of the incident. If the incident involved a staff on detainee allegation, the name of the Department personnel shall not be identified during the debriefing if non-SAPD personnel are present.
- 2. If a change in procedures is deemed necessary, the PREA coordinator shall submit the recommended changes to the Jail Administrator or designee for review and/or implementation.

### XI. Data Collection and Reporting

#### A. Data Collection and Reporting Requirements

- 1. All case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling, shall be maintained by the Professional Standards Division.

2. The Santa Ana Police Department shall maintain two types of files regarding incidents of sexual abuse:
  - a. General files include:
    - i. Information about the victim(s) and assailant(s) of a sexual assault (including the race, nationality, age, and gender of the individuals)
    - ii. Crime characteristics (including the date, time, location, and nature of the incident)
    - iii. Detailed reporting timeline, including the name of the staff member receiving the report of sexual assault, date and time the report was received, and steps taken to communicate the report up the chain of command
    - iv. All formal and/or informal action taken (including housing/custody placements, health care referrals, etc.)
  - b. Administrative investigative files include:
    - i. All reports
    - ii. Medical forms (including documentation of any injuries Sustained, and examinations, testing, or treatment administered)
    - iii. Supporting memos and videotapes, if any
    - iv. Any other evidentiary materials pertaining to the allegation
3. All information shall be shared only on a need-to-know basis with staff involved in the treatment of the victim or the investigation of the incident.
4. The PREA Coordinator shall review aggregate data on an annual basis, and present the findings to Jail Administration.

**B. Data Collection and Reporting Procedures**

1. As each process of the investigation is completed, the on-duty supervisor shall notify the PREA Coordinator and Jail Operations Manager of the status of the investigation and actions taken by involved staff as soon as feasible. This information may be provided via a memorandum or phone call.
2. A database/checklist regarding all sexual assault allegations shall be maintained by the PREA Coordinator with the following criteria noted:
  - a. Date/Time of Incident

- b. Date/time of notification to Jail Administration and PREA Coordinator
  - c. Date/time contract agency(s) was notified.
    - i. The contract agency for alleged victim
    - ii. The contract agency for alleged perpetrator
  - d. Date/Time of medical/mental health treatment was offered/received
  - e. Identify Reporting Party (Mod Officer, Counselor, etc.)
  - f. Date/time of Crime Report/Information report and case number.
  - g. Date/time evidentiary medical exam was completed, if warranted.
  - h. Inmate/detainee both victim/perpetrator
    - i. Vital statistics of victim/perpetrator(DOB, race, nationality, gender)
    - ii. Date/time location of housing re-assignments for either victim/perpetrator
  - i. Staff and inmate/detainee victim
    - i. If staff identified as alleged perpetrator, date/time of removal from inmate/detainee contact
  - j. Type of sexual assault (i.e., touching, penetration, etc.)
  - k. Date criminal investigation was completed.
  - l. Date administrative investigation was completed.
  - m. Note if allegations were sustained/unfounded
  - n. Date/time of the review of the incident and members present.
3. Facility PREA Incident Review:
- a. The agency shall 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:
    - i. Identifying problem areas;
    - ii. Taking corrective action on an ongoing basis; and
    - iii. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
  - b. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
  - c. The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.

- 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.

#### 4. PREA Records

- a. The agency shall ensure that data collected pursuant to § 115.87 are securely retained.
- b. The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually.
- c. Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.
- d. The agency shall maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.
- e. Referrals of allegations of sexual abuse or sexual harassment for criminal investigation are made publically available in the Jail's main lobby or may be mailed to requestors.
- f. Pursuant to § 115.71 (i) The agency shall retain all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

Approved By Chief of Police, Carlos Rojas

