

Chippewa County Correctional Facility <u>Policy & Procedure</u>	Effective Date: 1/9/2014	Policy Number: 5 . 1
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Section: Security & Control	Reference: PBNS 2.11, NDS 2019 ACA 4-ALDF-2A-29, 4D-22-1, 4D-22-5, 4D-22-2, 4D-22-6 DHS 115.22, 115.64, 115.65, 115.76	
Subject: Prohibited Sexual Contact (SAAPI)	Authority: Michael D. Bitnar, Sheriff	
Rescinds: All Previously Issued Policies, Procedures, Directives, or Memoranda Relative to this Topic		

I. POLICY

It is the policy of the Chippewa County Correctional Facility to adhere to a standard of zero tolerance in regards to detecting, preventing, and responding to incidents involving sexual abuse and/or sexual assault that may occur within the facility.

II. Related Forms

CCS - Form Number: HA103UN0000ACCEN061516 (Mahoning, OH)
 CCCF – Primary Classification Interview Form (appendix A)
 CCCF – 500B
 DHS Office of the Inspector General (OIG) Hotline Poster
 Appendix 2.11.C: Sexual Awareness

III. INFORMATION

- Sexual contact can be considered verbal, visual, or any physical contact of a sexual nature resulting from consent, coercion, physical force, the threat of physical force, or other means of exerting control over an inmate/detainee.
- Sexual contact, or an attempt to engage in sexual contact, is a Prohibited Act, for which an inmate/detainee may be disciplined or prosecuted.
- Employee and inmate sexual contact is a violation of M.C.L.A. 750.520c Criminal Sexual Conduct in the Second Degree, for which an employee may be prosecuted.

- Inmate/detainees will receive awareness orientation through inmate/detainee orientation procedures concerning steps they may take to reduce the likelihood of being victimized by sexual predators and how to report sexual contact or attempted sexual contact by another inmate/detainee or employee.
- Employees and volunteers will receive awareness training concerning: the prohibition on sexual contact with inmate/detainees, inmate/detainee on inmate/detainee sexual contact awareness, and procedures for identifying, responding to, resolving, and reporting inmate/detainee sexual contact.
- Sexual contact will be discouraged and prevented through inmate/detainee supervision and the practice of professional ethics by employees.
- Statistical information on inmate/detainee sexual contacts will be maintained.

IV. DEFINITIONS

A. Inmate/Detainee-on-Inmate/Detainee sexual abuse and/or assault:

1. contact between the penis and vagina or anus and, for the purpose of this subparagraph, contact involving the penis upon penetration, however slight;
2. contact between the mouth and the penis, vagina or anus;
3. penetration, however slight, of the anal or genital opening of another person by hand or finger or by any object;
4. touching of 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
5. threats, intimidation, or other actions or communications by one or more inmate/detainees aimed at coercing or pressuring another inmate/detainee to engage in a sexual act.

B Staff-on-Inmate/Detainee sexual abuse and/or assault:

1. contact between the penis and vagina or anus and, for the purpose of this subparagraph, contact involving the penis upon penetration, however slight;
2. contact between the mouth and the penis, vagina or anus;
3. penetration, however slight, of the anal or genital opening of another person by hand or finger or by any object;
4. 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;
5. threats, intimidation, harassment, indecent, profane and/or abusive language, or other actions (including unnecessary visual surveillance) or communications aimed at coercing or pressuring a inmate/detainee to engage in a sexual act; or
6. repeated verbal statements or comments of a sexual nature to a inmate/detainee, including demeaning references to gender, derogatory comments about body or clothing, or profane or obscene language or gestures.

V. PROCEDURE

A. Orientation and Training

1. Inmate/detainees will receive information during Orientation and Primary Classification concerning the prohibition of sexual contact and steps to take to prevent the likelihood of being victimized by a sexual predator.
2. Employees will receive information about the prohibition of sexual contact with inmate/detainees and methods of prevention, resolution, and reporting during Pre-Service Training and periodically through In-Service Training.
3. Program volunteers and “other contractors” will receive information/notification during their orientation session about the facility’s zero-tolerance policy regarding sexual abuse, the prohibition of sexual contact, and the procedures for preventing and reporting issues.

B. Identification and Prevention

1. Inmate/detainees identified through the intake and/or classification process as being at greater than average risk of victimization by a sexual predator will be classified to Protective Custody and placed in a segregation-capable housing unit.
2. Inmate/detainees who are suspected or confirmed to have been victimized by a sexual predator within the facility will be separated from the suspected or confirmed predator by reassignment of housing. The victim will be classified to Protective Custody and segregated from the General Population when deemed appropriate.
3. Staff shall take seriously all statements from detainees claiming to be victims of sexual assault. Staff members who become aware of an alleged sexual assault shall immediately follow the reporting requirements as set forth within this policy statement.
4. Security staff and/or non-security staff must immediately report any knowledge, suspicion, or information regarding an incident that occurred in CCCF; any retaliation against inmate/detainees and/or staff who reported or participated in an investigation of sexual abuse; and/or any staff neglect or violation of procedure that may have contributed to an incident or retaliation. Non-security staff will report information pertaining to this paragraph to a security staff member.
5. Inmate/detainees identified as sexual predators will be placed on an appropriate segregation status through disciplinary action, classification, or reclassification as may be appropriate.
6. Male and female inmate/detainees will not be housed together.
7. Corrections Officers will not search inmate/detainees of the opposite sex except under emergency circumstances.
8. Staff of the opposite gender will announce their presence upon entering inmate/detainee living areas except under emergency circumstances or when such viewing is incidental to routine cell checks or is otherwise appropriate in connection with a medical examination or monitored bowel movement.
9. When conducting business which normally requires some degree of privacy and confidentiality, staff, volunteers, and professional visitors will use facility accommodations such as the dayroom and/or

classroom or an area where there is a substantial view of the parties inside and accessibility by other staff members.

10. Female inmate/detainees, female civilian staff, female volunteers, and female professional visitors will not be permitted to be secluded from an officer's sight when in the company of male inmate/detainees.
11. Male inmate/detainees, male civilian staff, male volunteers, and male professional visitors will not be permitted to be secluded from an officer's sight when in the company of female inmate/detainees.
12. Female Officers who are required to perform duties where they may be out of sight and in the presence of male inmate/detainees will notify Control or the Shift Supervisor of their location and the type of duty being performed. Periodic radio contact will be maintained until the female Corrections Officer leaves the post area.
13. Male Officers who are required to perform duties where they may be out of sight and in the presence of female inmate/detainees will notify Control or the Shift Supervisor of their location and the type of duty being performed. Periodic radio contact will be maintained until the male Corrections Officer leaves the post area.
14. Employees and volunteers will neither initiate nor engage in conversation with inmate/detainees where the speech is sexual in nature.
15. Employees and volunteers will not correspond with inmate/detainees except to discharge their duties. No correspondence of a sexual nature will be promoted or conveyed between employees, volunteers, and inmate/detainees.
16. Confirmed and/or alleged sexual assault victims shall not be punished and/or subject to disciplinary action either for reporting sexual abuse and/or participating in sexual activity as a result of force, coercion, threats, and/or fear of force.

C. Reporting/Investigation

1. Staff will accept reports of sexual abuse and/or anything related else related to sexual abuse via the following reporting methods:

- a. Verbally,
 - b. In writing,
 - c. Anonymously; or
 - d. Via 3rd party.
2. Inmate/detainee complaints of sexual contact will be investigated immediately when they become known. Complaints of contact, such as sexual assault and rape, will be turned over to the Patrol Division for investigation and criminal prosecution. The scene of the assault/rape will be secured and the evidence preserved pending the arrival of an investigator.
 3. Allegations of employee or volunteer sexual contact with an inmate/detainee will be investigated immediately when they become known. Inmate/detainee complaints alleging sexual contact by an employee or volunteer will be forwarded to the Sheriff and/or designee who will arrange for the incident to be investigated. Employees may be immediately relieved of duty by the Jail Administrator if it is deemed necessary. An employee may be suspended pending the outcome of an investigation into an allegation of sexual contact and subject to internal disciplinary procedures and/or criminal prosecution. Staff suspected of perpetrating sexual abuse and/or assault shall be removed from all duties requiring detainee contact pending the outcome of an investigation.
 4. Staff are subject to disciplinary and/or adverse action up to and including removal from their position for substantiated allegations of sexual abuse or for violating facility sexual abuse policies.
 5. An inmate/detainee claiming to be the victim of sexual contact by another inmate/detainee will be separated from the alleged perpetrator by housing assignment and placed on Protective Custody. The victim and perpetrator will be prevented from having further contact. The alleged perpetrator may also be placed on an appropriate Administrative Segregation status to include a disciplinary status if there is some evidence to substantiate that the inmate/detainee committed the Prohibited Act.
 6. The first security staff member to respond to a report of sexual abuse and assault, or his or her supervisor, shall preserve and

protect, to the greatest extent possible, any crime scene until appropriate steps can be taken to collect any evidence. If the abuse occurred within a time period that still allows for the collection of physical evidence, the responder shall request the alleged victim not to take any actions, and shall ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify security staff.

7. Information concerning the identity of a 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 detainee-victims welfare, and for law enforcement and/or investigative purposes.
8. Complete and detailed reports will be prepared by those employees having knowledge of the incident. All reports shall be submitted to the Jail Administrator, PREA Coordinator for review, and Road Patrol Detective for review.
9. Any allegations of sexual abuse and/or assault shall be immediately reported to a supervisor. If a supervisor is unavailable the incident may be reported outside of the staff member's chain-of-command.
10. Any allegations of sexual abuse and/or assault shall be immediately reported to ICE/ERO.
11. The facility will monitor a minimum 90 days, any report of sexual abuse, to identify any possible retaliations by another detainee and/or staff member.
12. If feasible, the facility will notify an inmate/detainee the results of an investigation and/or any responsive action taken.
13. Any inmate/detainee and/or staff member reporting sexual assault/abuse and/or cooperating with an investigation will not be retaliated against.
14. The facility will not discipline an inmate/detainee for any sexual contact with a staff member and/or for reporting a sexual contact with a staff member unless the staff member did not consent.

15. Reports of sexual abuse that are made in good faith based upon reasonable belief the alleged conduct occurred shall not constitute as a false report even if the allegation is not substantiated.
16. Facility staff will immediately contact medical personnel of any sexual abuse related medical emergency.

D. Health Care Services and Transfer of Detainee(s) to Hospitals or Other Facilities

1. Inmate/detainees who claim to have been sexually assaulted or raped will be referred to medical and afforded prompt medical attention to include an examination by a physician and appropriate follow-up treatment and counseling as deemed necessary.
2. Victims will be advised to not take any action that could destroy physical evidence (e.g. washing, brushing teeth, changing clothes, urinating, defecating, drinking, eating, etc.).
3. All sexual assault victims will be immediately referred/transported to War Memorial Hospital for initial health care services.
4. The investigating officer shall transport the victim to War Memorial Hospital. The transporting officer shall follow the Road Patrol Division policy and procedure for the collection and preservation of evidence as it pertains to a Criminal Sexual Conduct case.
5. In the event the assailant and the victim are to be transported to War Memorial Hospital, the assailant and the victim shall be transported separately. The assailant and victim shall remain isolated from one another while at War Memorial Hospital.
6. All follow-up medical and mental health care services will be coordinated by the Chippewa County Correctional Facility medical staff.

E. Tracking Incidents

1. All case records associated with claims of sexual abuse shall be maintained in a *general file* and *administrative investigative file*.
 - a. The *general file* shall consist of the following information:
 - the victim(s) and assailant(s) of sexual assault;

- crime characteristics;
 - detailed reporting timeline, including the name of the staff member receiving the report of the sexual assault, date and time the report was received, and steps taken to communicate the report up the chain of command; and
 - all formal and/or informal action taken
- b. The *administrative investigative file* shall consist of the following:
- all reports;
 - medical forms
 - supporting memos and videotapes, if any; and
 - any other evidentiary materials pertaining to the allegation.
2. These files shall be kept as confidential and the information released for legitimate need-to-know reasons only.
 3. All files shall be maintained in chronological order and kept in a secure location.
 4. Access to these files shall be limited to those staff involved in the treatment of the victim and/or the investigation of the incident.
 5. The PREA Coordinator shall review all aggregate data annually and shall submit findings to ICE/ERO Field Office. The PREA Coordinator shall omit all personally identifying information.
 6. CCCF will require the documentation and maintenance, for at least five (5) years, of all reports and referrals of allegations of sexual abuse.