

GOSHEN COUNTY DETENTION CENTER

PREA POLICY

12-4-2017

Goshen County Detention Center Mission Statement

1.1.

The members of the Goshen County Sheriff's Office are committed to improving the quality of life, in partnership with the community we serve, through fair and ethical enforcement services adhering to the following values:

SERVICE - Service is a primary responsibility in fulfilling our law enforcement mission and Safety of all of our Detainees who we are responsible for.

CONSTITUTIONAL RIGHTS - Our fundamental duty is to protect the Constitutional rights of all whom we serve.

ETHICS - Ethics are the foundation of professional law enforcement.

LOYALTY - We will be loyal to the principals and values governing our department and profession.

INTEGRITY - We hold ourselves to the highest standard of integrity; anything less is unacceptable.

EXCELLENCE - We strive for excellence of our personal and professional work ethic by extending our efforts beyond the basics of any given task.

ACCOUNTABILITY - We hold ourselves accountable for the exercise of the authority to us, and are committed to being open and responsive to community concerns.

FAIRNESS - We are committed to consistently fair and equitable practices.

COOPERATION - Cooperation and teamwork are essential elements in providing services-oriented law enforcement.

PRIDE - We as professionals have dedicated ourselves to service in the interest of public safety.

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Goshen County Detention Center PREA Policy

1 PURPOSE

- A.** Goshen County Detention Center is committed to Zero Tolerance of any form of sexual abuse and sexual harassment in facilities operated directly or with which it holds contracts for the confinement of inmates.

The purpose of this policy is to describe Goshen County Detention Center's mandate of zero tolerance toward all forms of sexual abuse and sexual harassment; and to outline Goshen County Detention Center's approach to preventing, detecting, and responding to sexual and abuse and harassment.

- B.** The scope of this policy applies to offender-on-offender and staff-on-offender sexual abuse and misconduct.

2 ZERO TOLERANCE POLICY [DOJ §115.11(a)]

Goshen County Detention Center mandates zero tolerance toward all forms of sexual abuse and sexual harassment. Sexual abuse of an inmate and sexual harassment of an inmate are prohibited.

A. Definitions

- 1) "Inmate" means any person incarcerated or detained in the jail;
- 2) "Staff" means an agency employee;
- 3) "Contractor" means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency; and
- 4) "Volunteer" means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency
- 5) "Consent" refers to cooperation in act or attitude pursuant to an exercise of free will and with full understanding of the nature of the act. Inmates cannot consent to sexual contact with staff members, volunteers or contractors.

B. Sexual Abuse

- 1) "Sexual Abuse" includes –
 - a) Sexual abuse of an inmate by another inmate; and
 - b) Sexual abuse of an inmate by a staff member, contractor, or volunteer

- 2) Sexual abuse of an inmate by another inmate includes any of the following acts if the victim does not consent, is coerced into such an act by overt or implied threats of violence, or is unable to consent or refuse:
 - a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b) Contact between the mouth and the penis, vulva, or anus;
 - c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttock of another person, excluding contact incidental to a physical altercation.

- 3) Sexual abuse of an inmate by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate:
 - a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b) Contact between the mouth and the penis, vulva, or anus;
 - c) 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;
 - d) 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;
 - e) 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;
 - f) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a) through (e) of this sections;
 - g) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
 - h) Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate 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.

C. Sexual Harassment

- 1) “Sexual harassment” includes –
 - a) Sexual harassment of an inmate by another inmate; and
 - b) Sexual harassment of an inmate by a staff member, contractor, or volunteer.

- 2) Sexual harassment of an inmate by another inmate includes:

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward another.

- 3) Sexual harassment of an inmate by a staff member, contractor, or volunteer includes:

Repeated verbal comments or gestures of a sexual nature to an inmate 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.

D. Consent

- 1) A clear and unambiguous agreement, expressed outwardly through mutually understandable words or actions, to engage in a particular activity.
- 2) Consent can be withdrawn by either party at any point.
- 3) Must be voluntarily given and may not be valid if a person is being subjected to actions or behaviors that elicit emotional, psychological, physical, reputational, financial pressure, threat, intimidation, or fear (coercion or force).
- 4) Consent to engage in one sexual activity, or past agreement to engage in a particular sexual activity, cannot be presumed to constitute consent to engage in a different sexual activity or to engage again in a sexual activity.
- 5) Consent cannot be validly given by a person who is incapacitated.

- 6) **Consent is not a defense** – It is the policy of the Goshen County Detention Center that an inmate is not able to give “consent” to sexual misconduct with staff, including but not limited to employees, contract personnel and volunteers. Wyoming law makes it a criminal act for an employee of Goshen County Detention Center to engage in sexual activity with an inmate. (See W.S. §6-2-301, *et seq.*, specifically 6-2-303(a)(vii).) Goshen County Detention Center shall report all suspected criminal activity to the proper authorities. In cases involving staff sexual misconduct against inmates, Goshen County Detention Center reserves the right to also take appropriate administrative personnel action regardless of any criminal disposition.

3 PREA COORDINATOR [DOJ §115.11(B)]

Goshen County Detention Center has designated a PREA Coordinator with sufficient time and authority to develop, implement, and oversee its efforts to comply with the PREA standards. The PREA Coordinator shall be the Jail Administrator or someone designated by that person, in writing.

Should the assigned PREA Coordinator be unable to fulfill the duties of the position, resign from the position of PREA Coordination, resign from the agency, or be terminated from the agency, the duties of PREA Coordinator shall revert to the Jail Administrator until a new PREA Coordinator is assigned.

4 PREVENTING AND DETECTING SEXUAL ABUSE AND HARASSMENT [DOJ §115.13]

Goshen County Detention Center shall adopt and implement the following measures to prevent and detect sexual abuse and sexual harassment in its facility:

A. Staffing Plan/Video Monitoring [DOJ §115.13]

- 1) In the process of creating and revising a staffing plan to provide for adequate levels of staffing and video monitoring to protect inmates against sexual abuse, Goshen County Detention Center shall ensure that the following factors are taken into consideration:
 - a) Generally accepted detention and correctional practices;
 - b) Any judicial finding of inadequacy;
 - c) Any findings of inadequacy from Federal investigative agencies;
 - d) Any findings of inadequacy from internal or external oversight bodies;
 - e) All components of the facility's physical plan;
 - f) The compositions of the inmate population
 - g) The number and placement of supervisory staff;
 - h) Programs occurring on a particular shift;
 - i) Any applicable State or local laws, regulations, or standards;
 - j) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - k) Any other relevant factors.
- 2) Goshen County Detention Center shall make its best efforts to comply with the staffing and video monitoring plan and, in circumstances where it is not complied with, shall document and justify all deviations.
- 3) At least once every year, and in collaboration with the PREA Coordinator, Goshen County Detention Center shall conduct an assessment to determine whether adjustment are needed to the staffing plan and the deployment of video monitoring systems and other technologies.

B. Unannounced Rounds [DOJ §115.13(d)]

- 1) Supervisors shall conduct and document unannounced rounds covering all shifts, and all areas of the facility, to identify and deter staff sexual abuse or harassment. Goshen County Detention Center policy prohibits staff members who are aware of these rounds from alerting other staff as to when or where these rounds are occurring, unless related to the legitimate operational needs of the facility.

- 2) The PREA Coordinator shall determine how and when the unannounced rounds will be conducted and shall review all documentation from the rounds.

C. Youthful Inmates [DOJ §115.14]

- 1) A youthful inmate (defined as any person under the age of 18 who is under adult court supervision and incarcerated or detained in jail) shall not be placed in a housing unit in which they will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.
- 2) In areas outside of housing units, Goshen County Detention Center shall either:
 - a) Maintain sight and sound separation between youthful inmates and adult inmates, or
 - b) Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.

Note: “Direct staff supervision” means that security staff are in the same room with, and within reasonable hearing distance of, the youthful offender. “Security staff” means employees primarily responsible for the supervision and control of inmates and detainees in housing units, recreational areas, dining areas, and other program areas of the facility.

- 3) The facility shall make best efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, the agency shall not deny youthful inmates daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible.

Note: “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.

D. Cross Gender Viewing and Searches/Searches of Transgender Inmates [DOJ §115.15]

1) Searches

- a) The facility shall not conduct cross-gender strip searches (meaning a search that requires a person to remove or arrange clothing so as to permit a visual inspection of their breasts, buttocks, or genitalia) or cross-gender visual body cavity searches (meaning a search of the anal or genital opening)

except in exigent circumstances or when performed by medical practitioners.

Note: “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.

- b) Effective August 20, 2015 [or August 20, 2017 for facility whose rated capacity does not exceed 50 inmates] the facility shall not permit cross-gender pat-down searches (a running of the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband) of female inmates, absent exigent circumstances. The facility shall not restrict female inmates’ access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
- c) The facility shall document all cross-gender strip searches and body cavity searches of inmates and all cross-gender pat-down searches of female inmates.
- d) No staff member shall conduct a search of a transgender or intersex inmate solely for the purpose of determining genital status. If the inmate’s genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

Note: “Transgender” means a person whose gender identity (internal sense of feeling male or female) is different from the person’s assigned sex at birth. “Intersex” means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit the typical definitions of male or female.

2) Viewing [DOJ §115.15(d)]

- a) The facility shall enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.
- b) Staff members of the opposite gender shall announce their presence when entering an inmate housing unit.

E. Inmates with Disabilities or Who Have Limited English Proficiency

1) Disabled Inmates [DOJ §115.16(a)]

- a) Goshen County Detention Center shall take appropriate steps to ensure that inmates with disabilities have an equal opportunity to benefit from all aspects of Goshen County Detention Center’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include –

when necessary to ensure effective communication with inmates who are deaf or hard of hearing – providing access to interpreters who can interpret effectively, accurately, and impartially.

- b) In addition, Goshen County Detention Center shall ensure that written materials are provided in formats and through methods that ensure effective communication with inmates with disabilities.

2) Inmates Who Have Limited English Proficiency [DOJ §115.16(b)]

Goshen County Detention Center shall take reasonable steps to ensure meaningful access to all aspects of its efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who have limited English proficiency, including by providing interpreters who can interpret effectively, accurately, and impartially.

3) Use of Inmate Interpreters [DOJ §115.16(c)]

Goshen County Detention Center shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where extended delay in obtaining an effective interpreter could compromise an inmate's safety, the performance of first-responder duties, or the investigation of an inmate's allegations.

F. Screening of Inmates

1) Screening for Risk of Victimization and Abusiveness [DOJ §115.41]

- a) All inmates shall be assessed during an intake screening and upon transfer from another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
- b) Intake screening shall ordinarily take place within 72 hours of arrival at the facility.
- c) Such assessments shall be conducted using an objective screening instrument.
- d) The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:
 - d1) Whether the inmate has a mental, physical, or developmental disability;
 - d2) The age of the inmate;
 - d3) The physical build of the inmate;
 - d4) Whether the inmate has previously been incarcerated;
 - d5) Whether the inmate's criminal history is exclusively nonviolent;
 - d6) Whether the inmate has prior convictions for sex offenses against an adult or child;
 - d7) Whether the inmate is or perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - d8) Whether the inmate has previously experienced sexual victimization;
 - d9) The inmate's perception of his or her own vulnerability to sexual abuse or sexual harassment; and

- d10) Whether the inmate is detained solely for civil immigration purposes.
- e) The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history for prior institutional violence or sexual abuse, as known to Goshen County Detention Center, in assessing inmates for risk of being sexually abusive.
- f) Within a set time period, 15 days, the facility shall reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since intake screening.
- g) An inmate's risk level shall be reassessed when warranted due to referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
- h) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information related to, (d1), (d7), (d8) and (d9) above.
- i) Goshen County Detention Center shall implement appropriate controls on the dissemination of responses to questions asked pursuant to this policy in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

2) Use of Information Obtained from Screening [DOJ §115.42]

- a) Goshen County Detention Center shall use information from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- b) Goshen County Detention Center shall make individualized determinations about how to ensure the safety of each inmate.
- c) In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.
- d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
- e) A transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration.
- f) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
- g) Goshen County Detention Center shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status unless pursuant to a legal settlement or judgment.

3) Medical and Mental Health Screenings [DOJ §115.81]

- a) If the screening required in Section 4. F (1) above indicates that an inmate has experienced prior sexual victimization, whether in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
- b) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments.
- c) Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

G. Protection of Inmates Facing Substantial Risk

1) Upon Learning of Substantial Risk [DOJ §115.62]

When Goshen County Detention Center learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

2) Emergency Grievances [DOJ §115.52f]

- a) Goshen County Detention Center shall establish procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.
- b) After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, Goshen County Detention Center shall:
 - b1) Immediately forward the grievances (or any portion of it that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken;
 - b2) Provide an initial response within 48 hours; and
 - b3) Issue a final decision within five (5) calendar days.
- c) The initial response and final decision shall document Goshen County Detention Center's determination of whether the inmate is at substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

3) Protective Custody [DOJ §115.43]

- a) Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless Goshen County Detention Center has assessed all available alternative means of separation from likely abusers.
- b) If the facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the fullest extent possible.
- c) If the facility restricts access to programs, privileges, education, or work opportunities, it shall document:
 - c1) The opportunities that have been limited;
 - c2) The duration of the limitations; and
 - c3) The reasons for such limitations.
- d) The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged. Such an assignment shall not ordinarily exceed a period of 30 days.
- e) If an involuntary segregated housing assignment is made pursuant to this section, the facility shall clearly document:
 - e1) The basis for the facility's concern for the inmate's safety; and
 - e2) The reason why no alternative means of separation can be arranged.
- f) Every 30 days, the facility shall afford each inmate a review to determine whether there is a continuing need for separation from the general population.

H. Hiring and Promotion Practices [DOJ §115.17]

- 1) Goshen County Detention Center shall not hire or promote anyone who may have contact with inmates, or retain 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; or
 - b) Has been convicted of, or civilly or administratively adjudicated for, engaging or attempting to engage in sexual activity in the community facilitated by force, threats of force, or coercion or if the victim did not consent or was unable to consent.
- 2) Goshen County Detention Center shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to retain the services of any contractor, who may have contact with inmates.

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- 3) Before hiring new employees who may have contact with inmates, Goshen County Detention Center shall:
 - a) Perform a criminal background records check; and
 - b) Make its best efforts to contact all prior institutional employees for information on substantiated allegations of sexual abuse, or any resignation during a pending investigation of an allegation of sexual abuse.
- 4) Goshen County Detention Center shall also perform a criminal background records check before retaining the services of any contractor who may have contact with inmates.
- 5) Goshen County Detention Center shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates, or have in place a system for otherwise capturing such information for current employees.
- 6) Goshen County Detention Center shall ask all applicants and employees who may have direct contact with inmates about previous misconduct described in this section, in:
 - a) Written applications and/or interviews for hiring or promotion; and
 - b) Interviews or written self-evaluations conducted as part of reviews of current employees.
- 7) Goshen County Detention Center shall impose on its current employees a continuing affirmative duty to disclose any of the misconduct in this section.
- 8) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- 9) Unless prohibited by law, Goshen County Detention Center 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 for work.

[I. Upgrades to Facilities and Technologies \[DOJ §115.18\]](#)

- 1) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, Goshen County Detention Center shall consider the effect of the design, acquisition, expansion, or modification on its ability to protect inmates from sexual abuse.
- 2) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, Goshen County Detention Center

shall consider how such technology may enhance its ability to protect inmates from sexual abuse.

5 RESPONDING TO REPORTS OF SEXUAL ABUSE AND SEXUAL HARRASSMENT

To respond to reported incidents of sexual abuse, we have adopted and implemented the following procedures:

A. Procedures for Reporting Sexual Abuse and Sexual Harassment

1) Inmate Reporting

a) Ways for Inmates to Report Incidents [DOJ§115.51(a), (b), and (c)]:

a1) Goshen County Detention Center shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse or sexual harassment, and staff neglect that may have contributed to such incidents. Inmates may report concerns by:

- i. Reporting directly to a deputy or staff member.
- ii. Informing a supervisor, medical staff or chaplain.
- iii. Putting a grievance in through the Kiosk.
- iv. Contact PREA Coordinator at (307)534-5376

a2) Goshen County Detention Center shall also provide at least one way for inmates to report abuse, harassment, retaliation, and staff neglect to a public or private entity that is not part of Goshen County Detention Center, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.

- i. Inmates may contact Goshen County Task Force at 307-532-2118.
Calls to this number are free to inmates and confidential.

a3) Staff shall accept reports made verbally, in writing, and anonymously. Staff shall promptly document any verbal reports.

b) Inmate Grievances [DOJ §115.52 (a), (b), (c), (e) and (g)]

b1) Goshen County Detention Center shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.

b2) Goshen County Detention Center shall not require an inmate to use any informal grievance process, or otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

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- b3) Goshen County Detention Center shall ensure that –
 - i. An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
 - ii. Such grievance is not referred to a staff member who is the subject of the complaint.
- b4) Goshen County Detention Center shall 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. Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.
- b5) Goshen County Detention Center may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. Goshen County Detention Center shall notify the inmate in writing of any such extension and provide a date by which a decision shall be made.
- b6) At any level of the administrative process, including the final level, if the inmate does not receive a response within allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
- b7) Goshen County Detention Center may 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.

2) Staff Reporting Rules [DOJ§115.51(d) and §115.61]

- a) Any staff member who has knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against inmates or staff who reported such an incident; and any staff neglect that may have contributed to such incident or retaliation, shall immediately report such incident or retaliation, in the manner specified by Goshen County Detention Center policy.
- b) Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone except as specified by Goshen County Detention Center Policy.

Note: Medical and mental health practitioners shall report knowledge, suspicion, or information regarding sexual abuse, sexual harassment, retaliation, or staff neglect pursuant to this section. This information shall be provided to inmates, in writing, at the initiation of services.

- c) Goshen County Detention Center shall provide a method for staff to privately report sexual abuse or sexual harassment of inmates [DOJ §115.51(d)].

- 3) Rules for Third Parties to Report Abuse and to Assist Inmates with Grievances [DOJ §115.51(c), and §115.51(e), and §115.54]
- a) Goshen County Detention Center shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.
 - b) Staff shall accept reports made verbally, in writing, and anonymously from third parties and shall promptly document any verbal reports.
 - c) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.
 - d) If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. If the inmate declines to have the request processed on his or her behalf, Goshen County Detention Center shall document the inmate's decision.

B. Coordinated Response [DOJ §115.65]

The facility has established a written plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. The Coordinated Plan will be in Appendix B at the end of the Policy.

C. Immediate Steps After Receiving Report of Incident [DOJ §115.64 and §115.82(b)]

- 1) When a security staff first-responder learns that an inmate has been sexually abused, they shall take immediate action to protect the inmate. This includes:
 - a) Separate the inmate from the alleged perpetrator;
 - b) Notify Investigator assigned to PREA as soon as possible;
 - c) Preserve and protect any crime scene until appropriate steps can be taken to collect evidence; and
 - d) If the abuse occurred within a time period that still allows for collections of physical evidence, request that the alleged victim – and ensure that the alleged abuser – not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
 - e) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall

immediately notify the appropriate medical and mental health practitioners.
[115.82(b)]

- 2) When the first staff responder is not a security staff member, they shall request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

Note: The Department of Justice (DOJ) defines “first responder” as the staff person (or persons) who first arrive at the scene of an incident.

D. Medical and Mental Health Services

1) Emergency [DOJ §115.82]

- a) Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- b) Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care, where medically appropriate.
- c) Treatment services shall be provided to the victim – without financial cost to the – and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

2) Ongoing Medical and Mental Health Care [DOJ §115.83]

- a) The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been sexually abused in a prison, jail, lockup, community corrections facility, or juvenile justice facility.
- b) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- c) The facility shall provide such victims with medical and mental health services consistent with the community level of care.
- d) Inmate victims of sexual abusive vaginal penetration while incarcerated shall be offered pregnancy tests, as medically necessary.
- e) If pregnancy results from the conduct described in this section, victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services, such as prenatal care and access to pregnancy termination services, where available.
- f) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate.

- g) Ongoing treatment services shall be provided to the victim without financial cost to the victim and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

E. Support Services for Victims of Sexual Abuse

1) Victim Advocate [DOJ § 115.21 (d) (e) and (h)]

- a) Goshen County Detention Center shall attempt to make available to the victim an advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocacy services, Goshen County Detention Center shall make available a qualified staff member from a community-based organization, or a qualified agency staff member to provide these services.

Note: A “qualified agency staff member” or “qualified community-based staff member” means an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examinations issues in general.

- b) When requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff-member shall accompany the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

2) Emotional Support Services [DOJ § 115.53]

- a) The facility shall provide inmates with access to outside victim advocates for emotional support services relates to sexual abuse by giving inmates mailing addresses and telephones numbers, including toll-free hotline numbers, where available, of local, State, or national victim advocacy or rape crisis organizations, and for persons detained solely for civil immigration purposes, immigration services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.
- b) The facility shall inform inmates, prior to giving them access to outside advocates, or the extent to which such communications shall be monitored and the extent to which reports of abuse shall be forwarded to authorities in accordance with mandatory reporting laws.
- c) Goshen County Detention Center shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documents showing attempts to enter into agreements.

F. Investigation of Incidents [DOJ §§115.21(a)(b)(c)(f) and (h), 115.22, 115.71, 115.72, 115.73 and 115.86]

- 1) Goshen County Detention Center shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
- 2) It is Goshen County Detention Center's policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. Goshen County Detention Center shall publish this policy on its website at [www.goshensheriff.org] and make the policy available through other means. Goshen County Detention Center shall document all such referrals.
- 3) When Goshen County Detention Center conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- 4) Where sexual abuse is alleged, Goshen County Detention Center shall use investigators who have received special training in sexual abuse investigations pursuant to Section 6.A. (Employee Training) of this policy.
- 5) Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- 6) When the quality of evidence appears to support criminal prosecution, Goshen County Detention Center shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- 7) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate or staff. Goshen County Detention Center shall not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation.

8) Administrative Investigations:

- a) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
- b) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- c) Shall be referred for prosecution if there are substantiated allegations of conduct that appear to be criminal.
- d) Goshen County Detention Center shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated in administrative investigations.

9) Criminal Investigations: Shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible; and

10) Goshen County Detention Center shall retain all written reports by this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

11) The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

12) When other agencies investigate sexual abuse, Goshen County Detention Center shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

13) Evidence Protocol and Forensic Medical Exams [DOJ §115.21]:

- a) To the extent Goshen County Detention Center is responsible for investigating allegations of sexual abuse, it shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- b) Goshen County Detention Center shall offer all victims of sexual abuse access to forensic medical examinations, without financial cost to the victim, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs), where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. Goshen County Detention Center shall document its efforts to provide SAFEs or SANEs for this purpose.

GOSHEN COUNTY DETENTION CENTER PREA POLICY

- c) To the extent Goshen County Detention Center is not responsible for investigating allegations of sexual abuse, it shall request that the investigating agency follow the requirements of this section.
- 14) Following an investigation into an inmate's allegation that he or she suffered sexual abuse, Goshen County Detention Center shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- 15) If Goshen County Detention Center did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.
- 16) Following an inmate's allegation that a staff member committed sexual abuse against him or her, Goshen County Detention Center shall subsequently inform the inmate whenever:
- a) The staff member is no longer posted within the inmate's unit;
 - b) The staff member is no longer employed at the facility;
 - c) Goshen County Detention Center learns that the staff member has been charged with or indicted on a charge related to sexual abuse within the facility; or
 - d) Goshen County Detention Center learns that the staff member has been convicted on a charge related to sexual abuse within the facility
- 17) Following an inmate's allegation that he or she has been sexually abused by another inmate, Goshen County Detention Center shall subsequently inform the alleged victim whenever:
- a) Goshen County Detention Center learns that the alleged abuser has been charged with or indicted on a charge related to sexual abuse within the facility; or
 - b) Goshen County Detention Center learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications shall be documented.

- 18) Sexual abuse incident reviews [DOJ §115.86]
- a) Goshen County Detention Center shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
 - b) The review shall ordinarily occur within 30 days of the conclusion of the investigation.

- c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
- d) The review team shall:
 - d1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - d2) 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;
 - d3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - d4) Assess the adequacy of staffing levels in that area during different shifts;
 - d5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - d6) Prepare a report of its findings, including determinations made pursuant to this section, and any recommendations for improvements and submit the report to the facility head and the PREA Compliance manager or agency PREA Coordinator.
- e) Goshen County Detention Center shall implement the review team's recommendations for improvement, or document its reasons for not doing so.

G. Protection from Retaliation [DOJ §115.67]

Note: For rules regarding reporting by inmates and staff of retaliation after it has occurred, see Section 5.A. (Procedures for Reporting Sexual Abuse/Sexual Harassment) above.

- 1) Goshen County Detention Center policy is to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff.
- 2) Goshen County shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- 3) For at least 90 days following a report of sexual abuse, Goshen County shall monitor the conduct and treatment of inmates or staff who reported sexual abuse, and of inmates who were reported to have suffered sexual abuse, to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation.

- 4) Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the same requirements that are discussed above in Section 4.G(3) (Protective Custody).

H. Sanctions for Individuals Found to have Participated in Sexual Abuse or Harassment

1) Disciplinary Sanctions for Staff [DOJ Standards §115.76]

- a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
- b) Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- c) Disciplinary sanctions for violations of Goshen County Detention Center policies relating to sexual abuse or sexual harassment shall be 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.
- d) 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, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

2) Corrective Action for Contractors and Volunteers [§115.77]

- a) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
- b) The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of Goshen County Detention Center sexual abuse or sexual harassment policies by a contractor or volunteer.

3) Disciplinary Sanctions for Inmates [DOJ Standards §115.78]

- a) Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
- b) Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- c) The disciplinary process shall consider whether an inmate's mental disability or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

- d) If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.
- e) Goshen County Detention Center may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- f) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident, even if an investigation does not establish evidence sufficient to substantiate the allegation.

I. [Notifying Other Confinement Agencies \[DOJ §115.63\]](#)

- 1) Upon Goshen County Detention Center receiving an allegation that an inmate was sexually abused while confined at another facility, the head of Goshen County Detention Center shall notify the head of the facility or agency where the alleged abuse occurred.
- 2) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- 3) Goshen County Detention Center shall document that it has provided such notification.

J. [Receiving Reports of Sexual Assaults from Other Agencies \[DOJ §115.63\]](#)

- 1) Upon Goshen County Detention Center receiving an allegation that an inmate was sexually abused while confined at our facility, the head of Goshen County Detention Center shall notify the Goshen County Detention Investigator to open an investigation immediately.
- 2) The investigator shall conduct an investigation in accordance with the PREA standards in this policy.
- 3) The victim will be notified per policy of the progress of the investigation and Goshen County Detention Center shall document such notification.

6 TRAINING AND EDUCATION

Goshen County Detention Center is committed to communicating to the inmates at its jail, to its employees and to contractors and volunteers, the following information through the training, education and orientation programs described in this section:

- Goshen County Detention Center's zero tolerance policy;
- Goshen County Detention Center's policies to prevent, detect, and respond to sexual abuse and sexual harassment; and
- Other rights and obligations under this policy.

A. Employee Training [DOJ §115.31]

- 1) Goshen County Detention Center shall train all employees who may have contact with inmates on:
 - a) Its zero-tolerance policy for sexual abuse, sexual harassment and retaliation;
 - b) How to fulfill their responsibilities regarding prevention, detection, reporting, and response to sexual abuse and sexual harassment;
 - c) Inmates' right 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.
- 2) Security staff employees shall be trained in how to conduct cross-gender pat-down searches, and how to conduct searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
- 3) Training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa.
- 4) All current employees shall receive this training, and Goshen County Detention Center shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee

does not receive refresher training, Goshen County Detention Center shall provide refresher information on current sexual abuse and sexual harassment policies.

5) Specialized Training: Investigators [DOJ §115.34]

- a) In addition to the general training provided to all employees, Goshen County Detention Center shall ensure that, to the extent it conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
- b) Specialized training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collections in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

6) Specialized Training: Medical and Mental Health Professionals [DOJ §115.35]

Goshen County Detention Center shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facility have been trained in:

- a) How to detect and assess signs of sexual abuse and sexual harassment;
- b) How to preserve physical evidence of sexual abuse;
- c) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- d) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

If medical staff employed by Goshen County Detention Center conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.

- 7) Goshen County Detention Center shall document, through employee signature or electronic verification, that employees have received and understand the training. In the case of investigators who investigate sexual abuse in the facility, it shall maintain documentation they have completed the required specialized training in sexual abuse investigations. In the case of medical and mental health practitioners, it shall maintain documentation that they have received the specialized training described in this section.

B. Inmate Orientation and Education [DOJ §115.33]

- 1) During the intake process, inmates shall receive information explaining Goshen County Detention Center's zero-tolerance policy regarding sexual

abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

- 2) Within 30 days of intake, Goshen County Detention Center shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and Goshen County Detention Center's policies and procedures for responding to such incidents.
- 3) Current inmates shall be educated and receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.
- 4) Goshen County Detention Center shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.
- 5) Goshen County Detention Center shall maintain documentation of inmate participation in these education sessions.
- 6) In addition to providing such education, Goshen County Detention Center shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

C. [Volunteer and Contractor Training \[DOJ §115.32\]](#)

- 1) Goshen County Detention Center shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under Goshen County Detention Center's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
- 2) The level and type of training provided to volunteers and contractors shall be based on the services they provide and the level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of Goshen County Detentions Center's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents.
- 3) Goshen County Detention Center shall maintain documentation confirming that volunteers and contractors understand the training they have received.

7 DATA COLLECTION AND REVIEW [DOJ §§115.87-89]

A. Data Collection [DOJ §115.87]

- 1) Goshen County Detention Center shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- 2) Goshen County Detention Center shall aggregate the incident-based sexual abuse data at least annually.
- 3) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- 4) Goshen County Detention Center shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- 5) Goshen County Detention Center shall also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- 6) Upon request, Goshen County Detention Center shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

B. Data Review for Corrective Action [DOJ §115.88]

- 1) Goshen County Detention Center shall review data collected and aggregated pursuant to Section 7.A. (Data Collection) above in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 - a) Identifying problem areas;
 - b) Taking corrective action on an ongoing basis; and
 - c) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- 2) 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 Goshen County Detention Center's progress in addressing sexual abuse.

- 3) Goshen County Detention Center's report shall be approved by Goshen County Detention Center's head and made readily available to the public through its website or, if it does not have one, through other means.
- 4) Goshen County Detention Center 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 shall indicate the nature of the material redacted.

C. Data Storage, Publication, and Destruction [DOJ §115.89]

- 1) Goshen County Detention Center shall ensure that data collected pursuant to Section 7.A. are securely retained.
- 2) Goshen County Detention Center 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 through its website or, if it does not have one, through other means.
- 3) Before making aggregated sexual abuse data publicly available, the Goshen County Detention Center shall remove all personal identifiers.
- 4) Goshen County Detention Center shall maintain sexual abuse data collected pursuant to Section 7.A. for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

8 COLLECTIVE BARGAINING AGREEMENTS [DOJ §115.66]

- A. Goshen County Detention Center or any governmental entity responsible for collective bargaining on Goshen County Detention Center's behalf shall not enter into or renew any collective bargaining agreement or other agreement that limits Goshen County Detention Center's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or a determination of whether and to what extent discipline is warranted.
- B. Nothing in this section shall restrict Goshen County Detention Center entering into or renewing agreements that govern:
 - 1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions in this policy relating to the standard of evidence for substantiating allegations of sexual abuse/harassment in Section 5.F. (Investigation of Incidents) and disciplinary sanctions for staff in Section V.H. (Sanctions Against Abusers When Allegations are Substantiated); or

- 2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

9 AUDITING AND CORRECTIVE ACTION [DOJ §115.401-405]

A. Frequency and Scope of Audits [DOJ §115.401]

- 1) During the three-year period starting on August 20, 2013, and during each three-year period thereafter, Goshen County Detention Center shall ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once.
- 2) During each one-year period starting on August 20, 2013, Goshen County Detention Center shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.
- 3) Goshen County Detention Center shall bear the burden of demonstrating compliance with the standards.
- 4) Goshen County Detention Center shall permit the auditor to:
 - a) Review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility;
 - b) Request and receive copies of any relevant documents (including electronically stored information).
 - c) Conducted private interviews with inmates.
- 5) Goshen County Detention Center shall make available to the auditor, at a minimum:
 - a) A sampling of relevant documents and other records and information for the most recent one-year period;
 - b) A sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
- 6) Goshen County Detention Center shall ensure the auditor has access to all areas of the audited facilities.
- 7) Goshen County Detention Center shall cooperate with the auditor to ensure a representative sample of inmates and of staff, supervisors, and administrators can be interviewed by the auditor.

- 8) Goshen County Detention Center shall ensure at least one way for inmates to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

B. Auditor Qualifications [DOJ §115.402]

- 1) Goshen County Detention Center shall ensure that audits are conducted by a qualified auditor, which includes:
 - a) A member of a correctional monitoring body that is not part of, or under the authority of, Goshen County Detention Center;
 - b) A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or
 - c) Other outside individuals with relevant experience.
- 2) All auditors shall be certified by the Department of Justice.
- 3) No audit shall be conducted by an auditor who has received financial compensation from Goshen County Detention Center, except for compensation received for conducting prior PREA audits, within the three prior years to the agency's retention of the auditor.
- 4) Goshen County Detention Center shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to Goshen County Detention Center's retention of the auditor, with the exception of contracting for subsequent PREA audits.

C. Audit Contents and Findings [DOJ §115.403]

- 1) Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.
- 2) Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.
- 3) For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings:
 - a) Exceeds Standards (substantially exceeds requirement of standard);
 - b) Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period);
 - c) Does Not Meet Standard (requires corrective action)
- 4) The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.

- 5) Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility, and shall include recommendations for any required corrective action.
- 6) Goshen County Detention Center shall ensure that the auditor's final report is published on Goshen County Detention Center's website if it has one, or is otherwise made readily available to the public.

D. Audit Corrective Action Plan [DOJ §115.404]

- 1) A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.
- 2) The auditor and Goshen County Detention Center shall jointly develop a corrective action plan to achieve compliance.
- 3) The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of a facility.
- 4) After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.
- 5) If Goshen County Detention Center does not achieve compliance with each standard, it may request a subsequent audit once it believes that it has achieved compliance.

E. Audit Appeals [DOJ §115.405]

- 1) Goshen County Detention Center may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect.
- 2) If the Department determines that Goshen County Detention Center has stated good cause for a re-evaluation, Goshen County Detention Center may commission a re-audit by an auditor mutually agreed upon by the Department and the agency.
 - a) Goshen County Detention Center shall bear the costs of this re-audit.
- 3) The findings of the re-audit shall be considered final.

APPENDIX A

Goshen County Detention Center PREA Coordinator Assignment Form

The PREA Coordinator will be the Jail Administrator of the Goshen County Detention Center. The Jail Administrator reserves the right to assign the task of PREA Coordinator to someone he/she feels has the skills and can dedicate the time necessary to help the agency become PREA compliant. The Jail Administrator must make the appointment of the PREA Coordinator in writing. The PREA Coordinator will be responsible for the following duties:

Develops

- Assists in the development of the agency plan for PREA implementation.
- Educates themselves about PREA and serves as the lead source for understanding PREA in the agency.
- Heads the team for policy review, analysis, and revisions.
- Works with training staff to develop education and training for staff, inmates, contractors, and volunteers.
- Coordinates with outside entities, such as victim advocates, sexual assault nurse examiners (SANE), medical and mental health providers, investigating agencies or bodies, prosecutors, and others as needed.
- Keeps up to date with all new information concerning PREA standards.
- Seeks, evaluates, and uses resources to ensure compliance.

Implements

- Ensures that staff understand their duties and responsibilities.
- Implements training requirements, new policies, and operational procedures and practices.
- Maintains documentation as required by the standards.
- Manages by “walking around” to be available for questions and assistance.
- Works with the auditor and prepares for an audit.
- Maintains close contact with leadership concerning progress to ensure PREA compliance.
- Models the behavior and integrity that demonstrate agency commitment to zero tolerance.

Oversees

- Observes operations in the agency and identifies gaps in achieving PREA compliance.
- Conducts agency/facility assessments to evaluate compliance with standards.
- Is the main point of contact for the agency, both internally and externally, for all things PREA.

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- Supervises and coordinates with PREA compliance managers (where there are multiple facilities).

Should the appointed PREA Coordinator fail to perform the required duties, resign from the position of PREA Coordinator or from the department, the position of PREA Coordinator will revert back to the Jail Administrator until a suitable replacement is assigned.

I, **Lt. Wes Deen**, Jail Administrator for the Goshen County Detention Center, do hereby, appoint _____, as the PREA Coordinator for the Goshen County Detention Center effective _____.

Lt. Wes Deen – Jail Administrator

-PREA Coordinator

APPENDIX B



Goshen County Detention Center PREA Coordinated Team Response Plan

The following is the facility written plan for the coordinated actions taken in response to an incident of sexual assault among staff first responders, medical, mental health practitioners, investigators, Facility PREA Coordinator, and Facility Leadership, to be taken in response to an incident of sexual assault.

A. FOLLOWING A REPORTED RISK OF IMMINENT SEXUAL ABUSE

Staff First Responder:

1. Gather basic information about the risk of imminent sexual abuse.
2. Notify a detention supervisor or the Jail Administrator.
3. Take immediate action to protect the inmate from imminent harm, if necessary.

Detention Supervisor or Jail Administrator:

1. Review information related to the potential risk of imminent abuse to the inmate.
2. If the risk of imminent sexual abuse is credible, determine what actions should be taken to protect the inmate from harm.

B. FOLLOWING SUSPECTED OR ALLEGED INCIDENT OF SEXUAL ABUSE

Security Staff First Responder:

1. Notify a detention supervisor or the Jail Administrator
2. Separate the victim and the alleged perpetrator(s).
3. Secure the crime scene and seal access.
4. Escort the alleged inmate perpetrator(s) to an isolated area, preferably in a dry cell with restricted access to a toilet or water, until the arrival of the investigator.
5. Request that the victim – and ensure that the alleged perpetrator – refrain from actions that could destroy evidence, such as bathing, brushing teeth, changing their clothes, urinating, defecating, drinking, or eating until they have been examined by qualified medical personnel.
6. Complete an incident report form.
7. Share information related to the incident only with those people who need to know in order to ensure the victim's safety, conduct the investigation, or provide treatment to the victim or alleged perpetrator.

Detention Supervisor or Jail Administrator:

1. Coordinate and oversee the coordinated response process.
2. Conduct an initial assessment of the allegation.
3. Ensure preservation of any potential evidence.
4. Ensure that any alleged staff perpetrators are immediately separated from contact with inmates.
5. Notify the investigator for the agency.
6. In cases where the need for a medical forensic exam is not immediately apparent, confer with the facility investigator, or detention medical staff, or facility doctor when available, to determine if the medical forensic exam is necessary.
7. If the detention medical staff is not on-site at the time of the allegation, determine if it would be best to contact the medical provider or immediately transport the victim for a medical forensic exam.
8. Ensure that the victim is seen by a medical provider immediately, either at an outside hospital for a medical forensic exam or by a detention medical provider.
9. Offer the victim the option to speak with a rape crisis advocate confidentially by phone. If requested by the victim, set up the call in a private location.
10. Arrange for the facility investigator to meet privately with the victim and alleged perpetrator(s), if necessary.
11. Complete any necessary reports.
12. Share information related to the incident with only those people who need to know in order to ensure the victim's safety, conduct the investigation, or provide treatment to the victim or alleged perpetrator.

Detention Medical Staff:

1. If on site at the time of the allegation, collect basic information from the victim and conduct a cursory exam to assess for injuries and suicide risk.
2. Provide basic medical care for acute injuries.
3. Preserve forensic evidence, to the extent possible.
4. Advise the victim of his or her right to a medical forensic exam at no cost.
5. Contact the Torrington Community Hospital to provide the victim with additional information regarding the forensic exam process, as needed.
6. Confer with the Torrington Community Hospital, as needed, to determine whether a medical forensic exam may be medically necessary.
7. Inform the Jail Administrator if a medical forensic exam is medically necessary.
8. Send a Records Release Authorization Form with the victim to the exam site.
9. Document that the alleged victim and inmate perpetrator(s) were examined.
10. If the victim will be immediately transported for a medical forensic exam, conduct a follow-up with the victim within 24 hours of the allegation.
11. Refer the alleged victim for mental health follow-up within 48 hours.
12. Share information related to the incident as permitted by law and with only those people who need to know in order to ensure the victim's safety, conduct the investigation, or provide treatment to the victim or alleged perpetrator.

13. If not on site at the time of the allegation, respond to the jail within an hour of being contacted, or upon the victim's return to the facility.

Goshen County Sheriff Investigator:

1. Respond in person to the jail or to the Community Hospital, either immediately or as arranged with the jail.
2. Guide detention staff on evidence preservation.
3. Catalogue any physical and forensic evidence.
4. Interview the victim, alleged perpetrator(s), and any witnesses privately and separately.
5. Advise the victim of his or her right to a medical forensic exam at no cost.
6. Determine whether a medical forensic exam may be necessary, in consultation with the Community Hospital.
7. Inform the Jail Administrator if a medical forensic exam is evidentially necessary.
8. Confer with the County Attorney's Office regarding the case and any search warrants that may be necessary.
9. Coordinate all actions with the Jail Administrator or designee.
10. Share all information related to the incident with only those people who need to know in order to ensure the victim's safety, conduct the investigation, or provide treatment to the victim or alleged perpetrator.

County Attorney or Designee:

1. Confer with Goshen County Sheriff's Investigator regarding the criminal investigation.
2. Review search warrants, if necessary.
3. Share information related to the incident with only those people who need to know in order to ensure the victim's safety, conduct the investigation, or provide treatment to the victim or alleged perpetrator.

C. PRIOR TO TRANSPORT TO COMMUNITY HOSPITAL

Jail Administrator or designee:

1. If an unclothed search is determined to be necessary and/or the victim is asked to change clothing prior to transport, document the search and steps taken to preserve evidence in the incident report for review by the Jail Administrator and PREA Coordinator.
2. Cooperate with Goshen County Sheriff Investigator to ensure all evidence is preserved.

Detention Deputy:

1. Coordinate with the Jail Administrator to ensure timely transport of the victim to Community Hospital.
2. Ensure that the victim is comfortably clothed for transport.
3. Use absorbent pads or a paper bag to contain any evidence that may be lost during transport, to include gloves or other materials used during the pat down of the victim.
4. Assure the victim's safety during transport.
5. Use the least restrictive restraints possible on the victim, based on his or her classification status.

D. DURING THE MEDICAL FORENSIC EXAMINATION

Detention Deputy:

1. Ensure security at the Community Hospital.
2. Supervise the victim.
3. Ensure the safety of the Banner Health physician performing the forensic exam and the rape crisis advocate, and facilitate their exit from the room during the exam, if necessary.
4. Provide as much privacy for the victim during the exam as possible. When safety and security needs permit it, the Sheriff's Deputy will remain outside the exam room. If the Deputy must remain in the exam room, he or she will stand behind the victim's head.
5. Ensure that the victim has an opportunity to speak with the rape crisis advocate as privately as is possible.
6. Coordinate with the Banner Health Physician, Goshen County Sheriff's Investigator, and Goshen County Task Force to make sure all necessary components of the medical forensic exam are completed before returning the victim to the detention center.

Goshen County Sheriff Investigator

1. Refrain from entering the exam room in order to respect the victim's privacy.
2. Provide the victim with a medical waiver granting permission to obtain his or her medical records.

E. IF A FORENSIC EXAM IS NOT CONDUCTED

Jail Administrator:

1. Ensure that the victim receives timely emergency medical and mental health care.
2. Arrange for the victim to speak with someone from Goshen County Task Force in as confidential a manner as possible.

Detention Medical Staff:

1. Provide the victim with immediate medical care for acute injuries.
2. Obtain referrals from the jail physician for HIV and STI prophylaxis and emergency contraception, if necessary.
3. Offer tests for STIs, as medically appropriate.
4. Provide medical treatment to the victim at no cost and regardless of whether the victim names the abuser or cooperates with the investigation.
5. Collect and preserve any evidence.
6. Notify Peak Wellness to ensure emergency mental health care.

F. FOLLOWING THE EXAM/AFTER ACUTE CARE IS PROVIDED

Jail Administrator:

1. Review and compile all relevant documentation related to the incident for the Sexual Assault Incident Review.
2. Cooperate with the Goshen County Sheriff's Investigator regarding the collection of evidence and interviews with the victim, alleged perpetrator(s) and witnesses. Provide any required reports or documentation, as requested.

Goshen County Sheriff's Investigator:

1. Take custody of the sealed medical forensic exam and any other evidence collected by other deputies.
2. Collect and transport evidence for storage.
3. Take preliminary statements from the victim, witnesses, and alleged perpetrator(s).
4. Inform the victim about next steps in the investigation, such as in-depth interviews and the potential of court process.
5. Notify the victim of his/her rights during the criminal investigation, including: the right to be informed of and be present at all critical stages of the criminal justice process; the right to be notified of any arrests and court dates related to the case; and the right to have a rape crisis advocate present during all follow-up interviews.
6. Provide the victim with written information about their rights enumerated in the Victim Rights Act, including the availability of financial resources such as victim compensation benefits, protective court orders, and a free copy of the initial incident report. Also provide the victim with a victim's rights pamphlet, business card, and the case number.
7. Remind the victim that visible evidence of an injury may appear later, and to contact a detention deputy or medical staff to document the injuries.

Detention Medical Staff:

1. Provide medical treatment to the victim related to the sexual assault at no cost and regardless of whether the victim names the abuser or cooperates with the investigation.

2. Offer a pregnancy test to all female victims of sexual abuse, if not previously administered.
3. Coordinate with the Banner Health Physician regarding follow-up instructions and care for the victim.
4. Provide follow-up medical care, including testing and treatment for STIs and HIV.
5. Arrange for the victim to have follow-up services with a rape crisis advocate, if desired.
6. Offer mental health counseling and contact Peak Wellness to set up appointment.

G. FOLLOW-UP/LONG-TERM DUTIES

Jail Administrator:

1. Complete a written report of the administrative investigation that includes a description of the physical and testimonial evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
2. Cooperate with the Goshen County Sheriff's Investigator on the criminal investigation.
3. Confer with the Goshen County Sheriff's Investigator prior to conducting compelled interviews with staff or administering *Garrity* warnings. Any interviews with staff members for an Internal Affairs Investigation should be coordinated with the Goshen County Sheriff's Investigator in order to ensure that statements collected will not become inadmissible in the criminal case.
4. If any credibility assessments are conducted, document the reasoning behind them.
5. Assess whether staff actions or failures contributed to the incident.
6. In cases of alleged staff sexual abuse, notify the victim whenever the staff member is no longer posted within the facility or the staff member is no longer employed by the agency. Document the notifications or attempted notifications.
7. Conduct Sexual Assault Incident Review meetings within 30 days of the conclusion of the investigation for all substantiated and unsubstantiated incidents.
 - a. Incident Review Team will consist of at a minimum:
 - 1) Jail Administrator
 - 2) PREA Coordinator
 - 3) Detention Medical Staff Member
 - 4) Goshen County Sheriff Investigator
 - 5) Goshen County Detention Corporal or Sergeant
8. Consider the following factors during the Sexual Abuse Incident Review team meeting: whether the allegation or investigation indicates a need to make changes in policy or practice; whether staff actions or failures contributed to the sexual abuse; whether the incident or allegation was motivated by group or individual identity or dynamics; the area in the facility where the abuse occurred to assess physical barriers in the area may enable abuse; and the adequacy of staffing levels and video technology.

9. Prepare a report of the Sexual Abuse Incident Review team's findings and any recommendations for improvement.
10. Approve and implement any corrective action plans based upon the Sexual Assault Incident Review.
11. Convene and attend regular meetings of the Goshen County Detention Center PREA Team.
12. Participate in court proceedings, as needed.
13. In cases of alleged staff sexual abuse, notify the victim if the staff member has been charged or indicted on a criminal offense related to the allegation of sexual abuse within the facility or if the staff member has been convicted of a charge related to the allegation of sexual abuse within the facility.
14. In cases of alleged inmate perpetrator, notify the victim if the inmate has been charged or indicted on a criminal offense related to the allegation of sexual abuse within the facility or if the inmate abuser has been convicted of a charge related to the allegation of sexual abuse within the facility.
15. Document any of the above notifications or attempted notifications.
16. Retain investigative records for ten years, or longer if required by law.

Detention Medical Staff:

1. Provide follow-up medical evaluation and treatment, including treatment plans, necessary care, and referrals for continued care following a victim's transfer to other facilities or their release from custody.
2. Offer tests for STIs, as indicated medically.
3. Offer pregnancy test to all female victims of sexual abuse, when necessary.
4. Ensure the victim receives medical services consistent with the community level of care.
5. Attend PREA Team Meetings and Sexual Abuse Incident Review Meetings.

County Attorney or Designee:

1. Review the investigative report and/or search or arrest warrants.
2. Notify and interview witnesses and secure evidence for the prosecution.
3. Determine whether there is sufficient evidence for prosecution and refer charges, as appropriate.
4. Prepare the victim for court and provide notices as delineated by the Victim Rights Act.
5. Promptly notify the Sheriff's Office if there is not sufficient evidence to prosecute the case.
6. Educate the PREA Team about prosecutorial practices, provide legal definitions and explanations, assist with case reviews, and provide case updates to reduce case closures.
7. In cases of alleged staff sexual abuse, notify the victim if the staff member has been charged or indicted on a criminal offense related to the allegation of sexual abuse within the facility or if the staff member has been convicted of a charge related to the allegation of sexual abuse within the facility.

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8. In cases of alleged inmate perpetrator, notify the victim if the inmate has been charged with a criminal offense related to the allegation of sexual abuse within the facility or if the inmate abuser has been convicted of a charge related to the allegation of sexual abuse within the facility.