

Prison Rape Elimination Act (PREA) of 2003

1008.1 PURPOSE AND SCOPE

The purpose is to establish and implement written policy and procedures regarding the Federal Prison Rape Elimination Act (PREA) of 2003 and outline the department's approach to prevent, detect, respond to and audit an incident of sexual abuse or sexual harassment of youth. This policy applies to all juvenile facility staff, contract employees/vendors, volunteers, and visitors.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Compliance officer (CO) - Each facility shall designate a compliance officer to coordinate the facilities with PREA standards.

Contract employee/vendor - A person who provides service on a recurring basis pursuant to a contractual agreement with the department.

Exigent circumstances - Temporary and unforeseen circumstances that require immediate action.

Gender non-conforming - A youth whose appearance or manner does not conform to traditional masculine and feminine gender norms.

Intersex - A youth whose sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female.

Mandated child abuse reporter - Pursuant to California Penal Code Section 11166, any person who, in his/her professional capacity or within the scope of his/her employment, has knowledge of or observes child abuse or neglect.

PREA program coordinator - A management level staff with sufficient time and authority to develop, implement, and oversee the department's compliance with Prison Rape Elimination Act (PREA) standards.

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

Security staff - Staff primarily responsible for the supervision and control of youth in housing units, recreational, or program areas of the facility.

Sexual abuse - Sexual abuse of a youth by another youth 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:

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

Sexual abuse of a youth by a staff member, contract employee/vendor, volunteer or visitor includes any of the following acts:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva or anus;
- Contact between the mouth and any body part with the intent to abuse, arouse or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, unrelated to official duties or with the intent to abuse, arouse or gratify sexual desire;
- 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 with the intent to abuse, arouse or gratify sexual desire;
- Any attempt, threat, or request to engage in the activities described above;
- Any display of genitalia, buttocks or breast in the presence of youth; and,
- Voyeurism.

Sexual harassment - Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures or actions of a derogatory or offensive sexual nature by one youth directed toward another. Repeated verbal comments or gestures of a sexual nature to a youth by a staff member, contract employee/vendor, volunteer, or visitor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Sexual misconduct - Any behavior or act of a sexual nature, directed toward a person under the care, custody, or supervision of the department and/or collateral contact by the person in authority, including, but not limited to: family members, employers, friends, and other close associates.

Substantiated allegations - An allegation that was investigated and determined to have occurred.

Transgender - A person whose gender identity (i.e. internal sense of feeling male or female) is different from their physical gender identification.

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Unfounded allegations - An allegation that was investigated and determined not to have occurred.

Unsubstantiated allegations - An allegation that was investigated and determined that insufficient evidence existed as to whether or not the event occurred.

Visitors - A person who is granted access to see or spend time with a youth in an official/professional capacity, such as an attorney, clergy, social worker, CASA worker, law enforcement official or therapist.

Volunteer - An individual who donates time and effort to enhance the activities and the programs of the department.

Voyeurism - An invasion of privacy of a youth for reasons unrelated to official duties, such as peering at a youth who is using a toilet in his/her cell; requiring a youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions.

1008.2 AUTHORITY AND REFERENCES

- Board of State and Community Corrections Title 15 §§ 1350.5 & 1453;
- Department of Justice Standards on Prison Rape Elimination Act (PREA) 2003;
- California Penal Code § 11166;
- Juvenile Facility Services Policies: Appointment and Qualifications, Safety Checks, Classification, Separation Policy, Searches, Grievance Procedure, Reporting of Incidents and Other Information, Telephone Access, Access to Legal Services, Incentives and Discipline Process, Confidentiality, Intake Health Screening, Behavioral Health Services and Transfer to a Treatment Facility, General Treatment of Youth, Working with Youth of the Opposite Gender, Chain of Evidence, Duty Officer (DO), Summoning Law Enforcement & Reporting Suspected Child Abuse.

1008.3 POLICY

The Riverside County Probation Department is committed to maintaining an environment free from sexual abuse, sexual harassment, and sexual misconduct in its juvenile facilities. There is zero tolerance for anyone engaged in any form of sexual abuse, sexual harassment, or sexual misconduct of youth. Sexual abuse and sexual harassment of youth is prohibited by Federal and State law.

1008.4 PREVENTION

1008.4.1 EMPLOYEE TRAINING AND EDUCATION

All staff who have contact with youth shall be trained on their responsibility under PREA standards. New employees shall complete PREA training within their first year of employment. Each employee shall complete refresher training on PREA every two years from the date of initial training. Annually, PREA shall be covered as part of the division's in-service training. Staff shall

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sign an acknowledgement form stating they understood the training and that they were allowed to ask questions. The Department's Staff Development Unit shall monitor the PREA training and provide the PREA coordinator and compliance officers (COs) with a PREA training compliance report semi-annually.

1008.4.2 CONTRACT EMPLOYEE/VENDOR, VOLUNTEER AND VISITOR TRAINING AND EDUCATION

All contract employees/vendors, volunteers and visitors who have contact with youth shall be given the pamphlet, A Guide to the Prevention of and Reporting of Sexual Abuse and Sexual Harassment of Probation Clients, which contains information on their responsibilities regarding the prevention, detection, and reporting of sexual abuse and sexual harassment. (The CO shall maintain documentation as long as services are provided and for at least 4 four years after separation of services.) The documentation shall confirm the contract employees/vendors, volunteers and visitors understood the training they received.

1008.4.3 YOUTH EDUCATION

During the admittance process, the detention control officer (DCO) shall explain the department's zero tolerance policy regarding sexual abuse and sexual harassment and have the youth sign the PREA advisement form. The youth shall be advised on how to report incidents or suspicions of sexual abuse or sexual harassment. The PREA advisement form shall be retained in the youth's facility file.

Within ten (10) days of admittance, staff shall discuss and review the Juvenile Facility Orientation Checklist with the youth. This includes their right to be free from sexual abuse and sexual harassment, the procedure for reporting such incidents, and the right to be free from retaliation for reporting such incidents. Youth shall be given a copy for reference. The unit supervising probation officer (SPO) shall ensure staff have placed a copy of the Juvenile Facility Orientation Checklist sign-off sheet in the youth's facility file and have entered the information into the Juvenile and Adult Management System (JAMS) under detention contacts.

The CO shall ensure youth education materials are available in formats accessible to all youth, including those who are limited English proficient, deaf or hard of hearing, visually impaired or otherwise disabled, as well as to youth who have limited reading skills. The CO shall ensure the information is continuously and readily available or visible to youth through posters or other written formats. The PREA coordinator shall provide the material referenced above to the COs.

1008.4.4 MEDICAL AND BEHAVIORAL HEALTH CARE

All medical and behavioral health staff shall be trained during their facility orientation in the following:

- (a) Proper detection and assessment of signs of sexual abuse and sexual harassment;
- (b) Effective and professional response to juvenile victims of sexual abuse and sexual harassment; and,

Procedures for reporting allegations or suspicions of sexual abuse and sexual harassment.

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The facility manager or designee shall maintain documentation stating medical and behavioral health staff have received the above training.

1008.4.5 SUPERVISION AND MONITORING

The facility managers, through the duty officer (DO), shall maintain adequate staffing to ensure the safety and security of the youth.

Where applicable, video monitoring shall be used to assist in monitoring and protecting youth against sexual abuse or sexual harassment. In calculating adequate staffing levels, facility managers and DOs shall take into consideration the following:

- (a) Generally accepted detention and correctional practices;
- (b) Any judicial findings 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 plant (including blind-spots or areas where staff or youth may be isolated);
- (f) The composition of the juvenile facility population;
- (g) The number and placement of SPOs;
- (h) Facility 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 harassment; and,
- (k) Any other relevant factors.

1008.4.6 UPGRADES TO FACILITIES AND TECHNOLOGIES

When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the facility managers and/or project manager shall consider the effect of the design, acquisition, expansion or modification on the department's ability to protect youth from sexual abuse or harassment.

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the facility managers and/or project manager shall consider how such technology may enhance the department's ability to protect youth from sexual abuse or sexual harassment.

1008.4.7 THIRD-PARTY REPORTING

Each facility, at its entrance, lobby or area in which the public has access, shall list the phone numbers to all the department's juvenile facilities with instructions on how to report sexual abuse and sexual harassment.

1008.5 DETECTION

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1008.5.1 SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

During the admittance process and every 180 days thereafter, unless an incident or information warrants a screening sooner, all youth shall be screened using the PREA Screening assessment in the JAMS. Youth shall be identified as either: Vulnerable to Victimization (VV), Sexually Aggressive Behavior (SAB) or Violent Aggressive Behavior (VAB), based on results from the assessment. This information shall be used as part of the youth's classification process in determining the appropriate housing unit, bed space, program, educational setting and work assignments. Staff and SPOs shall take precautionary measures when there are VV, SAB and VAB youth housed in the same unit. Such information shall be disseminated on a need to know basis for the youth's protection.

When obtaining information during the intake process, if the youth indicates he/she has experienced prior sexual victimization or perpetrated sexual abuse, whether in a juvenile facility setting or in the community, staff shall submit a behavioral health referral and include the information on the medical record form. Staff shall advise the DO that a behavioral health referral was submitted. The DO shall make an entry in the duty log and contact behavioral health staff to follow up on the referral. On-site health care staff shall follow up with the youth during the youth's health assessment.

Within 14 days behavioral health staff shall sign and date the behavioral health referral at the conclusion of their follow up and submit the signed behavioral health referral to the DO.

A behavioral health evaluation of all known youth-on-youth sexual abuse shall be conducted within 60 days of the reported sexual abuse history and, when deemed appropriate by behavioral health staff, treatment shall be offered.

Health care and behavioral health staff shall obtain informed consent from youth before reporting information about prior sexual victimization that did not occur in a juvenile facility setting, unless the youth is under the age of 18. If the youth is under the age of 18 and is vulnerable to victimization or a vulnerable person, health care and behavioral health staff shall advise the youth of their mandate to report to the DO and to follow mandatory reporting procedures.

The facility CO shall be responsible for ensuring screenings of sexual victimization and abusiveness are being conducted in a timely manner and utilize reports in the JAMS.

1008.6 RESPONSE

1008.6.1 REPORTING SEXUAL ABUSE OR SEXUAL HARASSMENT

Youth, who are the victim or have knowledge, suspicion or information regarding sexual abuse or harassment, may report it through the following means verbally, in writing, anonymously, or via third parties:

- (a) Grievance procedure;
- (b) Directly to staff, contractors, volunteers or visitors;
- (c) Behavioral health referral;

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- (d) Health care referral/nursing request;
- (e) Calling the toll-free PREA Hotline, or,
- (f) Contacting the ombudsman.

A youth's parent or legal guardian shall be allowed to file a complaint regarding allegations of sexual misconduct.

All juvenile facility staff, contract employees/vendors, volunteers and visitors shall report immediately to the DO and, if appropriate, document any knowledge, suspicion or information regarding:

- (a) Any incident of sexual abuse or sexual harassment that occurred in the facility or in another facility;
- (b) Retaliation against youth or staff who reported such incidents;
- (c) Any staff neglect or violation of responsibilities which may have contributed to an incident or retaliation; and/or
- (d) Any information that a youth may be at substantial risk of sexual abuse.
- (e) If the reporting party is a mandated reporter and the incident falls under the Sexual Abuse definition, complete a Suspected Child Abuse Report.

1008.6.2 IN THE EVENT A SEXUAL ABUSE INCIDENT HAS OCCURRED OR ALLEGEDLY OCCURRED

Staff first responder responsibilities:

- (a) Separate the victim from the abuser;
- (b) Assess the victim. If a life threatening condition exists, call 911;
- (c) Preserve and protect the crime scene until appropriate steps can be taken to collect any evidence. Physical evidence can be obtained up to 120 hours after an incident of abuse has occurred. If an incident is reported within that time frame, ensure the victim does not take any actions that could destroy physical evidence. This includes showering or washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating;
- (d) Complete a Suspected Child Abuse Report form (one report per incident shall be completed by the initial staff involved) and submit it to the DO prior to the conclusion of the shift; and,
- (e) Document the information in an incident report in the JAMS and submit it to the DO prior to the conclusion of the shift.

Duty officer (DO) responsibilities:

- (a) Immediately respond to the scene and assess the victim;
- (b) Ensure the victim is separated from the alleged perpetrator. Isolate the alleged perpetrator or place the alleged perpetrator in a dry cell, if possible, (cell without a sink or toilet) to help preserve evidence.

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- (c) Interviews may be conducted with the alleged perpetrator based on age requirements. If the youth is 15 years or older, Miranda warning must be cited prior to interview. If the youth is 14 years or under, do not conduct an interview unless the attorney of record has been noticed and provides consent.
- (d) Determine if the elements of a sexual abuse incident are present. If so, contact the facility manager(s) and provide a detailed assessment of the situation;
- (e) At the direction of the facility manager or designee, initiate a fact finding regarding any allegation of sexual abuse. The fact finding shall be completed within 24 hours unless approved by the facility manager(s);
- (f) Submit the fact finding report to the facility manager(s);
- (g) Ensure the fact finding clearly states whether the allegation was substantiated, unsubstantiated or unfounded;
- (h) At the direction of facility management, contact the local law enforcement agency of jurisdiction to initiate a criminal investigation;
- (i) Request on-site health care and behavioral health staff to respond. Ensure the victim receives on-site health and behavioral health care, as needed. Follow directives of medical staff or law enforcement for the treatment of or collection of evidence.
- (j) Contact Riverside Area Rape Crisis Center for victim advocacy.
- (k) Collect incident reports from all staff involved prior to the end of their shifts; and,
- (l) Ensure mandated reporters complete a Suspected Child Abuse Report form (one report per incident shall be completed by the initial staff involved).

Facility manager or designee responsibilities:

- (a) Notify the Chief Deputy Probation Officer for Institutions;
- (b) Notify the department's Probation Human Resources Division Director; and,
- (c) Ensure the victim's parent/legal guardians are notified within 24 hours of incident. If the Department of Public Social Services (DPSS) has guardianship of the victim, ensure his/her social worker is notified.
- (d) Ensure the victim's attorney of record is notified within 14 days of receiving the allegation.
- (e) Ensure a fact finding is completed on all youth-on-youth sexual abuse and the victim is separated from the perpetrator; and
- (f) Ensure appropriate actions are taken based on the results of the fact finding report.

On-site health care and behavioral health staff responsibilities:

- (a) Each facility shall offer medical and behavioral health evaluations and appropriate treatment to all youth who have been victimized in a Riverside County Probation juvenile facility.

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- (b) The evaluation and treatment shall include follow-up services, treatment plans and when necessary, referrals for continued care upon their transfer to or placement in other facilities and or upon their release from care.
- (c) Health care and behavioral health services shall be consistent with the level of community care.
- (d) A youth who is a victim of vaginal penetration, while in the department's facilities, shall be offered pregnancy tests. If the youth tests positive for being pregnant, the youth shall receive timely and comprehensive information about, and timely access to, all lawful pregnancy- related health care services.
- (e) Youth who are victims of sexual abuse, while in the department's facilities, shall be offered tests for sexually transmitted diseases.
- (f) Treatment services shall be provided to the youth without financial cost and regardless of whether the youth names the abuser or cooperates with any investigation arising from the incident.

1008.6.3 IN THE EVENT A SEXUAL HARASSMENT INCIDENT HAS OCCURRED OR ALLEGEDLY OCCURRED

Staff first responder responsibilities:

- (a) Intervene and stop the harassment;
- (b) Separate the youth from the harasser; and
- (c) Document the information in an incident report in the JAMS and submit it to the DO prior to the conclusion of the shift.

Duty officer (DO) responsibilities:

- (a) Ensure staff separated the victim from the harasser;
- (b) At the direction of the facility manager, initiate a fact finding regarding any allegation of sexual harassment. The fact finding shall be completed within 24 hours unless approved by the facility manager(s);
- (c) Submit the fact finding report to the facility manager(s); and,
- (d) Ensure the fact finding clearly states whether the allegation was substantiated, unsubstantiated or unfounded.

Facility manager responsibilities:

- (a) Report any sexual harassment by staff to the department's Probation Human Resources Division Director;
- (b) Ensure a fact finding is completed on all youth-on-youth sexual harassment and the victim is separated from the harasser; and
- (c) Ensure appropriate actions are taken based on the results of the fact finding report.

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1008.6.4 PROBATION HUMAN RESOURCES DIVISION DIRECTOR RESPONSIBILITIES

Respond to allegations of sexual abuse or sexual harassment by staff by assigning appropriately trained investigators to conduct an administrative investigation.

Ensure department investigators have received the following training:

- (a) How to conduct investigations of sexual abuse and sexual harassment in confinement facilities;
- (b) Interviewing techniques for sexual abuse/harassment victims;
- (c) Proper use of Miranda and Garrity Warning; and,
- (d) Sexual abuse/harassment evidence collection in confinement settings. Maintain documentation that the required training has been completed.

Maintain communication with the local law enforcement agency conducting the criminal investigation to assist with the administrative investigation.

An investigation shall not be terminated even if the source of the investigation recants, resigns or is released from custody.

Youth who report sexual abuse shall not be required to submit to a polygraph or other truth verification devices as a condition to proceed with an investigation.

1008.6.5 COMPLIANCE OFFICER (CO) RESPONSIBILITIES

The facility CO will ensure youth have access to outside victim advocates for emotional support services by posting toll-free hotline numbers to Rape Crisis Centers.

Sexual abuse incident review: Within 30 days of a sexual misconduct investigation, the CO shall convene an incident review panel comprised of the PREA coordinator, the CO, a line supervisor and on-site health care or behavioral health staff. The purpose of the panel is to determine:

- (a) If a change in policy or practice is needed to better prevent, detect, or respond to sexual abuse;
- (b) If the incident was motivated by race, ethnicity, gender, identity, lesbian, gay, bisexual, transgender or intersex identification, status or perceived status, gang affiliation, or was motivated or otherwise caused by a group's dynamics at the facility;
- (c) If staffing patterns or physical barriers contributed to the abuse; and,
- (d) If the use of technology could have supplemented supervision.

The CO shall submit the incident review panel's findings to the Chief Deputy Probation Officer for Institutions. The facility shall implement recommended changes or document reasons for not implementing changes.

The CO shall monitor for retaliation against a youth or staff who reported sexual abuse or sexual harassment, or who cooperated with a sexual abuse or sexual harassment investigation. If there is a continued need to monitor past 90 days, the PREA coordinator and the Chief Deputy Probation Officer for Institutions shall be notified. The CO shall employ necessary protection measures such as; living unit changes or transfers, removal of alleged staff or youth abusers from contact with

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victims and emotional support services for youth or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with an investigation. For at least 90 days following a report of sexual abuse/harassment, the CO shall:

- (a) Monitor the conduct or treatment of youth or staff who reported the sexual abuse/harassment and of youth who were reported to have suffered sexual abuse/harassment to determine if there are changes which may suggest possible retaliation by youth or staff;
- (b) Act promptly to protect against retaliation;
- (c) Monitor youth disciplinary reports, housing or program changes, negative performance reviews, and reassignments of staff;
- (d) Continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need; and,
- (e) If an extension is necessary, notify the PREA coordinator and Chief Deputy Probation Officer for Institutions.

The monitoring requirement shall be terminated if it is determined the allegation was unfounded.

1008.7 DISCIPLINE AND/OR CORRECTIVE ACTIONS

1008.7.1 YOUTH

The disciplinary process shall consider whether a youth's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed.

A report of sexual abuse made in good faith based upon a reasonable belief the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

Sexual activity between youth in juvenile facilities is prohibited and is subject to disciplinary actions for such activity. The department may not, however, deem such activity to constitute sexual abuse if it determines the activity is not coerced.

1008.7.2 STAFF

Staff shall be subject to disciplinary sanctions up to termination for violating this policy.

1008.7.3 CONTRACT EMPLOYEES/VENDORS, VOLUNTEERS AND VISITORS

Any contract employee/vendor, volunteer or visitor who engages in sexual abuse or sexual misconduct shall be prohibited from contact with youth in the department's facilities. They shall be reported to relevant licensing bodies.

Corrective action shall be taken for those who engage in sexual harassment of a youth in a department facility. The facility manager(s) shall determine whether contact with the youth is prohibited.

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In case of contract employees and vendors, the department shall report such incident to the contractor/service provider and demand corrective action. A failure to comply to the department's satisfaction could result in a termination of the contract agreement.

1008.8 ADVISEMENT OF DISPOSITION OF A SEXUAL ABUSE INVESTIGATION

At the completion of the investigation, the youth who are still detained shall be notified whether their allegation of sexual abuse was substantiated, unsubstantiated or unfounded.

Following a youth's allegation that a staff member has committed sexual misconduct against the youth (unless the allegation was unfounded), the victim shall be notified in writing the following:

- (a) If the staff member shall be assigned to the youth's living unit;
- (b) If the staff member shall remain employed at the facility;
- (c) If the staff member has been indicted on a charge related to sexual abuse; and,
- (d) If the staff member has been convicted on a charge related to sexual abuse.

Following a youth's allegation that he/she has been sexually abused by another youth, the victim shall be notified in writing the following:

- (a) If the youth perpetrator has been indicted on a charge related to sexual abuse; and,
- (b) If the youth perpetrator has been convicted on a charge related to sexual abuse.

Any notifications shall be documented, signed by the youth and placed in the youth's facility file.

1008.9 AUDIT

1008.9.1 DATA COLLECTION

The CO shall complete the Survey of Sexual Violence (Juvenile Incident Form) for each allegation of sexual abuse and sexual harassment involving staff, except for those unfounded. The completed survey shall be forward to the PREA coordinator. The form is located at: (<https://harvester.census.gov/ssv/#>).

The PREA coordinator shall provide the data from the previous calendar year to the Department of Justice, upon request.

1008.9.2 DATA REVIEW FOR CORRECTIVE ACTION

Annually, the PREA coordinator and COs shall submit a report to the Chief Deputy Probation Officer of Institutions after reviewing collected data in order to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training, including:

- (a) Identifying problems;
- (b) Taking corrective action on an ongoing basis; and,
- (c) Preparing an annual report of its findings and corrective actions.

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The report shall include a comparison of the current year's data and corrective actions from the prior years. It shall provide an assessment of the department's progress in addressing sexual abuse and sexual harassment.

1008.9.3 DATA STORAGE, PUBLICATION AND DESTRUCTION

The PREA coordinator shall secure and retain all data collected regarding sexual abuse and sexual harassment for a minimum of ten (10) years unless Federal, State or local laws require otherwise.

Date last reviewed: 10/30/2019

Date(s) revised: 10/30/2019

05/05/2016

Created: 03/01/2009

Attachments:

[1. PREA Checklist](#)

[2. PREA Incident Review Panel Summary](#)

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Reported Incident Response Checklist**

PREA INCIDENT RESPONSE CHECKLIST

Incident Report # _____ Facility: _____
Date Reported: _____ Time Reported: _____ Report Received via: _____
Date of Incident: _____ Time of Incident: _____ Shift: _____ Location: _____
Victim Name/CID #1: _____ Suspect Name #1: _____
Victim Name/CID #2: _____ Suspect Name #2: _____
Incident Type: ☐ Sexual Harassment
☐ Sexual Abuse

Duty Officer PREA Checklist

FIRST RESPONDER

The name of the sworn staff first responder: _____
☐ Separated the victim and suspect
☐ Request the victim not wash, brush teeth, change clothes, urinate, defecate, smoke, eat, or drink
☐ Incident report submitted prior to leaving the facility
☐ Suspected Child Abuse Report completed
The name of the non-custody staff first responder: _____ Organization: _____
☐ Notified Duty Officer
☐ Suspected Child Abuse Report completed. CPS Report#: _____
☐ Incident report submitted prior to leaving the facility

SEPARATION

Victim placed on separation status: ☐ No ☐ Yes Date: _____ Time: _____
Victim released from separation: Date: _____ Time: _____
If longer than 24 hours, provide rationale: _____
Suspect placed on separation status: ☐ No ☐ Yes Date: _____ Time: _____
Suspect released from separation: Date: _____ Time: _____
If longer than 24 hours, provide rationale: _____

CORRECTIONAL HEALTH AND BEHAVIORAL HEALTH REFERRAL

Was the victim referred for medical care? ☐ No ☐ Yes Date: _____ Time: _____
If no, rationale: _____
Date victim seen by Correctional Health? Date: _____ Time: _____
Was the victim referred to Behavioral Health? ☐ No ☐ Yes Date: _____ Time: _____
If no, rationale: _____
Date victim seen by Behavioral Health? Date: _____ Time: _____
Was the suspect referred for medical care? ☐ No ☐ Yes Date: _____ Time: _____
If no, rationale: _____
Date suspect seen by Correctional Health? Date: _____ Time: _____
Was the suspect referred to Behavioral Health? ☐ No ☐ Yes Date: _____ Time: _____
If no, rationale: _____
Date suspect seen by Behavioral Health? Date: _____ Time: _____

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Reported Incident Response Checklist**

SEXUAL ABUSE ONLY

CRIME SCENE & EVIDENCE PRESERVATION

- ☐ Preserved/protected the crime scene and/or evidence 911 Contacted: ☐ No ☐ Yes
- ☐ Placed victim in dry cell
- ☐ Requested the victim not wash, brush teeth, change clothes, urinate, defecate, smoke, eat, or drink
- ☐ Placed suspect in dry cell
- ☐ Ensured the suspect did not wash, brush teeth, change clothes, urinate, defecate, smoke, eat, or drink

FORENSIC EXAMINATION

Did the incident occur within 120 hours of being reported? ☐ No ☐ Yes

Was the victim transported to hospital for a forensic examination? ☐ No ☐ Yes

If no, rationale: _____

Was the forensic examination completed? ☐ No ☐ Yes

If no, rationale: _____

If conducted by a qualified medical practitioner, was a SANE/SAFE* available? ☐ No ☐ Yes

If yes, provide rationale as to why a SANE/SAFE* was not utilized: _____

*SANE/SAFE = Sexual Assault Nurse Examiner / Sexual Assault Forensic Exam

VICTIM ADVOCATE

For allegations of non-consensual sexual acts (youth-on-youth) or staff sexual misconduct involving penetration, was the victim offered access to a victim advocate? ☐ No ☐ Yes

Victim: ☐ Accepted ☐ Declined

If accepted, document actions taken to attempt to access a victim advocate: _____

- (Riverside and Southwest) Riverside Area Rape Crisis Center at 951-686-7273 and request for a victim's advocate to respond to Riverside County University Medical System Hospital.
- (Desert) Coachella Valley Sexual Assault Services at 760-568-9071 and request a victim's advocate to respond to JFK

Advocate name: _____ Advocate agency: _____

The victim advocate participated in the following:

- ☐ Forensic examination ☐ Investigative interviews ☐ Emotional support/crisis intervention

INTERPRETER SERVICES

Youth interpreter utilized: ☐ No ☐ Yes

If yes, youth interpreter utilized because delay in obtaining outside interpreter would have compromised:

- ☐ Youth's safety ☐ First responder's duties ☐ Investigation

If No, rationale: _____

SEXUAL HARRASSMENT AND SEXUAL ABUSE CONTINUE ON NEXT PAGE

**Riverside County Probation Department
Prison Rape Elimination Act (PREA)
Reported Incident Response Checklist**

FACILITY MANAGER NOTIFICATION

Facility Manager Contacted: ☐ No ☐ Yes Date: _____ Time: _____

LAW ENFORCEMENT REFERRAL

Referred to law enforcement: ☐ No ☐ Yes Law enforcement agency: _____

Police Report # _____ Officer's Name: _____ Officer's Badge # _____

Comments: _____

VICTIM NOTIFICATION

Victims Parents/legal guardian notified within 24 hours: ☐ No ☐ Yes Date: _____ Time: _____

Contacted Parent/Legal guardian's name _____

Deputy Probation Officer for Victim Contacted: ☐ No ☐ Yes Date: _____ Time: _____

FACT FINDING

A Fact Finding Investigation is required in all PREA Incidents.

Investigator assigned: _____ Date: _____ Time: _____

PREA RISK ASSESSMENTS

Is there new information that warrants completion of a new PREA Risk Assessment?

Victim: ☐ No ☐ Yes Suspect: ☐ No ☐ Yes

If yes, date new assessments completed: Victim _____ Suspect _____

REFERRAL FOR PROSECUTION

If substantiated, was the investigation referred to the District Attorney for Prosecution: ☐ No ☐ Yes ☐ N/A

Comments: _____

SUBMISSION TO PREA COMPLIANCE OFFICER (Asst. Director)

Incident Reports Attached: ☐ No ☐ Yes Fact Finding Report Attached: ☐ No ☐ Yes

List any additional reports attached for review: _____

Fact Finding conclusion: ☐ Substantiated Sexual Abuse ☐ Substantiated Sexual Harassment
☐ Unsubstantiated Sexual Abuse ☐ Unsubstantiated Sexual Harassment
☐ Unfounded Sexual Abuse ☐ Unfounded Sexual Harassment

PREA Incident Package given to the PREA Compliance Officer (Asst. Director).

Date: _____ Time: _____

**Riverside County Probation Department
Prison Rape Elimination Act (PREA)
Reported Incident Response Checklist**

PREA COMPLIANCE OFFICER USE ONLY (Asst. Director)

DEPARTMENT NOTIFICATION

Facility Director Contacted: Date: _____ Time: _____

Chief Deputy Contacted: Date: _____ Time: _____

Personnel Service Division Director Contacted: Date: _____ Time: _____
(If incident involves staff misconduct)

Department PREA Coordinator Contacted: Date: _____ Time: _____

PREA COMPLIANCE OFFICER (Asst. Director) RESPONSIBILITIES

PREA Packet scanned and sent via email to Department PREA Coordinator ☐ Yes Date: _____ Time: _____ ☐ No

Incident review panel completed: ☐ Yes Date: _____ Time: _____ ☐ No
(must be completed within 30 days of Incident)

Incident review panel conclusion: ☐ Substantiated Sexual Abuse ☐ Substantiated Sexual Harassment
☐ Unsubstantiated Sexual Abuse ☐ Unsubstantiated Sexual Harassment
☐ Unfounded Sexual Abuse ☐ Unfounded Sexual Harassment

Comments: _____

Incident Review Panel's summary submitted to Department PREA Coordinator:

☐ Yes Date: _____ Time: _____ ☐ No

VICTIM NOTIFICATION OF INVESTIGATION

If incident involved was *Substantiated or Unsubstantiated* the victim must be notified of the investigation results. Unfounded incidents do not require victim notification.

Victim notified in writing of Investigation findings:

☐ Yes Date: _____ Time: _____ ☐ No- Incident was Unfounded

If Substantiated Sexual Abuse;

Victim's attorney notified within 14 days of Investigative finding: ☐ Yes ☐ No Date: _____ Time: _____

Name of victim's attorney contacted _____

90 DAY RETALIATION MONITORING

For all investigations (excluding unfounded/no evidence), assign a staff member to monitor the victim and youth/staff who participated in the investigation

Assigned staff member: _____ Date assigned: _____ Date concluded: _____

If transferred, notified receiving facility to assign staff to monitor: ☐ Yes ☐ No ☐ N/A

Comments: _____

PER PREA STANDARDS: The facility 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

Juvenile Facilities

§ 115.386 Sexual abuse incident reviews

(a) The facility 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) Such 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:

(1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

(2) 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;

(3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;

(4) Assess the adequacy of staffing levels in that area during different shifts;

(5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

(6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.

(e) The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

INCIDENT DETAILS		Incident Report No.	
Incident reported by:		Date of incident:	
Incident Location			
Incident Report Attached: <input type="checkbox"/> No <input type="checkbox"/> Yes Sexual Abuse Worksheet Attached: <input type="checkbox"/> No <input type="checkbox"/> Yes Fact Finding Report Attached: <input type="checkbox"/> No <input type="checkbox"/> Yes List any additional reports attached for review:			
REVIEW PANEL (must include Mgr, SPO and Mental Health or Medical)			
Review Panel Facilitator:		Review Date:	
Facilitator Email		Facilitator Telephone	
Review Panel members:		Telephone:	
		Telephone	
		Telephone	
		Telephone	
		Telephone	
DESCRIPTION OF REVIEW			
Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse. Comments:			
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: Comments:			
Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse: Comments:			
Assess the adequacy of staffing levels in the area during the different shifts Comments:			
Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff. Comments:			

Conclusion (attach additional information if required):		
<input type="checkbox"/> Substantiated	<input type="checkbox"/> Unsubstantiated	<input type="checkbox"/> Unfounded
Comments:		
Refer to Juvenile PREA standard <i>115.373-Reporting to residents</i> regarding post review responsibilities.		

CORRECTIVE ACTIONS				
Contributory Factors	Corrective Actions	Responsible Person	By When?	Action Status (Open or Closed)

Review Panel Facilitator		
NAME:	Signature:	DATE:

Facility Administrator		
NAME:	Signature:	DATE:

PREA Officer - Sign Off		
NAME:	Signature:	DATE: