

POLICY CHANGE NOTICE (PCN) 14-2(02) Sexual Abuse Prevention and Response

FSC PCN EFFECTIVE DATE: JANUARY 21, 2021
FSC PCN SUPERSEDES DATE: NONE
FSC POLICY EFFECTIVE DATE: APRIL 2, 2020
FACILITY: OTAY MESA DETENTION CENTER
FACILITY PCN SUPERSEDES DATE: NONE
FACILITY PCN EFFECTIVE DATE: FEBRUARY 4, 2021

PCNs will be placed before the affected policy, in chronological order, for hard copy policy manuals and will be available with the policy category in electronic policy manuals. PCNs shall be removed and archived with the affected policy once the policy has been superseded.

CHANGE FROM/TO

SECTION 14-2 D.3.d.

CHANGE FROM:

D. SUPERVISION AND MONITORING/STAFFING PLANS

3. d. The respective Business Unit Vice President/designee shall approve the 14-2I Annual PREA Staffing Plan Assessment. Any changes to policy and/or procedure, physical plant, approved capital expenditures, video monitoring and/or technology, or staffing require the approval of the respective Business Unit Vice President.

CHANGE TO:

3. d. The respective Business Unit Vice President/designee shall approve any changes to physical plant, approved capital expenditures, video monitoring and/or technology or staffing.

ADD

SECTION I.9.

I. HOUSING AND PROGRAM ASSIGNMENTS

9. Youthful Inmates

- a. For the purposes of this policy, youthful inmates are any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.
- b. Youthful inmates shall not be placed in a housing unit in which the youthful inmate 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. **(115.14. (a))**
- c. In areas outside of housing units, agencies shall either maintain sight and sound separation between youthful inmates and adult inmates, or provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact. **(115.14. (b))**
- d. The facility shall make its best effort to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, facilities 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. **(115.14. (c))**

CHANGE FROM/TO**SECTION 14-2 J.3.-5.****CHANGE FROM:****J. LIMITS TO CROSS GENDER VIEWING AND SEARCHES**

3. Cross-gender inmate/detainee strip searches (male staff on female inmate/detainee, or, female staff on male inmate/detainee) shall not be conducted except in exigent circumstances or when performed by medical practitioners. **(115.15 (a))**
4. Body cavity searches will only be conducted by a medical professional and shall take place in an area that affords privacy from other inmates/detainees and from facility staff who are not involved in the search. Staff of the opposite gender, other than a designated qualified medical professional, shall not observe a body cavity search.
5. Whenever a cross-gender pat search of a female inmate/detainee, cross gender body cavity search of any inmate/detainee, or a cross-gender strip search of any inmate/detainee does occur, the search shall be documented. Documentation shall be in a log maintained by the facility and in a 5-1B Notice to Administration (NTA) in accordance with CoreCivic Policy 5-1 Incident Reporting. Details of the exigent circumstances must be included in all log entries and 5-1B Notices. **(115.15 (c))**

CHANGE TO:

3. Cross-gender inmate/detainee strip searches (male staff on female inmate/detainee, or, female staff on male inmate/detainee) and cross gender visual body cavity inspections (i.e. viewing of the anal and/or genital opening) shall not be conducted except in exigent circumstances. A cross gender visual inspection of a body cavity under exigent circumstance shall be conducted only pursuant to an approved cross gender strip search. **(115.15 (a))**
4. CoreCivic staff shall not conduct body cavity searches. Body Cavity searches may only be conducted by non-CoreCivic medical professionals. Staff of the opposite gender, other than a designated qualified medical professional, shall not observe a body cavity search.
5. Whenever a cross-gender pat search of a female inmate/detainee, cross gender body cavity inspection of any inmate/detainee, cross-gender strip search of any inmate/detainee, or body cavity search of any inmate/detainee does occur, the search shall be documented. Documentation shall be in a log maintained by the facility and in a 5-1B Notice to Administration (NTA) in accordance with CoreCivic Policy 5-1 Incident Reporting. Details of the exigent circumstances must be included in all log entries and 5-1B Notices. **(115.15 (c))**

 CHANGE FROM/TO**SECTION 14-2 J.11.c.****CHANGE FROM:****J. LIMITS TO CROSS GENDER VIEWING AND SEARCHES****11. Transgender/Intersex Viewing and Searches**

- c. There are four options for pat searches and strip searches of transgender or intersex inmates/detainees:
 - i. Pat searches conducted only by female staff;
 - ii. Asking inmates/detainees identified as transgender or intersex to identify the gender of staff with whom they would feel most comfortable conducting the pat search and/or strip search;
 - iii. Pat searches and strip searches conducted in accordance with the inmate/detainee's gender identity; and
 - iv. Pat searches and strip searches conducted only by medical staff.

CHANGE TO:**11. Transgender/Intersex Viewing and Searches**

- c. There are three (3) options for pat searches and strip searches of transgender or intersex inmates/detainees:
 - i. Pat searches conducted only by female staff;
 - ii. Asking inmates/detainees identified as transgender or intersex to identify the gender of staff with whom they would feel most comfortable conducting the pat search and/or strip search;
 - iii. Pat searches and strip searches conducted in accordance with the inmate/detainee's gender identity;

 ADD**SECTION O.7.****O. CRIMINAL INVESTIGATIONS**

- 7. CoreCivic facilities are not state entities or components of the Department of Justice (DOJ) responsible for investigating allegations of sexual abuse in prisons or jails. **(115.21 (g); 115.22 (d); (115.71 (k))**

 CHANGE FROM/TO**SECTION 14-2 P.2.****CHANGE FROM:**

- 2. In addition to the Warden/Facility Administrator, the incident review team shall include upper-level facility management and the facility SART, with input from line supervisors, investigators, and medical or mental health practitioners. **(115.86 (c))**

CHANGE TO:

- 2. The incident review team shall include the PREA Compliance Manager, upper-level facility management, and the facility SART, with input from line supervisors, investigators, and medical or mental health practitioners. **(115.86 (c))**