

14-2 Sexual Abuse Prevention and Response

AUTHORITY: CORECIVIC COMPANY POLICY
FSC EFFECTIVE DATE: APRIL 2, 2020
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FACILITY: OTAY MESA DETENTION CENTER
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FACILITY EFFECTIVE DATE: APRIL 7, 2022

POLICY:

CoreCivic is committed to protecting inmates and detainees from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment. Sexual abuse in correctional institutions is a public safety issue that can impact facility order and security. It victimizes vulnerable inmates/detainees, causes psychological trauma, can increase the spread of communicable diseases, and can elevate the risk of violence and tension in a correctional facility. CoreCivic has zero tolerance toward all forms of sexual abuse and sexual harassment. When it is learned that an inmate/detainee may be subjected to a substantial risk of imminent sexual abuse, immediate action shall be taken to protect the inmate/detainee. Inmates/detainees who sexually abuse fellow inmates/detainees will be disciplined and may be subject to criminal prosecution. Inmate/detainee victims of sexual abuse or harassment will be provided with a supportive and protective environment. Regardless of consensual status, sexual activity between inmates/detainees and employees, contractors or volunteers is strictly prohibited and is subject to administrative and criminal disciplinary sanctions (**5-ACI-1C-09, 5-ACI-3D-14; 4-ALDF-4D-22-5**) **FPBDS A.9.9**. It is CoreCivic policy to aggressively investigate all allegations, regardless of the source, and prosecute those who are involved in incidents of sexual abuse that are criminal in nature. **(115.11 (a))**

DEFINITIONS:

Administrative Duty Officer (ADO) – An administrative team-level facility employee designated to be "on call" (i.e. readily available upon short notice), approved for such assignment by the appropriate CoreCivic Vice President, Facility Operations, to assume the required duties and responsibilities of the Warden/Facility Administrator during non-business hours.

C-ORES – CoreCivic's "Correctional Offender/Resident Electronic Services" system – a kiosk-based electronic system inmates/detainees may use to send electronic mail known as C-Mail and C-Notes, order commissary goods, perform other tasks such as downloading digital music files, and electronically report allegations of sexual abuse and harassment.

Contractor – A person who provides services at the facility on a recurring basis pursuant to a contractual agreement with CoreCivic. Such individuals may include the contractor's employees who manage and operate facility departments such as health services and/or food services, medical professionals such as a psychiatrist or physician, contract attorneys, or consultants.

Employee – A person employed by CoreCivic whether on a full-time or part-time, seasonal, temporary, or PRN (as needed) basis.

Exigent Circumstances – Temporary unforeseen circumstance(s) that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility Support Center (FSC) – CoreCivic's corporate headquarters where employees provide support, direction, and oversight in the management and operation of the company's correction, detention, residential and community correction facilities.

FSC PREA Committee – A committee comprised of senior operations, legal, and mental health managers who review issues related to PREA reporting, incident response, investigation, and prevention.

FSC PREA Coordinator – An upper-level management FSC employee designated to develop, implement, and oversee CoreCivic's companywide efforts to comply with the PREA National Standards and the company's Sexual Abuse Response and Prevention Program. He/she provides supervisory oversight to all CoreCivic facilities ensuring coordination in the prevention, detection, intervention, investigation, and discipline/prosecution of sexual abuse as specified in this policy. **(115.11 (b))**

Gender Non-Conforming – A person who in appearance or manner does not conform to traditional societal gender expectations.

Inmate/Detainee – Any person housed in a CoreCivic facility. An inmate/detainee may also be referred to by the term used by the contracting agency, e.g. prisoner, offender, etc. LGBTI – Lesbian, Gay (Homosexual), Bisexual, Transgender, and Intersex. This acronym will include the term Gender Non-Conforming.

Intersex – A person who has a sexual or reproductive anatomy or chromosomal pattern that does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Miranda and Garrity Warnings – Instructions provided at the start of an interview informing the interviewee of rights and liabilities outlined by the court decisions *Miranda v. Arizona* and *Garrity v. New Jersey*.

PREA – The Prison Rape Elimination Act 42 USC 15601 et. Seq.

PREA Compliance Manager – An Administrative Duty Officer-level manager appointed by the Warden/Facility Administrator who maintains responsibility for the facility's Sexual Abuse Response and Prevention Program. (115.11 (c))

PREA Standards – Part 115 of Title 28 of the Code of Federal Regulations, the Prison Rape Elimination Act National Standards, including Subpart A, Standards for Adult Prisons and Jails

PREA Staffing Plan – An approved plan for staffing the facility in accordance with PREA guidelines developed by the facility in conjunction with the FSC PREA Coordinator.

PREA Staffing Plan Deviation – When any position designated as part of the PREA Staffing Plan is vacant for the period of an entire shift.

Preponderance of the Evidence Standard – An evidentiary standard under which an allegation is deemed substantiated if the weight of the available evidence indicates that the allegation is more likely than not to be truthful or correct.

Qualified Health Care Professional (QHCP) – Includes physicians, physician assistants, nurse practitioners, nurses, dentists, mental health professionals, and others who, by virtue of their education, credentials, and experience are permitted by law within the scope of their professional practice to evaluate and care for patients.

Qualified Mental Health Professionals (QMHP) – Includes psychiatrists, psychologists, psychiatric social workers, psychiatric nurses and others who, by virtue of their education, credentials, and experience are permitted by law to evaluate and care for the mental health needs of patients.

Rape Crisis Center – An entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages.

SAFE/SANE Provider – A sexual assault forensic examiner (SAFE) or sexual assault nurse examiner (SANE) is a specially trained registered nurse, physician assistant, or physician who provides comprehensive care, and timely collection of forensic evidence and testimony in sexual assault cases.

Sexual Abuse of an Inmate/Detainee, by another Inmate/Detainee – Any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) 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 an Inmate/Detainee, by an Employee, Contractor or Civilian – Any of the following acts, with or without consent of the inmate/detainee:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the employee, contractor, or civilian has the intent to abuse, arouse, or gratify sexual desire;
- (4) 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 employee, contractor, or civilian has the intent to abuse, arouse, or gratify sexual desire;

- (5) 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 employee, contractor, or civilian has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by an employee, contractor, or civilian to engage in the activities outlined above in (1) - (5) of this section;
- (7) Any display by an employee, contractor, or civilian of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate/detainee, and
- (8) Voyeurism by an employee, contractor, or civilian.

Sexual Abuse Response/Review Team (SART) – A team comprised of four or more individuals having a primary role in responding to reported incidents of sexual abuse, victim assessment and support needs, and ensuring policy and procedures are carried out that ensure inmate/detainee safety.

Sexual Harassment – Includes any of the following acts:

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate/detainee, directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate/detainee, by an employee, contractor or civilian, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Transgender – A person whose gender identity (i.e. internal sense of feeling male or female) is different from the person's sex at birth.

Volunteer – Any individual who donates time and effort on a recurring basis to enhance the activities and programs of the facility

Voyeurism – An invasion of privacy of an inmate/detainee by an employee, contractor, or civilian for reasons unrelated to official duties, such as peering at an inmate/detainee who is using a toilet in his or her cell to perform bodily functions; requiring an inmate/detainee to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate/detainee's naked body or of an inmate/detainee performing bodily functions

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PROCEDURES:

- A. ZERO TOLERANCE**

1. CoreCivic has mandated zero-tolerance towards all forms of sexual abuse and sexual harassment. Such conduct is prohibited by this policy and will not be tolerated. This includes inmate/detainee-on-inmate/detainee sexual abuse or harassment, and employee-on-inmate/detainee sexual abuse or harassment. All employees and contractors are required to sign the 14-2J CoreCivic Zero Tolerance Policy Acknowledgment form to acknowledge the CoreCivic Zero Tolerance Policy. **(115.11 (a))**
2. CoreCivic has designated a Senior Director for PREA Compliance and Programs to be the agency PREA Coordinator. This upper-level management Facility Support Center (FSC) employee is responsible for the development, implementation, and oversight of CoreCivic efforts to comply with PREA Standards and the agency Sexual Abuse Response and Prevention Program. He/she provides supervisory oversight to all CoreCivic facilities ensuring coordination in the prevention, detection, intervention, investigation, and discipline/prosecution of sexual abuse as outlined in this policy. **(115.11 (b))**
3. Each CoreCivic facility has a designated PREA Compliance Manager to coordinate efforts at the facility level to comply with PREA Standards. This position is an Administrative Duty Officer level manager appointed by the Warden/Facility Administrator who maintains responsibility for the facility's Sexual Abuse Response and Prevention Program. **(115.11 (c))**

B. HIRING AND PROMOTION

1. To the extent permitted by law, CoreCivic will decline to hire or promote any individuals, and decline to enlist the services of any contractor, who may have contact with inmates/detainees and who has:
 - a. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
 - b. Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - c. Been civilly or administratively adjudicated to have engaged in the activity as outlined above in B.1.a., b. **(115.17 (a) (1-3))**
2. Any incident of sexual harassment shall be considered in determining whether to hire or promote any individual, or to enlist the services of any contractor, who may have contact with inmates/detainees. **(115.17 (b))**
3. All applicants, employees, and contractors who may have direct contact with inmates/detainees, shall be asked about previous misconduct, as outlined above in section B.1. The CoreCivic 14-2H Self-Declaration of Sexual Abuse/Sexual Harassment form, or equivalent contracting agency form, will be completed as part of the hiring process. The CoreCivic online application form section that requires disclosure of misconduct as described in B.1. may be utilized in lieu of the 14-2H for new applicants. **(115.17 (f))**
4. The 14-2H Self-Declaration of Sexual Abuse/Sexual Harassment form shall be completed by employees as part of the promotional process including both inter-facility promotions and intra-facility promotions. **(115.17 (f))**
5. The 14-2H Self-Declaration of Sexual Abuse/Sexual Harassment form shall be completed by current employees and contractors on an annual basis to serve as verification of the fulfillment of his/her continuing affirmative duty to disclose any sexual misconduct as described in this policy. The annual signature shall be in lieu of having the form completed as part of an annual review process. The completed 14-2H form shall be retained in each employee's personnel file **(115.17 (f))**.
6. To the extent permitted by law, CoreCivic may decline to hire or promote, and may terminate employment based on material omissions regarding such misconduct, or the provision of materially false information. **(115.17 (g))**
7. Before hiring new employees or enlisting the service of any contractor who may have contact with inmates/detainees, CoreCivic shall ensure that a criminal history record check has been conducted. In addition, CoreCivic shall ensure that criminal history record checks are conducted

at least every five years for current employees and contractors who may have contact with inmates/detainees, or, have in place a system for otherwise capturing such information. **(115.17 (c) (1) 115.17 (e))**

8. Consistent with federal, state, and local law, the facility shall make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse as defined by this policy. The CoreCivic 3-20-2B PREA Questionnaire for Prior Institutional Employers form, or contracting agency equivalent form, shall be used to obtain such prior employment information. **(115.17 (c) (2))**
9. Unless prohibited by law, CoreCivic 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 former employee has applied to work. **(115.17 (h))**

C. TRAINING

1. All CoreCivic facility employees shall receive comprehensive training on preventing, detecting and responding to sexual abuse and sexual harassment. Such training shall be tailored to the gender of the inmates/detainees at the facility. Employees who have transferred or have been reassigned from a facility housing only one gender of inmate/detainee (i.e. male facility to a female facility or vice versa) shall receive additional training **(115.31(a) (b)) (5-ACI-1D-10, 5-ACI-1D-12; 4-ALDF-7B-10, 4-ALDF-7B-10-1)**
2. At a minimum, all employees shall receive pre-service and annual in-service training on the following: **(115.31(a) (1-10) (115.31 (c)) (5-ACI-1D-10, 5-ACI-1D-12, 5-ACI-1D-13)**
 - a. The CoreCivic zero-tolerance policy for sexual abuse and sexual harassment;
 - b. How to fulfill employee responsibilities for sexual abuse/sexual harassment prevention, detection, reporting, and response in accordance with this policy;
 - c. The right of inmates/detainees to be free from sexual abuse and sexual harassment;
 - d. The right of inmates/detainees 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, including locations, situations, and circumstances in which sexual abuse may occur;
 - f. Signs of victimization and 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/detainees;
 - i. How to communicate effectively and professionally with inmates/detainees, including LGBTI and gender non-conforming inmates/detainees; and
 - j. How to comply with laws relevant to mandatory reporting of sexual abuse to outside authorities.
3. Employees shall be required to confirm, by either electronic or manual signature, their understanding of the training that they have received. At Pre-Service Training and annual In-Service Training, each employee and contractor shall be required to sign a 14-2A PREA Training Acknowledgment form. Signed documentation will be maintained in the employee's training and/or HR file **(115.31 (d))**.
4. In addition to the general training provided to all employees, security staff shall receive training in how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates/detainees, in a manner that is professional, respectful, and the least intrusive possible while being consistent with security needs. **(115.15 (f))**
5. In addition to the general training provided to all employees, and to the extent that CoreCivic conducts sexual abuse investigations, investigators shall receive training in conducting sexual abuse investigations in confinement settings. The PREA Compliance Manager shall ensure that more than one person at the facility receives training as a sexual abuse investigator. This will

ensure that a trained investigator is available as a back-up during employee absences (e.g. leave, paid time off, sickness, offsite training, etc.) **(115.34 (a))**

- a. Specialized training for investigators shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. **(115.34 (b))**
 - b. Employees who conduct sexual abuse and sexual harassment administrative investigations are required to document completion of this training by signing the 14-2A1 PREA Training Acknowledgment for Specialty Training. This documentation shall be maintained in the employee training file. **(115.34 (c))**
6. In addition to the general training provided to all employees to comply with PREA Standard 115.31, all full and part-time Qualified Health Care Professionals and Qualified Mental Health Professionals, shall receive specialized medical training as outlined below: **(115.35 (d)) (115.35 (a) (1-4))**
- 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 of sexual abuse and sexual harassment.
7. Medical and Mental Health Staff are required to document completion of this training by signing the 14-2A1 PREA Training Acknowledgment for Specialty Training. This documentation shall be maintained in the employee training file **(115.35(c))**.

8. Contractors and Volunteers

- a. All volunteers and contractors who have contact with inmates/detainees shall receive training on their responsibilities pertaining to sexual abuse and sexual harassment prevention, detection, reporting, and response as outlined in this policy. **(115.32 (a))**
- b. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates/detainees. All volunteers and contractors who have contact with inmates/detainees shall acknowledge the CoreCivic zero-tolerance policy regarding sexual abuse and sexual harassment and information on how to report such incidents. All volunteers and contractors shall be required to sign the 14-2J CoreCivic Zero Tolerance Policy Acknowledgment form **(115.32 (b))**.
 - i. Contractors, including but not limited to, medical, mental health, education and food service shall receive the same PREA training required of all CoreCivic employees who have contact with inmates/detainees. These contractors shall be required to sign the 14-2A PREA Training Acknowledgment and the 14-2J CoreCivic Zero Tolerance Policy Acknowledgment forms.
 - ii. Contractors who may have contact with inmates/detainees, including but not limited to, vendors, delivery truck drivers, or service personnel repairing equipment in the facility, are required to sign the 14-2J CoreCivic Zero Tolerance Policy Acknowledgment form which provides basic training on the zero tolerance policy and incident reporting. The 14-2K PREA Overview: Training for Contractors and Volunteers may be required should their duties develop into recurring contact with inmates/detainees.
- c. Volunteers, who will have contact with inmates/detainees, shall complete the CoreCivic PREA training provided in the 14-2K PREA Overview: Training for Contractors and Volunteers administered by the facility Chaplain or Volunteer Coordinator/designee.
- d. The signed documentation confirming that each Volunteer or Contractor understands the training that he/she has received will be kept in the volunteer or contractor's file by either the Learning Development Manager, facility Volunteer Coordinator or other staff designated by the Warden/Facility Administrator or PREA Compliance Manager. **(115.32 (c))**

- e. Documentation confirming that staff have completed training shall be maintained in accordance with CoreCivic Policies 1-15 Record Retention and 4-2 Maintenance of Training Records.

D. SUPERVISION AND MONITORING/STAFFING PLANS

1. Intermediate level and/or upper level facility supervisors shall conduct unannounced facility rounds to identify and deter staff sexual abuse and sexual harassment. The occurrence of such rounds shall be documented as an unannounced round or "PREA Round" in the applicable log (e.g. ADO, post log, shift report, etc.) This practice shall be implemented for night shifts as well as day shifts and through all areas where inmates/detainees are permitted. **(115.13 (d))**
2. Employees shall be prohibited from alerting other employees that supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. **(115.13 (d))**
3. **Staffing Plans**
 - a. The facility, in coordination with CoreCivic FSC, shall develop an annual staffing plan that provides for adequate levels of staffing to protect inmates/detainees against sexual abuse. The location of video monitoring systems will be considered when determining adequate levels of staffing. In calculating staffing levels and determining the need for video monitoring, the following factors shall be taken into consideration: **115.13 (a) (1-11)**
 - i. Generally accepted detention and correctional practices;
 - ii. Any judicial findings of inadequacy;
 - iii. Any findings of inadequacy from federal investigative agencies;
 - iv. Any findings of inadequacy from internal or external oversight bodies;
 - v. All components of the facility's physical plant (including "blind spots" or areas where staff or inmates/detainees may be isolated);
 - vi. The composition of the inmate/detainee population;
 - vii. The number and placement of supervisory staff;
 - viii. Institutional programs occurring on a particular shift;
 - ix. Any applicable state or local laws, regulations, or standards;
 - x. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - xi. Any other relevant factors.
 - b. The facility PREA Compliance Manager will complete the 14-2I Annual PREA Staffing Plan Assessment and forward it to the Warden/Facility Administrator for review. Upon completion of the Warden/Facility Administrator's review, the 14-2I Annual PREA Staffing Plan Assessment shall be forwarded to the FSC PREA Coordinator.
 - c. Following consultation with the facility staff, the FSC PREA Coordinator shall assess, determine, and document whether adjustments are needed to: **(115.13 (c) (1-3))**
 - i. The staffing plan established pursuant to this section;
 - ii. The facility's deployment of video monitoring systems and other monitoring technologies; and
 - iii. The resources the facility has available to commit to ensure adherence to the staffing plan.
 - 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.
 - e. The facility shall make its best effort to comply on a regular basis with the approved PREA Staffing Plan. The Chief of Security is responsible for reviewing the PREA Staffing Plan in conjunction with the daily shift roster. If a position identified on the Staffing Plan is vacated for a shift, the Chief of Security shall notify the PREA Compliance Manager of the deviation.
 - f. The PREA Compliance Manager/designee shall document and describe the deviation on the 5-1B Notice to Administration (NTA), along with a thorough justification for the

deviation and description of any corrective actions that were taken to resolve the deviation. **(115.13 (b))**

E. UPGRADES TO FACILITIES AND TECHNOLOGIES

1. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, CoreCivic will consider the effect of the design, acquisition, expansion, or modification on the ability of the facility and company to protect inmates/detainees from sexual abuse. **(115.18 (a))**
2. Considerations for modifications and renovations shall be documented on form 7-1B PREA Physical Plant Considerations. **(115.18 (a))**
3. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, CoreCivic will consider how such technology may enhance the ability to protect inmates/detainees from sexual abuse. Such considerations shall be documented on form 7-1B PREA Physical Plant Considerations. **(115.18 (b))**

F. EXTERNAL EMOTIONAL SUPPORT SERVICES

1. CoreCivic shall maintain, or attempt to enter into, Memorandums of Understanding (MOU) or other agreements with community service providers that are able to provide inmates/detainees with confidential emotional support services related to sexual abuse. **(115.53 (c))**
2. All MOUs must be reviewed and approved by the CoreCivic FSC Legal Department prior to signature. The facility and FSC Legal shall maintain copies of MOUs. The facility shall maintain documentation showing attempts to enter into such agreements. **(115.53 (c))**
3. Inmates/detainees shall have access to outside victim advocates for emotional support services related to sexual abuse by being provided with mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations. **(115.53 (a))**

AT THIS FACILITY, THE FOLLOWING COMMUNITY AGENCY OR AGENCIES PROVIDE EMOTIONAL SUPPORT SERVICES:

SAN DIEGO SEXUAL ASSAULT VICTIM ADVOCACY 4508 MISSION BAY DRIVE, SAN DIEGO, CA 92109 1- (888) 385-4657

4. Reasonable communication between inmates/detainees and the posted numbers for emotional support or advocacy services shall be permitted in as confidential manner as possible. The facility shall post the extent to which such communication will be monitored and/or recorded. The facility shall have a process in place to ensure that written correspondence between inmates/detainees and these agencies may remain confidential. **(115.15 (a))**
5. Inmates/detainees shall be informed, prior to giving them access, of the extent to which such communications shall be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. **(115.53 (b))**
 - a. Consistent with applicable laws and emotional support service provider policy, information shall be reported to the facility without the inmate/detainee's consent, in the event that the inmate/detainee (1) threatens suicide or to commit other harm to self; (2) threatens to harm another person; (3) shares with the community agency information that relates to abuse or neglect of a child or vulnerable adult; or, (4) threatens the security of the facility or to escape. **(115.53 (b))**
 - b. If confidential information must be disclosed, facility staff will not share any information beyond what is necessary to address the immediate safety concern or to otherwise comply with applicable law. **(115.53 (b))**
6. Contact information for immigrant services agencies shall be provided only for persons detained solely for civil immigration purposes. **(115.53 (a))**

G. INMATE/DETAINEE SCREENING

1. All inmate/detainees shall be assessed during an intake screening in order to obtain information relevant to housing, cell, work, education, and program assignments. The goal is to keep separate those inmates/detainees at high risk of being sexually victimized from those at high risk of being sexually abusive. **(115.41 (a), 115.42 (a)) (5-ACI-2C-02)**
2. Inmates/detainees shall be assessed, within 24 hours of arrival at the facility, unless contracting agency policy authorizes 72 hours following arrival. **(5-ACI-3D-10) FPBDS A.4.6** This includes inmates/detainees who have been transferred from another facility, have been received from a reception center where an assessment may already have been completed as part of reception, and inmates/detainees who have been returned from court, or other leave status. **(115.41 (b)) (4-ALDF-4D-22-1)**
3. Screenings will be completed and documented using an objective screening instrument. The CoreCivic 14-2B Sexual Abuse Screening Tool shall be utilized for this purpose unless the contracting agency requires usage of another form or computerized screening process. **(115.41 (c))**

AT THIS FACILITY, THE FOLLOWING SCREENING TOOL IS USED IN LIEU OF THE 14-2B SEXUAL ABUSE SCREENING TOOL:

NONE

4. The intake screening shall consider, at a minimum, the following criteria to assess inmates/detainees for risk of sexual victimization: **(115.41 (d) (1)-(9)) FPBDS B.2.7.a.9.**
 - a. Whether the inmate/detainee has a mental, physical, or developmental disability;
 - b. The age of the inmate/detainee;
 - c. The physical build of the inmate/detainee;
 - d. Whether the inmate/detainee has previously been incarcerated;
 - e. Whether the inmate/detainee's criminal history is exclusively nonviolent;
 - f. Whether the inmate/detainee has prior convictions for sex offenses against an adult or child;
 - g. Whether the inmate/detainee is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - h. Whether the inmate/detainee has previously experienced sexual victimization;
 - i. The inmate/detainee's own perception of vulnerability; and
 - j. Whether the inmate/detainee is detained solely for civil immigration purposes.
5. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse **(115.41 (e)) FPBDS B.2.7.a.8.**
6. Screenings shall also include a review of the inmate/detainee's available institutional file (or other documentation provided by the contracting agency or transferring facility).
7. Inmates/detainees may not be disciplined for refusing to answer, or for not disclosing complete information, in response to questions G.4.a., G.4.g., G.4.h., and G.4. (i). **(115.41 (h))**
8. Inmates/detainees, excluding jail inmates, identified during the intake screening as high risk with a history of sexually assaultive behavior, whether it occurred in an institutional setting or in the community, shall be offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. **(115.81 (b))** Inmates/detainees with a history of sexually assaultive behavior will be identified, monitored, and counseled. **(5-ACI-3D-12; 4-ALDF-4D-22-3) FPBDS B.6.4.a.**
9. Inmates/detainees identified during the intake screening as at risk for sexual victimization with a history of prior sexual victimization whether it occurred in an institutional setting or the community shall be offered a follow-up meeting with a medical or mental health practitioner or other qualified professional within 14 days of the intake screening. Inmates/detainees at risk for sexual victimization will be identified, monitored, and counseled. **(115.81 (a)(c)) (5-ACI-3D-13;4-ALDF-4D-22-4) FPBDS B.3.5.a.4. and FPBDS B.6.4.b.**
10. Assessments and reassessments shall be conducted by the appropriate intake staff, Case Manager, or another staff member designated by the Warden/Facility Administrator.

11. All completed 14-2B Sexual Abuse Screening Tool forms, or agency equivalent, will be maintained in the inmate/detainee file, or electronic record file with a copy forwarded to the inmate/detainee's medical record and/or, where applicable, the inmate/detainee electronic medical records.
12. The facility shall control the dissemination within the facility of responses to questions on the screening forms in order to ensure that the sensitive is not exploited to the inmate/detainee's detriment by staff or other inmates/detainees Measures taken shall include, but are not limited to: **(115.41(i))**
 - a. Sexual Abuse Screening Interviews with inmates/detainees at intake shall be conducted with as much privacy as is reasonable given security and safety concerns.
 - b. An inmate/detainee shall not be permitted to complete his/her own 14-2B form (or contracting agency assessment form) or utilize assistance from other inmates/detainees to complete the form. All 14-2B forms shall be completed by staff.
 - c. Inmates/detainees shall not be permitted to have access to files containing assessment forms belonging to other inmates/detainees.
 - d. Where assessments are conducted electronically, access is granted only to those staff involved in the assessment process, those making housing and program decisions, medical and mental health staff, and staff with a need to know for the safe and secure operation of the facility
13. Within a set period of time not to exceed 30 days from the inmate's arrival at the facility, a reassessment of the inmate/detainee's risk level of victimization or abusiveness, will be completed utilizing the 14-2B Sexual Abuse Screening Tool, or contracting agency equivalent instrument. **(115.41 (f))**

AT THIS FACILITY, THE SET PERIOD OF TIME FOR CONDUCTING THE REASSESSMENT IS THE FOLLOWING:

THE RE-ASSESSMENT WILL BE CONDUCTED AFTER 221 DAYS OF ARRIVAL AT THE FACILITY, BUT NO LONGER THAN 30 DAYS OF ARRIVAL AT THE FACILITY

14. The 30-day reassessment will include any additional relevant information received by the facility since the initial intake screening. The facility will maintain a tracking system to ensure that reassessments are not completed beyond 30 days. **(115.41 (f))**
15. A reassessment shall also be completed when warranted, due to a referral, request, incident of sexual abuse, or receipt of additional information that may impact the inmate/detainee's risk of victimization or abusiveness. **(115.41 (g))**
16. Following an incident of sexual abuse, a reassessment shall be completed on both the alleged victim and alleged perpetrator. **(115.41 (g))**
17. A mental health evaluation shall be completed of all known inmate-on-inmate abusers within 60 days of learning of such abuse history. Treatment shall be offered when deemed appropriate by mental health practitioners. **(115.83(h))**

H. INMATE/DETAINEE ORIENTATION AND EDUCATION

1. Upon arrival at the facility for intake, each inmate/detainee shall be provided with information regarding sexual abuse prevention and reporting (e.g. inmate/detainee handbook, CoreCivic 14-2AA Preventing Sexual Abuse and Misconduct Brochure, contracting agency brochure, handout etc.). **(4-ALDF-2A-29)**

AT OTAY MESA DETENTION CENTER FACILITY, ADDITIONAL PROCEDURES ARE:

THE PRISONER RAPE ELIMINATION ACT – REPORTING INFORMATION (BULLETIN) WILL ALSO BE PROVIDED TO ALL USMS INMATES/DETAINEES. COPIES OF THE 14-2AA AND USMS BULLETIN WILL BE POSTED IN AREAS ACCESSIBLE TO INMATES/DETAINEES.

2. The facility shall provide resident education at intake in formats accessible to all residents, including those who are disabled or Limited English Proficient (LEP). **(115.33 (a) and (c))**

AT THIS FACILITY, THE FOLLOWING WRITTEN INFORMATION IS PROVIDED AT INTAKE:**PREA REPORTING INFORMATION BULLETIN, 14-2AA, DETAINEE HANDBOOK**

3. Within 30 days following intake, either in person or through video, inmates/detainees shall receive comprehensive educational information on the following topics related to sexual abuse and sexual assault prevention and intervention: **(115.33 (b)) (FPBDS A.4.5.j-A.4.5.m) (5-ACI-3D-09; 4-ALDF-2A-29)**
- CoreCivic zero tolerance policy regarding sexual abuse and sexual harassment;
 - How to report incidents, threats or suspicions of sexual abuse or sexual harassment;
 - An inmate/detainee's right to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents;
 - Inmate/detainee-on-inmate/detainee sexual abuse;
 - Employee-on-inmate/detainee sexual abuse;
 - Self-protection from sexual abuse;
 - Availability of policies regarding sexual abuse prevention/intervention; and
 - Available emotional support services (treatment and counseling) to include internal and external victim advocates and community support services.

AT THIS FACILITY, COMPREHENSIVE EDUCATION, WITHIN 30 DAYS FOLLOWING ARRIVAL, IS PROVIDED AS FOLLOWS:**DURING THE INTAKE ORIENTATION THE PREA (PRISON RAPE ELIMINATION ACT) VIDEO IS SHOWN TO ALL DETAINEES PRIOR TO DEPARTURE TO THE HOUSING UNITS.**

- Inmates/detainees shall sign indicating acknowledgment that they have received Intake information and the 30-day comprehensive education and this documentation shall be maintained by the facility in the inmate/detainee file. **(115.33 (e))**
- In addition to providing such education, the facility shall ensure that key information is continuously and readily available or visible to inmates/detainees through posters, inmate/detainee handbooks, or other written formats. **(115.33 (f))**
- Inmates/detainees who have been transferred from another facility shall receive intake material from the receiving facility to serve as refresher training. **(115.33 (c))**
- The facility shall take appropriate steps to ensure that inmates/detainees with disabilities have an equal opportunity to participate in or benefit from all aspects of the facility and agency efforts to prevent, detect, and respond to respond to sexual abuse and sexual harassment. **(115.216 (a))**
 - Inmates/detainees who are deaf or hard of hearing shall have access to information through simple written or oral communication. Sign language interpreters, or auxiliary aids such as a TTY that are reasonable, effective, and appropriate to the needs of the inmate/detainee shall be provided when simple written or oral communication is not effective. **(115.216 (a))**
 - The facility will ensure that information is effectively communicated orally, on an individual basis, to inmates/detainees with limited reading skills. In the event an inmate/detainee has difficulty understanding provided information and/or procedures due to intellectual deficiencies or mental health concerns, the facility will ensure that such information is effectively communicated orally to such inmates/detainees on an individual basis. **(115.216 (a))**

AT THIS FACILITY, THE FOLLOWING IS PROVIDED TO ASSIST INMATES/DETAINEES WITH DISABILITIES:**HEARING IMPAIRED EQUIPMENT: TTY PHONE OR THE PURPLE SYSTEM ARE AVAILABLE FOR USE**

- The facility shall take reasonable steps to ensure meaningful access to all aspects of the facility and agency efforts to prevent, detect, and respond to sexual abuse and sexual harassment to residents who are Limited English Proficient (LEP). Interpreters shall be provided who can

interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. **(115.16(b))**

AT THIS FACILITY, THE FOLLOWING IS PROVIDED TO ASSIST INMATES/DETAINEES WHO ARE LIMITED ENGLISH PROFICIENT (LEP):

THE LANGUAGE LINE IS AVAILABLE FOR INTERPRETOR SERVICES

9. The facility will not rely in inmates/detainees to provide interpretation services, act as readers, or provide other types of communication assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate/detainee's safety, the performance of first-responder duties, or the investigation of the inmate/detainee's allegations. **(115.16 (c))**

I. HOUSING AND PROGRAM ASSIGNMENTS

1. The facility shall use the information from the 14-2B Sexual Abuse Screening Tool, or equivalent contracting agency form, completed at initial screening and at all subsequent reassessments, in the consideration of housing recreation, work program and other activities. **(115.42 (a))**
2. Screening of inmates/detainees should only be used as a guideline for determining appropriate housing and services and should never be used as the sole reason for the deprivation of a program or privilege.
3. In celled facilities, single-occupancy cells/rooms shall be available for sexual predators when indicated, through determinations made by the classification system, medical diagnosis, or other professional conclusions. **(5-ACI-2C-03)**
4. The facility shall make individualized case by case determinations about how to ensure the safety of each inmate/detainee. **(115.42 (a) (b))**
5. CoreCivic prohibits discrimination based on an inmate/detainee's race, religion, national origin, sex, disability, or political views in making administrative decisions and in providing access to programs. **(5-ACI-3D-04; 4-ALDF-6B-02) FPBDS A.8.1.**
6. When both males and females are housed in the same facility available services and programs shall be comparable. Neither gender shall be denied opportunities based on the smaller number in the population **FPBDS A.8.2 (5-ACI-3D-05)**
7. **Transgender/Intersex Housing**
 - a. The decision whether to assign a transgender or intersex inmate/detainee to a male facility or a female facility will generally be made by the contracting agency prior to the inmate/detainee's arrival at a CoreCivic facility. The Warden/Facility Administrator shall consult with his/her appropriate contracting agency representative, CoreCivic Managing Director, and the CoreCivic FSC PREA Coordinator in the event there are concerns with a placement.
 - b. In deciding whether to house a transgender/intersex inmate/detainee in a male or female unit, pod, cell, or dormitory within the facility subsequent to arrival, or, when making other housing and programming assignments for such inmates/detainees, the facility shall consider whether the placement would ensure the inmate/detainee's health and safety and whether the placement would present management or security problems. **(115.42 (c))**
 - c. Transgender or intersex inmate/detainee gender self-identification and self-assessment of safety needs shall be given serious consideration in all housing and program assignments. **(115.42 (e))**
 - d. Placement and programming assignments for each transgender or intersex inmate/detainee shall be reassessed at least twice each year to review whether any threats to safety were experienced by the inmate/detainee. **(115.42 (d))**
 - e. The establishment of a unit, pod or wing solely dedicated to the housing of LGBTI and/or Gender Non-Conforming inmates/detainees is strictly prohibited unless required by consent decree, court order or other comparable legal authority. **(115.42 (g))**

8. Restrictive Housing

- a. Inmates/detainees at high risk for sexual victimization shall not be placed in involuntary restrictive housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate/detainee in involuntary restrictive housing for less than 24 hours while completing the assessment. **(115.43 (a))**
- b. Inmates/detainees placed in restrictive housing pursuant to section I.8. above shall have access to programs, privileges, education, and work opportunities to the extent possible. If access to programs, privileges, education, or work opportunities is restricted, the facility shall document the following: (1) The opportunities that have been limited; (2) The duration of the limitation; and (3) the reasons for such limitations. **(115.43 (b) (1, 2, 3))**
- c. Inmates/detainees who are lesbian, gay, bisexual transgender, intersex, gender non-conforming or whose appearance or manner does not conform to traditional gender expectations should not be placed in restricted housing solely on the basis of such identification or status. If an inmate/detainee in this category faces a legitimate threat from other inmates, the facility shall seek alternative housing with conditions comparable to those of general population. **FPBDS E.7.6**
- d. Restrictive housing shall be used only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days. **(115.43 (c))**
- e. If involuntary restrictive housing is warranted as outlined above the documentation of such action shall clearly specify a basis for the facility concern for the inmate/detainee's safety and the reason (s) why no alternative means of separation can be arranged. **(115.43 (d) (1 and 2))**
- f. Every 30 days, a review of each inmate/detainee's status will be conducted to determine whether there is a continuing need for separation from the general population. **(115.43 (e))**

J. LIMITS TO CROSS GENDER VIEWING AND SEARCHES

1. Pat searches of female inmates/detainees by male staff are prohibited except in exigent circumstances (that is, temporary unforeseen circumstances that require immediate action in order to combat a threat to security or institutional order). The facility shall not restrict female inmate/detainee access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. **(115.15 (b))**
2. Pat searches of male inmates/detainees by female staff are permissible.
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))**
6. Inmates/detainees may shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell/living quarter checks. **(115.15 (d))**

7. Staff of the opposite gender are required announce their presence when entering an inmate/detainee housing unit. Where a larger housing unit is broken into several individual smaller units such as pods, cell-blocks, dorms, etc. the staff member must announce as he/she enters each of smaller individual units. **(115.15 (d))**
 - a. A verbal announcement upon arrival is required only when the status quo of the gender-supervision on the housing unit changes from exclusively same gender, to mixed- or cross-gender supervision. For example, a female correctional officer entering a housing unit is not required to announce if there is already a female correctional officer in the unit.
 - b. In the event multiple opposite gender staff enter a housing unit simultaneously, only one of the opposite gender staff need make the announcement.
 - c. Announcements are required for both security and non-security staff.
 - d. It is not acceptable to announce only at the beginning of a shift
 - e. Staff roving from one pod/dormitory to another inside of a larger unit must re-announce each time they enter.
8. The facility shall post notices/rules that prohibit inmates/detainees from disrobing or being unclothed in common areas. Cameras focused on common areas, including dormitory sleeping units, may be monitored by either gender.
9. Cameras that capture areas in which inmates/detainees are likely to be undressed or toileting, such as showers, bathrooms, or inside cells, should only be monitored by officers or nonmedical administrators of the same gender as the inmates/detainees viewed through the camera. These areas may be digitally obscured and monitored by either gender.

10. Suicide Watch

Opposite gender staff may only be assigned to a suicide watch, including constant observation, provided that the inmate/detainee on suicide watch is able to avoid exposing himself or herself to non-medical opposite gender staff.

- a. Same gender correctional staff or medical staff may be substituted during a suicide watch to observe the periods of time when the inmate/detainee is showering, performing bodily functions, or changing clothes.
- b. A shower with a partial curtain, or other privacy shields may be provided, or, if the suicide watch is being conducted via live video monitoring, an appropriate portion of the cell must be digitally obscured. Any privacy accommodations must be implemented in a way that does not pose a safety risk for the individual on suicide watch. The privacy standards apply whether the viewing occurs in a cell or elsewhere.

11. Transgender/Intersex Viewing and Searches

- a. The facility shall not search or physically examine a transgender or intersex inmate/detainee for the sole purpose of determining the inmate/detainee's genital status. If the inmate/detainee's genital status is unknown, it may be determined during conversations with the inmate/detainee, 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. **(115.15 (e))**
- b. The gender of the staff member searching a transgender or intersex inmate/detainee or resident will depend on the specific needs of the individual inmate/detainee or resident and on the operational concerns of the facility. Under most circumstances, this will be a case-by-case determination, which may change over the course of incarceration and should take into consideration the gender expression of the inmate/detainee or resident.
- 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.
- d. Pat searches and strip searches of transgender/intersex inmates/detainees may be conducted by any staff based upon exigent circumstances. Details of the exigent circumstances must be documented.
- e. Inmates/detainees shall not be permitted to change their transgender or intersex status, and/or gender identity to avoid being pat searched or strip searched. These individuals shall immediately be referred for a review by the Sexual Assault Response/Review Team (SART)
- f. All searches of transgender and intersex inmates/detainees shall be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. **(115.15 (f))**
 - i. Requiring two staff to search transgender inmates/detainees would be more intrusive than necessary.
 - ii. "Dual searches" where two different gendered staff search different parts of an inmate/detainee's body are not acceptable.
 - iii. Searches of breasts shall be conducted using the back of the hand
 - iv. Requests for transgender inmates/detainees to remove appearance related items such as prosthetics, clothing that may convey gender identity, wigs, and cosmetics shall be consistent with requirements for the removal of similar items for other non-transgender/intersex inmates/detainees.
 - v. Strip searches of transgender/intersex inmates/detainees shall be made in a manner designed to ensure as much privacy to the inmate/detainee as practical. Staff should consider the physical layout of the institution, and the characteristics of a transgender/intersex inmate/detainee to adjust conditions of the visual search as needed for the inmate/detainee's privacy.
- g. Transgender and intersex inmates/detainees shall be given the opportunity to shower separately from other inmates/detainees. **(115.42 (f))**
 - i. The degree of separation required is dependent on the layout of the facility, and may be accomplished either through physical separation (e.g. separate shower stalls) or by time-phasing or scheduling (e.g. allowing an inmate/detainee to shower before or after others).
 - ii. The number of separate showers per day and the time of day for showering separately may be limited due to facility physical plant and/or institutional need.
 - iii. Staff shall use discretion in determining whether to grant requests to shower separately made by newly arrived inmates/detainees who have not been identified as Transgender or Intersex, or have this review pending.

AT THIS FACILITY, TRANSGENDER AND/OR INTERSEX INMATES/DETAINEES ARE PROVIDED THE OPPORTUNITY TO SHOWER SEPARATELY AS FOLLOWS:

ALL TRANSGENDER AND OR INTERSEX DETAINees WILL BE AFFORDED SHOWERS DURING COUNT TIMES, WHEN ALL DETAINees ARE SECURED IN THE CELLS /DORMATORY ROOMS.

K. REPORTING SEXUAL ABUSE AND/OR SEXUAL HARASSMENT

1. Inmate/Detainee Reporting

- a. Inmates/detainees shall be encouraged to immediately report pressure, threats, or instances of sexual abuse or sexual harassment, as well as possible retaliation by other inmates/detainees or employees for reporting sexual abuse and sexual harassment, and

staff neglect or violation of responsibilities that may have contributed to such incidents. **(115.51 (a))**

- b. Inmates/detainees who are victims of sexual abuse have the option to report an incident to a designated employee other than an immediate point-of-contact line officer by using any of the following methods: **(5-ACI-3D-15; 4-ALDF-4D-22-7)**
 - i. Verbally reporting to any employee, including the facility Chaplain;
 - ii. Submitting a request to meet with Medical or Mental Health staff and/or reporting to medical staff during sick call;
 - iii. Calling the facility 24-hour toll-free notification telephone number;
 - iv. Forwarding a letter, sealed and marked "confidential", to the Warden/Facility Administrator or any other employee;
 - v. Calling or writing someone outside the facility who can notify facility staff;
 - vi. Contacting the facility PREA Compliance Manager; and
 - vii. Electronically reporting allegations of sexual abuse and harassment to the PREA Mailbox listed in the CORES system (where available).

AT THIS FACILITY, INMATES/DETAINEES MAY REPORT ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT BY CONTACTING ANY OF THE FOLLOWING:

USMS INMATES/DETAINEES HAVE PERTINENT INFORMATION POSTED IN EACH UNIT CONCERNING PROCEDURES FOR REPORTING A SEXUAL ASSAULT TO STAFF, TO THE U.S. MARSHAL, THE FIELD OFFICE DIRECTOR, OR TO THE OFFICE OF INSPECTOR GENERAL (OIG) BY MAIL OR BY TELEPHONE AT 1-800-869-4499.

- c. Each facility shall provide at least one way for inmates/detainees to report abuse or harassment to a public or private entity or office that is not part of CoreCivic or the contracting agency and that is able to receive and immediately forward inmate/detainee reports of sexual abuse and sexual harassment to facility officials, allowing the inmate/detainee to remain anonymous upon request. **(115.51 (b))**

AT THIS FACILITY, THE FOLLOWING NON-CORECIVIC AND NON-CONTRACTING AGENCY REPORTING MECHANISM OR PROCESS (INCLUDING ANONYMOUS) HAS BEEN ESTABLISHED:

SAN DIEGO ASSAULT VICTIM ADVOCACY 1-888-385-4657

- d. Inmates/detainees detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security. **(115.51 (b))**
- e. CoreCivic facilities do not maintain administrative procedures to address inmate/detainee grievances regarding sexual abuse unless specifically mandated by contract. Allegations of sexual abuse and/or sexual harassment are not processed through the facility inmate/detainee grievance process. **(115.52 (a))**
 - i. Should a report of sexual abuse or sexual harassment be submitted and received as an inmate/detainee grievance, whether inadvertently or due to contracting agency requirements, it will immediately be referred to the facility Investigator or Administrative Duty Officer for investigation and reporting in accordance with this policy.
 - ii. All inmate/detainee grievances alleging sexual abuse and sexual harassment shall be reported in the 5-1 IRD.

2. Staff Reporting

- a. In accordance with this policy, employees/contractors are required to report immediately any knowledge suspicion, or information regarding, an incident of sexual abuse or sexual harassment that has occurred in any facility (including a facility that is not part of CoreCivic). **(115.61 (a))**

- b. Employees/contractors must take all allegations of sexual abuse seriously, including verbal, anonymous, and third-party reports, and treat them as if the allegation is credible. Staff shall promptly document any verbal reports. **(115.51 (c))**
- c. When it is learned that an inmate/detainee is subject to a substantial risk of imminent sexual abuse, immediate action shall be taken to protect the inmate/detainee. **(115.62)**
- d. Employees/contractors who fail to report allegations may be subject to disciplinary action.
- e. Apart from reporting to designated supervisors or officials, employees/contractors shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, and as specified in this policy, to make treatment, investigation, and other security and management decisions. **(115.61 (b))**

THE FACILITY ADMINISTRATOR ENSURES FACILITY STAFF REPORT ALL ALLEGATIONS, WHILE TAKING STEPS TO PROTECT THE CONFIDENTIALITY OF SEXUAL ABUSE INFORMATION BY SHARING INTERNALLY WITH ONLY THOSE WHO NEED TO KNOW. FPBDS B.6.4.c.9

- f. Unless otherwise precluded by federal, state, or local law, medical and mental health professionals shall be required to follow reporting procedures as outlined in this policy. At the initiation of providing medical care, both medical and mental health professionals will inform inmates/detainees of their professional duty to report and the limitations of confidentiality. **(115.61 (c))**
- g. Medical and mental health practitioners shall obtain informed consent from inmates/detainees before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate/detainee is under the age of 18. **(115.81 (e))**
- h. CoreCivic employees, contractors, volunteers and interested third parties may report allegations of sexual abuse and sexual harassment (including anonymous reports) to the CoreCivic 24-hour Ethics line at 1-866-757-4448 or through www.CoreCivic.ethicspoint.com. **(115.51 (d) (115.54)) FPBDS A.9.11**
- i. Third party reporting information is posted on the facility page on the CoreCivic web-site: CoreCivic.com.

L. COORDINATED RESPONSE / SEXUAL ABUSE RESPONSE AND REVIEW TEAM (SART)

- 1. In order to coordinate actions taken by initial first responders, medical and mental health practitioners, investigators, and facility leadership in response to an incident of sexual abuse, the facility has established a Sexual Abuse Response/Review Team (SART) that shall include, but is not limited, to the following positions **(115.65)**:
 - a. **PREA Compliance Manager and/or Administrative Duty Officer (ADO)** – The ADO on-site or on-call is responsible for overall coordination of the facility response to an incident of sexual abuse to ensure the policy is implemented effectively. The ADO will ensure that the 14-2C Sexual Abuse Incident Check Sheet is followed and the incident has been reported according to policy. The ADO will serve as a primary liaison with investigators until such time as the PREA Compliance Manager arrives.
 - b. **Medical Representative** – The medical representative shall assess the alleged victim's acute medical needs and explain the need to the victim for a forensic exam if appropriate. The medical representative shall ensure that the facility medical staff responded appropriately and medically stabilized the victim before assessment by a community medical provider, if medically indicated.
 - c. **Security Representative** – The Security Representative shall ensure inmate/detainee safety needs are addressed, including separating the alleged victim and perpetrator, and that employee responses to reports of sexual abuse and sexual harassment are timely and consistent with policy.
 - d. **Mental Health Representative** – This position ensures that the alleged victim is assessed, and that mental health needs are addressed according to policy and local procedure.

- e. **Victim Services Coordinator** – A Chaplain or employee designated by the Warden/Facility Administrator may serve as the facility Victim Services Coordinator. The Victim Services Coordinator may not be a member of security. This individual shall attempt to obtain the services of a victim advocate from a rape crisis center to assist the alleged victim of sexual abuse. In the absence of a victim advocate, the Victim Services Coordinator may provide inmates/detainees with confidential emotional support and will ensure that inmates/detainees are aware that they may access additional victim resources through community victim agencies.
2. SART team assignments as outlined above in section L.1. for a response to an immediate report of Sexual Abuse shall be made by the PREA Compliance Manager, ADO or highest-ranking authority on-site.
3. The Warden/Facility Administrator shall designate full time SART members to coordinate the after action response to an incident of sexual abuse. These SART responsibilities shall include, but are not limited to, the following:
 - a. Participating in the development of practices and/or procedures that encourage prevention of sexual abuse and enhance compliance with PREA National Standards;
 - b. Conducting the Post Incident Review and completing the 14-2F Sexual Abuse Incident Review Report;
 - c. Serving on the facility multi-disciplinary team responsible for developing treatment plans for Transgender inmates/detainees; and
 - d. Ensuring that follow-up Medical and mental health referrals have been completed.

M. RESPONSE PROCEDURES

1. When it is learned that an inmate/detainee is subject to a substantial risk of imminent sexual abuse, immediate action shall be taken to protect the inmate/detainee. **(115.62)**
2. Upon learning of sexual abuse, or an allegation of sexual abuse, the first security responder is required to complete the following:
 - a. Separate the alleged victim from the alleged abuser. When the alleged abuser is an inmate/detainee, he/she shall be secured in a single cell (if available) to facilitate the collection of evidence if required; **(115.64 (a) (1))**
 - b. Preserve and protect the crime scene until appropriate steps can be taken to collect evidence of the crime scene and any investigation; **(115. 64 (a) (2))**
 - c. Ensure that the alleged victim is taken to the facility Health Services Department; and
 - d. Notify the highest supervisory authority on-site.
3. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then shall notify security staff. **(115.64 (b))**
4. Following notification from first responders, the highest supervisory authority on-site shall ensure that the ADO, the PREA Compliance Manager, and Warden/Facility Administrator are immediately notified of the incident.
5. While in the Health Services Department, and if the abuse occurred within a time period that allows for collection of physical evidence, responding staff shall, to the best of their ability, request that the victim does not take any actions that could destroy physical evidence. This would include, as appropriate, washing, showering, removing clothing without medical supervision, urinating, defecating, smoking drinking, eating, or brushing his/her teeth. **(115.64 (a) (3))**
6. If the abuse occurred within a time period that allows for collection of physical evidence and when the alleged abuser is an inmate/detainee, staff shall ensure that the alleged abuser does not take any actions could destroy physical evidence. This would include as appropriate washing, showering, removing clothing without medical supervision, urinating, defecating, smoking drinking, eating, or brushing his/her teeth **(115.64 (a)(4))**

7. A supervisor shall attempt to obtain a brief statement from the alleged victim concerning the incident in order to obtain basic information regarding the location and time of the incident, identity of the alleged abuser, and any possible witnesses.
8. Supervisory responders shall attempt to locate and preserve any crime scene. These actions may include, but are not limited to, the following:
 - a. Sealing access to the immediate area of the scene, if possible;
 - b. Photographing the scene and visible evidence at the scene (e.g. tissue or blood); and
 - c. Securing and reviewing any available video footage of the affected area. Responders shall consult with local law enforcement to determine whether any gap between the alleged date of the incident and the reporting dates precludes the collection of physical evidence.
9. The Health Services Department is responsible for medical stabilization and assessment of the victim until transported to an outside medical provider, if medically indicated, or, for collection of evidence if requested by law enforcement for a potential criminal investigation. The Health Services Department shall provide services in accordance with CoreCivic Policy 13-79 Sexual Assault Response, unless otherwise mandated by contract. **(5-ACI-6C-14; 4-ALDF-22-6)**

AT THIS FACILITY, THE FOLLOWING CONTRACTING AGENCY POLICY IS REQUIRED IN LIEU OF CORECIVIC POLICY 13-79:

NONE

10. In cases of alleged sexual harassment, or where physical contact between the abuser and victim is not alleged, an escort to the Health Services Department for examination is not required.
11. Administrative Duty Officer (ADO) staff, the PREA Compliance Manager, Warden/Facility Administrator or designated on-site supervisory staff shall immediately report all allegations of sexual assault, sexual abuse or sexual harassment to a law enforcement agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior or the allegation would be not be considered a criminal act under federal, state, or local law **(115.22 (b)) FPBDS A.9.13**

IMMEDIATE NOTIFICATION AND DOCUMENTED PROOF OF NOTIFICATION IS MADE TO THE EXTERNAL REPORTING JURISDICTION, SUCH AS THE POLICE OR RAPE CRISIS CENTER. THIS DOES NOT INCLUDE INTERNAL OR CORPORATE AUTHORITIES. FPBDS B.6.4.c.8

- a. As found in the Definition section of this policy, allegations of sexual abuse that may include potentially criminal behavior include Sexual Abuse of an Inmate/Detainee by another Inmate/Detainee, sections one (1) through four (4), if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse. These allegations should be reported and referred for an investigation to local law enforcement **(115.6)**.
- b. As found in the Definition Section of this Policy, allegations of Sexual Abuse that may include potentially criminal behavior include Sexual Abuse of an Inmate/Detainee, by an Employee, Contractor or Volunteer sections one (1) through six (6), with or without the consent of the inmate/detainee. These allegations should be reported and referred for an investigation to local law enforcement. **(115.6)**
- c. Allegations of sexual abuse by voyeurism or display of uncovered genitalia as defined in Sexual Abuse of an Inmate/Detainee, by an Employee, Contractor or Civilian/Volunteer, sections seven (7) and eight (8) as well as allegations of sexual harassment as found in the definitions, shall be referred to law enforcement, unless the allegation does not involve potentially criminal behavior, or, the allegation would not be considered a criminal act under federal, state, or local law. **(115.6)**
- d. Consensual sex between two inmates/detainees does not fall under the definition of PREA, and does not require a notification to law enforcement or the completion of the 5-1 Incident Report.

- e. The ADO staff, PREA Compliance Manager, and/or Warden/Facility Administrator shall ensure that incident reports are completed documenting the incident, and that all referrals to law enforcement have been made in accordance with CoreCivic Policy 5-1 Incident Reporting.

AT THIS FACILITY, ALLEGATIONS OF SEXUAL ABUSE INVOLVING POTENTIALLY CRIMINAL BEHAVIOR ARE REPORTED TO THE FOLLOWING LAW ENFORCEMENT AGENCY(IES):

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

- f. If the alleged victim is under the age of 18 or is considered a vulnerable adult under a state or local vulnerable person's statute, the allegation shall be reported to the investigating entity responsible for criminal investigations and the contracting agency under applicable mandatory reporting laws. **(115.61 (d))**
12. Administrative Duty Officer (ADO) staff, the PREA Compliance Manager, Warden/Facility Administrator or designated on-site supervisory staff shall immediately report all allegations of sexual assault, sexual abuse, or sexual harassment, to the contracting agency or applicable contracting governmental agency

IN ORDER TO ESTABLISH A STRONG, EFFECTIVE REPORTING CULTURE AMONG STAFF AND ENSURE THE AGENCY AND FACILITY RECEIVE TIMELY INFORMATION ABOUT SEXUAL ASSAULT, SEXUAL ABUSE, SEXUAL HARASSMENT OR RETALIATION, AND STAFF NEGLECT OR VIOLATION OF RESPONSIBILITIES THAT MAY HAVE CONTRIBUTED TO AN INCIDENT OR RETALIATION, ALL ALLEGATIONS OF SEXUAL ASSAULT MUST RESULT IN IMMEDIATE NOTIFICATION OF THE AGENCY OF JURISDICTION WITHIN 24 HOURS OF THE INITIAL REPORT. FPBDS A.9.14. and B.6.4.c.7

AT THIS FACILITY, ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT ARE REPORTED TO THE FOLLOWING CONTRACTING AGENCY CONTACTS:

OMDC USMS CONTRACT SERVICE MONITOR

SAN DIEGO USM DISTRICT DEPUTY

13. The facility shall offer all victims of sexual abuse access to forensic medical exams, where evidentiary or medically appropriate. The PREA Compliance Manager, Facility Investigator or ADO shall consult with law enforcement prior to transporting an inmate/detainee for an examination to be performed by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE). If it is determined that an examination is necessary for the collection of evidence, then the facility shall transport the alleged victim. If a SAFE/ SANE provider is not available, the examination may be performed by other qualified medical practitioners. **(115.21 (d)) (5-ACI-6C-14; 4-ALDF-4D-22-6) FPBDS B.6.4.c**

AT THIS FACILITY, SAFE/SANE EXAMS ARE PROVIDED OR COORDINATED BY THE FOLLOWING:

PALOMAR HEALTH

14. As requested by the victim, either a victim advocate from a Rape Crisis Center, or a qualified community-based organization staff member, shall accompany and support the victim through the forensic medical examination process and investigatory interviews. Available victim advocacy services offered by a hospital conducting the exam may be used for this purpose. Efforts to identify and utilize a victim advocate shall be documented on the 14-2C Sexual Abuse Incident Check Sheet via the IRD. **(115.21 (e))**

AT THIS FACILITY, VICTIM ADVOCATES FOR A SAFE/SANE EXAM ARE PROVIDED AS FOLLOWS:

PALOMAR HEALTH

15. If unable to secure the services of a victim advocate to accompany the alleged victim to the SAFE/SANE exam, and if requested by the victim, the facility may use a qualified facility staff

member for this purpose. The staff member must have been screened by SART and the Warden/Facility Administrator/designee for appropriateness to serve in this role and must have received documented education concerning sexual assault and forensic examination issues. **(115.21 (h))**

16. Retaliation Monitoring

- a. ADO staff, or the Warden/Facility Administrator will determine, on a case-by-case basis, whether or not placement of a staff member in a non-contact role with the victim and/or other inmates/detainees is warranted. This determination will take into account the gravity and credibility of the allegations. **(115.67 (b))**
- b. Inmates/detainees and staff who report sexual abuse or sexual harassment (or cooperate with sexual abuse or sexual harassment investigations) shall be protected from retaliation by other inmates/detainees or staff. **(115.67 (a))**
 - i. For at least 90 days (30/60/90) following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates/detainees who reported sexual abuse and inmates/detainees who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation against them by inmates/detainees or staff. Monitoring shall be documented on the 14-2D PREA Retaliation Monitoring Report (30/60/90) or contracting agency equivalent form. **(115.67 (c))**
 - ii. The facility shall employ multiple protection measures to monitor retaliation against inmates/detainees including but are not limited to, (a) housing changes or transfers for inmate/detainee victims or abusers, (b) removal of alleged staff or inmate/detainee abusers from contact with victims, (c) emotional support services for inmates/detainees who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations, (d) periodic status checks, and (e) monitoring disciplinary reports, housing or program changes **(115.67 (b) (c) (d))**.

AT THIS FACILITY, THE POSITION THAT WILL SERVE AS THE DESIGNATED STAFF PERSON CONDUCTING INMATE/DETAINEE 30/60/90 DAY MONITORING IS:

PREVENTION OF SEXUAL ASSAULT COMPLIANCE MANAGER AND / OR THE MENTAL HEALTH SPECIALIST

- iii. Once an investigation into an allegation of sexual abuse is complete, the necessity of filing any inmate/detainee “incompatible” or “keep separate” notices between the victim and perpetrator will be evaluated, such that the victim and perpetrator or potential perpetrator are kept separate while housed at the CoreCivic facility or recommend a transfer to another facility. The predatory inmate/detainee shall be reclassified in accordance with the applicable classification procedures
- iv. For at least 90 days (30/60/90) following a report of *sexual abuse*, the agency shall monitor the conduct and treatment of staff who reported sexual abuse to see if there are changes that may suggest possible retaliation by inmates/detainees or other staff. Monitoring shall be documented on the 14-2D PREA Retaliation Monitoring Report (30/60/90) or contracting agency equivalent form. **(115.67 (c))**
- v. Retaliation Monitoring for staff shall include, but is not limited to, monitoring negative performance reviews, disciplinary reports, and reassignments. **(115.67 (c))**
- vi. Emotional support services may be provided for staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. **(115.67 (c))**

AT THIS FACILITY, THE POSITION THAT WILL SERVE AS THE DESIGNATED STAFF PERSON CONDUCTING STAFF 30/60/90 DAY MONITORING IS:

PREA COMPLIANCE MANAGER AND OR HUMAN RESOURCE MANAGER

- vii. Ninety (90) day retaliation monitoring for staff and inmates/detainees on the 14-2D form or contracting agency equivalent form is not required for allegations of sexual harassment. **(115.67 (c))** The facility shall consider on a case-by-case basis whether retaliation monitoring should be implemented for such allegations in order to protect staff or inmates/detainees
- viii. The facility shall continue such retaliation monitoring beyond 90 days if the initial monitoring indicates a continuing need. **(115.67 (d))**
- ix. The facility obligation to monitor retaliation for staff and inmates/detainees shall terminate if the facility determines that the allegation is unfounded **(115.67 (f))**
- x. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation. **(115.67 (e))**

17. Reporting to Other Confinement Facilities

- a. Upon receiving an allegation that a current inmate/detainee had been sexually abused while confined at another facility (e.g. state, federal, local, or other private operator) the following actions shall be taken:
 - i. The Warden/Facility Administrator of the facility that received the allegation shall notify the Warden/Facility Administrator or appropriate headquarters office of the facility or agency where the alleged abuse took place as soon as possible, but no later than 72 hours after receiving the allegation. **(115.63 (a) (b))**
 - ii. A copy of the statement of the inmate/detainee shall be forwarded to the appropriate official at the location where the incident was reported to have occurred.
 - iii. The facility shall document that it has provided such notification through the 5-1B Notice to Administration (NTA). **(115.63 (c))**
- b. Upon receiving notification from another facility that an incident/allegation of sexual abuse had occurred while the inmate/detainee was previously confined at the facility, the following actions shall be taken. **(115.63 (d))**
 - i. The facility shall record the name of the agency making the notification, and any information (names, dates, time) that may assist in determining whether an investigation was conducted. An inmate/detainee statement should be requested.
 - ii. If the allegation was reported and investigated in accordance with CoreCivic Policy and/or referred for criminal investigation if appropriate, the facility shall document the allegation, and that the allegation has already been addressed. Under this circumstance, further investigation and notification need not occur.
 - iii. If the allegation was not reported and/or not investigated, facility staff shall initiate reporting and investigation procedures in accordance with this policy. The incident shall be reported through the 5-1 IRD.

18. Preliminary Incident Review

- a. A preliminary telephonic review of all allegations of sexual abuse shall be conducted within 72 hours (excluding weekends and holidays) following reportable incidents of Employee-on-Inmate/Detainee Sexual Abuse and Inmate/Detainee-on-Inmate/Detainee Sexual Abuse. Upon receipt of the 5-1A Incident Report, the review will be convened by the FSC Manager of Operations Support assigned to the facility.

- i. For reports of Employee-on-Inmate/Detainee Sexual Abuse, required participants include:
 - Managing Director, Facility Operations, or designee;
 - FSC PREA Investigations Coordinator;
 - Warden/Facility Administrator;
 - Facility PREA Compliance Manager; and
 - Facility Investigator.
- ii. For reports of Inmate/Detainee-on-Inmate/Detainee Sexual Abuse, required participants include:
 - FSC PREA Investigations Coordinator;
 - Warden/Facility Administrator;
 - Facility PREA Compliance Manager; and
 - Facility Investigator.
- iii. Optional participants for the reviews include staff identified by the Warden/Facility Administrator, if their participation is necessary to provide specialized information to complete the review; and FSC PREA Committee Members.
- iv. Upon receipt of the electronic 5-1 Incident Report for allegations of Employee-on-Inmate/Detainee Sexual Harassment, and Inmate/Detainee-on-Inmate/Detainee Sexual Harassment, incidents in these categories will be reviewed online by, at a minimum, the following:
 - Warden/Facility Administrator,
 - FSC PREA Coordinator/designee,
 - Facility PREA Compliance Manager and
 - Facility Investigator.

These incidents do not require a telephonic review unless, in the judgement of the Warden/Facility Administrator or FSC PREA Coordinator, the details or nature of the incident require this level of review.
- v. At a minimum, the review shall include:
 - Discussion of the incident, and whether the incident response meets applicable standards;
 - Appropriate categorization of the incident report;
 - Completion of required notifications;
 - A request for law enforcement involvement (if appropriate);
 - Whether employee actions, or failures to act, contributed to the sexual abuse; and
 - Preliminary discussion as to whether the incident may be considered Substantiated, Unsubstantiated, Unfounded or will remain pending.

N. ADMINISTRATIVE INVESTIGATIONS

1. The Warden/Facility Administrator shall ensure that an administrative investigation and/or a referral for a criminal investigation, is completed for all allegations of sexual abuse and sexual harassment. **(115.22 (a)) (5-ACI-3D-11, 5-ACI-3D-14; 4-ALDF-4D-22-2) FPBDS A.9.12**
2. An administrative investigation into an allegation with potentially criminal behavior shall not be initiated by a facility investigator until the law enforcement agency responsible for conducting criminal investigations declines to accept the case or otherwise authorizes the facility to begin an administrative investigation. Administrative Investigations shall not interfere with criminal investigations being conducted by law enforcement and shall be coordinated with the investigative entity conducting that investigation.
3. All allegations of sexual abuse and sexual harassment shall be reported in the CoreCivic 5-1 Incident Reporting Database. If an inmate/detainee expresses verbally or in writing that an allegation is "PREA" the allegation should be reported, investigated, and documented in the 5-1.

- The facility shall not utilize a screening process to determine whether an allegation/incident is or is not a valid complaint under PREA before an investigation has been initiated.
4. Facility administrative investigations into allegations of sexual abuse and sexual harassment shall be done promptly, thoroughly and objectively for all allegations including third-party reports and anonymous reports. **(115.71 (a))**
 5. The facility shall use investigators for administrative investigations who have received special training in sexual abuse investigations pursuant to Standards **115.34** and **115.71(b)**.
 6. Administrative Investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. Such investigations shall be documented on the 5-1G Incident Investigation Report via the IRD and shall detail the following components: **(115.71 (f) (1) (2))**
 - a. Investigative facts (i.e. specific details about what actually happened);
 - b. Physical evidence (e.g. clothes collected, medical evidence, etc.);
 - c. Testimonial evidence (e.g. witness statements);
 - d. Reasoning behind credibility assessments (i.e. why is the person deemed credible or not credible);
 - e. Investigative findings (i.e. discovery or outcome of the investigation); and
 - f. An explanation as to how the conclusion of the investigation was reached the conclusion.
 7. The departure of the alleged abuser or victim from the employment or control of the facility shall not provide a basis for terminating an investigation. **(115.71 (j))**
 8. In any sexual abuse or sexual harassment investigation in which the facility is the primary investigating entity, the facility shall utilize a preponderance of the evidence standard for determining whether sexual abuse or sexual harassment has taken place. **(115.72)**
 9. The facility shall retain all case records into allegations of sexual abuse, including incident reports, inmate/detainee information, investigative reports, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. **(115.71 (i)) (5-ACI-3D-16) FPBDS B.6.4.d**

O. CRIMINAL INVESTIGATIONS

1. All allegations of sexual abuse or sexual harassment shall be referred for investigation to an agency or entity with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. **(115.22(b)) FPBDS A.9.12 & A.9.13**
2. Each CoreCivic facility shall enter, or attempt to enter, into a written Memorandum of Understanding (MOU) with an outside law enforcement agency or investigating entity, outlining the roles and responsibilities of both the facility and the investigating entity in conducting sexual abuse investigations.
3. If the contracting governmental agency utilizes an internal investigative process (e.g. a Department of Corrections Office of Inspector General) required by contract, statute, or regulation, that agency investigative process will be followed for allegations of sexual abuse.
4. CoreCivic facilities do not conduct criminal investigations into allegations of sexual abuse, however the facility shall request through the MOU that the investigating entity follow the requirements of sections O.4.a. through O.4.e. below and as detailed in section M.13.-M.15. of this policy:
 - a. The investigating entity shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. **(115.21 (a))**
 - b. The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011. **(115.21 (b))**

- c. The investigating agency shall offer all victims of sexual abuse access to forensic medical examinations, without financial cost, where medically appropriate or necessary for gathering evidence. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. **(115.21 (c)) (5-ACI-6C-14)**
- d. The investigating entity shall attempt to make available to the victim a victim advocate from a rape crisis center. **(115.21 (d))**
- e. As requested by the victim, a victim advocate, shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. **(115.21 (e))**
5. The facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation. **(115.71 (l))**
6. CoreCivic shall request that entities conducting criminal investigations include the following in their policy and procedures:
 - a. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. **(115.71 (c))**
 - b. When the quality of evidence appears to support criminal prosecution, the investigating entity shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution **(115.71 (d))**.
 - c. 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 inmate/detainee or staff. No agency shall require an inmate/detainee who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation. **(115.71 (e))**
 - d. 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. **(115.71 (j))**
 - e. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution **(115.71 (h))**.
 - f. 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. **(115.71 (g))**
 - g. The agency shall retain all investigative reports into allegations of sexual abuse for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. **(115.71 (i))**

P. POST INVESTIGATION REVIEW

1. The Warden/Facility Administrator will ensure that a post investigation review of a sexual abuse incident is conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. **(115.86 (a))**
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))**
3. Sexual Abuse Incident reviews review shall occur within 30 days of the conclusion of the investigation. The review team shall: **(115.86 (b))**
 - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; LGBTI and/or Gender Non-Conforming identification, status, or perceived status;

- or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - d. Assess the adequacy of staffing levels in that area during different shifts; and
 - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff. **(115.86 (d) (1-5))**
4. All findings and recommendations for improvement will be documented on the 14-2F Sexual Abuse Incident Review Report or required equivalent contracting agency form. Completed 14-2F forms will be forwarded to the Warden/Facility Administrator, the PREA Compliance Manager, and the FSC PREA Compliance Coordinator/designee. **(115.86 (d) (6))**
 5. The facility shall implement the recommendations for improvement or shall document reasons for not doing so. **(115.86 (e))**

Q. INCIDENT CLASSIFICATION

1. All allegations of sexual abuse and sexual harassment shall be reported in accordance with CoreCivic Policy 5-1 Incident Reporting. Following completion of the investigation, the allegation will be classified as follows:
 - a. Substantiated – An incident shall be classified as substantiated if the results of the investigation determine that the allegation did occur.
 - b. Unsubstantiated – An incident shall be classified as unsubstantiated if the results of the investigation determine that the evidence was insufficient to make a final determination of whether or not the allegation occurred.
 - c. Unfounded – An incident shall be classified as unfounded if the results of the investigation determine the allegation did not occur.
2. The Warden/Facility Administrator will determine the appropriate classification of the incident and ensure that the 5-1E PREA Reporting form (refer to CoreCivic Policy 5-1 Incident Reporting) is completed and maintained with the incident packet.

R. INMATE/DETAINEE NOTIFICATIONS

1. Following an investigation into an inmate/detainee's allegation that he/she suffered sexual abuse at the facility, the inmate/detainee shall be informed as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. If the facility did not conduct the investigation, the relevant information shall be requested from the outside investigating agency or entity in order to inform the inmate/detainee. **(115.73 (a) (b))**
2. Following an inmate/detainee's allegation that an employee has committed sexual abuse against the inmate/detainee, the facility shall subsequently inform the inmate/detainee (unless the facility has determined that the allegation is unfounded) whenever: **(115.73 (c) (1-4))**
 - a. The employee is no longer posted within the inmate/detainee's unit as a result of the findings of the investigation;
 - b. The employee is no longer employed at the facility as a result of the allegation;
 - c. The facility learns that the employee has been indicted on a charge related to sexual abuse within the facility; or
 - d. The facility learns that the employee has been convicted on a charge related to sexual abuse within the facility.
3. Following an inmate/detainee's allegation that he/she has been sexually abused by another inmate/detainee, the facility shall subsequently inform the alleged victim whenever:
 - a. The facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or

- b. The facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. **(115.73 (d) (1, 2))**
4. All inmate/detainee notifications or attempted notifications shall be documented on the 14-2E Inmate/Detainee Allegation Status Notification. The inmate/detainee shall sign the 14-2E Inmate/Detainee Allegation Status Notification, verifying that such notification has been received. The signed 14-2E Inmate/Detainee Allegation Status Notification shall be filed in the inmate/detainee's institutional file. **(115.73 (e))**
5. The facility obligation to notify the inmate/detainee as outlined in this section shall terminate if the inmate/detainee is released from CoreCivic custody. **(115.73 (f))**

S. DISCIPLINARY PROCEDURES

1. Inmate/Detainee Discipline

- a. Inmates/detainees shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate/detainee engaged in inmate/detainee-on-inmate/detainee sexual abuse or following a criminal finding of guilt for inmate/detainee-on-inmate/detainee sexual abuse. **(115.78 (a))**
- b. Because the burden of proof is substantially less in an inmate/detainee's disciplinary hearing than in a criminal prosecution, an inmate/detainee may be institutionally disciplined even though law enforcement officials decline to prosecute.
- c. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate/detainee's disciplinary history, and the sanctions imposed for comparable offenses by other inmates/detainees with similar histories. **(115.78 (b))**
- d. The disciplinary process shall consider whether an inmate/detainee's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed. **(115.78 (c))**
- e. An inmate/detainee may be disciplined for sexual conduct with an employee only upon a finding that the employee did not consent to such contact. **(115.78 (e))**
- f. Sexual activity between inmates/detainees is prohibited in all CoreCivic facilities, and inmates/detainees may be disciplined for such activity. Such activity shall not be deemed sexual abuse if it is determined that the activity is not coerced. **(115.78 (g))**
- g. Inmates/detainees who deliberately allege false claims of sexual abuse may be disciplined. For the purposes of a 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 or lying even if the investigation does not establish evidence sufficient to substantiate the allegation. **(115.78 (f))**
- h. The Warden/Facility Administrator or designee shall contact law enforcement to determine if a deliberately false accusation may be referred for prosecution.
- i. 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 alleged perpetrator to participate in such interventions as a condition of access to programming or other benefits. **(115.78 (d))**

2. Staff Discipline

- a. Employees shall be subject to disciplinary sanctions up to and including termination for violating CoreCivic sexual abuse or sexual harassment policies. **(115.76 (a))**
- b. Termination shall be the presumptive disciplinary sanction for employees who have engaged in sexual abuse. **(115.76 (b))**
- c. Disciplinary sanctions for employee violations of CoreCivic policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the employee's disciplinary history, and the sanctions imposed for comparable offenses by other employees with similar histories. **(115.76 (c))**

- d. All employee terminations for violations of CoreCivic sexual abuse or sexual harassment policies, or resignations by employees 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. **(115.76 (d))**
- e. Any volunteer or contractor who engages in sexual abuse shall be prohibited from contact with inmates/detainees and shall be reported to law enforcement agencies and to any relevant licensing body. **(115.77 (a))**
- f. Any other violation of CoreCivic sexual abuse or sexual harassment policies by a contractor or volunteer will result in appropriate corrective action up to and including restricting contact with inmates/detainees and removal from the facility. **(115.77 (b))**
- g. Neither CoreCivic, nor any other entity responsible for collective bargaining on CoreCivic's behalf, shall enter into or renew any collective bargaining agreement or other agreement that limits the company's ability to remove alleged employee sexual abusers from contact with any inmates/detainees pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. **(115.66 (a))**
- h. Nothing in this requirement shall restrict the entering into or renewal of agreements that govern:
 - i. The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions outlined above in and a preponderance of the evidence in determining whether sexual abuse or sexual harassment are substantiated. **(115.66 (b) (1))**
 - ii. Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the employee's personnel file following a determination that the allegation of sexual abuse is not substantiated. **(115.66 (b) (2))**

T. COLLECTION AND USE OF DATA

- 1. CoreCivic shall collect accurate and uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. Each facility will ensure that incidents of sexual abuse are entered into the IRD as required by CoreCivic Policy 5-1 Incident Reporting and 5-1BB PREA 5-1 IRD Incident Reporting Definitions. **(115.87 (a) (115.87 (e))**
- 2. CoreCivic shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. **(115.87 (d))**
- 3. The incident-based sexual abuse data shall be aggregated annually and shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Victimization conducted by the Department of Justice. Upon request, CoreCivic shall provide all such data from the previous calendar year to the Department of Justice no later than June 30th or at a date requested by that Department. **(115.87 (b) (c); 115.87 (f))**
- 4. The FSC PREA Coordinator shall review all aggregated sexual abuse data collected in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, to include Identifying problem areas and taking corrective action on an ongoing basis. **(115.88 (a))**
- 5. CoreCivic will prepare an annual report of findings and corrective actions. Such report shall include a comparison of the current year's aggregated data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse. **(115.88 (a) (3) (115.88 (b))**
- 6. Specific material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of a facility, but the nature of the material redacted must be indicated. **(115.88 (d))**
- 7. Before making aggregated sexual abuse data publicly available, CoreCivic shall remove all personal identifiers. **(115.89 (c))**

8. The CoreCivic Annual report shall be approved by the company Chief Corrections Officer and made available to the public through the CoreCivic website. **(115.88 (c) 115.89 (b))**
9. Any requests for information from an outside agency or entity (excluding the contracting governmental correctional agency) regarding incidents of sexual abuse/harassment shall be forwarded to and reviewed by the FSC General Counsel or designee, and the FSC PREA Coordinator, prior to sending the response to the requesting entity.
10. The agency shall maintain sexual abuse data collected pursuant to 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise. **(115.89 (d))**
11. All case records associated with claims of sexual abuse, including incident reports, investigative reports, inmate/detainee information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be retained in accordance with CoreCivic Policy 1-15 Retention of Records. **(115.87 (d); 115.89 (a)) (5-ACI-3D-16; 4-ALDF-4D-22-8)**

U. AUDITS

1. The FSC Quality Assurance Department shall conduct an annual internal audit of all CoreCivic facilities to ensure compliance with this policy and the PREA National Standards.
2. Each CoreCivic facility shall be audited at least once in each PREA Audit cycle by a certified PREA Auditor external to CoreCivic to ensure compliance with the PREA National Standards. The FSC PREA Coordinator shall coordinate and schedule all external audits **(115.401 (a) (b))**.
3. PREA Audits shall be conducted by certified United States Department of Justice PREA Auditors. All auditors must be in good standing with the Department of Justice and must have completed all DOJ Auditor training and background investigation requirements. **(115.402 (b))**
4. Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his/her ability to conduct an audit of CoreCivic **(115.403 (a))**.
5. No audit may be conducted by an auditor who has received financial compensation from CoreCivic (except for compensation received for conducting prior PREA National Standards audits) within the three years prior to CoreCivic's retention of the auditor. **(115. 402 (c))**
6. CoreCivic will not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the company's retention of the auditor, with the exception of contracting for subsequent PREA Standards audits. **(115. 402 (d))**
7. PREA Auditors conducting a PREA Audit at a CoreCivic facility shall be authorized to:
 - a. Have access to, and observe, all areas of the facility; **(115.401 (h))**
 - b. Request and receive copies of any relevant documents (including electronically-stored information); **(115.401 (i))**
 - c. Conduct private interviews with inmates/detainees; and **(115.401 (m))**
 - d. Receive confidential information or correspondence sent by inmates/detainees in the same manner as if the inmates/detainees were communicating with legal counsel **(115.401 (o))**.

REVIEW:

This policy will be reviewed annually by the Senior Director, PREA Compliance and Programs, or a qualified designee.

APPLICABILITY:

All CoreCivic Safety Facilities that fall under United States Department of Justice PREA Standards **and** are not required to follow a contracting agency PREA policy

APPENDICES:

14-2AA Preventing Sexual Abuse and Misconduct Brochure (English and Spanish)
5-1BB PREA 5-1 IRD Incident Reporting Definitions

AT OTAY MESA DETENTION CENTER, THE FOLLOWING ADDITIONAL APPENDIX IS REQUIRED BY THE U.S. MARSHALS SERVICE:

PRISONER RAPE ELIMINATION ACT – REPORTING INFORMATION (BULLETIN)

ATTACHMENTS:

14-2A PREA Training Acknowledgment
14-2A1 PREA Training Acknowledgment for Specialty Training
14-2B Sexual Abuse Screening Tool
14-2C Sexual Abuse Incident Check Sheet
14-2D PREA Retaliation Monitoring Report (30/60/90)
14-2E Inmate/Detainee Allegation Status Notification
14-2F Sexual Abuse Incident Review Report
14-2H Self-Declaration of Sexual Abuse/Sexual Harassment
14-2I Annual PREA Staffing Plan Assessment
14-2J CoreCivic Zero Tolerance Policy Acknowledgment
14-2K PREA Overview: Training for Contractors and Volunteers
3-20-2B PREA Questionnaire for Prior Institutional Employers
5-1B Notice to Administration
5-1E PREA Reporting
7-1B PREA Physical Plant Considerations

REFERENCES:

CoreCivic Policy 1-15 Retention of Records
CoreCivic Policy 4-2 Maintenance of Training Records
CoreCivic Policy 5-1 Incident Reporting
CoreCivic Policy 7-1 Record Drawings and Alterations/Additions
CoreCivic Policy 13-79 Sexual Assault Response

Prison Rape Elimination Act of 2003 42 USC 15607

Prison Rape Elimination Act Prison and Jail Standards – United States Department of Justice Final Rule National Standards to Prevent, Detect, and Respond to Prison Rape, Title 28 of the Code of Federal Regulations, Part 115 May 17, 2012

Bureau of Justice Statistics (BJS) Survey of Sexual Violence (SSV)

U.S. Department of Justice Office on Violence Against Women “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,”

Federal Performance Based Detention Standards (FPBDS) Revised December 2021

A.4.5.j.-A.4.5.m

A.4.6.

A.8.1.

A.8.2.

A.9.9.

A.9.11.- A.9.14.

B.2.7.a.8.

B.2.7.a.9.

B.3.5.a.4.

B.6.4.a- B.6.4.d.

E.7.6.

American Correctional Association (ACA) Standards for Adult Correctional Institutions (ACI) and Adult Local Detention Facilities (ALDF):

5-ACI-1C-09 (4-4056)

5-ACI-1D-10 (4-4082)

5-ACI-1D-12 (4-4084)

5-ACI-1D-13 (4-4084-1)
5-ACI-2C-02 (4-4133)
5-ACI-2C-03 (4-4134)
5-ACI-3D-04 (4-4277)
5-ACI-3D-05 (4-4278)
5-ACI-3D-09 (4-4281-1)
5-ACI-3D-10 (4-4281-2)
5-ACI-3D-11 (4-4281-3)
5-ACI-3D-12 (4-4281-4)
5-ACI-3D-13 (4-4281-5)
5-ACI-3D-14 (4-4281-6)
5-ACI-3D-15 (4-4281-7)
5-ACI-3D-16 (4-4281-8)
5-ACI-6C-14 (4-4406)
4-ALDF-2A-29
4-ALDF-4D-22-1 through 8
4-ALDF-6B-02
4-ALDF-7B-10
4-ALDF-7B-10-1

2021 FEDERAL PERFORMANCE-BASED DETENTION STANDARDS (FPBDS)