

# Beaver County Jail Policy and Procedures

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revised 11/2015

Section: Medical and Health Services

Chapter:

Subject: Investigation of Sexual Assault/Sexual Abuse

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- I. **Policy:** The Beaver County Jail upon receiving notification of a sexual assault or abuse whether of an inmate, staff member, contractor or visitor; occurring in n the facility shall contact the County Detectives PREA Investigation Unit. This Facility will work with this Agency staying informed of the investigation process.
  
- II. **Procedures:** The alleged victim & abuser must be separated immediately, in order to collect evidence. Appropriate steps will be taken to protect and preserve the crime scene. A request will be made to the alleged victim not to take any action that could destroy physical evidence, while ensuring the alleged victim is not permitted to do the same.

The Shift Supervisor will notify **a member of our PREA trained Medical Staff, and have the victim transported** as soon as possible to the Medical Department. Any physical markings found or evidence present in the Area where the assault occurred will be photographed immediately by Staff.

The Warden, PREA **Compliance Manager** and County Detective PREA Investigation Unit will be notified. The Sheriff Department will be contacted for transport to Hospital for Rape kit to be completed and the Hospital will be notified to have their Forensic Nurse on standby.

Even if blood splattered or torn; all clothing of the victim must be left on and an additional outfit (*change of clothes*), will accompany the victim to the Hospital. The Forensic Nurse will check clothing and then chain of custody these clothing as evidence to the County Detective, after the examination of the clothing is complete. The County Detective will notify a representative of the Women's Center to meet the victim at the Hospital.

While maintaining dignity and confidentiality to the victim, this Facility will afford them with all the needed medical treatment and any Mental Health follow-ups, consistent to that provided to the Community.

For an assault that is reported and no time period can be established on when the incident took place, the Shift Supervisor will contact the Medical Department and if any physical injuries are present they shall be photographed by Staff.

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If this victim had vaginal, oral or anal penetration within the last 72 hours; the Warden, PREA **Compliance Manager** and County Detective PREA Investigation Unit will be notified immediately. The victim will be transported to the Hospital where they will be examined by the Forensic Nurse and a rape kit will be collected. The County Detective will notify a representative of the Women's Center to meet the victim at the Hospital.

This victim while maintaining dignity and confidentiality will also be afforded all the needed medical treatment and any Mental Health follow-ups, consistent to that provided to the Community. An Advocate from the Women's Center will be present during the examination, any interviews of the victim and assist with the providing of crisis intervention counseling and any other special need Services. Interviews for the victim will be conducted at a location off-site the Facility. If the victim was being housed in this Facility for another Institution and/ or Agency, that Institution and/or Agency will be notified of the incident immediately.

- III. **General Information:** If the alleged perpetrator or victim is a Staff member; who chooses to resigns during the investigation, this action doesn't close the Case. Nor if the victim is an inmate who is released to transfers to another Facility. The Investigation will continue and if substantiated Charges will be filed. The County Detective PREA Investigative Unit will submit a copy of their findings to the Warden **and the Prison Board** which will be used as part of the information submitted to the Captain in the monthly EOR and to the US Department of Justice. Inmates will be sanctioned to a Formal Disciplinary process following an Administrative findings or a Criminal finding of guilt that the inmate had engaged in "inmate on inmate" sexual abuse.

***The degree of the sanction shall be measured by:***

- 1) The nature and circumstances of the abuse committed.
- 2) The Inmates disciplinary history
- 3) Comparable offenses by other inmates with similar histories

The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to the behavior when deciding what type if any sanctions should be imposed. The Agency may discipline an inmate for sexual contact with staff **only upon a finding that the staff member did not consent to such contact** An agency may at its discretion prohibit all sexual activity between inmates and may discipline for such activity. *This activity may not however be deemed as sexual abuse if it is determined that the activity is not coerced.*

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Staff is subject to disciplinary sanctions up to and including termination for violating agency Sexual Abuse or Harassment policies. Termination will be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.

***Other than actual sexual abuse the degree of the sanction shall be measured by:***

- 1) The nature and circumstances of the act committed.
- 2) The staff members disciplinary history
- 3) Comparable offenses by other staff with similar histories

For at least 90 days after an Inmate or Staff member reports a Sexual Abuse or Harassment, the Coordinator will monitor the conduct and treatment of the Inmate or Staff that made the report or is assisting in the Investigation and the Victim. If there are changes that may suggest possible retaliation it will be remedied promptly. Protection from retaliation shall also be provided for anyone who cooperates with an investigation and expresses fear of retaliation.

Inmates may be disciplined if it is found that the grievance filed for the allegations were filed in bad faith. No contractual limitations can be placed on a Facility's ability to remove staff sexual abusers contact with any inmate pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. **Records of Reports and Investigations will be retained for seven (7) years following a victims release or death**

**IV. Source:** PA Title 37 Chapter 95.221(6 & (9) & 246(2), PREA 28 CFR § 115.21, 115.22, 115.63, 115.67, 115.71, 115.72a-1, 115.78.1 115.86a1, the County of Beaver (also refer to Policy 1.12). **28PA Code Section 211.5C**

**V. Definitions:** *Refer to Glossary*

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Warden Schouppe

*Refer to Annual Review Page for Revisions & Reviews*

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