

**EL PASO COUNTY SHERIFF'S OFFICE  
DETENTION BUREAU  
STANDARD OPERATING PROCEDURES MANUAL**

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<i>Chapter:</i> IV. <i>Subject:</i> PREA - Reporting, Response and Investigation		
<i>ACA Standard/s:</i> 4-ALDF-4D-22-2, 4-ALDF-4D-22-6, 4-ALDF-4D-22-7 <i>NCCHC:</i> J-B-04, J-B-05 <i>PREA:</i> 115.16, 115.21, 115.22, 115.34, 115.51, 115.61, 115.62, 115.63, 115.64, 115.65, 115.67, 115.68, 115.73, 115.78, 115.81, 115.82		
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- I. POLICY:** The El Paso County Sheriff's Office Detention Bureau has a zero-tolerance policy relating to sexually abusive behavior and sexual assault. In addition, the Detention Bureau shall ensure actions taken in response to an incident of sexual abuse are coordinated among staff first responders, medical and mental health practitioners, investigators and chain of command (**115.65**). Inmates who are victims of sexual abuse/assault will have the option to report the incident to a designated staff member other than an immediate point-of-contact line officer [**4-ALDF-4D-22-7**]. Inmates may also report abuse or harassment to outside organizations which are able to receive and forward inmate reports of sexual abuse and/or harassment. It is the policy to fully investigate and aggressively prosecute those who are involved in such conduct. An investigation will be conducted and documented whenever a sexual assault or threat is reported [**4-ALDF-4D-22-2**]. Victims of sexual assault will be referred under appropriate security provisions to a community facility for treatment and gathering of evidence (**115.21**). In all cases, the Health Services Administrator will (1) make provisions for any required prophylactic treatment and follow-up testing for sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis); and (2) following the physical examination, there is availability of an evaluation by a mental health professional to assess the need for crisis intervention counseling and long-term follow-up [**4-ALDF-4D-22-6**] (**J-B-05**). The medical and psychological trauma of a sexual abuse will be minimized as much as possible by prompt and appropriate health intervention (**J-B-05**).
- II. OBJECTIVES:** To provide the procedures to help identify, monitor and counsel inmates that have a high propensity for sexual assaults or sexual victimization, and to ensure that all staff members and inmates are trained to recognize such behaviors, take appropriate action and follow through with any criminal prosecution deemed appropriate. Meet all requirements of the 2003 Prison Rape Elimination Act (**J-B-04**).
- III. DEFINITIONS:**
- A. CARNAL KNOWLEDGE: Contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight. (Prison Rape Elimination Act, 2003)
- B. COUNSELING: Planned use of interpersonal relationships to promote social adjustment. Counseling programs provide opportunities to express feelings verbally with the goal of resolving the individual's problems. At least three types of counseling may be provided: individual (a one-to-one relationship), small-group counseling, and large-group counseling in a living unit. (ACA)
- C. CRIMINAL JUSTICE FACILITY: A correctional facility, as defined in section 17-1-102 (1, 7), C.R.S, operated by or under contract with the department of corrections or a jail. (CRS 17-1-102)

- D. INMATE: Any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program. (EPSO)
- E. ORAL SODOMY: Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus. (Prison Rape Elimination Act, 2003)
- F. RAPE: The carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will; the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury. (Prison Rape Elimination Act, 2003)
- G. SPECIAL MANAGEMENT INMATES: Individuals whose behavior presents a serious threat to the safety and security of the facility, staff, general inmate population, or themselves. Special handling and/or housing is required to regulate their behavior. (ACA)
- H. SEXUAL ASSAULT: A sexual act that is coercive or assaultive in nature and involves the use or the threat of force. (NCCHC)
- I. SEXUAL ABUSE: Active or passive contact or fondling between his/her genitals, hands, mouth, buttocks, anus, breast and the genitals, hands, mouth, buttocks, anus or breast of another person who expressed or implied consent to the accused offender's conduct. Contact can be with or without clothing being worn by one or both parties. Or, displays his/her anus/genitals or breasts (female) to another person, regardless of the other party's expressed or implied consent to the accused offender's conduct. Or, masturbates in the presence or direct vision of another person regardless of the other party's expressed or implied consent to the offender's conduct. (EPSO)
- J. SEXUAL ASSAULT WITH AN OBJECT: The use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person. (Prison Rape Elimination Act, 2003)
- K. SEXUAL ASSAULT/RAPE VICTIM: A person who reports having, or is known to have, been subjected to sexual victimization (i.e. sexual abuse, rape, or misconduct), or is identified through an evaluation/assessment process as having the potential for being sexually victimized(i.e. transsexual male). (EPSO)
- L. SEXUAL CONDUCT IN PENAL INSTITUTIONS: The act of any employee, contract employee, or volunteer or individual who performs work for the El Paso County Sheriff's Office Detention Bureau facilities that involves sexual misconduct with an offender under the supervision of the El Paso County Sheriff's Office, pursuant to CRS 18.7.701. (EPSO)
- M. SEXUAL HARASSMENT: Offender subjects another person to verbal or written statements or gestures of a sexual nature and he/she uses obscene or profane language; makes demeaning references to gender or derogatory comments about body or clothing; makes sexually harassing gestures, threats, requests for sexual acts, or attempts to commit acts. Or, invades the privacy of another for the purpose of sexual gratification to include any behavior of a sexual or romantic nature whether verbal or nonverbal. (EPSO)
- N. SEXUAL FONDLING: The touching of the private body parts of another person, including the genitalia, anus, groin, breast, inner thigh, or buttocks, for the purpose of sexual gratification. (Prison Rape Elimination Act, 2003)
- O. SEXUAL MISCONDUCT: Any behavior or act of a sexual nature directed toward anyone by another person. Sexual misconduct includes, but is not limited to, acts, threats, or requests for sexual acts or attempts to commit acts such as sexual harassment; sexual contact; obscenity; behavior of a sexual nature or implication of the same; inappropriate sexual comments; taking or soliciting photographs/pictures of a person's nude breasts, genitalia or buttocks; indecent exposure; invasion of privacy for sexual gratification; sexually harassing comments or language; inappropriate touching or incidents of intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks or other body parts with the intent to abuse, arouse, or gratify sexual desire; or incidents of indecent

exposure of breasts, genital areas, or other body parts, even with consent. Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification. (EPSO)

- P. SEXUAL PREDATOR/SEXUALLY ASSAULTIVE BEHAVIOR: An offender who has been convicted in a criminal proceeding or in an administrative proceeding for an act of sexual assault/rape committed while in custody in an institutional setting, an offender who is identified as such through the administrative review process, or an offender who is identified as a sexually violent predator pursuant to C.R.S. 18-3-414.5 or an administrative override. (EPSO)

#### IV. PROCEDURES:

##### A. INMATE REPORTING OF SEXUAL ASSAULT/ABUSE/MISCONDUCT (115.51, 115.63, 115.78):

1. In addition to Detention Bureau staff directly observing a sexual assault/abuse/misconduct, the inmates have many ways in which to report sexual abuse and harassment, retaliation by other inmates or staff for reporting, and staff neglect or violation of responsibility which may have contributed to such incidents. For example:
  - a. In writing or verbally to any staff member
  - b. Enter request in the kiosk system sent to any staff member requesting an interview
  - c. U.S. mail to the Detention Bureau Chief, a Detention Bureau Commander, Detentions Investigation Team Lieutenant or the El Paso County Sheriff's Office Internal Affairs Section
  - d. Utilization of the inmate CRIME TIPS LINE, Number 719-520-7095
  - e. Rumored by other inmates
2. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief the alleged conduct occurred shall not constitute false reporting an incident or lying, even if the investigation does not establish evidence sufficient to substantiate the allegation **(115.78)**.
3. Reporting to other confinement facilities **(115.63)**:
  - a. When our office is informed of an allegation that an inmate was sexually abused while confined at another facility, the following actions will be taken:
    - 1) The Detention Bureau Chief will be notified of the allegation. The notification will include the following information:
      - a) The name and location and contact information of the head of the facility where the alleged abuse occurred.
      - b) The approximate dates the abuse occurred.
    - 2) The Detention Bureau Chief will notify the head of the facility where the alleged abuse occurred (Form DB044) as soon as possible, but no later than 72 hours after receiving the allegation.
    - 3) The notification of the other agency will be documented and the documentation maintained in accordance with the State of Colorado records retention schedule. The documentation can be held electronically.

##### B. INVESTIGATION OF SEXUAL ASSAULT/ABUSE/MISCONDUCT (115.22, 115.65):

1. Any staff member, including volunteers and contractors, that receives a report of a sexual assault/abuse/misconduct or possible sexual assault/abuse/misconduct, and/or retaliation for reporting such allegation, whether verbally, in writing, through the CRIME TIPS LINE, or through rumor shall immediately notify their Chain of Command and the on duty Detention Bureau Security Division Watch Commander **(115.51, 115.61)**.
2. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18 **(115.61, 115.81)**.
3. Upon receiving an allegation that an inmate was sexually abused while confined at another facility see IV, A, 3 above.

4. Staff shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties, or the investigation of inmate allegations **(115.16)**.
5. Security Division Watch Commander or Designee **(115.21, 115.22, 115.62, 115.64, 115.68)**:
  - a. Will ensure that the alleged victim/inmate and aggressor are physically separated, either through the placement of one or both inmates in segregation or some other effective means **(J-B-05)**. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
  - b. Will notify the Inmate programs Lieutenant or, in his absence, a Detention Investigations Team member.
  - c. Notify their Chain of Command and report as a Commander Incident Report (Blue Sheet).
  - d. Initiate an Incident Report in Beacon.
  - e. If the alleged sexual assault/abuse/misconduct is reported or discovered within 72 hours of the incident, the following steps (in addition to a, b, and c above), shall be directed by the Security Division Watch Commander:
    - 1) Take all reasonable measures to ensure the alleged victim/alleged abuser are not allowed to take any actions that could destroy physical evidence such as showering or otherwise cleaning themselves, brushing teeth, changing clothes, urinating, defecating, drinking, eating or otherwise taking any action that could damage or destroy evidence.
    - 2) Alert Medical Unit Charge Nurse to prepare/make arrangements to have the inmate/victim referred to a community facility for treatment and gathering of evidence. When the alleged victim returns from the emergency room, he/she shall be placed in a safe cell located in the Medical Unit or another designated safe cell, until released by the Mental Health staff.
    - 3) In preparation of transporting the inmate/victim to the hospital, the inmate shall be provided a change of clothing and instructed to undress over a clean sheet, in order to collect any potential forensic evidence that may fall from their person. The sheet along with the inmate's clothing shall be collected and processed as evidence in accordance with El Paso County Sheriff's Office Policy.
    - 4) Make a determination, based upon the amount of time that has passed since the alleged incident and the possibility of evidence still existing, as to whether the alleged aggressor, if known, should be placed in a dry cell to preserve forensic evidence. If the alleged aggressor is placed in a dry cell for the purpose of preserving forensic evidence, the inmate shall be strip searched and all possessions taken from him/her and provided a paper gown. The alleged aggressor shall be held in segregation under investigation until the investigation is complete, unless other circumstances require the transfer of the alleged aggressor to a new location. Again, during the course of the investigation, the alleged victim and alleged aggressor shall remain separated **(J-B-05)**.
    - 5) Make a determination, based upon the amount of time that has passed since the alleged incident and other factors, whether there is a possibility of evidence still existing at the crime scene. If it is determined that evidence may still exist and it is possible, the crime scene shall be secured and any potential evidence shall remain in place for examination and investigation by either the Detention Investigations Team or the Law Enforcement Bureau Investigations Division as approved/coordinated by the Bureau Chief **(115.21)**.
      - a) A Crime Scene Log will be maintained and, if possible, anyone entering the crime scene should be videotaped as additional documentation.
      - b) The area shall remain secured as a crime scene until released by the Lead Investigator assigned to investigate the incident.
    - 6) Forensic evidence collected by the hospital will only be released to a confirmed member of the investigative team assigned to investigate the incident **(115.21)**. If the alleged sexual assault/abuse/misconduct is reported or discovered 72 or more hours in the past, the following steps (in addition to a, b, and c above), shall be directed by the Security Division Watch Commander. The area shall remain secured as a crime scene until released by the investigative unit.
    - 7) Place the alleged victim in an individual cell, such as in the Medical Unit or segregation.
    - 8) Place the alleged aggressor, if known, in segregation under investigation.
    - 9) Alert Medical of the possibility of sending the victim out to a community hospital for treatment and gathering of evidence.
    - 10) Assign a Detention Security Deputy or Deputies to conduct initial interviews and a preliminary investigation.

6. Formal Investigation: The Detention Bureau Chief will direct the Detention Bureau Operations Commander to investigate the alleged incident utilizing the Detention Investigation Team or will request support from the Law Enforcement Bureau Chief for use of the Investigations Division resources (**115.34, 115.61**).
  7. Following an inmate's allegation he or she has been sexually abused by another inmate, the inmate victim shall be informed whenever (**115.73**):
    - a. Facility staff learns the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
    - b. Facility staff learns the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
    - c. All notifications and attempted notifications will be documented.
  8. Following an inmate's allegation a staff member has committed sexual abuse against the inmate, and unless it has been determined the allegation is unfounded, the inmate shall be informed whenever (**115.73**):
    - a. The staff member is no longer posted within the inmate's unit;
    - b. The staff member is no longer employed at the facility;
    - c. The agency learns the staff member has been indicted on a charge related to sexual abuse within the facility; or
    - d. The agency learns the staff member has been convicted on a charge related to sexual abuse specific to the incident within the facility.
  9. Protection Against Retaliation (115.67): For at least 180 days following a report of sexual abuse, Inmate Classification will monitor the conduct and treatment of the inmate(s) who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation.
    - a. Inmate Classification will monitor any and all of the inmate's incident reports, housing, and program changes.
    - b. Inmate Classification will continue such monitoring beyond the 180 days if the initial monitoring indicates a continuing need.
    - c. The monitoring will stop upon the inmate's release, or if the report of sexual abuse is unfounded.
- C. MEDICAL/MENTAL HEALTH REFERRAL AND TREATMENT (115.21, 115.82): Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
1. Health Service Administrator—Initial Response to Inmate/Victim:
    - a. Refer all such cases to a community facility for treatment and gathering of evidence. **NOTE**: Referral to a medical facility with an available Sexual Assault Nurse Examiner (SANE) is preferred to ensure proper procedures are followed for the collection of evidence (**J-B-05**)(**115.21**).
    - b. Facilitate the transfer of the victim and flow of information to the community facility.
      - 1) Talk with the victim about his/her injuries, assess his/her emotional response, and explain that a complete examination will be performed at a community hospital.
      - 2) Notify the Floor Security Unit Sergeant that a transport to a hospital emergency room is required.
      - 3) Prepare any required documentation to be hand carried by the deputy transporting the inmate to the hospital.
      - 4) Contact the hospital emergency room to inform them of the incident, the nature of the suspected assault/abuse, the condition of the victim, and give a short medical history of the inmate.
      - 5) Make appropriate progress notes in the inmate's Medical Record.
    - c. The Detention Bureau Medical/Mental Health staff will NOT participate in the collection of any evidence from either the victim or the alleged perpetrator of the sexual assault/abuse/misconduct. All medical evidence collection will be accomplished by the community facility.
    - d. Should a member of the Medical Unit Staff need to provide emergency treatment, such as first aid, the member will be mindful of the need to preserve evidence.
    - e. Prior to the end of shift, the Charge Nurse will complete a Supplemental to the Incident Report.

2. Health Service Administrator/Designee—Inmate/Victim Return to Facility (115.21, 115.82):
  - a. Provide or make arrangements for any treatment needed following a physician's order or medical protocol. Inmate victims of sexual abuse while incarcerated shall be offered timely information about, and timely access to, emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. NOTE: Emergency Room treatment should include (1) Prophylactic treatment and follow-up care for sexually transmitted and or communicable disease; and (2) Testing for HIV and hepatitis, inclusive of counseling related to same (**J-B-05**). However, if it is determined that these treatments/testing did not occur, the Health Service Administrator Designee will arrange for such treatment/testing.
  - b. Notify Mental Health Director or on-call Mental Health staff.
  - c. House the inmate in the Medical Unit until assessed by a member of the Mental Health Staff and reassigned in coordination with the Mental Health Director/Staff and Inmate Classification.
  - d. Arrange for follow-up care as indicated by physician's order or protocol by completing a Sick Call Request in the inmate's electronic record.
  - e. Monitor the inmate's physical responses as required by physician orders or medical protocol.
3. Mental Health Director Designee—Inmate/Victim Return to Facility (115.21):
  - a. Initial triage of the inmate's Mental Health needs will occur at the community facility as an integral part of the meeting the inmate's needs. Criminal Justice Center Mental Health staff will conduct an evaluation for crisis intervention counseling and long-term follow-up, within 24 hours of the inmate's return (**J-B-05**).
  - b. Continually monitor inmate's emotional responses during the remainder of his/her incarceration.
  - c. Coordinate with Inmate Classification to determine appropriate housing.
4. Medical/Mental Health Staff—Inmate/Perpetrator:
  - a. Will not interview the alleged perpetrator unless notified of physical injuries.
  - b. Any on-site emergency medical treatment will be provided in a manner to ensure the preservation of any evidence and the privacy of the alleged victim.
  - c. Provide the alleged sexual assault/abuse/misconduct perpetrator with information on potential infectious disease exposure.