

Date: February 18, 2016

Management and Control

Applicable Standards: PREA 115.211, 115.221, 115.222, 115.234, 115.253, 115.261, 115.263, 115.264, 115.265, 115.271, 115.282, 115.283, 115.286, 115.289

Policy

Client on client or staff and client sexual assault, sexual abuse, and/or sexual relationships will not be tolerated. Clients will be free from fear of sexual assault and if a report of sexual assault is made, it will be investigated thoroughly and with respect to the client's safety, dignity, and privacy.

Procedure

- I. *Sexual abuse* includes—
 - A. Sexual abuse of a client by another client; and
 - B. Sexual abuse of a client by a staff member, contractor, or volunteer.
- II. Sexual abuse of a client by another client includes 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:
 - A. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - B. Contact between the mouth and the penis, vulva, or anus;
 - C. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - D. 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.
- III. Sexual abuse of a client by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the resident:
 - A. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - B. Contact between the mouth and the penis, vulva, or anus;
 - C. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- D. 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 staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - E. 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 staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - F. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
 - G. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
 - H. Voyeurism by a staff member, contractor, or volunteer.
 - i. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.
- IV. Sexual harassment includes—
- A. 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, or resident directed toward another; and
 - B. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- V. Upon arrival, all clients will receive an informational handout on sexual assault/abuse prevention, awareness, and reporting. Clients sign off acknowledging receipt of this information.
- VI. Prior to and upon arrival, staff should evaluate client's potential for victimization including: any known history of victimization, transgender, transsexual or homosexual behaviors, small in stature/size, effeminate mannerisms, lack of confidence, timid, etc.
- VII. If staff at any time has concerns regarding a client's safety from sexual assault/abuse, they shall notify their manager, who will perform an evaluation/assessment to determine the client's risk.

- VIII. Appropriate steps will be made to protect the client including, but not limited to: transferring to another facility where they can be housed more appropriately (i.e. single room) moved to another room in the facility closer to the staff office, increased contact with case management to provide ongoing support, etc.
- IX. Staff are responsible for creating an environment that combats the client “code of silence” and complacency. Clients must feel safe reporting an act or attempted act of sexual assault/abuse, that they will be heard, respected, treated with dignity, and their privacy maintained. Management is responsible for creating and maintaining this environment in their facility and ensuring that all staff recognizes the seriousness of client on client sexual assault.
- X. Management will combat the code of silence through regular communication with clients upon admission and during client house meetings regarding the procedures in place to protect the clients, reassuring clients of the availability of staff to provide assistance, and the services that are available to help them.
- XI. In the event a client reports a sexual assault that occurred prior to their arrival at Garfield County Community Corrections while in an institution, jail, or other correctional facility, the staff shall report this information to their supervisor through an incident report and attempt to gain a written statement from the client. The information shall be forwarded to the appropriate contracting agency (Department of Youth Services, Colorado Department of Corrections, Garfield County Jail, etc.).
- XII. A client who reports previous sexual abuse/assault will have support services made available to them including counseling and community support groups.

REPORT OF CLIENT SEXUAL ABUSE/ASSAULT WHILE A CLIENT OF Garfield County Community Corrections

- I. Should a client report a sexual assault by another client, the following protocol should be followed:
 - A. If the report is made immediately following the assault and the victim client has not showered, the client shall remain in the accompaniment of staff and be instructed not to shower or change clothes, brush their teeth, etc.
 - B. The staff shall immediately contact 911 for police or sheriff to respond, and if the client is in need of medical attention, an ambulance should also be requested to respond to the facility.
 - C. After hours, the staff on duty shall contact supervisory personnel for additional instructions and support (may need additional staff to report to facility, reporting client accusations to contracting agencies, contacting management, etc.)
 - D. During business hours, the program manager/director shall be contacted as soon as possible. The program manager/director will be responsible for notifying their supervisor and on up the chain of command.
 - E. The Administrator, or designee, will contact the referring agency and inform them of the situation. In cooperation with the local authorities, the contracting agency and Garfield County Community Corrections will determine the status of the accused. If the accused is not immediately

taken into custody, Community Corrections management will evaluate and determine if the accused will be removed/terminated from the facility.

- F. Staff are to secure the area where the assault took place, restricting it from client and staff access until the area is released by the police responding to the incident.
- G. Staff should attempt to obtain a written statement from the victim. Staff will also prepare a written report detailing what the client reported to the staff member, additional information regarding observed evidence, actions taken, etc.
- H. At any time, the client victim may refuse to participate in the process and not proceed with the investigation/reporting. The client shall not be punished for refusing to participate or forced to participate in any physical examination, providing a written statement, providing the police with information, etc.
- I. The client victim shall be evaluated by medical staff for support, referrals to community resources and assistance, evaluate the client's mental state to ensure stability, look for signs of Post Traumatic Stress Disorder, etc. Community Corrections will work with community resources and clients to ensure that communications with community resources/advocates are confidential to the extent allowable by law. Prior to referral to a community resource, Community Corrections will inform clients of the extent to which clients may expect such communications to remain confidential.
- J. If appropriate, the client victim may be removed from the program and transferred to a different facility, or other actions taken with the support of the supervising authority and dependent upon the client's legal status.
- K. Forensic medical examinations will be provided free of charge to the victim. The victim will be provided with unimpeded access to emergency and crisis intervention services, which will also be provided free of charge to the victim.
- L. The client may also report a sexual assault/abuse through a grievance form. The client shall be separated from the accused and the victim shall be encouraged to report the incident to the police and receive medical attention/evaluation. The same attention and services will be offered to a client who reports a sexual assault days or weeks after the alleged assault.
- M. All allegations of sexual abuse/assault shall be taken seriously by staff, recognized as traumatic to the client victim and staff shall be sensitive at all times to the needs and emotions of the victim.
- N. Confidentiality and client privacy shall be maintained at all times, with only those who have a direct "need to know" having access to the personal information and details of the victim and alleged perpetrator.
- O. If a client does not believe their accusations of sexual abuse/assault were responded to appropriately, they do not feel safe as a result of the assault, or any other concerns regarding the alleged assault, they may submit a written grievance following the grievance chain of command up to the Administrator. The decision and response of the Administrator is final.

- P. As the needs of the client victim are being met, the agency shall assemble the Sexual Assault Response Team (SART), which includes the Program Administrator, the Manager of Residential Services, Client's Case Manager, Victim's Coordinator, and Advocate Safe house personnel (MOU is in place to have Advocate Safe house employees respond to initial needs of the client and refer the client to qualified treatment provider).
- i. The SART will ensure that the clients are safe and the victim is being cared for physically and emotionally.
 - ii. The SART will ensure that policies and procedures are being followed
 - iii. The SART will review the incident and evaluate what possible warning signs were missed, if anything could have been done to prevent the assault, what can be done to prevent an assault from happening again in the same manner / location, etc.
 - iv. SART will ensure that the contracting agencies are kept informed and information is relayed between the appropriate parties.
 - v. The SART will maintain investigative records of alleged sexual abuse or assaults for five years.
- Q. Garfield County Community Corrections will monitor the conduct / treatment of clients or staff that have reported sexual abuse or cooperated with investigations, including any client disciplinary reports, housing changes, or program changes, for at least 90 days following their report or cooperation to assess changes that may suggest possible retaliation by clients or staff.
- R. If an allegation that is reported to and investigated by the appropriate legal/contracting authority does not result in criminal charges or disciplinary actions from that body, Garfield County Community Corrections reserves the right to conduct an internal investigation. This investigation seeks to determine the risk that abuse/misconduct occurred and will provide Community Corrections with the opportunity to take the appropriate actions according to agency policy.
- S. Incident reports, investigations, and results on client sexual abuse/misconduct will be retained for five years; statistical data on sexual abuse/assault will be retained for ten years.