MCSO JAIL DIVISION POLICIES AND PROCEDURES

POLICY # JP4-10

EFFECTIVE: April 12, 2013 **(***Supersedes April 28, 2010)*

CHAPTER: **Care**

SUBJECT: **Sexual Assault / Misconduct**

POLICY: It shall be the policy of the Office of the Marion County Sheriff, Jail Division, to provide a safe and secure environment and reduce the risk of sexual assaults through inmate orientation, screening, assessment, staff training, classification and appropriate housing. The Marion County Sheriff's Office has established a zero tolerance policy for incidents of sexual abuse. When reported, a sexual assault or threat shall be investigated and necessary medical and mental health care provided to any alleged victim. Staff, volunteers and contractual personnel are strictly prohibited from engaging in sexual conduct with inmates regardless of consensual status. Victims of sexual assault shall be offered counseling from a mental health professional.

DEFINITIONS:

For the purposes of this policy, the terms sexual assault, sexual abuse, sexual conduct and sexual misconduct shall be synonymous with each other.

Sexual Assault — 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 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 capacity; 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.

PROCEDURE:

I. Information

A. Information shall be provided to inmates about sexual assault including: (4-ALDF-2A-29)

1. Prevention/intervention,
2. Self-protection,
3. Reporting sexual assault,
4. Treatment/counseling.

Such information shall be conveyed orally and in writing, in a language clearly understood by the inmates, upon arrival at the facility (4-ALDF-2A-29).

B. All MCSO staff, contractual staff, and volunteers receive annual training as to the protocols to be followed when an inmate makes an allegation of sexual assault of misconduct. Information regarding sexual assault shall be incorporated into the Jail Division's verbal and visual orientation for newly arrived inmates and the inmate handbook. Each inmate is issued an inmate handbook during booking and shall sign for receipt of the handbook. Each inmate shall also view the orientation video.

II. Screening, Identification & Housing

A. Inmates shall be screened within 24 hours of arrival for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior (4-ALDF-4D-22-1). This is accomplished through the mental and health screenings and during the classification process.

B. Inmates identified as high risk with a history of sexually assaultive behavior shall be assessed by a mental health or other qualified professional upon referral. Inmates with a history of sexually assaultive behavior are identified through the classification process and mental health and intake screening (4-ALDF-4D-22-3).

C. Inmates identified as at risk for sexual victimization shall be assessed by a mental health or other qualified professional upon referral. Inmates at risk for sexual victimization are identified during the mental and physical intake screening and the classification process (4-ALDF-4D-22-4). They shall be monitored and counseled as deemed appropriate by mental health. Such inmates can be further monitored and counseled by mental health where needed.

D. Information gained during such screening shall be considered when housing assignments are made (4-ALDF-4D-22-1). Classification shall be notified should mental health staff place an alert into *OMS* as to housing concerns.

III. Referral

A. Alleged victims of sexual assault shall initially be taken to jail medical, for a medical assessment. Medical shall then determine if the inmate needs to be sent to the hospital or another qualified community facility for treatment and gathering of evidence (4-ALDF-4D-22-6). Medical shall also provide the MCSO Criminal Division with the necessary paperwork so that the required investigation can be accomplished.

B. Incidents of consensual contact between inmates, the inmates shall both be taken to medical for assessments. MCSO Criminal Division shall be contacted to conduct an investigation.

IV. Reports and Investigations

A. Inmates who allege a sexual assault shall have the option to report an incident to a designated staff member other than an immediate point-of-contact line deputy (4-ALDF-4D-22-7). Such allegations may be reported to any staff member, contractual service provider, or a jail volunteer. All jail staff, contractual staff, and volunteers receive training as to the protocol involved, as to allegations of sexual assault or misconduct.

B. An investigation by the MCSO Criminal Division shall be conducted and documented whenever a sexual assault or threat has been reported (4-ALDF-4D-22-2). The shift supervisor shall, through the proper chain of command, alert the MCSO Criminal Division as to the allegation.

C. The following actions shall occur:

1. The supervisor shall ensure the inmate is taken to jail medical.

2. The supervisor shall secure the crime scene for the assigned Criminal Division investigator who will then conduct their investigation.

3. The Shift Supervisor shall ensure the proper jail and incident reports area accomplished.

4. For any report of sexual assault/sexual misconduct from an inmate, the following notifications shall be initiated:

a. The on-scene Jail Shift Supervisor shall notify the appropriate Captain and Major, who in turn shall notify the Assistant Jail Commander or designee.

b. The Shift Supervisor shall also notify MCSO Criminal Division.

c. The Assistant Jail Commander or designee shall make notification to the following individuals:

1.) Jail Commander

2.) For incidents of consensual sexual contact between inmates, MCSO Criminal Division is to be contacted to handle the investigation.

V. Sexual Misconduct

A. Sexual conduct between staff, volunteers or contractual personnel with an inmate, regardless of consensual status, is prohibited and subject to administrative and criminal sanctions (4-ALDF-4D-22-5).

B. Alleged sexual misconduct by employees, volunteers, contractual personnel and visitors shall be reported through the chain of command to the Jail Commander.

C. The inmate shall be screened by medical and MCSO Criminal Division investigators notified.

VI. Case Records

All case records associated with claims of sexual assault; including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings, and recommendations for post release treatment and/or counseling; shall be retained in accordance with an established schedule.

(4-ALDF-4D-22-8) (IC 5-15-6-4)

VII. Applicability

This policy shall apply to all assigned, attached or operationally controlled personnel working for the Marion County Jail Facilities.

VIII. Appendices

None

IX. Attachments

1. IC 5-15-6-3 Destruction of Records Having No Official or Historical Value
2. IC 5-15-6-4 Removal of Records; Time Restriction
3. IC 16-39-7-1 Maintenance of Health Records by Providers; Violations

X. References

A. ACA 4th Edition

1. 4-ALDF-2A-29
2. 4-ALDF-4D-22-1
3. 4-ALDF-4D-22-2
4. 4-ALDF-4D-22-3
5. 4-ALDF-4D-22-4
6. 4-ALDF-4D-22-5
7. 4-ALDF-4D-22-6 (Mandatory)
8. 4-ALDF-4D-22-7
9. 4-ALDF-4D-22-8

B. Jail Policy

1. JP2-36 Inmate Orientation
2. JP6-1 Grievance Procedure

C. NCCHC

J-G-09

D. Other

1. Marion County Sheriff's Office, Jail Inmate Handbook
2. Public Law 108-79-Sept. 4, 2003, Prison Rape Elimination Act (PREA)

AUTHORITY:

04-28-10
Date

Sheriff Kerry J. Forestal

REVISED:

04-12-13
Date

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