

<b>SONOMA COUNTY PROBATION DEPARTMENT</b>			
<b>DEPARTMENTAL POLICY &amp; PROCEDURES MANUAL</b>			
SECTION: <i>Operational</i>	SUBJECT: <i>Prison Rape Elimination Act of 2003 (PREA)</i>	PAGE: <i>1 of 12</i>	IDENTIFIER: <i>4.23</i>

## **POLICY STATEMENT**

It is the policy of the Sonoma County Probation Department (“Department”) to have zero tolerance for sexual abuse, sexual harassment, or sexual misconduct and to follow the Prison Rape Elimination Act (PREA) Standards pertaining to the prevention, intervention, and response to any justice-involved individual within the detention facilities. The Department will immediately respond to allegations, fully investigate reported incidents, pursue disciplinary action, and refer for investigation and prosecution those who perpetrate sexual abuse and/or sexual harassment.

## **PROCEDURES**

### **1. CONTACT**

- A. The Juvenile Division Deputy Chief Probation Officer (DCPO) shall serve as the PREA Coordinator, and the Juvenile Hall Division Director II and the Probation Camp Division Director I shall serve as the Compliance Managers for their respective facilities.
- B. Amongst other things, the PREA Coordinator will:
  - i. Develop and implement an audit system to assess safety and compliance with applicable laws and policy directives; identify policy, training, and other issues that better prevent, detect, or respond to incidents of abuse; ensure facilities are annually assessed to identify and improve physical or visual barriers that may have enabled abuse.
  - ii. Coordinate with the Training Unit to ensure compliance with PREA training of staff and others.
  - iii. Ensure all staff, residents, volunteers, and contractors are provided education regarding sexual abuse/ harassment and the available avenues to report such incidents.
  - iv. Ensure timely responses for treatment and counseling for victims of abuse.
  - v. Review all Department-generated Sexual Incidents Reports, ensuring that each has been appropriately investigated, and serve as Chair of the Sexual Review Committee, comprised of those involved in the response and investigation. Within thirty days of the conclusion of a sexual abuse investigation, the Department shall conduct a sexual abuse incident review to evaluate the incident and consider the need for changes to policies, training, the facility, technology, and/or staffing levels.
  - vi. Ensure all required data is collected and submitted to the Chief Probation Officer (CPO) for the Annual Report to the Department of Justice.

### **2. CROSS REFERENCE**

**SONOMA COUNTY PROBATION DEPARTMENT**  
**DEPARTMENTAL POLICY & PROCEDURES MANUAL**

SECTION: <i>Operational</i>	SUBJECT: <i>Prison Rape Elimination Act of 2003 (PREA)</i>	PAGE: <i>2 of 12</i>	IDENTIFIER: <i>4.23</i>
--------------------------------	---	-------------------------	----------------------------

Juvenile Hall Policies: 1.1.4 “Administrative Responsibilities”; 2.1.17 “Allegations of Sexual Misconduct”; 2.1.18 “Sexual Harassment”; 2.1.25 “Child Abuse Reporting”; 2.2.1 “Training Program”; 2.1.1 “JCC Roles and Responsibilities”; 3.3.2 “Orientation Policy”; 3.4.1 “Facility Supervisor Roles & Responsibilities”; 3.4.9 “Searches of Residents”; 4.1.1 “Intake”; 4.1.2 “Booking Searches”; 4.1.6 “Classification”

- A. Probation Camp Policies: 1.7 “Administrative Responsibilities”; 3.2 “Supervisor’s Roles and Responsibilities”; 3.3 “Roles and Responsibilities”; 6.3 “Searches”

### **3. DEFINITIONS RELATED TO PREA**

- A. [Complete list of PREA definitions can be accessed through this hyperlink.](#)

### **4. TRAINING AND EDUCATION**

- A. Department staff who have direct or incidental contact with justice involved individuals within secure detention will receive an initial PREA training and a refresher training at least every two years. Training will include, but is not limited to:
- i. Review of the Department PREA Policy and zero tolerance expectations.
  - ii. Prevention, detection, intervention, response, and reporting measures.
  - iii. Recognition of sexual misconduct, predatory individuals, and potential victims.
  - iv. Acknowledgement that retaliation towards anyone who reports sexual victimization or cooperates with a sexual victimization investigation will not be tolerated. This behavior will be monitored and addressed by the PREA Compliance Manager and PREA Coordinator.
  - v. How to avoid inappropriate relationships with residents;
  - vi. How to communicate effectively and professionally with all residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents; and
  - vii. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- B. The Department will coordinate with the Sonoma County’s Sexual Abuse Response Team to ensure that initial responders and investigators receive specialized training in:
- i. Assessing, preserving, and collecting evidence.
  - ii. Handling interviews and documenting findings.
- C. During the intake process, residents shall receive information explaining the Department’s zero tolerance policy regarding sexual abuse and sexual harassment

**SONOMA COUNTY PROBATION DEPARTMENT**  
**DEPARTMENTAL POLICY & PROCEDURES MANUAL**

SECTION: <i>Operational</i>	SUBJECT: <i>Prison Rape Elimination Act of 2003 (PREA)</i>	PAGE: <i>3 of 12</i>	IDENTIFIER: <i>4.23</i>
--------------------------------	---	-------------------------	----------------------------

and how to report incidents or suspicions of sexual abuse or sexual harassment. In addition, within two (2) days of intake into secure juvenile custody, residents will receive education/orientation explaining to them their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding Department policies and procedures for responding to such incidents. Topics covered shall include :

- i. No sexual contact is permitted between residents within a community confinement or detention setting. All sexual contact will be investigated and any resident-on-resident sexual abuse or harassment will result in disciplinary sanctions up to and including criminal prosecution. Any “consensual” findings may result in disciplinary sanctions.
  - ii. Zero tolerance of sexual victimization.
  - iii. How to report suspected or witnessed incidents of sexual abuse or sexual harassment.
  - iv. False and deliberately malicious reports will result in disciplinary action and/or criminal charges.
- D. Volunteers, Health Services staff, Sonoma County Office of Education (SCOE) staff, and contract service providers who have contact with justice-involved youth shall receive training regarding the Department’s zero tolerance policy and how to prevent, detect, and report suspected or witnessed incidents of sexual abuse, misconduct or harassment. In addition, all medical and mental health care practitioners who work regularly at the Juvenile Hall or at Camp shall be trained in such areas as how to detect and assess signs of sexual abuse and sexual harassment; how to preserve physical evidence of sexual abuse; how to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and how and to whom to report allegations or suspicions of sexual abuse or sexual harassment.

**5. PREVENTION MEASURES FOR SEXUAL VICTIMIZATION – JUVENILE DETENTION**

- A. All youth, staff, volunteers and contractors who have contact with residents receive bi-annual PREA training/education on their responsibilities under the Department’s sexual abuse and sexual harassment prevention, detection obligations.
- B. Within 72 hours of a resident’s arrival at the facility and periodically throughout a resident’s confinement, the agency shall obtain and use information about each resident’s personal history and behavior to reduce the risk of sexual abuse by or upon a resident. Staff shall utilize such classification criteria in accordance with Department Policy 4.1.6 to make room or gender specific unit assignments. If the screening indicates that a resident has experienced prior sexual victimization or has previously

**SONOMA COUNTY PROBATION DEPARTMENT**  
**DEPARTMENTAL POLICY & PROCEDURES MANUAL**

SECTION: <i>Operational</i>	SUBJECT: <i>Prison Rape Elimination Act of 2003 (PREA)</i>	PAGE: <i>4 of 12</i>	IDENTIFIER: <i>4.23</i>
--------------------------------	---	-------------------------	----------------------------

perpetrated sexual abuse, staff shall ensure that the resident is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

- C. Lesbian, gay, transgender, and intersex youth are not placed in particular housing units solely based on such identification or status, but rather, shall be placed on a case-by-case basis, taking into account whether a placement would ensure the resident's health and safety and/or present management or security problems, and considering
- D. Unit assignments consider vulnerability assessment results gathered during the intake process. When if it is learned that a resident is subject to a substantial risk of imminent sexual abuse, immediate actions are taken to protect the resident. Residents identified as being at risk for sexual victimization are placed in isolation only until an alternative means of keeping all residents safe can be arranged. Residents in isolation shall have access to all programming.
- E. Residents at risk for sexual victimization shall be reassessed periodically throughout their confinement.
- F. Youth are allowed to change clothing and perform bodily functions without staff viewing them.
  - i. Exceptions occur only during rare circumstances of a 1:1 suicide watch status and when such viewing is incidental to routine cell/room checks.
- G. Showers are single occupancy spaces with shower doors at Juvenile Hall and privacy partitions at Probation Camp.
  - i. All group unit activities cease during the unit's structured showering schedule.
- H. A staff entering a housing unit that consists of a gender population of the opposite gender of the staff requires the staff to announce his/her presence at the door.
  - i. A simple announcement of "Male/Female entering" will suffice.
- I. A staffing plan that provides for adequate levels of staffing and video monitoring so as to protect residents against sexual abuse is documented and followed and annually reviewed.
- J. The Intake area and housing units have recording surveillance cameras operating 24 hours a day, seven days a week.
- K. Visitors are informed about the facility's Zero Tolerance policy regarding sexual abuse / sexual harassment / sexual misconduct.
- L. The facility Supervisors and Division Directors will conduct and document random and unannounced walk-throughs of all units during day and night shifts.
  - i. Staff are prohibited from alerting staff/units of the Supervisor or Director's presence as they approach and move through secure units.

**SONOMA COUNTY PROBATION DEPARTMENT**  
**DEPARTMENTAL POLICY & PROCEDURES MANUAL**

SECTION: <i>Operational</i>	SUBJECT: <i>Prison Rape Elimination Act of 2003 (PREA)</i>	PAGE: <i>5 of 12</i>	IDENTIFIER: <i>4.23</i>
--------------------------------	---	-------------------------	----------------------------

**6. REPORTS FROM JUSTICE INVOLVED INDIVIDUALS AND STAFF**

- A. The Department shall provide and publish multiple internal ways for residents to privately report any knowledge, suspicion or information regarding any incident of sexual abuse or harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents, and shall provide residents with access to tools necessary to make written reports. In addition, the Department shall provide at least one way to report such incidents to a private or public entity that is not part of the Department, thereby allowing the resident to remain anonymous upon request. The Department shall establish a method to receive staff and third-party reports of any knowledge, suspicion, or information they may receive regarding an incident of sexual abuse, sexual harassment and/or retaliation against residents or staff who reported such an incident and/or staff neglect or violation of responsibilities that may have contributed to such incidents, and shall publicly distribute information on how to report sexual abuse & sexual harassment on behalf of a resident. Third party reports are not required to be in writing.
- B. Residents shall also be furnished with reasonable and confidential access to and contact information for outside victim advocates for emotional support services related to sexual abuse; unimpeded access to emergency medical treatment and crisis intervention services; and reasonable and confidential access to their attorneys or other legal representation and parents or legal guardians. Sexual abuse victims shall also be offered timely information about and access to emergency contraception and sexually transmitted infections prophylaxis, medical and mental health evaluations, tests for pregnancy and/or sexually transmitted infections, and, as appropriate, medical and
- C. Verbal reports or submitted written grievances by a victim, a witness, an anonymous individual, or a third party require staff to immediately generate a PREA Incident Report (**Exhibit A**) and pass the report on to the on-duty supervisor or manager.
  - i. Both the County's Rape Crisis hotline and the designated law enforcement agency numbers are available for detained youth to access and Juvenile Probation staff will expedite the facilitation of a request from a youth to make such a call. The Santa Rosa Police Department has jurisdiction over Juvenile Hall, and the Sonoma County Sheriff's Office has jurisdiction over the Probation Camp.
- D. Any Department staff who has knowledge, suspicion, or information regarding sexual victimization or any other potential violation of PREA that occurred in a detention facility is required to fill out a [PREA Incident Report \(Exhibit A\)](#) with as much information as possible, and submit the form to an on-duty Supervisor or Director. Failure to promptly report suspected or witnessed sexual abuse, harassment or misconduct may lead to disciplinary action, up to and including termination of employment.

**SONOMA COUNTY PROBATION DEPARTMENT**  
**DEPARTMENTAL POLICY & PROCEDURES MANUAL**

SECTION: <i>Operational</i>	SUBJECT: <i>Prison Rape Elimination Act of 2003 (PREA)</i>	PAGE: <i>6 of 12</i>	IDENTIFIER: <i>4.23</i>
--------------------------------	---	-------------------------	----------------------------

- E. Staff also have an obligation to promptly report any awareness of retaliation against youth or staff who have reported PREA details or conduct that allegedly constitutes a violation of PREA, and must fully and promptly report any knowledge of staff neglect that may have contributed to an incident. Failure to follow reporting requirements may lead to disciplinary action up to and including termination.
- i. The supervisor is required to send copies of the PREA Incident Report to both the Department PREA Compliance Manager and the PREA Coordinator.
  - ii. Staff will also follow Mandatory Child Abuse Reporting protocols, as applicable.
  - iii. A senior manager will refer criminal behavior associated with sexual abuse / sexual harassment / sexual misconduct to the appropriate law enforcement jurisdiction for investigation purposes.
- F. The Department's Policy regarding the referral of allegations of sexual abuse or sexual harassment to an agency with the legal authority to conduct criminal investigations shall be published on the Department's website.

**7. STAFF IMMEDIATE RESPONSE AND NOTIFICATION TO LAW ENFORCEMENT**

- A. If a resident alleges sexual abuse or sexual harassment, Department staff will take immediate action to protect the alleged victim and separate him or her from the alleged abuser, collect and preserve any potential evidence, and notify management, who will immediately contact either the Santa Rosa Police Department (for Juvenile Hall) or the Sheriff's Office (for Probation Camp) to conduct a formal investigation and coordinate the activation of the Sonoma County multi-agency Sexual Abuse Response Team (SART). SART is available 24/7 to conduct forensic medical examinations and provide treatment and victim advocacy. The SART protocols comply with the California Medical Protocol for Forensic Examinations of Sexual Assault and Child Sexual Abuse Victims. The County's response complies with mandatory reporting requirements, and law enforcement determines the level of involvement by the SART.
- i. If the alleged victim is a youth, the facility Director or designee shall report the allegation to the parent(s)/guardian, unless the facility has official documentation showing the parent or legal guardians should not be notified, or to the alleged victim's case worker, if under guardianship. In addition, if a juvenile court retains jurisdiction over the alleged victim, the facility Director shall also report the allegation to the juvenile's attorney or other legal representative of record within
  - ii. Staff will not discuss information related to a sexual victimization report to anyone other than those necessary to make treatment, investigation, or security decisions.
- B. When a justice-involved individual discloses prior sexual victimization that occurred while he/she was staying in any detention setting, within 72 hours, the Division Director shall notify the head of the facility where the alleged abuse occurred and shall

**SONOMA COUNTY PROBATION DEPARTMENT**  
**DEPARTMENTAL POLICY & PROCEDURES MANUAL**

SECTION: <i>Operational</i>	SUBJECT: <i>Prison Rape Elimination Act of 2003 (PREA)</i>	PAGE: <i>7 of 12</i>	IDENTIFIER: <i>4.23</i>
--------------------------------	---	-------------------------	----------------------------

notify the appropriate investigative agency. Staff will seek to verify a PREA report already exists (data base records/notes, or a phone call to the relevant facility). If documentation of the alleged incident does not exist, a Department PREA Incident Report is generated and sent to the facility's PREA Compliance Manager.

- i. Staff will not discuss information related to a sexual victimization report to anyone other than those necessary to make treatment, investigation, or security decisions.
- C. Under circumstances in which a justice-involved individual identifies a Department staff as the alleged perpetrator, and/or if staff become aware of or suspects that another Department staff is involved in the sexual abuse or sexual harassment of a resident, the Division Director, DCPO, and Probation Human Resources representative shall be immediately notified.
  - i. Immediate steps are taken to ensure that there is no further contact between the alleged perpetrator and the justice-involved individual.
  - ii. The Department maintains the ability to remove a staff member, volunteer or contractor accused of sexual abuse or sexual harassment from contact with residents pending the outcome of an investigation or a determination of whether and to what extent discipline is warranted. In addition, the Department will determine whether staff actions or failures to act contributed to any acts of sexual abuse or sexual harassment and may take disciplinary action, up to and including termination of employment based upon such findings.
  - iii. All previously listed response protocols of this policy are to be followed.
- D. Under circumstances in which a justice-involved individual identifies another justice-involved individual as the alleged perpetrator:
  - i. Immediate steps are taken to ensure that there is no further contact between the alleged perpetrator and the justice-involved individual.
  - ii. Supervisors/managers will evaluate housing assignments to ensure the safety of the alleged victim. Residents who allege to have suffered sexual abuse, and/or the alleged resident perpetrator, may only be in isolation until an alternative means of keeping all residents safe can be arranged. Residents in isolation shall have access to all programming.
  - iii. All previously listed response protocols of this policy are to be followed.
- E. The Department shall cooperate with outside investigators and shall endeavor to remain informed about the progress of any investigation.

## **8. HIRING AND PROMOTION DECISIONS**

- A. The Department will not hire or promote anyone who has engaged in sexual abuse or sexual harassment in an institutional or community setting, and/or has been convicted criminally, or has been civilly or administratively adjudicated to have engaged in such

**SONOMA COUNTY PROBATION DEPARTMENT**  
**DEPARTMENTAL POLICY & PROCEDURES MANUAL**

SECTION: <i>Operational</i>	SUBJECT: <i>Prison Rape Elimination Act of 2003 (PREA)</i>	PAGE: <i>8 of 12</i>	IDENTIFIER: <i>4.23</i>
--------------------------------	---	-------------------------	----------------------------

activity. Prior to a sworn staff being hired, the Department conducts an extensive background investigation, which includes a criminal background check and a psychological evaluation. The Department shall make its best effort to contact any prior institutional employers for information about any sustained allegations or resignations during a pending investigation. Applicants will be asked whether there has ever been an allegation against them that they engaged in sexual abuse or harassment and about the outcome of the investigation.

## **9. RESPONDING TO ALLEGATIONS**

- A. There shall be no time limit on submitting a grievance regarding an allegation of sexual misconduct. A final decision on the merits of any portion of the grievance alleging sexual abuse or harassment shall be issued within ninety (90) days of the initial filing of the grievance. Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse or harassment, and shall be permitted to file such requests on behalf of residents.
- B. A sexual abuse/harassment incident review shall be conducted by a review team at the conclusion of every sexual abuse/harassment investigation unless the allegation has been determined to be unfounded. Such review shall include an assessment of whether a change in policy or practice is warranted; whether the incident was motivated by a status such as race, gender identity, gang affiliation, etc.; and whether staffing levels and/or monitoring technology should be changed. All such recommendations shall be implemented or else documented as to the reasons why not implemented.
- C. The Department shall take appropriate remedial measures, and shall consider whether to prohibit further contact with residents, in the case of any other violation of Department sexual abuse or harassment policies by a contractor or volunteer.
- D. The Department will not terminate an investigation solely because the source recants the allegation. Also, 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 the investigation.
- E. The Department shall issue a final decision on the merits of all grievances alleging sexual abuse or sexual harassment within ninety (90) days of the initial filing of the grievance. An extension of time up to seventy (70) days may be obtained if ninety (90) days is insufficient time in which to investigate and make an appropriate decision. Any such extension of time shall be communicated to the complainant.

## **10. PROTECTION AGAINST RETALIATION**

- A. The Department shall employ protection measures for residents and/or staff who report sexual abuse or sexual harassment or who cooperate with such investigations.



**SONOMA COUNTY PROBATION DEPARTMENT**  
**DEPARTMENTAL POLICY & PROCEDURES MANUAL**

SECTION: <i>Operational</i>	SUBJECT: <i>Prison Rape Elimination Act of 2003 (PREA)</i>	PAGE: <i>9 of 12</i>	IDENTIFIER: <i>4.23</i>
--------------------------------	---	-------------------------	----------------------------

Such measures may include changes or transfers of residents, transfer or removal of persons alleged to have committed sexual abuse or sexual harassment, and emotional support services for residents or staff who fear retaliation. For at least ninety (90) days, PREA Coordinators at each facility shall monitor the conduct or treatment of residents or staff who reported sexual abuse or sexual harassment to see if there have been any acts of retaliation and shall promptly remedy any such retaliation. Such monitoring may include review of disciplinary reports, housing or program changes, periodic status checks of alleged victim residents, negative performance reviews of staff, and/or reassignment of staff.

- B. Monitoring shall continue for ninety (90) days if the initial monitoring indicates a continuing need.
- C. The Department's obligation to monitor shall terminate if the Department determines the allegation is unfounded.

## **11. REPORTING TO RESIDENTS**

- A. Following an investigation into a resident's allegation of sexual harassment or sexual abuse, the resident shall be notified within ninety (90) days of the initial filing of a grievance as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. The Department shall notify the resident in writing if an extension of up to seventy (70) days is required to conclude the investigation. When allegations of sexual abuse are substantiated, the Department shall inform the resident in writing of any of the following that may apply:

The person alleged to have committed sexual abuse or sexual harassment

- i. is no longer assigned to the resident's unit;
  - ii. is no longer employed at the facility;
  - iii. is being criminally prosecuted;
  - iv. has been convicted of a charge related to the sexual abuse.
- B. Following a resident's allegation that he or she has been sexually abused by another resident, the Department shall inform the alleged victim in writing whenever:
    - i. The Department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.
    - ii. The Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

## **12. DISCIPLINE**

- A. In determining whether an allegation is substantiated, the Department shall

**SONOMA COUNTY PROBATION DEPARTMENT**  
**DEPARTMENTAL POLICY & PROCEDURES MANUAL**

SECTION: <i>Operational</i>	SUBJECT: <i>Prison Rape Elimination Act of 2003 (PREA)</i>	PAGE: <i>10 of 12</i>	IDENTIFIER: <i>4.23</i>
--------------------------------	---	--------------------------	----------------------------

impose no standard higher than a preponderance of evidence.

B. Staff who engage in sexual abuse shall be disciplined, up to and including termination. In accordance with § 115.76 (b) of PREA, termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. Disciplinary action for sexual harassment and/or retaliation shall be commensurate with the nature and circumstances of the act(s) committed, the staff member's disciplinary history, and the sanctions imposed for a comparable offense committed by other staff with similar histories. Any termination or resignation stemming from substantiated sexual harassment and/or sexual abuse shall be reported to law enforcement agencies and licensing bodies, and reported to any potential employer who contacts the Department during a background investigation. Any contractor or volunteer who engages in sexual abuse or sexual harassment shall be prohibited from contact with residents or shall be prohibited from providing services to the Department,

C. Staff who do not immediately report knowledge, suspicion, or information they receive regarding an incident of sexual abuse, harassment and/or retaliation that occurred in the facility shall face disciplinary sanctions up to and including termination, for violation of reporting policies.

D. When an allegation is not substantiated, any investigative records shall not be maintained in an employee's personnel file.

E. Disciplinary sanctions may be imposed on residents following an administrative finding that the resident engaged in resident-on-resident sexual abuse, or following a criminal finding of guilt. Disciplinary sanctions shall be commensurate with the nature and circumstances of the act(s) committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses committed by other residents with similar histories. Any disciplinary action must not deny a resident of required large-muscle exercise or access to education services. A resident's mental disabilities or mental illness will be considered when determining an appropriate sanction. A report of sexual abuse made in good faith based on a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting, even if the evidence is not sufficient for a substantiated allegation.

**13. DATA COLLECTION AND REVIEW FOR CORRECTIVE ACTION**

A. The PREA Coordinator shall maintain documentation of all allegations of sexual abuse. The Department of Justice's Survey of Sexual Violence shall be completed for any incident of sexual abuse, and the data aggregated annually into a Department report. The data shall be reviewed annually for the purpose of assessing ways to improve prevention, detection, agency response, and training. The report (excluding personal identifiers) shall be available to the public through the Department's website,

**SONOMA COUNTY PROBATION DEPARTMENT**  
**DEPARTMENTAL POLICY & PROCEDURES MANUAL**

SECTION: <i>Operational</i>	SUBJECT: <i>Prison Rape Elimination Act of 2003 (PREA)</i>	PAGE: <i>11 of 12</i>	IDENTIFIER: <i>4.23</i>
--------------------------------	---	--------------------------	----------------------------

and maintained for at least ten (10) years. The Department shall review the data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training.

B. In addition, the Department shall within 30 days of the conclusion of a sexual abuse investigation, conduct a sexual abuse incident review and issue a written report, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. The review team shall consider such issues as: whether there is a need to change policy or practice to better prevent, detect, or respond to sexual abuse; whether the incident or allegation was motivated by race, ethnicity, gang affiliation, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or was motivated or otherwise caused by other group dynamics at the facility. The review shall also assess the adequacy of staffing levels, whether physical barriers in the area may enable abuse, and whether monitoring technology should be deployed or augmented to supplement supervision by staff. The facility shall implement any recommendations for improvement found in the report.

#### **14. AUDITS**

A. During each three-year period, the Department shall ensure that each facility is independently audited by the Department or by a private organization on behalf of the Department using the Department of Justice's audit instrument, with one-third of each facility type audited each year. The auditor shall review policies and may interview a representative sample of residents, staff, supervisors, and administrators.

B. The auditor and the Department shall jointly develop a corrective action plan for any areas not in compliance.

#### **REPLACEMENT HISTORY**

Revised: 8/17/2018

APPROVED BY:

\_\_\_\_\_  
DAVID KOCH, Chief Probation Officer

#### **REFERENCES**

**SONOMA COUNTY PROBATION DEPARTMENT**  
**DEPARTMENTAL POLICY & PROCEDURES MANUAL**

SECTION: <i>Operational</i>	SUBJECT: <i>Prison Rape Elimination Act of 2003 (PREA)</i>	PAGE: <i>12 of 12</i>	IDENTIFIER: <i>4.23</i>
--------------------------------	---	--------------------------	----------------------------

- [Prison Rape Elimination Act of 2003 \(PREA\)](#)
- [PREA Definitions](#)
- [Sexual Incident Reports](#)