



# MARION COUNTY SHERIFF'S OFFICE

## **POLICY 1151 – SEXUAL MISCONDUCT INVOLVING OFFENDERS**

OAA STANDARD: 1.1.1, 1.1.2, 1.4.5, 1.5.5, 1.8.1, 2.2.9

OREGON JAIL STANDARDS: A-108, A-503, A-504, A-505

PRISON RAPE ELIMINATION ACT OF 2003 (PREA)

### **POLICY**

This policy applies to all Sheriff's Office employees.

1. It is the policy of the Marion County Sheriff's Office to provide a safe and secure environment for all offenders committed to the care and custody of the Marion County Sheriff's Office. The Sheriff's Office mandates zero tolerance for any incidents of sexual harassment, sexual misconduct, sexual assault, or attempted sexual assault involving any offender in the care, custody, or control of the Sheriff's Office.<sup>1</sup> All staff, volunteers, contractors, visitors, and offenders must abide by this and related policies, facility rules, laws, and standards that help prevent, detect, and reduce, document and punish sexual misconduct. Sexual misconduct, in any form, between staff and offender or offender and offender is strictly prohibited. The purpose of this policy is to provide guidelines for prevention, responding, reporting, investigating and resolving complaints of sexual harassment, assault, or abuse.
2. The Sheriff's Office policies provide prompt and effective intervention and investigation should sexual misconduct occur. Sustained, investigative findings of sexual misconduct or interference with official process, by employees will result in disciplinary action, up to and including termination and could result in criminal charges. Administration will forward information regarding sexual misconduct by employees to the District Attorney's Office for criminal prosecution of custodial sexual misconduct offenses and other charges, depending upon the facts of the situation. The departure of the alleged abuser or victim from the employment or control of the facility shall not result in the investigation being terminated.
3. Sexual misconduct by contractors, agency partners, and visitors may result in referral to the District Attorney's Office for prosecution and termination of privileges and/or agreements, pursuant to relevant contract terms.
4. Sexual contact in any form between employees of the Sheriff's Office and offenders, which include suspects, offenders, arrestees, or other individuals

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<sup>1</sup> 28 C.F.R § 115.11(a)

contacted in the course of Sheriff's Office official business, is illegal, unacceptable conduct and is prohibited.

5. Sexual contact in any form between offenders is prohibited. In custodial settings, offenders shall be considered incapable of giving consent to engage in sexual activities with staff, volunteers, visitors, or contractors.

It shall be a violation of Marion County Sheriff's Office policy for employees to disregard allegations, complaints or observations of sexual misconduct or suspected sexual misconduct. Employees will follow the reporting procedure as outlined in this policy. The report will be taken, whether it is part of the agency; and will include information of retaliation against offenders or employees who reported such an incident; and any employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation and other security and management decisions. Every reasonable effort will be made to maintain confidentiality of the person(s) involved.

6. The Marion County Sheriff's Office will provide both internal and external ways for offenders to privately report sexual misconduct, retaliation by other offenders or staff for reporting sexual misconduct, and/or employee neglect or violation of responsibilities that may have contributed to such incidents.

Staff shall accept reports made verbally, in writing, anonymously and from third parties and shall promptly document any verbal report. All allegations of sexual misconduct including third-party and anonymous reports, will be reported to the PREA Coordinator through the PREA Complaint Tracking System in SharePoint.

7. All reports of sexual misconduct or violations of PREA will be investigated timely, if warranted, appropriate disciplinary or criminal action will be taken up to and including termination and/or criminal prosecution. The Sheriff or their designee shall be notified in a timely manner to ensure that the allegation is investigated.
8. No employee or offender will be harassed, intimidated, discharged, or otherwise interfered with because they have reported an incident, or suspected incident, of sexual misconduct. Retaliation of any type will be grounds for disciplinary action. Every reasonable effort will be made to maintain confidentiality of the person(s) involved.
9. The Sheriff or their designee will assign a lieutenant from each division of the Sheriff's Office as the PREA Coordinator for all sexual misconduct investigations or allegations. The coordinator will be granted the authority to develop, implement and oversee their division's efforts to comply with PREA standards as

set forth in this policy. The PREA Coordinator will be responsible for monitoring retaliation against those reporting sexual misconduct within their division.

10. The Institutions Division PREA Coordinator will collect all data on sexual misconduct involving offenders and will provide that data at state or federal authorities' request. Data on individual offenders will be made available only to staff with a need to know and securely stored to prevent unauthorized access. All data will be collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise. Data collected is for the purpose of review in order to assess and improve the effectiveness of sexual misconduct prevention, detection, and response policies, practices, and training.
11. Supervisors will conduct and document unannounced rounds on all shifts to deter staff sexual abuse and sexual harassment. Alerting other staff members that supervisory rounds are occurring is prohibited.
12. The Sheriff's Office will conduct its own investigations into allegations of sexual misconduct, unless determined by the Sheriff or their designee that the investigation will be completed by an outside agency. When outside agencies investigate sexual misconduct, the Sheriff's Office will cooperate with outside investigators and will endeavor to remain informed about the progress of the investigation.
13. The Sheriff's Office will ensure staffing plans provide for adequate levels of staffing, and, where applicable, video monitoring, to protect offenders against sexual misconduct. When determining adequate staffing levels and the need for video monitoring, the Sheriff's Office will take into consideration:
  - Generally accepted detention and correctional practices
  - Any judicial findings of inadequacy
  - Any findings of inadequacy from Federal investigative agencies
  - Any findings of inadequacy from internal or external oversight bodies
  - All components of a facility's physical plant (including "blind-spots" or areas where staff or offenders may be isolated)
  - The composition of the offender population
  - The number and placement of supervisory staff
  - Institution programs occurring on a particular shift
  - Any applicable State or local laws, regulations, or standards
  - The prevalence of substantiated and unsubstantiated incidents of sexual abuse
  - Any other relevant factors
14. The Sheriff's Office will not hire or promote anyone who may have contact with offenders, and will not enlist the services of any contractor who may have contact with offenders, who:

- Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)
- Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse
- Has been civilly or administratively adjudicated to have engaged in the activity described in the preceding paragraph
- The Sheriff's Office will consider any incidents of sexual misconduct in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with offenders
- Before hiring new employees who may have contact with offenders, the Sheriff's Office will
  - Perform a criminal background records check
  - Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- The Sheriff's Office will perform a criminal background records check before enlisting the services of any contractor who may have contact with offenders.
- The Sheriff's Office will conduct criminal background checks prior to employment of employees and contractors who may have contact with offenders.
- The Sheriff's Office will impose upon employees a continuing affirmative duty to disclose any such misconduct as required by the Department of Public Safety Standards, and Training (DPSST).
- Material omissions regarding such misconduct, or the provision of materially false information, may be grounds for termination.

15. The Division Commander, or designee, will ensure all Sheriff's Office employees receive annual training on sexual misconduct notification procedures, detection, prevention, response, and reporting. Training will specifically address employee duties once they have been notified, have observed, or otherwise believe an offender has been subjected to sexual misconduct. New employee orientation will include:

- Review and acknowledgement of this policy
- Red-flag activities
- Sexual assault prevention and response methods
- Recognizing the signs of sexual assault
- Identification and referral process when an allegation of sexual assault is made
- Issues of consent
- Official misconduct offenses ([ORS 162.405 and 162.415](#))

- Reporting requirements
- Crime scene and evidence protection
- Identification and monitoring of high risk areas
- Emotional and psychological effects on a victim of sexual misconduct and how to help them cope
- Types of assailants that threaten or commit sexual assault in a specific environment and their reasons
- Tailored efforts to address the needs of vulnerable populations, such as juveniles, women, and developmentally disabled persons
- Confidentiality when dealing with reports of sexual misconduct
- Process of investigations involving employees

16. Jail and Transition Center employees will use approved supervision methodologies, electronic surveillance, facility design, and the offender classification system to enhance monitoring and to reduce the risk of sexual misconduct involving offenders housed within Marion County Jail and Transition Center.

17. Enforcement Division employees will use approved supervision methodologies, including electronic surveillance, such as car dash cameras and body camera recording devices, where applicable, to reduce the risk of sexual misconduct involving offenders. For the purposes of this policy patrol vehicles and interview rooms are considered temporary holding facilities.

18. Community Corrections Division employees will use approved supervision methodologies, electronic surveillance, and individual building designs to enhance monitoring and to reduce the risk of sexual misconduct involving offenders. This includes the Community Corrections main office, The Marion County Transition Center and incorporated offender housing units or work crew vehicles, all sub-stations, program rooms and employees assigned offices.

19. Operations Division employees will use approved supervision methodologies, electronic surveillance, facility design, courtrooms, temporary holding locations and transportation vehicles to enhance monitoring and reduce the risk of sexual misconduct involving offenders.

20. Deputies will review all offenders for potential vulnerabilities to sexual assault, or tendencies of acting out in a sexually aggressive manner, as a part of initial and primary classification processes for supervision or lodging. Intake Deputies will do the same, by using any readily available information, for any offender being placed in a holding cell with another offender.

21. As a required part of the intake screenings process, prior to lodging an offender in a housing unit, Deputies will utilize a private area to ask the arrestee if he or she has ever been a victim of sexual misconduct while in law enforcement

custody. If needed or requested by the victim, employees will refer victims to appropriate mental health providers for assessment.

22. Offenders will be assessed within 72 hours of arrival and again within 30 days to determine whether they meet specific criteria indicating either their risk for being sexually abused by other offenders or sexually abusive toward other offenders. Offenders may not be disciplined for refusing to answer or for failing to disclose information regarding the assessment questions.

During offender Jail orientation and Community Corrections supervision intake, employees will inform offenders regarding:

- The right to be free from sexual misconduct while in custody.
- Behavioral expectations of offenders, including sexual activity and appropriate dress.
- Multiple reporting mechanisms in the case of an incident of sexual misconduct.
- Disciplinary consequences for making a false complaint of sexual misconduct.

Employees will utilize the Marion County [Offender Medical Screen form](#) and [Housing Classification Form](#)

23. As a part of offender orientation and the Offender Manual, deputies will provide information on:

- Prohibited sexual conduct.
- Self-protection from becoming a victim of sexual misconduct while in custody.

24. Literature regarding sexual misconduct and Sexual Assault Trauma Syndrome will be made available to offenders in areas where offenders may access it without calling attention to themselves.

25. Sheriff's Office employees will keep channels of communication open between themselves and offender's families and friends, welcoming information that may reveal threats, or previously unreported, sexual misconduct.

26. The Sheriff's Office will take appropriate steps to ensure that offenders with disabilities (including, for example, offenders who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the Office's efforts to prevent, detect, and respond to sexual misconduct.

Such steps will include, when necessary to ensure effective communication with offenders who are deaf or hard of hearing, providing access to interpreters who

can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary (this includes staff that are trained and supervised to communicate and the use of professional interpreter services). In addition, the agency will ensure that written materials are provided in formats or through methods that ensure effective communication with offenders with disabilities, including offenders who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

The Sheriff's Office will not use offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first-response duties, or the investigation of the offender's allegations.

### **DEFINITIONS**

<b>Custodial Sexual Misconduct:</b>	The crimes of Custodial Sexual Misconduct in the First Degree and Custodial Sexual Misconduct in the Second Degree as defined by the Oregon Revised Statutes.
<b>Deviate Sexual Intercourse:</b>	Contact between the sex organs of one person and the mouth or anus of another person.
<b>Employee:</b>	Employees of Marion County, reserve deputies, volunteers, interns, contractors, and practicum students who work for the Marion County Sheriff's Office.
<b>Interference with Official Process:</b>	1. Any failure on the part of an employee to report an incident of sexual misconduct. 2. When an employee makes a false allegation and/or statement regarding an incident of sexual misconduct. 3. The failure of an employee to fully and truthfully cooperate with and/or participate in any investigation of an incident or incidents of alleged sexual misconduct.
<b>Law Enforcement Custody:</b>	Custody at a tribal, municipal, or county jail, state or federal correctional facility, detainment or arrest by Enforcement, Parole and Probation or Community Corrections.

**Offender:**

- A person legally held in the jail for arraignment, hearing, trial or transfer.
- A person legally held in the jail pursuant to a judicial sanction, probation and/or parole officer sanction, or court order.
- A person who comes into the jail who is in the process of being transported to another correctional facility or agency.
- A person serving a sentence under the supervisory authority of the Marion County Sheriff's Office.
- A person currently detained and or arrested by Marion County.
- A person under current supervision by the Marion County Sheriff's Office for probation and/or parole.
- A person under pretrial monitoring by the Marion County Sheriff's Office.

**Prison Rape Elimination Act (PREA):**

Signed into law in 2003 establishing a zero tolerance standard for the incidence of prison rape in prisons in the United States.

**Retaliation:**

An act or a threat of an act of vengeance against an offender or another employee undertaken by a employee in response to that person's actual or perceived complaint of sexual misconduct regarding the employee and/or that person's cooperation in the reporting and/or investigation of a complaint of sexual misconduct regarding the employee, regardless of the merits or disposition of the complaint or investigation.

**Sexual Abuse:**

Sexual intercourse, deviate sexual intercourse, sexual penetration and any sexual contact that is accomplished in whole or in part through force, deception, coercion, and/or remuneration, or by threats or promises thereof.

**Sexual Assault:**

Any unwanted sexual contact for the purpose of arousing or gratifying the sexual desire of either party. It includes sexual intercourse, oral or anal sodomy, sexual touching with an object, fondling, or any other unwelcome or inappropriate touching.



- Sexual Contact:**
- Intentional touching, either directly or through clothing, by one person of the genitalia, anus, groin area, breasts, inner thigh and/or buttocks of another, including the acts of deviate sexual intercourse, sexual intercourse and sexual penetration as defined in this policy, for the purpose of humiliating, harassing, degrading, sexually arousing, or satisfying the sexual desire of any person.
  - Intentional touching, either directly or through clothing, by one person of any part of another's body, including but not limited to kissing, hugging, rubbing, stroking and fondling, for the purpose of humiliating, harassing, degrading, sexually arousing, or satisfying the sexual desire of any person.

**Sexual Harassment:** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature offender; and Repeated verbal comments or gestures of a sexual nature offender, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**Sexual Intercourse:** Penetration of the vagina with the penis, however slight. Emission or ejaculation is not required to accomplish the act.

**Sexual Misconduct:** Any nonconsensual sexual contact or behavior for the purpose of arousing or gratifying the sexual desire of either party. It includes sexual abuse, assault, harassment, penetration, fondling, inappropriate touching, or any other conduct of a sexual nature without consent, or has the effect of threatening or intimidating the person against whom such conduct is directed. It further includes subjecting another to sexual comments, gestures, display or circulation of written material or pictures that are derogatory toward either gender.

**Sexual Penetration:** Penetration of the vagina, anus or mouth of a person with any object other than the penis or mouth of the actor.

## **PROCEDURE**

**REPORTING OF** The following procedure shall be used when a sexual misconduct

**SEXUAL  
MISCONDUCT:**

incident or allegation is reported to or observed by an employee. The priority shall be the safety and security of the alleged victim. Jail medical/mental health services will be requested if needed. Emergency medical services will be contacted if needed. Care shall be taken to preserve evidence and/or crime scene. After these initial responses are initiated, employees shall adhere to the following.

Employee(s) who observe conduct that appears to be in violation of this policy, or otherwise believes an offender has been subjected to sexual misconduct, will immediately report this information to a supervisor. The employee will report the information to the Undersheriff, the Sheriff or to the Human Resources Analyst assigned to the department if the allegedly offending party is in the reporter's chain of command.

Once notified, the supervisor will report the information to a Lieutenant, Commander, Undersheriff, or the Sheriff depending on who is available at the time.

If the complaint is against an arresting officer, staff will follow the [sexual assault/harassment complaints involving arresting officer procedure](#).

The employee to whom the complaint was made, or observed the incident will write a detailed report and submit it to their supervisor through the PREA Complaint Tracking in SharePoint. The employee will cooperate fully with the investigation process and be as forthcoming as possible with information to facilitate the investigation. Management will notify the appropriate division Professional Standards supervisor of the allegations involving a Sheriff's Office employee.

Apart from reporting to designated supervisors or officials, employees shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in Sheriff's Office policy, to make treatment, investigation, and other security and management decisions.

Professional Standards will provide the Commander with the information known at the time. The Commander will decide to conduct a preliminary inquiry into the allegations, notify the accused employee of a pending internal investigation, and adhere to the employee's applicable Collective Bargaining Unit contract.

**CRIMINAL AND**

The Marion County Sheriff's Office will ensure that an

**ADMINISTRATIVE  
AGENCY  
INVESTIGATIONS:**

administrative or criminal investigation is completed and documented for all allegations of sexual misconduct and sexual harassment. All allegations of sexual misconduct or sexual harassment are referred for investigation to the PREA Coordinator.

If the inquiry findings are Unfounded or Dismissed, Professional Standards supervisor will submit all related reports to the Division Commander for review.

If the inquiry findings are determined to be Not Sustained or Sustained, the Sheriff or designee will refer the case to an outside law enforcement agency, if applicable.

Upon completion of the criminal investigation, Professional Standards will recommence with the investigation, conclude, and submit the findings to the Division Commander for review, then file the approved report documentation into AIM.

**REPORTING A  
SEXUAL  
MISCONDUCT BY  
AN OFFENDER:**

Employees will inform jail or transition center offenders that if, for any reason, the offender feels uncomfortable reporting the alleged sexual assault to an employee, they may report it using a Health Care Request Form, a letter to a jail official, the telephone hotline, send a letter to the Marion County Sheriff's Office or an Offender Request Form, Etc. An offender may report it anonymously or be treated as a confidential informant. Medical or mental health staff will inform a supervisor when any offender reports being a victim of a sexual assault either just before or during incarceration.

**RESPONSE TO A  
SEXUAL  
MISCONDUCT  
REPORT:**

Employees will take seriously and follow up on all statements from an offender or other individual that the offender has been a victim of sexual misconduct or know of a threat to or past sexual assault of another. Employee response will be timely and in a sensitive, supportive, and nonjudgmental manner. They also must safeguard reports, investigations, and confidentiality of victims and informants.

Reports of sexual misconduct that are found to have occurred in another law enforcement agency will be reviewed as noted in the following section, "Verifying Suspected Sexual Misconduct".

If the report involves sexual misconduct that occurred within a correctional facility, the Commander or designee will make notification to the other agency where the alleged sexual misconduct took place within 72 hours of the report.

- Documentation of notification will be attached to the Sexual Assault Review Documentation generated by the following section, "Verifying Suspected Sexual Misconduct".

**VERIFYING  
SUSPECTED  
SEXUAL  
MISCONDUCT:**

In the event an employee hears of an offender being threatened with sexual misconduct, or rumored to have been subjected to sexual misconduct, the Sheriff's Office will attempt to verify the information. In response to an incident of suspected sexual misconduct, employees assigned by the PREA coordinator or their designee will do the following:

- Interview the suspected victim without jeopardizing the offender's safety, identity, and confidence.
- Remove the suspected victim from the area for said interview.
- Ask the suspected victim open-ended, neutral questions.
- Employees will utilize skills developed in training to help suspected victims overcome barriers to reporting, such as being labeled as an informer.
- If there are no indications of sexual misconduct, or if the suspected victim is not responding to questions, employees will remind the suspected victim of their right to be free from sexual misconduct and explain available resources if the suspected victim later decides they want to seek assistance.
- Employees will determine whether the incident was previously reported, if not, employees will document the encounter and inform a supervisor.

**RESPONSE TO A  
SEXUAL ASSAULT  
INCIDENT IN THE  
MARION COUNTY  
JAIL OR  
TRANSITION  
CENTER:**

Any employee who witnesses, finds evidence of, or receives a report of a sexual assault involving an offender will contact a shift Sergeant immediately. The shift Sergeant will first contact a Lieutenant, if this incident was alleged to have happened after hours the Shift Sergeant will contact the on-call Lieutenant. The Lieutenant will notify the Division Commander and determine if there is a need to contact Professional Standards Unit or Detective Sergeant / Lieutenant. The shift Sergeant will make sure staff take or assist in the following steps:

- Move the victim to a protected area immediately.
- Contact medical staff, whether emergency medical care is needed or not.
- Get a brief account of what happened. If the victim makes a request to speak with an investigator of a specific gender, accommodate the request if possible.
- If the sexual assault is less than 96 hours old, inform the victim not to shower, wash, drink, eat, or defecate until they have been examined.
- If in a jail setting, segregate any alleged assailant in a dry cell to reduce the opportunity for them to dispose of evidence.

- Limit access to the area of the alleged assault to avoid evidence contamination.
- Identify and secure any evidence related to the assault, such as clothing, undergarments, and bedding. Coordinate and follow any specific instructions on evidence collection Detectives personnel provide.
- Injuries should be photographed by the investigator.
- Arrange to keep witnesses separate by sight and sound from the alleged assailant. It will be necessary for investigators to interview and obtain statements from all potential witnesses as soon as possible as well as to question the alleged assailant.
- Deputies involved will write an Incident Report and any needed disciplinary report.
- Contact an advocate, chaplain or trained personal so support and care can be offered to the victim.
- If the alleged assailant is an employee, management will immediately take steps to prevent further contact between the staff member and alleged victim.
- Offer the victim the opportunity to speak with a sexual assault trauma counselor or other qualified sexual assault counselor.

**RETALIATION:**

Employees will not retaliate against or allow others to retaliate against any person who reported a sexual assault or took part in its investigation. Employees will encourage victims to report any retaliation promptly. Offenders may also report retaliation in person, citizen complaint reports, emails, and by telephone. If the offender is currently incarcerated within the Marion County Jail or Transition Center, they have the ability to report the incident to one of the unit Deputies or submit an offender grievance, offender request form (Kyte), a formal letter, or use the PREA telephone hotline. Any allegation of retaliation must be immediately brought to the attention of Command staff.

**MARION COUNTY  
JAIL MEDICAL  
STAFF  
RESPONSE:**

At a minimum, medical staff will do the following for an offender victim of sexual assault:

- Render first aid as needed.
- Document all exams and treatment of injuries, and any refusals for treatment; notify a shift sergeant on any refusal.
- Transfer the offender to a hospital staffed with a Sexual Assault Nurse Examiner (S.A.N.E.) for immediate care for a forensic sexual assault examination performed in accordance with the 2004 National protocol or later edition.

**FOLLOW UP:**

When practical, supervisors will conduct follow-up contacts with a victim of sexual misconduct or retaliation to ensure that the offenders are free from continued assaults or retribution for reporting or taking part in investigations.

- Follow up with the complainant after allegations are made involving sexual misconduct from an employee against an offender. The agency will subsequently inform the offender (unless the agency has determined that the allegation is unfounded) whenever:
  - The staff member is no longer assigned to the unit, case load or district within the vicinity of the complainant's or victim's location or unit.
  - The staff member is no longer employed;
  - The agency learns that the staff member has been indicted on a charge related to sexual abuse; or
  - The agency learns that the staff member has been convicted on a charge related to sexual abuse.
- Follow up on an offender's allegation of sexual misconduct involving another offender while housed inside the Marion County Jail or Transition Center. The agency will subsequently inform the alleged victim whenever:
  - The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
  - The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

**INCIDENT REVIEW:**

The Marion County Sheriff's Office will utilize the PREA Complaint Tracking System in SharePoint to conduct an incident review by management. Such review will occur within 30 days of the conclusion of the investigation.

- The review will:
  - Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused

- by other group dynamics at the facility;
- Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- Assess the adequacy of staffing levels in that area during different shifts;
- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- Any recommendations for improvement will be submitted to the facility head and PREA coordinator.

**DATA  
COLLECTION,  
REPORTING, AND  
ACCESS:**

Data on sexual misconduct involving offenders and reports of PREA events will be collected, stored and reported to state and federal authorities at their request. Data on individual offenders will be made available only to staff with a need to know.

- The agency will review data collected and aggregated in order to assess and improve the effectiveness of its sexual misconduct prevention, detection, and response policies, practices, and training, including by:
  - Identifying problem areas;
  - Taking corrective action on an ongoing basis;
  - The agency will ensure that data collected are securely retained; and
  - Preparing an annual report of its findings.
- The agency will make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually by request.
  - Before making aggregated sexual abuse data publicly available, the agency will remove all personal identifiers.
- The agency will maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless federal, state, or local law requires otherwise.

Signed  
**SHERIFF NICK HUNTER**

9/13/2023  
**EFFECTIVE DATE**

**Replaces:** 8/16/2019, 07/31/15, 6/22/2017, 2/8/2022