



# 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, 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 inmates committed to the care and custody of the Marion County Jail. 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 inmate sexual misconduct. Sexual misconduct, in any form, between staff and inmate or inmate and inmate is strictly prohibited. The purpose of this policy is to provide guidelines for prevention, responding, reporting, investigating and resolving complaints of inmate sexual 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, inmates, arrestees, or other individuals contacted in the course of Sheriff's Office official business, is illegal, unacceptable conduct and is prohibited.

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<sup>1</sup> 28 C.F.R § 115.11(a)



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5. Sexual contact in any form between offenders is prohibited. In custodial settings, inmates shall be considered incapable of giving consent to engage in sexual activities with Jail 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 or not 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 Jail and Transition Center will provide both internal and external ways for inmates to privately report sexual misconduct, retaliation by other inmates 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.

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 Commander of the division that receives such notification shall ensure that the allegation is investigated.
8. No employee or inmate 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's Office will assign the Administrative Lieutenant in the jail as the coordinator for all sexual misconduct investigations or allegations. This assignment will be referred to as the PREA Coordinator. The coordinator will be granted the authority to develop, implement and oversee agency efforts to



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comply with PREA standards as set forth in this policy. The PREA Coordinator will be responsible for monitoring retaliation against those reporting sexual misconduct.

10. The 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. At least once per year the PREA Coordinator will assess and document staffing plans, video monitoring systems, and recommend any procedural or budgetary adjustments to ensure adherence to the staffing plan.
12. Supervisors will conduct and document unannounced rounds on all shifts to deter staff sexual abuse and sexual harassment. Staff are prohibited from alerting other staff members the supervisory rounds are occurring.
13. The Sheriff's Office will conduct its own investigations into allegations of sexual misconduct, unless determined by the Sheriff 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.
14. 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:
  - a. Generally accepted detention and correctional practices;
  - b. Any judicial findings of inadequacy;
  - c. Any findings of inadequacy from Federal investigative agencies;
  - d. Any findings of inadequacy from internal or external oversight bodies;
  - e. All components of a facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
  - f. The composition of the inmate population;
  - g. The number and placement of supervisory staff;
  - h. Institution programs occurring on a particular shift;
  - i. Any applicable State or local laws, regulations, or standards;
  - j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and



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- k. Any other relevant factors.
15. The Sheriff's Office will not hire or promote anyone who may have contact with inmates, and will not enlist the services of any contractor who may have contact with inmates, who:
- a. 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);
  - b. 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; or
  - c. Has been civilly or administratively adjudicated to have engaged in the activity described in the preceding paragraph
  - d. 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 inmates.
  - e. Before hiring new employees who may have contact with inmates, the Sheriff's Office will;
    - i. Perform a criminal background records check; and
    - ii. 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.
  - f. The Sheriff's Office will perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.
  - g. The Sheriff's Office will conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates.
  - h. The Sheriff's Office will ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph 15.a. of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The Sheriff's Office will impose upon employees a continuing affirmative duty to disclose any such misconduct.
  - i. Material omissions regarding such misconduct, or the provision of materially false information, may be grounds for termination.
16. The Division Commander, or designee, will ensure all Marion County 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



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observed, or otherwise believe an offender has been subjected to sexual misconduct. New employee orientation will include:

- a. Review and acknowledgement of this policy
- b. Red-flag activities
- c. Sexual assault prevention and response methods
- d. Recognizing the signs of sexual assault
- e. Identification and referral process when an allegation of sexual assault is made
- f. Issues of consent
- g. Official misconduct offenses (ORS 162.405 and 162.415)
- h. Reporting requirements
- i. Crime scene and evidence protection
- j. Identification and monitoring of high risk areas
- k. Emotional and psychological effects on a victim of sexual misconduct and how to help their cope
- l. Types of assailants that threaten or commit sexual assault in a specific environment and their reasons
- m. Tailored efforts to address the needs of vulnerable populations, such as juveniles, women, and developmentally disabled persons
- n. Confidentiality when dealing with reports of sexual misconduct
- o. Process of investigations involving employees

17. Institutions Division employees will use approved supervision methodologies, electronic surveillance, facility design, and the inmate classification system to enhance monitoring in the jail and to reduce the risk of sexual misconduct involving offenders housed within Marion County Jail.

18. Enforcement Division employees will use approved supervision methodologies, electronic surveillance, including in 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.

19. Parole and Probations 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 Parole and Probations 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.

20. Operations Division employees will use approved supervision methodologies, electronic surveillance, facility design, courtrooms, temporary holding locations





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and transportation vehicles to enhance monitoring and reduce the risk of sexual misconduct involving offenders.

21. 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 inmate being placed in a holding cell with another inmate.
22. As a required part of the intake screenings process, prior to lodging an inmate in a housing unit, Institution 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.
23. Inmates 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 inmates or sexually abusive toward other inmates. Inmates may not be disciplined for refusing to answer or for failing to disclose information in regards to the assessment questions.

During offender Jail orientation and Parole and Probation supervision intake, employees will inform offenders regarding:

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

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

24. As a part of inmate orientation and the Inmate Manual, Deputies will provide information on:
  - a. Prohibited sexual conduct
  - b. Self-protection from becoming a forced or coerced victim of sexual misconduct while in custody, including:
    - I. Avoiding isolated areas out of sight of staff
    - II. Not accepting items of value from other inmates



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- III. Not displaying body language that can be perceived as weak
  - IV. Staying leery of any inmate offering protection.
  - V. Not giving out information about family, friends, or financial support
  - VI. Not purchasing large amounts of commissary
  - VII. Not giving an impression of having money available or of being in need of money
  - c. Reporting sexual assaults/harassment
  - d. Consequences of false reporting
  - e. Treatment and counseling for victims of sexual misconduct
  - f. Disciplinary and legal repercussions of sexual misconduct
  - g. Transmission of sexually transmitted diseases due to a sexual misconduct
25. Literature regarding sexual misconduct and Sexual Assault Trauma Syndrome will be made available to inmates in areas where inmates may access it without calling attention to themselves.
26. 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.
27. The Sheriff's Office will take appropriate steps to ensure that offenders with disabilities (including, for example, inmates 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 inmates 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 inmates with disabilities, including inmates 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.



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## PROCEDURE

### Reporting of Sexual Misconduct:

1. The following procedure shall be used when a sexual misconduct incident or allegation is reported to, or observed by an employee. The first 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.
2. 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 their 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.
3. Once notified, the supervisor will report the information to a Lieutenant, Commander, Undersheriff, or the Sheriff depending on who is available at the time.
4. The employee to whom the complaint was made, or observed the incident will write a detailed report and submit it to their supervisor. 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 Professional Standards supervisor of the allegations involving a Sheriff's Office employee.
5. 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.
6. 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 Administrative Agency Investigations

1. The Marion County Sheriff's Office will ensure that an administrative or criminal investigation is completed and documented for all allegations of





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sexual misconduct and sexual harassment. All allegations of sexual misconduct or sexual harassment are referred for investigation to the PREA Coordinator.

2. If the inquiry findings are Unfounded or Dismissed, Professional Standards supervisor will submit all related reports to the Division Commander for review.
3. 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.
4. 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 Inmate:

1. Employees will inform inmates that if, for any reason, he or she feels uncomfortable reporting the alleged sexual assault to an employee, he or she may report it using a Health Care Request Form, a letter to a jail official, the telephone hotline, send a letter to Clackamas County Sheriff's Office or an Inmate Request Form. An inmate may report it anonymously or be treated as a confidential informant. Medical or mental health staff will inform a shift sergeant when any inmate reports being a victim of a sexual assault either just before or during incarceration.

## Response to a Sexual Misconduct Report:

1. 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.
2. 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".
3. The Commander or designee will make notification to the other agency where the alleged sexual misconduct took place within 72 hours of the report.



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4. Documentation of said 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 will do the following:

1. Interview the suspected victim without jeopardizing the offender's safety, identity, and confidence.
2. Remove the suspected victim from the area for said interview.
3. Ask the suspected victim open-ended, neutral questions.
4. Employees will utilize skills developed in training to help suspected victims overcome barriers to reporting, such as being labeled as an informer.
5. 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.
6. 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 Sgt. 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 Detectives. The shift Sergeant will make sure staff take or assist in the following steps:

1. Move the victim to a protected area immediately.
2. Contact medical staff, whether emergency medical care is needed or not.



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3. 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.
4. 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.
5. If in a jail setting, segregate any alleged assailant in a dry cell to reduce the opportunity for them to dispose of evidence.
6. Limit access to the area of the alleged assault to avoid evidence contamination.
7. 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.
8. Injuries should be photographed as in any other potential assault case. To be done by the investigator.
9. Arrange to keep witnesses separate 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.
10. Deputies involved will write an Incident Report and any needed disciplinary report.
11. Contact an advocate, chaplain or trained personal so support and care can be offered to the victim.
12. Move the inmate to protective custody or another unit or area deemed safe and secure for the offender when he or she returns from medical treatment or investigation interview.
13. If the alleged assailant is an employee, management will immediately take steps to prevent further contact between the staff member and alleged victim.
14. Offer the victim the opportunity to speak with a sexual assault trauma counselor or other qualified sexual assault counselor.

Detective Involvement:



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The Professional Standards Sergeant or PREA Manager will complete a PREA Inquiry Tracking Report outlining the incident or alleged incident to the Division Commander. Depending upon the inquiry findings, the Commander will forward this to the appropriate management personal for an assignment determination (Professional Standards or Enforcement Detectives), if appropriate. The Sheriff may authorize the assignment of an outside investigator if it is believed that is in the best interest of the Sheriff's office.

## 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 inmate grievance, inmate 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.

## Family and Friends of the Victim:

Employees will be sensitive to the victim's wishes regarding reporting of the sexual misconduct to the victim's relatives or friends.

## Health Care Employee Response:

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

1. Render first aid as needed.
2. Document all exams and treatment of injuries, and any refusals for treatment; notify a shift sergeant on any refusal.
3. Transfer the inmate to a hospital for immediate care:
  - a) For a forensic sexual assault examination performed in accordance with the 2004 National protocol or later edition.
  - b) Evidence collection
  - c) For sexually transmitted disease testing
  - d) For prophylactic medical measures for reducing the incidence of sexual transmitted diseases, and, for a woman, pregnancy



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## e) For other sexual assault treatment intervention

### Post-Release Inmate Treatment and Counseling:

Jail and Transition center employees will refer the inmate to a mental health provider for crisis intervention or a trained counselor experienced in sexual assault counseling as soon as possible. Employees will make any additional needed referrals for further crisis intervention for an inmate with severe mental illness. Victims will be referred to mental health providers or sexual assault counselors for follow-up treatment at a sexual assault treatment center after the victim is released from custody.

### Criminal and Administrative Actions

#### 1. Prosecution:

When an investigation shows there is probable cause to believe a sexual assault took place, deputies or detectives may arrest the alleged assailant (if known) or forward all incident reports to the district attorney for their determination.

#### 2. Disciplinary Actions for Offenders:

Deputies will initiate disciplinary action against any offender suspected of sexual misconduct or who intentionally makes a false sexual misconduct charge against another person. Internal Affairs' investigations will occur after the criminal investigation is completed. Appellate reviewers will treat self-defense against a sexual assault as a mitigating factor in disciplinary proceedings for fighting where evidenced.

#### 3. Disciplinary Actions for Employees:

If the alleged assailant is an employee, supervisors will treat the incident as a possible crime scene, and will immediately notify command staff. Supervisors will refer to the Professional Standards Manual and Collective Bargaining Agreement for responding to and handling the disciplinary allegations. All allegations will be referred to the Sheriff or his designee for assignment of investigations.

- a) Professional Standards must coordinate with Detectives to avoid interfering with the criminal investigation.

### Follow Up:





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

1. 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:
  - a) The staff member is no longer assigned to the unit, case load or district within the vicinity of the complainants or victims location or unit.
  - b) The staff member is no longer employed;
  - c) The agency learns that the staff member has been indicted on a charge related to sexual abuse; or
  - d) The agency learns that the staff member has been convicted on a charge related to sexual abuse.
  
2. Follow up on an inmate's allegation of sexual misconduct involving another inmate while housed inside the Marion County Jail or Transition Center. The agency will subsequently inform the alleged victim whenever:
  - a) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
  - b) 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 conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

1. Such review will occur within 30 days of the conclusion of the investigation.
2. The review team will include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
  - a. The review team will:
    - I. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;



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- II. 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;
  - III. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - IV. Assess the adequacy of staffing levels in that area during different shifts;
  - V. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - VI. Prepare a report of its findings, including any recommendations for improvement and submit such report to the facility head and PREA coordinator.
3. The facility will implement the recommendations for improvement, or will document its reasons for not doing so.

## Data Collection, Reporting, and Access:

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

1. 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:
  - a. Identifying problem areas;
  - b. Taking corrective action on an ongoing basis;
  - c. The agency will ensure that data collected are securely retained; and
  - d. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
2. Such report will include a comparison of the current year's data and corrective actions with those from prior years and will provide an assessment of the agency's progress in addressing sexual misconduct.



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- a. The agency's report will be approved by the agency head and made readily available to the public by request.
- b. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.
3. 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.
  - a. Before making aggregated sexual abuse data publicly available, the agency will remove all personal identifiers.
4. 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.

## DEFINITIONS

Custodial Sexual Misconduct:	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.
Deviate Sexual Intercourse:	Contact between the sex organs of one person and the mouth or anus of another person.
Employee:	Employees of Marion County, reserve deputies, volunteers, interns, contractors, and practicum students who work for the Marion County Sheriff's Office.
Interference with Official Process:	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.
Law Enforcement Custody	Custody at a tribal, municipal, or county jail, state or federal correctional facility, detainment or arrest by Enforcement, Parole and Probation or Community Corrections.



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Offender:	<ol style="list-style-type: none"> <li>1. A person legally held in the jail for arraignment, hearing, trial or transfer.</li> <li>2. A person legally held in the jail pursuant to a judicial sanction, probation and/or parole officer sanction, or court order.</li> <li>3. A person who comes into the jail who is in the process of being transported to another correctional facility or agency.</li> <li>4. A person serving a sentence under the supervisory authority of the Marion County Sheriff's Office.</li> <li>5. A person currently detained and or arrested by Marion County.</li> <li>6. A person under current supervision by the Marion County Sheriff's Office for probation and/or parole.</li> </ol>
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.



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Sexual Contact:	1. 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. 2. 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 by one inmate, detainee, or resident directed toward another; and 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.
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.





# MARION COUNTY SHERIFF'S OFFICE

Signed  
**SHERIFF JASON MYERS**

6/22/2017  
**EFFECTIVE DATE**

**Replaces: 07/31/15**