

Audit Findings
PREVENTION PLANNING

Standard 115.11: Zero-tolerance of sexual abuse and sexual harassment; PREA coordinator

115.11 (a)

- Does the agency have a written directive mandating zero-tolerance toward all forms of sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the written directive outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment? ☒ Yes ☐ No

115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? ☒ Yes ☐ No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? ☒ Yes ☐ No
- Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?
☒ Yes ☐ No

115.11 (c)

- If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.) ☒ Yes ☐ No ☐ NA
- Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)
☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902 – Prison Rape Elimination Act, dated 08.07.2019
3. Imperial County Sheriff's Office - Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
4. Imperial County Sheriff's Office Corrections Division Organizational Chart, not dated

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Supervisory staff

5. PREA Compliance Manager

Interviews:

Through interviews with inmates and staff and review of inmate and staff files, it is evident that this facility interweaves requirements for this standard in their daily protocols. Both inmates and staff could speak to facility PREA practices and protocols being used as is described in the agency's PREA policy. The PREA Compliance Manager could attest to having the required time to institute and implement PREA protocols.

Site Review Observation:

During the tour of the facility, the Auditor witnessed uniform white boards consisting of current agency and facility PREA Zero-Tolerance, Audit Notices, internal and external reporting information for inmates and external advocate postings throughout the facility. During the tour the Auditor approached and informally interviewed inmates. Inmates were able to demonstrate how they could access PREA information, report externally to hotline numbers and or external advocates through their tablets. In addition, inmates cannot access tablet applications until they read and acknowledge facility and agency PREA information.

115.11

- (a) The Imperial County Sheriff's Office (ICSO) PAQ states the agency Policy 1711 mandates zero-tolerance toward all forms of sexual abuse and sexual harassment in the facility it operates and those directly under contract. ICSO Policy 1711, page 1, section policy statement, states, "It is the policy of the Imperial County Sheriff's Office (ICSO) to comply with the provisions set forth in the Prison Rape Elimination Act (PREA). ICSO has established a "Zero Tolerance" policy for sexual misconduct for incidents involving inmate-on-inmate sexual violence and staff misconduct/harassment towards inmates, regardless of whether the alleged acts are consensual in nature. ICSO considers any form of sexual misconduct by staff an abuse of power. This Departmental Standard Operating Procedure (SOP) addresses the prevention, intervention, treatment, investigation, tracking and reporting of inmate sexual abuse or harassment. ICSO shall make every effort to provide all inmates with a safe, humane and secure environment, free from the threat of sexual abuse or harassment. As part of the intake and orientation process, inmates shall be provided information regarding ICSO Zero Tolerance policy regarding sexual abuse or harassment. In addition, all persons having access to inmates in ICSO custody shall receive training and education as required by PREA standards to include staff, such as inmate medical providers, mental health staff, and investigators, and non-staff such as contractors, vendors, and volunteers to ensure a coordinated response to all incidents of sexual abuse or harassment. ICSO shall adapt any future PREA regulations as they become mandated."
- (b) ISCO Policy 902 – Prison Rape Elimination Act, page 2, section 902.3 PREA Coordinator, states, "The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee [department/office] efforts to comply with PREA standards in the Imperial County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:
 - (a) Developing and maintaining procedures to comply with the PREA Rule.
 - (b) Ensuring that any contract for the confinement of detainees or prisoners includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
 - (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
 - (d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners (28 CFR 115.151)."

The facility provided an Imperial County Sheriff's Office Corrections Division Organizational Chart. The organizational chart designates the agency Lieutenant as the PREA Coordinator.

- (c) The Imperial County Sheriff's Office (ICSO) PAQ states the agency organizational structure designates Lt. Colby Stewart as the facility PREA Manager. ICSO Policy 1711, page 4, section (10) PREA Compliance Manager, states, "Each facility will designate a PREA Compliance Manager assigned to serve as a point person for all PREA related matters within the respective facility. "

Through such reviews during the onsite phase of the audit, and witnessing the inmate tablets allowing them access to hotline calls, external advocates and PREA education information that must be read and acknowledged before being able to access other tablet applications, the facility exceeds the standards requirements.

Standard 115.12: Contracting with other entities for the confinement of inmates

115.12 (a)

- If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) ☐ Yes ☐ No ☒ NA

115.12 (b)

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) ☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ

Interviews:

1. PREA Compliance Manager

During the pre-audit phase, the PREA Compliance Manager conveyed the agency did not have privatized contracts.

115.12

- (a-b) The Imperial County Sheriff's Office PAQ states the facility does not contract with private agencies for confinement services of their inmates.

Through such reviews, the facility meets this standards requirements.

Standard 115.13: Supervision and monitoring

115.13 (a)

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?
☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?
☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy? ☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies? ☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies? ☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)? ☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population? ☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?
☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?
☒ Yes ☐ No ☐ NA
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards? ☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse? ☒ Yes ☐ No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? ☒ Yes ☐ No

115.13 (b)

- In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)
☒ Yes ☐ No ☐ NA

115.13 (c)

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? ☒ Yes ☐ No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies? ☒ Yes ☐ No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan? ☒ Yes ☐ No

115.13 (d)

- Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? ☒ Yes ☐ No
- Is this policy and practice implemented for night shifts as well as day shifts? ☒ Yes ☐ No
- Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902 – Prison Rape Elimination Act, dated 08.07.2019
3. Imperial County Sheriff's Office Policy 505, Security Checks, dated 9.10.2019
4. Imperial County Jail Facilities Annual Review of Staffing Assignments, years, 2020 and 2021
5. Unannounced Rounds Watch Commander Log Books dated throughout 2021

Interviews:

1. Random inmates
2. Targeted inmates
3. Random staff
4. Correctional Lieutenants
5. PREA Compliance Manager
6. Chief

Staff and inmates interviewed could attest to supervisory staff conducting unannounced rounds, each day, often occurring multiple times per day. Correctional Lieutenants attested to completing unannounced rounds in all areas of the facility. Lieutenants stated there are four Lieutenants on call each week working various shifts who walk around throughout each shift to ensure staff and residents are doing what they are supposed to be doing throughout the day. Rounds are logged in the Watch Commander log book.

Site review observation:

Unannounced rounds documentation demonstrated rounds are documented several times during all shifts, exceeding the standard requirement. Supervisory staff were noticed on each shift, throughout each shift.

115.13

- (a) The Imperial County Sheriff's Office PAQ states the agency requires the facility to develop, document and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against abuse. The daily number of inmates, based on the facility website on August 20, 2021 is 357 with the capacity of 350 and the staffing plan was predicated on the same number of inmates as is shown on the facility website.

The facility provided an Imperial County Jail Staffing Plan dated 2020. Although the staffing plan includes all required elements, a staffing plan for 2021 was requested by the Auditor. The staffing plan for 2021 was provided during the onsite review. The staffing plan includes the following elements:

- Statement attesting to compliance of standard 115.13
- Annual Corrections Administrative Team Meetings
- Review of and documentation of staffing deficiencies
- Reasons for deviations
- Review of PREA related incidents from previous years
- Facility characteristics, for each building to include:
 - layouts of each of the 14 housing units with camera capabilities
 - Intake and processing known as Receiving and Release
 - Outpatient housing areas, with camera capabilities
 - Recreation areas
- Staffing and staff assignments for each building/area, with a breakdown for each building
- Inmate population
- Inmate Programs
- Correctional Training
- PREA related statistics to include allegations from 2018-2020
- Staffing formula
- Assigned staff
- Current Status of staffing positions
- With an annual review signature of 12.22.2021

- (b) The Imperial County Sheriff's Office PAQ states each time the staffing plan is not complied with, the facility does not document and or justifies deviations. The PAQ states the four most common reasons for deviating from the staffing plan in the past 12 months is one the job injuries, sick time usage, short staffing and emergency transports.

ISCO Policy 902, page 2, section 902.3 (c), states, "Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year."

- (c) The Imperial County Sheriff's Office PAQ states at least once every year the facility/agency, in collaboration with the PREA coordinator, does review the staffing plan to whether adjustments are needed in (a) the staffing, (b) the deployment of monitoring technology, or (c) the allocation of agency/facility resources to commit to the staffing plan to ensure compliance with the staffing plan.

ICSO Policy 505, page 1, section Policy statement, states, "It is the Policy of the Imperial County Sheriff's Office Corrections Bureau that each occupied holding cell, medical housing area, or any area where inmates are located will be checked by an officer responsible for that area minimally once each hour. Checks are conducted to ensure inmates are alive and safe. Security checks are conducted to ensure the space has not been compromised, and inmates are Safe and free of any medical emergency."

- (d-e) The Imperial County Sheriff's Office PAQ states facility requires that intermediate level or higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

ICSO Policy 505, page 2, section II. Procedure, states, "Additionally, the Watch Commander will be required to conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Staff shall not alert other staff that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility."

Through such reviews, the facility met the standards requirements.

Standard 115.14: Youthful inmates

115.14 (a)

- Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☐ Yes ☐ No ☒ NA

115.14 (b)

- In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☐ Yes ☐ No ☒ NA
- In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☐ Yes ☐ No ☒ NA

115.14 (c)

- Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☐ Yes ☐ No ☒ NA
- Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates [inmates <18 years old].) ☐ Yes ☐ No ☒ NA

- Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates [inmates <18 years old].)
☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ

Interviews:

1. PREA Compliance Manager

The PAQ provided by the facility stated this facility did not house youthful inmates. Through discussions with the PREA Compliance Manager demonstrated youthful inmates were not housed at this facility.

Site Observation:

The facility tour and formal and informal interviews with inmates and staff demonstrated youthful inmates were not housed at the facility.

115.14

(a) The Imperial County Sheriff's Office PAQ states the agency does not house youthful inmates.

Through such reviews, the facility met the standards requirements.

Standard 115.15: Limits to cross-gender viewing and searches

115.15 (a)

- Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?
☒ Yes ☐ No

115.15 (b)

- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)
☒ Yes ☐ No ☐ NA
- Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.) ☒ Yes ☐ No ☐ NA

115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? ☒ Yes ☐ No
- Does the facility document all cross-gender pat-down searches of female inmates? (N/A if the facility does not have female inmates.) ☒ Yes ☐ No ☐ NA

115.15 (d)

- Does the facility have Directives that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? ☒ Yes ☐ No
- Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? ☒ Yes ☐ No
- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? ☒ Yes ☐ No

115.15 (e)

- Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status? ☒ Yes ☐ No
- If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner? ☒ Yes ☐ No

115.15 (f)

- Does the facility/agency train correctional officers in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? ☒ Yes ☐ No
- Does the facility/agency train correctional officers in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 510, Inmate Searches, dated 1.29.2018
3. Prison Rape Elimination Act Training Power Point, not dated

Interviews:

1. Random inmates
2. Targeted inmates
3. Random staff

4. Intake Officer
5. PREA Compliance Manager
6. Intake Unit Safe Prisons Manager

Interviews with inmates and staff demonstrated cross gender searches were only conducted in exigent circumstances. Staff interviewed attested to pat down searches being the search primarily used at this facility. Staff interviews did suggest if a cross gender or transgender search were to be completed, a female would search where female private plates existed and males would search where a male private plate existed. Staff could attest to being trained in cross gender search techniques. Staff stated if a transgender preferred an opposite sex staff conduct their search they would consider the transgender's request. Inmates interviewed reported their initial and any subsequent searches were respectfully conducted.

Site Review Observation:

1. Intake area
2. Search area

During the tour of the facility the Auditor observed Intake Department. Intakes being processed were placed at individual cubicles with staff directly on the opposite side of the plexiglas. Inmates were provided PREA information and are not processed outside of the area until the PREA information has been explained and inmates signed an acknowledgment attesting to receiving and understanding PREA information. Inmates were then moved to individually curtained areas to change clothing and continue with the final intake processes.

115.15

- (a) The Imperial County Sheriff's Office PAQ states the facility does not conduct cross-gender strip or cross-gender visual body cavity searches of their Inmates. In the past 12 months the facility has conducted zero cross-gender strip or cross-gender visual body cavity searches of Inmates.

ICSO Policy 510, page 4, section 1, states, "Searches of transgender and intersex inmates shall be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Security staff of either gender may conduct an immediate cursory search of such inmates in exigent circumstances. Staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a medical examination conducted in private by health services staff. Security staff shall ask the inmate what gender they identify with.

The transgender or intersex inmate shall be asked which gender of staff member they prefer to be searched by. Their preference shall be noted on the ICSO Corrections Bureau Search Preference Form and shall be signed by the inmate prior to conducting a strip search of the inmate. Split searches where one staff member will search the body parts that are anatomically similar to the staff member shall never be completed.

Staff shall document in the Spellman system under the subject's identification number, all cross gender strip searches, cross gender visual body cavity searches, and cross gender female pat downs."

- (b) Imperial County Sheriff's Office PAQ states the facility does not permit cross-gender pat-down searches of female inmates, absent exigent circumstances.
- (c) Imperial County Sheriff's Office PAQ states the facility policy requires that all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches be documented and justified. Compliance can be found in provision (a) of this standard.

- (d) Imperial County Sheriff's Office PAQ states the facility has implemented policies and procedures that enable Inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks (this includes viewing via video camera).
- (e) The Imperial County Sheriff's Office PAQ states the facility has a policy prohibiting staff from searching or physically examining a transgender or intersex Inmate for the sole purpose of determining the inmate's genital status. Such searches did not occur in the past 12 months. Compliance can be found in provision (a) of this standard.
- (f) The Imperial County Sheriff's Office PAQ states 100% of security staff receive training on conducting cross-gender pat-down searches and searches of transgender and intersex Inmates in a professional and respectful manner.

The facility provided a Prison Rape Elimination Act training PowerPoint. Slide 82 speaks to "Common Responses of Female Victims in Confinement Settings. Slides 167-168 speak to "Transgender and Intersex Search Considerations".

Through such reviews of the facility meets this standards requirements.

Standard 115.16: Inmates with disabilities and inmates who are limited English proficient

115.16 (a)

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect,

and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes)? ☒ Yes ☐ No

- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? ☒ Yes ☐ No
- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? ☒ Yes ☐ No
- Does the agency 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? ☒ Yes ☐ No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? ☒ Yes ☐ No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision? ☒ Yes ☐ No

115.16 (b)

- Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient? ☒ Yes ☐ No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? ☒ Yes ☐ No

115.16 (c)

- Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019

Interviews:

1. Targeted inmates

2. Intake Officers

During interviews with targeted inmates who were disabled either cognitively or physically and language English proficient, each could articulate their understanding of PREA protocols. An interpreter was used for two interviews and the inmates could articulate their understanding of PREA protocols. Intake Officers could attest to inmates watching and signing acknowledgements of having reviewed the at booking as this is part of the booking process.

115.16

- (a) The Imperial County Sheriff's Office PAQ states the agency has established procedures to provide disabled Inmates equal opportunities to be provided with and learn about the agency's efforts to prevent, detect and respond to sexual abuse and sexual harassment.

ICSO Policy 902, page 3, section (g), states, "Ensuring that detainees and prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116)."

- (b) The Imperial County Sheriff's Office PAQ states the agency has established procedures to provide inmates with limited English equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

The facility state Classification staff will explain and/or read the PREA informational pamphlet to inmates that are developmentally disabled, or with limited reading skills.

- (c) The Imperial County Sheriff's Office PAQ states the agency prohibits the use of inmate interpreters. In the last 12 months the facility has had zero instances where inmates were used for interpreters.

ICSO Policy 902, page 3, section (g)1., states, "The agency shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's or prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment, or retaliation."

Through such reviews, the facility meets this standards requirements.

Standard 115.17: Hiring and promotion decisions

115.17 (a)

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates 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)? ☒ Yes ☐ No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who 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? ☒ Yes ☐ No

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? ☒ Yes ☐ No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates 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)? ☒ Yes ☐ No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who 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? ☒ Yes ☐ No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? ☒ Yes ☐ No

115.17 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates? ☒ Yes ☐ No
- Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates? ☒ Yes ☐ No

115.17 (c)

- Before hiring new employees, who may have contact with inmates, does the agency perform a criminal background records check? ☒ Yes ☐ No
- Before hiring new employees who may have contact with inmates, does the agency, 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? ☒ Yes ☐ No

115.17 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? ☒ Yes ☐ No

115.17 (e)

- Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? ☒ Yes ☐ No

115.17 (f)

- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? ☒ Yes ☐ No
- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? ☒ Yes ☐ No

- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? ☒ Yes ☐ No

115.17 (g)

- Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? ☒ Yes ☐ No

115.17 (h)

- Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 1000, Recruitment and Selection, dated 8.7.2019
3. Imperial County Sheriff's Office Policy 514, Security Clearance Procedures, dated 5.3.2007
4. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
5. Imperial County Sheriff's Office Policy 340, Standards of Conduct, dated 8.7.2019
6. Imperial County email communication, RE: 115.17 (f)(h), dated 1.19.2022

Interviews:

1. PREA Compliance Manager
2. Office Tech Administrative Office
3. Background Investigator

Interviews with the Office Tech Administrative Office, Background Investigator and PREA Compliance Manager demonstrated during the initial criminal history check, each employee's or contractor's information is tracked through Livescans. No five-year criminal history checks are warranted as the Livescans system notifies the agency of all arrests. The Background Investigator did state he was unaware the database needed to be checked at least every 21 days to retrieve arrest records. The Background Investigator attested to beginning this practice from the onsite review, forward.

Site Review Observation:

During review of staff personnel files reviewed, this Auditor noted that institutional references were not completed for applicable staff at the facility. Facility staff were unaware of this process. Upon speaking to the Office of Personnel, this Auditor learned this process was completed at the Agency level.

115.17

- (a) The Imperial County Sheriff's Office PAQ states the agency policy prohibits hiring or promoting anyone who may have contact with inmates, and prohibits enlisting the services of any contractor who may have contact with inmates who has engaged in or been convicted in or administratively

adjudicated in sexual activity described in paragraph (a)(2) of this standard.

ICSO Policy 1000, page 3, section 1000.5.4, states, "The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment."

- (b) The Imperial County Sheriff's Office PAQ states agency policy requires the consideration of any incidents of sexual harassment when determining to hire and or promote anyone, or to enlist services of any contractor, who may have contact with inmates. During the file review, the Office Tech in the Administrative Office was able to demonstrate this documentation was in each employees file.
- (c) The Imperial County Sheriff's Office PAQ states Agency policy requires background checks are conducted with all new hires who have contact with inmates and makes 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. In the past 12 months 15 persons hired may have contact with an inmate who have had criminal background checks.
- (d) The Imperial County Sheriff's Office PAQ states the agency policy requires that a criminal background records check be completed before enlisting the services of any contractor who may have contact with inmates. In the past 12 months there were three contracts for services where criminal background record checks were conducted on all contractors covered in the contract who might have contact with inmates.

ICSO Policy 514, page 2, section 6, states, "Contracted Program Providers (V.O.A.): Instructors must complete a security clearance application. The Inmate Program Sergeant conducts a warrant, R file, and DOJ IDENTIX criminal history check of the applicant. DOJ IDENTIX fees will be paid for by the V.O.A. program."

- (e) The Imperial County Sheriff's Office PAQ states the agency requires background checks to be completed every five years. ICSO Policy 1711, page 18, section C. states, "Background Checks/Notifications: The Imperial County Sheriff's Office has made every attempt to maintain policies and procedures to guide our staff, volunteers and contractors with regard to incidents of sexual abuse and harassment. It is the policy of the Imperial County Sheriff's Office to conduct a warrant and criminal history background checks every (5) years by our Administrative Investigations Unit."
- (f) The facility was able to provide completed forms which directly asked all applicants and employees who may have contact with offenders about previous misconduct described in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of employee review.

The facility provided an email communication from Chief Deputy to facility investigators, which states, "The Prison Rape Elimination Act (PREA) has enacted some provisions that directly affect our background investigation process. Moving forward please ensure you adhere to the following standards when conducting backgrounds for correctional staff:

115.17

(f) Directly ask all applicants and employees who may have contact with offenders about previous misconduct described in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of employee review.

Additionally, for any calls received seeking information on staff:

(h) "Unless prohibited by law, information shall be provided on substantiated allegations of sexual abuse or sexual harassment involving a former employee after receiving a request from an institutional employer for whom the employee has applied to work."

- (g) The Imperial County Sheriff's Office PAQ states that agency policy states that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

ICSO policy 340, page 5, section (b-c) states, "The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document. (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business."

- (h) Imperial County Sheriff's Office Policy 340, Standards of Conduct, page 5, section (b)(c) states, "(b) The falsification of any work-related records, making misleading entries of statements with the intent to deceive or the willful and unauthorized removal, alteration destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority in connection with any investigation or in the reporting of any department-related business."

Through such reviews, the facility meets this standards requirements.

Standard 115.18: Upgrades to facilities and technologies

115.18 (a)

- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)
☐ Yes ☒ No ☐ NA

115.18 (b)

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)
☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** *(Requires Corrective Action)*

Document Review:

1. Imperial County Sheriff's Office PAQ

Interviews:

1. PREA Compliance Manager

Interviews with the PREA Compliance Manager demonstrated staff supervision is practiced in lieu of cameras.

Site Review Observation:

1. Guard Towers

115.18

- (a) The Imperial County Sheriff's Office PAQ states the facility has not acquired a new facility or made substantial expansions or modifications to existing facilities since the last PREA audit.
- (b) The Imperial County Sheriff's Office PAQ states the facility has not installed electronic surveillance system since the last PREA audit.

Through such reviews, the facility meets this standards requirements.

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

115.21 (a)

- If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)
☒ Yes ☐ No ☐ NA

115.21 (b)

- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) ☐ Yes ☐ No ☒ NA
- Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) ☒ Yes ☐ No ☐ NA

115.21 (c)

- Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate? ☒ Yes ☐ No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? ☒ Yes ☐ No
- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? ☒ Yes ☐ No
- Has the agency documented its efforts to provide SAFEs or SANEs? ☒ Yes ☐ No

115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? ☒ Yes ☐ No
- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency *always* makes a victim advocate from a rape crisis center available to victims.) ☒ Yes ☐ No ☐ NA
- Has the agency documented its efforts to secure services from rape crisis centers?
☒ Yes ☐ No

115.21 (e)

- As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews? ☒ Yes ☐ No
- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? ☒ Yes ☐ No

115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) ☒ Yes ☐ No ☐ NA

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency *always* makes a victim advocate from a rape crisis center available to victims.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 602, Sexual Assault Investigations, dated 8.7.2019
3. California Clinical Forensic Medical Training Center – California Sexual Assault Response Team SART Manual, January 2016
4. Imperial County Sheriff's Office, Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
5. Imperial County Sheriff's Office Policy 902. Prison Rape Elimination, dated 8.7.2019
6. Sure Helpline Crisis Center Flyer, not dated
7. Sure Helpline Memorandum of Understanding, dated 7.9.2020

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Supervisory staff
5. Qualified Mental Health Professional;
6. PREA Compliance Manager
7. Facility Investigator

Interviews with all inmates and staff indicated they were aware of an outside advocate. During the interview with the Qualified Mental Health Professional, he worked with the external advocate agency and the agency is well established with Imperial County Jails.

Every staff interviewed clearly articulated first responder duties to include protecting, preserving and reporting. When each were asked where this information was located, responses included bulletin boards and postings all around the facility.

Site Review Observation:

There were six investigations reported in the last 12 months. Each of the six investigations were reviewed during the onsite review. Each investigation appeared to have been completed promptly, thoroughly and objectively.

115.21

- (a) The Imperial County Sheriff's Office PAQ states the facility is responsible for conducting Administrative Investigations or criminal sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct. When conducting a sexual abuse investigation, the agency investigators follow a uniform evidence protocol.
- (b) The Imperial County Sheriff's Office PAQ states the protocol being developmentally is not appropriate for youth. The protocol was adapted from or otherwise based on the most recent edition of the DOJ's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.

ICSO Policy 602, page 5, section 602.8.3, states, "The Evidence Room supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14)."

The facility provided a California Clinical Forensic Medical Training Center – California Sexual Assault Response Team SART Manual. This manual describes the protocols to be followed in the state of California in regard Sexual Abuse Response Teams.

- (c) The Imperial County Sheriff's Office PAQ states the facility offers all inmates who experience sexual abuse access to forensic medical examinations. Forensic examinations are offered at no cost to the victim. Where possible, all examinations are conducted by SAFE or SANE examiners. There have been zero medical exams, SAFE/SANE exams performed in the last 12 months.

ICSO Policy 1711, page 11, section E., states, "ICSO Investigations Unit personnel will make the determination if a Sexual Assault Nurse's Examination is needed and will arrange transportation to the appropriate facilities. In accordance with ICSO Policy 602 Sexual Assault Investigations. The exam will be at no cost to the inmate. "

ISCO Policy 902, page 6-7, section 902.5.4, states, "Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182)."

- (d) The Imperial County Sheriff's Office PAQ states the facility attempts to make a victim advocate from a rape crisis center available to the victim, in person or by other means. All efforts are documented. If a rape crisis center is not available to provide victim advocate services. The facility does not employ qualified staff member to accompany victims; however, the facility does work with Sure Helpline Crisis Center to ensure an advocate can be available.

The facility provided a Sure Helpline Memorandum of Understanding, (MOU). This MOU states, "This Operational Agreement stands as evidence that The Sure Helpline Crisis Center and The Imperial County Sheriff Department intend to work together toward the mutual goal of providing maximum available assistance for crime victims residing in Imperial County. Both agencies believe the Implementation of the California Emergency Management Agency – Rape Crisis Program, as described here in this goal. To this end, each agency agrees to participate in the program by coordination/providing the following services."

On 12.24.2021 at 1:08 pm, this auditor contacted the Sure Helpline Crisis Center at 654 W. Main Street, El Centro, CA 92243 at 760.352.7273. After introducing myself and the reason for the call the operator provided the following information. 'Lucy' answered and stated "we would take care of it and do the paperwork on it. We would take the information the person gives us and put it all on paper. It would be considered how we handle a regular rape. We would call the Jail and get ahold of an Officer and let them know we got a call and report. We would then go meet with the victim and offer to go to the hospital with them and stay with them as long as they needed. After the SART, we would offer the victim follow up advocacy services."

The facility provided a Sure Helpline Crisis Center Hotline. The pamphlet includes address and telephone contact information. The telephone contact information includes a toll free number 1.877.780.7776.

The facility provided the following verbiage. "We have a standing and secure working relationship with the Sure Helpline Crisis Center. A "PREA" victim or anyone who has been a victim of sexual assault and desires services. The phone number for Sure Helpline Crisis Center could be found throughout the jail, is given upon intake and is available to be called free and anytime. The victim could either call on their own or a PREA member could set up services by making the first initial intake interview. A PREA member would then set up for face to face, counseling services. The Sure Helpline counselors let the victim know of their rights on the first session and advocate for them. Sure Helpline will come as often as the victim desires, and a PREA team member personally takes care of coordinating this. The number given to inmates on the PREA pamphlet during the intake process is (760)352-7273. We also have the cell phone number of one of the lead counselors Consuelo who is always available to assist us. "

- (e) The Imperial County Sheriff's Office PAQ states a qualified community member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information and referrals.
- (f,g,h) The Imperial County Sheriff's Office PAQ states the agency is responsible for Administrative or Criminal investigations. The agency only investigates Administrative Investigations. All other investigations are completed by Internal Affairs.

Through such reviews, the facility meets this standards requirements.

Standard 115.22: Directives to ensure referrals of allegations for investigations

115.22 (a)

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? ☒ Yes ☐ No
- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? ☒ Yes ☐ No

115.22 (b)

- Does the agency have a directive and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? ☒ Yes ☐ No
- Has the agency published such directive on its website or, if it does not have one, made the directive available through other means? ☒ Yes ☐ No
- Does the agency document all such referrals? ☒ Yes ☐ No

115.22 (c)

- If a separate entity is responsible for conducting criminal investigations, does the directive describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
3. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Watch Commander

Inmate and staff interviews demonstrated each can report incidents of sexual abuse and sexual harassment through the grievance process, reporting to a family member, reporting to staff or utilizing the hotline. Each stated being comfortable reporting incidents of sexual harassment and assault, primarily in person.

Site Review Observation:

There were six investigations reported in the last 12 months. Of those six investigations, all were reported timely with the victim and perpetrator separated immediately following the allegation, where appropriate as some incidents were reported after the fact. Each investigation was reviewed utilizing

the PREA Audit – Adult Prisons & Jails Documentation Review – Investigations template. Each investigation reviewed was completed thoroughly and within 30 days. Investigations are placed in the agency database, reviewed by appropriate personnel in the facility and have been reviewed by the incident review team.

115.22

(a) The Imperial County Sheriff's Office PAQ states the agency insures that an administrative or criminal investigations are completed for all allegations of sexual abuse and sexual harassment. In the past 12 months the facility has had 10 allegations of sexual abuse and sexual harassment that were received. In the past 12 months two allegations resulted in an Administrative Investigation. In the past 12 months nine investigations resulted in Criminal Investigations.

(b-c) The Imperial County Sheriff's Office PAQ states the agency has policy that requires allegations of sexual abuse or harassment to be referred for investigation to an agency with the legal authority to conduct criminal investigations.

ICSO Policy 1711, page 13, section VI, states, "Response to Sexual Allegations: When ICSO staff, volunteers, or contractual staff become aware of a possible incident involving inmate sexual harassment, discover inmate sexual harassment of in progress, or observe evidence of inmate sexual harassment, they shall immediately notify the respective Watch Commander or designee. All incidents of sexual harassment shall be reported immediately and investigated thoroughly."

ISCO Policy 902, page 5, section 902.5, states, "Investigations: The [Department/Office] shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received [department/office]-approved special training shall conduct sexual abuse investigations (28 CFR 115.171)."

Through such reviews, the facility meets this standards requirements.

TRAINING AND EDUCATION

Standard 115.31: Employee training

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance directive for sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response Directives and procedures? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? ☒ Yes ☐ No

115.31 (b)

- Is such training tailored to the gender of the inmates at the employee's facility? ☒ Yes ☐ No
- Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa? ☒ Yes ☐ No

115.31 (c)

- Have all current employees who may have contact with inmates received such training? ☒ Yes ☐ No

- Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment Directives and procedures? ☒ Yes ☐ No
- In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment Directives? ☒ Yes ☐ No

115.31 (d)

- Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2020
3. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
4. Imperial County Sheriff's Office Prison Rape Elimination Act Training PowerPoint, not dated
5. Prison Rape Elimination Act PREA Training Log for 2020

Interviews:

1. Facility staff
2. Administrative Office Tech
3. PREA Compliance Manager

Interviews with random and targeted staff demonstrated each were aware of and received initial and booster training annually or annual PREA training. When prompted, staff could speak to various information regarding separating inmates, perhaps to the recreation area, putting an Officer near the room where the allegation was alleged to have occurred, Calling and reporting the allegation to the Watch Commander and documenting any information up until the point when supervisory staff respond.

Site Observation:

Review of personnel files demonstrated staff had received PREA training. Due the facility utilizing an online training system. A training spreadsheet with employee names, position, Compliant standing with annual training and date of training completed.

- (a) The Imperial County Sheriff's Office PAQ states the agency trains all employees who may have contact with Inmates in all required provisions of this standard.

ICSO Policy 1711, page 5-6, section III. A. 1-4., states:

1. "Staff Training Requirements:
 - a. ICSO Zero Tolerance Policy
 - b. Staff's responsibilities to prevent, detect, report, and respond to sexual abuse and sexual harassment. Including methods of privately reporting.

- c. Confidentiality of reports, including the obligation to not reveal information other than to the extent necessary as specified in agency policy to make treatment, investigation, and other security and management decisions.
 - d. The inmates' right to be free from sexual abuse or sexual harassment.
 - e. The dynamics of sexual violence in a confinement setting.
 - f. Recognizing and responding to the physical, behavioral and emotional signs of sexual abuse or sexual harassment.
 - g. How to avoid inappropriate relationships with inmates.
 - h. Familiarization with cross-gender searches and the searching of transgender individuals and victims of sexual violence.
 - i. Disciplinary sanctions / criminal prosecution.
 - j. Staff ethics.
 - k. Applicable federal, state and local laws.
2. Medical and Mental Health Staff Training Requirements:
 - a. ICSO Zero Tolerance Policy
 - a. Assessing signs of sexual abuse
 - b. How to respond to victims of sexual abuse.
 - c. How to report and mandatory reporting of all incidents of sexual abuse or sexual harassment.
 3. Volunteer and Contractors Training Requirements:
 - a. ICSO Zero Tolerance Policy.
 - b. Recognizing and responding to the physical, behavioral and emotional signs of sexual abuse or sexual harassment.
 - c. How to report and mandatory reporting of all incidents of sexual abuse or sexual harassment.
 4. Inmate Training Requirements:
 - a. ICSO Zero Tolerance Policy.
 - b. How to report sexual abuse and sexual harassment.
 - c. Consequences for failing to report or false reporting."

The facility provided a Prison Rape Elimination Act training PowerPoint. The PowerPoint demonstrates employees, contractors and volunteers are trained on the following:

- Overview of the Law and Your Role
- Inmate's Rights to be Free from Sexual Abuse Harassment and to be Free from Retaliation from Reporting.
- Prevention and Detection
- Response and Reporting
- Professional Boundaries
- Effective and Professional Communications
- LGBTQ Considerations

(b) The Imperial County Sheriff's Office PAQ states training is tailored to the unique needs and attributes and gender of inmates at the facility. ISCO Policy 902, page 9, section 902.9, states, "All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive [department/office]-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Deputy shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The [Department/Office]'s zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.

- Communicating effectively and professionally with all detainees and prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.”

(c) The Imperial County Sheriff’s Office PAQ states 129 staff currently employed by the facility, who may have contact with Inmates, were trained or retrained on the PREA requirements enumerated above. Employees who have contact with inmates receive annual training. ICSO Policy 902, page 10, last paragraph, states, “All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.”

(d) The Imperial County Sheriff’s Office PAQ states the agency documents that employees who may have contact with Inmates, understand the training they have received through employee signature or electronic verification. ICSO Policy 902, page 10, first paragraph, states, “The Training Deputy shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.”

Through such reviews, the facility meets this standards requirements.

Standard 115.32: Volunteer and contractor training

115.32 (a)

- Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response Directives and procedures? ☒ Yes ☐ No

115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency’s zero-tolerance directive regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)? ☒ Yes ☐ No

115.32 (c)

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff’s Office PAQ

2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019
3. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
4. Imperial County Sheriff's Office Prison Rape Elimination Training PowerPoint, not dated

Interviews:

1. Qualified Mental Health Contractor

The Qualified Mental Health Contractor recalled having PREA training by the agency to include the agency he currently is employed with, on an annual basis.

115.32

- (a) The Imperial County Sheriff's Office PAQ states all volunteers and contractors who have contact with Inmates have been trained on their responsibilities under the agency's policies and procedures regarding sexual abuse and harassment prevention, detection, and response. 20 contractors and volunteers, who have contact with Inmates, have completed the required training.

ISCO Policy 902, page 9, section 902.9, states, "All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive [department/office]-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Deputy shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The [Department/Office]'s zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees and prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities."

- (b) The Imperial County Sheriff's Office PAQ states all volunteers and contractors who have contact with Inmates have been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Policy compliance can be found in provision (a) of this standard.

ISCO Policy 1711, page 5-6, section III. A. 1-4., states:

1. Volunteer and Contractors Training Requirements:

- a. ISCO Zero Tolerance Policy.
- b. Recognizing and responding to the physical, behavioral and emotional signs of sexual abuse or sexual harassment.
- c. How to report and mandatory reporting of all incidents of sexual abuse or sexual harassment.

- (c) The Imperial County Sheriff's Office PAQ states the agency maintains documentation confirming that the volunteers and contractors understand the training they have received.

ISCO Policy 902, page 10, first paragraph, states, "The Training Deputy shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification."

Through such reviews, the facility meets this standards requirements.

Standard 115.33: Inmate education

115.33 (a)

- During intake, do inmates receive information explaining the agency's zero-tolerance directive regarding sexual abuse and sexual harassment? ☒ Yes ☐ No
- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? ☒ Yes ☐ No

115.33 (b)

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? ☒ Yes ☐ No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents? ☒ Yes ☐ No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency Directives and procedures for responding to such incidents? ☒ Yes ☐ No

115.33 (c)

- Have all inmates received the comprehensive education referenced in 115.33(b)? ☒ Yes ☐ No
- Do inmates receive education upon transfer to a different facility to the extent that the Directives and procedures of the inmate's new facility differ from those of the previous facility? ☒ Yes ☐ No

115.33 (d)

- Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? ☒ Yes ☐ No
- Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? ☒ Yes ☐ No
- Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? ☒ Yes ☐ No
- Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? ☒ Yes ☐ No
- Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? ☒ Yes ☐ No

115.33 (e)

- Does the agency maintain documentation of inmate participation in these education sessions?
☒ Yes ☐ No

115.33 (f)

- In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019
3. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
4. Imperial County Sheriff's Office Prison Rape Elimination Training PowerPoint, not dated
5. Imperial County Sheriff's Jail Booking Summary Sheet Report, (English and Spanish) dated, 11.6.2020
6. Imperial County Sheriff's Office Policy 401, Classification Procedure, dated 11.3.2020
7. No Mean No PREA Posters, (English and Spanish), not dated
8. End the Silence PREA Brochures, (English and Spanish), not dated

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Intake Officers
4. PREA Compliance Manager

Interviews with each of the random and targeted inmates reported their knowledge on PREA, reporting options to staff, writing a grievance, telling a friend, notifying a family member and the hotline numbers posted on Zero-tolerance Posters throughout the facility. Please note that this facility had quite a few cognitively and mentally disabled inmates in the maximum security unit of the facility. Many were on medications and not quite as clear as the remainder of the population. Although the mentally challenged inmate could not answer all the questions, they had a clear idea of PREA and who to talk with should they need this type of assistance.

Site Observation:

Of the 27 Inmate files reviewed, each demonstrated evidence of PREA education within 72 hours of intake and again within 30 days of intake. Documentation of training within 72 hours was documented; however, documentation of 30 training is received through inmate tablets. Inmates are unable to access applications until they read and acknowledge PREA disclaimer and watch the PREA video.

115.33

- (a) The Imperial County Sheriff's Office PAQ states Inmates receive information at time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. 3108 inmates admitted in the past 12 months were given information at intake.

ICSO Policy 1711, page 8-9, section D., states, "Inmate Orientation - Upon intake, all inmates will be educated on ICSO's Zero Tolerance policy. The ICSO Inmate Handbook and ICSO Sexual

Assault Awareness pamphlet contain information regarding sexual abuse and sexual harassment. This information shall be provided during the inmate classification interview process. The ICSO Inmate Handbook and Sexual Assault Awareness pamphlet shall include, but not limited to:

1. Methods and self-protection techniques to reduce the likelihood of being victimized by sexual offenders
2. Procedures for reporting attempted sexual abuse or sexual harassment by another inmate or staff to include:
 - a. Reporting the attack to ICSO staff immediately
 - b. Requesting to see the Facility / Bureau Commander or designee via an inmate request.
 - c. Calling the Rape Crisis or Sure Helpline Crisis Center Hotline phone number that is posted in all holding areas, housing areas, inmate tablets, and informational pamphlets given at the time of booking. Inmates can contact either number toll free from any inmate telephone.
3. Consequences for the inmate who commits sexual abuse or harassment against another inmate(s), including criminal prosecution and administrative disciplinary proceedings.
4. Available support services (e.g. counseling, medical/mental health services, etc.)
5. ICSO Disciplinary rules of conduct for all inmates.
6. Prior to being housed all inmates will view an orientation video that will explain their rights to be free from sexual abuse or harassment and to be free from retaliation for reporting such incidents.

- (b) The Imperial County Sheriff's Office PAQ states within the past 12 months, zero inmates received age appropriate PREA education within 30 days of intake. Inmates who had not received the training were not housed at the facility for 30 days, therefore the 30-day training was not applicable to all intakes in the last 12 months.
- (c) The Imperial County Sheriff's Office PAQ states of those who were not educated during 30 days of intake, all inmates have been educated subsequently. (Average length of stay at this facility is 18 days.)
- (d) The Imperial County Sheriff's Office PAQ states Inmate PREA education is available in accessible formats for all inmates including those who are limited English proficient, deaf, visually impaired, otherwise disabled or have limited reading skills.

ICSO Policy 401, page 2, second paragraph, states, "Classification personnel conducting formal classification interviews shall make necessary accommodations for the inmate if they have a physical or mental disability or if they are limited English proficient, to the extent possible."

The agency provided:

- Imperial County Sheriff's Jail Booking Summary Sheet Report, which includes the following questions:
 - If you, or someone you know, are experiencing sexual abuse or sexual harassment, The Imperial County Jail wants to know. We want you to report right away!
 - Here is how you can report. Telephone: (442)265-2272.
 - Report to any staff, volunteer, contractor, or medical or mental health staff.
 - Submit a grievance or sick call slip. Report to the PREA Coordinator or PREA Compliance Manager.
 - You can call the Sure Helpline Crisis Center at (760)352-7873 Tell a family member, friend, legal counsel, or anyone else outside the facility
- No Means No PREA Posting, which include information on:
 - Right to Report
 - How to Report to include six reporting options with contact information for each
 - Victim Support Services
- End the Silence Zero Tolerance Brochure which includes information regarding:

- Right to Report
- How to Report
- External Reporting Options
- What to do if you are abused
- Notice for failure to report
- PREA Coordinator contact information
- Zero Tolerance
- What is Sexual Harassment
- What is Sexual Abuse
- What is staff voyeurism
- Example of Staff Voyeurism
- Tips for Avoiding Sexual Abuse and Sexual Harassment

- (e) The Imperial County Sheriff's Office PAQ states the facility maintains documentation of inmate participation in PREA education sessions.
- (f) The Imperial County Sheriff's Office PAQ states The agency ensures that key information about the agency's PREA policies is continuously and readily available or visible through posters, inmate handbooks, or other written formats.

Through such reviews, the facility meets this standards requirements.

Standard 115.34: Specialized training: Investigations

115.34 (a)

- In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA

115.34 (b)

- Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA
- Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA
- Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA
- Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA

115.34 (c)

- Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 602, Sexual Abuse Investigations
3. National Institute of Corrections Investigator Certificate of Completion, dated 10.23.2020

Interviews and on site file review:

1. Facility Investigator

Interviews with facility investigators and personnel file review demonstrated that the investigator interviewed had completed annual investigator training as well as training mandated for all facility employees.

115.34

- (a) The Imperial County Sheriff's Office PAQ states the agency policy requires that investigators are trained in conducting sexual abuse investigations in confinement settings.

ICSO Policy 602, page 1, section 602.1 states, "The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on victims."

The facility provided a Certificate of Completion training for PREA Investigating Sexual Abuse in A Confinement Setting. In addition, the facility provided a Certificate of Completion training certificate for PREA Investigating Sexual Abuse in a Confinement Setting: Advanced Investigations. Both certificates were awarded on 10.23.2020.

- (b) The agency states investigator training has been completed on the National Institute for Corrections Specialized Investigator training website, which includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral."
- (c) The Imperial County Sheriff's Office PAQ states the agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. The PAQ states employees and the facility has three employees who have completed investigator training.

The facility provided investigator training for eight employees.

Through such reviews the facility meets this standards requirements.

Standard 115.35: Specialized training: Medical and mental health care

115.35 (a)

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

115.35 (b)

- If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.) ☐ Yes ☐ No ☒ NA

115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.) ☒ Yes ☐ No ☐ NA
- Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)

- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019
3. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
4. Imperial County Sheriff's Office Prison Rape Elimination Act Training PowerPoint, not dated
5. Training email directive to Medical/Mental Health Contract Staff, dated 1.7.2022

Interviews:

1. Qualified Mental Health Staff

The Qualified Mental Health Contractor recalled having some training; however, he could not ascertain if the training was specialized medical/mental health training required by PREA.

Site Observation:

File review of the mental health staff training records demonstrated he had not completed specialized medical and mental health training as well as annual training thereafter.

115.35

- (a) The Imperial County Sheriff's Office PAQ states the agency has a policy related to the training of medical and mental health practitioners who work regularly in its facilities. 34 staff, a 100% of medical and mental health staff who work at the facility have received training required by agency policy.

ISCO Policy 1711, page 5, section A. 1 and A. 2, state,

1. Staff Training Requirements:
 - a. ICSO Zero Tolerance Policy
 - b. Staff's responsibilities to prevent, detect, report, and respond to sexual abuse and sexual harassment. Including methods of privately reporting.
 - c. Confidentiality of reports, including the obligation to not reveal information other than to the extent necessary as specified in agency policy to make treatment, investigation, and other security and management decisions.
 - d. The inmates' right to be free from sexual abuse or sexual harassment.
 - e. The dynamics of sexual violence in a confinement setting.
 - f. Recognizing and responding to the physical, behavioral and emotional signs of sexual abuse or sexual harassment.
 - g. How to avoid inappropriate relationships with inmates.
 - h. Familiarization with cross-gender searches and the searching of transgender individuals and victims of sexual violence.
 - i. Disciplinary sanctions / criminal prosecution.
 - j. Staff ethics.
 - k. Applicable federal, state and local laws.
2. Medical and Mental Health Staff Training Requirements:
 - a. ICSO Zero Tolerance Policy
 - b. Assessing signs of sexual abuse
 - c. How to respond to victims of sexual abuse.
 - d. How to report and mandatory reporting of all incidents of sexual abuse or sexual harassment.

The facility provided a ISCO Prison Rape Elimination Act training PowerPoint, Slide 120, states, "There is required specialized training for medical and mental health practitioners to ensure an appropriate response to sexual abuse (115.35)"

- (b) The Imperial County Sheriff's Office PAQ states their medical staff do not conduct forensic medical exams.
- (c) The Imperial County Sheriff's Office PAQ states the agency maintains documentation showing that medical and mental health practitioners have completed the required training.

The facility provided an email directive to all mental health and medical contract staff to complete specialized training. This memo instructs staff to complete the National Institute of Corrections PREA 201 for Medical and Mental Health Practitioners training by February 1, 2022.

Through such reviews the facility meets the standard requirements.

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.41: Screening for risk of victimization and abusiveness**115.41 (a)**

- Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? ☒ Yes ☐ No
- Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? ☒ Yes ☐ No

115.41 (b)

- Do intake screenings ordinarily take place within 72 hours of arrival at the facility?
☒ Yes ☐ No

115.41 (c)

- Are all PREA screening assessments conducted using an objective screening instrument?
☒ Yes ☐ No

115.41 (d)

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?
☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?
☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization? ☒ Yes ☐ No

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability? ☒ Yes ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? ☒ Yes ☐ No

115.41 (e)

- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, prior acts of sexual abuse? ☒ Yes ☐ No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, prior convictions for violent offenses? ☒ Yes ☐ No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, history of prior institutional violence or sexual abuse?
☒ Yes ☐ No

115.41 (f)

- Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening? ☒ Yes ☐ No

115.41 (g)

- Does the facility reassess an inmate's risk level when warranted due to a referral?
☒ Yes ☐ No
- Does the facility reassess an inmate's risk level when warranted due to a request?
☒ Yes ☐ No
- Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse? ☒ Yes ☐ No
- Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?
☒ Yes ☐ No

115.41 (h)

- Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section? ☒ Yes ☐ No

115.41 (i)

- Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** *(Requires Corrective Action)*

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
3. Imperial County Sheriff's Office Policy 401, Classification Procedures, dated 11.3.2020
4. Imperial County Sheriff's Office Inmate Classification Assessment Form, dated 08.2019
5. Imperial County Sheriff's Office PREA Screening, dated 10.28.2020
6. Email communication to Classification Personal, dated 1.3.2022

Interviews:

1. Targeted inmates
2. Intake Officers
3. Correctional Staff
4. PREA Compliance Manager

Interviews with Intake Officer, Correctional staff and the PREA Compliance staff demonstrated that risk assessments are completed with each inmate within 72 hours of admission. However, during such interviews a system was not in place for biannual risk assessments for transgender or intersex inmates. The facility provided the following memo to correct ensure a biannual risk assessment is completed for transgender or intersex inmates.

"Good afternoon everyone. When the PREA Audit was completed, it appears a couple of issues related to Classification came up. Below are the 3 issues that came up:

1. Before transferring an inmate out of reception they will need to review any additional relevant information that the facility has received regarding the inmate's risk of victimization or abusiveness. If the check is completed and there was not any relevant information then it should be documented in a way that we could easily retrieve. If they complete the check and there is additional relevant information, they should interview the inmate and reassess them accordingly. [§ 115.41(f)]
2. Tracking of inmates identified as transgender or intersex to ensure that they are reassessed at least twice per year. The reassessments need to be documented. [§ 115.42(d)]
3. Notify inmates identified as transgender or intersex that they will be allowed to shower separately from other inmates if they request. This notification needs to be documented. [§ 115.42(f)]

In order to fix these issues, the following guidelines will be effective immediately:

- ☐ Before inmate is removed from Reception, Classification will ask inmate if anything has changed during his time in Reception. Documentation will be logged using Spillman code XFRA. For those inmates that will be housed longer than 10 days in Reception, Classification will conduct PREA follow up interview on the 10th day.
- ☐ For those inmates who identify as transgender or intersex, a follow up interview will be scheduled for 6 months after their initial booking. This can be documented on PREA assessment and can be made as a schedule event. 6 month interview will be documented in Spillman using ICR log entry. At that time, Classification will schedule next interview to be conducted in 6 months.
- ☐ While completing PREA assessments, you will notify those inmates identified as transgender or intersex they can be allowed to shower separate from other inmates if they request. This will be documented in PREA assessment along with your CIM log entry. Classification will keep track of those inmates who wish to be showered separately. "

Site Observation:

During review of 27 inmate files, this Auditor noted each inmate had received screening within 72 hours of admission, primarily on the day of admission. Of the 27 formal and several informal interviews conducted, only two inmates stated their needs were not considered or met regarding placement within the facility. Upon the Auditor reporting the inmate reports, we researched the complaints and found the two inmates were false reporting to perhaps have a third inmate disciplined for a false allegation.

115.41

(a) The Imperial County Sheriff's Office PAQ states the facility has a policy that requires screening, upon admission or transfer, for risk of sexual abuse victimization or sexual abusiveness toward other Inmates.

ICSO Policy 401, page 1-2, states, "Formal Classification Staff assigned to the Classification Unit will conduct a face to face interview with every new inmate, within 72 hours of arrival. During the interview, an assessment form (see attachment) will be completed. Based on the information revealed during the interview and recommended classification level from the assessment form, appropriate housing and classification level will be determined. The inmate will be advised of his classification level, advised of facility rules, and the process for a classification review.

Classification personnel conducting formal classification interviews shall make necessary accommodations for the inmate if they have a physical or mental disability or if they are limited English proficient, to the extent possible.

1. Whether the inmate has a mental, physical, or developmental disability
2. Age
3. Prior criminal history
4. Whether the inmate is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming
5. Prior history of sexual victimization
6. The inmates own perception of vulnerability

Inmates shall not be disciplined for failing to answer questions related to the criteria of numbers 1,4,5,6 listed above. The interview will be logged in the JMS. (Jail Management System)

Classification personnel shall complete the Imperial County Sheriff's Office PREA Screening Instrument to determine the risk of victimization or abusiveness. If the inmate reports any prior sexual victimization during the screening the shall be offered a follow-up meeting with a medical or mental health practitioner within 14 days.

If it is determined that a reassessment is required, the Classification staff shall advise the PREA Coordinator. The PREA Coordinator shall ensure that a thirty-day reassessment is completed."

ICSO Policy 1771, page 7-8, section C. 1-3, states, "Classification staff shall consider:

1. Inmate's current charges which may reflect sexually abusive behavior.
2. Inmate history which may reflect that the inmate has a history of sexual abusive behavior and/or has been a sexual abuse victim.
3. Self-reporting by the inmate that they are a victim of sexual abuse.

Inmate(s) identified as sexual offender(s) while in custody may be placed into Restrictive Housing pending classification and administrative review, if other housing is not feasible.

The alleged victim(s) and offender(s) may be reclassified into protective custody from the general population or placed into direct supervision housing. Inmates reclassified for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible.

If at any time, the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse it shall take immediate action to protect the inmate."

- (b) The Imperial County Sheriff's Office PAQ states the number of inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 72 hours or more) who were screened for risk of sexual victimization or risk of sexually abusing other inmates with 72 hours of their entry into the facility was 1559.

ICSO Policy 401, page 2-8, section E, states, "Formal Classification Staff assigned to the Classification Unit will conduct a face to face interview with every new inmate, within 72 hours of arrival. During the interview, an assessment form (see attachment) will be completed. Based on the information revealed during the interview and recommended classification level from the assessment form, appropriate housing and classification level will be determined. The inmate will be advised of his classification level, advised of facility rules, and the process for a classification review."

- (c) The Imperial County Sheriff's Office PAQ states the facility conducts risk assessments by using an objective screening instrument.

The facility provided an Imperial County Sheriff's Office Inmate Classification Assessment Form and an PREA Screening Form. The Classification Assessment form and the PREA Screening Form are both and objective and include necessary information to ensure the inmate is classified per the facility policy requirements. In addition, the forms allow for classification type and any required follow up appointments that may be required for medical and mental health care.

- (e) ICSO Policy 401, page 1, section B-C., state,
"B. Pre-Housing Classification 1. Under special circumstances, Classification may be called to do an immediate pre-housing assessment of a new arrestee. The normal course of processing is outlined in Intake Classification Profile, on page 1 of this policy.

C. Housing Plan 1. The Classification Supervisor shall maintain a current housing plan outlining the housing of inmates at RADF, HHCC, and OFDF. The Housing Plan will be maintained as BPP 401-A."

- (f) The Imperial County Sheriff's Office PAQ states the policy requires that the facility reassess each inmate's risk of victimization or abusiveness within a set time period, not to exceed 30 days after the inmate's arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening. The number of inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 30 days or more) who were reassessed for their risk of sexual victimization or of being sexually abusive with 30 days after their arrival at the facility based upon any additional relevant information received since intake was zero. Although the average length of stay at the facility is 18 days, policy compliance can be found in provision (a).
- (g) ICSO Policy 401, page 6, section 3., states, "Reclassification. The Classification Supervisor is responsible for the reclassification of all the inmates for the proper housing assignment if required. The following factors and documents in the inmate's record are to be considered when reclassifying an inmate.
- (h) ICSO Policy 401, page 1-2, states, "Inmates shall not be disciplined for failing to answer questions related to the criteria of numbers 1,4,5,6 listed above. The interview will be logged in the JMS. (Jail Management System)."

Through such reviews, the facility meets this standards requirements.

Standard 115.42: Use of screening information

115.42 (a)

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? ☒ Yes ☐ No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? ☒ Yes ☐ No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? ☒ Yes ☐ No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? ☒ Yes ☐ No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? ☒ Yes ☐ No

115.42 (b)

- Does the agency make individualized determinations about how to ensure the safety of each inmate? ☒ Yes ☐ No

115.42 (c)

- When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the **agency** consider, on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by directive or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? ☒ Yes ☐ No
- When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems? ☒ Yes ☐ No

115.42 (d)

- Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate? ☒ Yes ☐ No

115.42 (e)

- Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments? ☒ Yes ☐ No

115.42 (f)

- Are transgender and intersex inmates given the opportunity to shower separately from other inmates? ☒ Yes ☐ No

115.42 (g)

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) ☒ Yes ☐ No ☐ NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) ☒ Yes ☐ No ☐ NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☒ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☐ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 401, Classification Procedure, dated 11.3.2020
3. Imperial County Sheriff's Office Inmate Classification Assessment Form, dated 8.2019
4. Imperial County Sheriff's Policy 1712, Transgender, Intersex, Non-Binary, and Gender Non-Conforming Inmates, dated 4.1.2019
5. Email communication to Classification Personal, dated 1.3.2022

Interviews:

1. Targeted Inmates
2. Random Inmates
3. Intake Officer
4. Correctional Officers

Interviews with Correctional Officers and Intake Officers demonstrated inmates complete four assessments, one at intake, one an hour after booking and two more later on to ensure risk levels are

appropriate. In addition, the facility has an in-depth screening tree that is referred to for every intake. This screening tree is referred to for each intake.

Risk levels are communicated to all staff through a color coded system that is located on the inside of the unit/pod door which needs to be opened to unlock the unit/pod. Targeted and random inmates speak to the intake process being respectable. Targeted inmates and Intake staff state upon admission, same sex staff search same sex inmates. Inmates preferring to be searched by opposite gender staff due to inmate identification are considered. Targeted inmates interviewed stated they did not request to be searched by specific staff.

Interviews with one specific targeted inmate revealed she was unaware she could shower without other inmates in the shower area. This particular shower area was in the 'Farm' and showers were set up where three females shower at once. The facility provided an Email communication to Classification Personal. The email states:

Good afternoon everyone. When the PREA Audit was completed, it appears a couple of issues related to Classification came up. Below are the 3 issues that came up:

1. Before transferring an inmate out of reception they will need to review any additional relevant information that the facility has received regarding the inmate's risk of victimization or abusiveness. If the check is completed and there was not any relevant information then it should be documented in a way that we could easily retrieve. If they complete the check and there is additional relevant information, they should interview the inmate and reassess them accordingly. [§ 115.41(f)]
2. Tracking of inmates identified as transgender or intersex to ensure that they are reassessed at least twice per year. The reassessments need to be documented. [§ 115.42(d)]
3. Notify inmates identified as transgender or intersex that they will be allowed to shower separately from other inmates if they request. This notification needs to be documented. [§ 115.42(f)]

In order to fix these issues, the following guidelines will be effective immediately:

- ☐ Before inmate is removed from Reception, Classification will ask inmate if anything has changed during his time in Reception. Documentation will be logged using Spillman code XFRA. For those inmates that will be housed longer than 10 days in Reception, Classification will conduct PREA follow up interview on the 10th day.
- ☐ For those inmates who identify as transgender or intersex, a follow up interview will be scheduled for 6 months after their initial booking. This can be documented on PREA assessment and can be made as a schedule event. 6 month interview will be documented in Spillman using ICR log entry. At that time, Classification will schedule next interview to be conducted in 6 months.
- ☐ While completing PREA assessments, you will notify those inmates identified as transgender or intersex they can be allowed to shower separate from other inmates if they request. This will be documented in PREA assessment along with your CIM log entry. Classification will keep track of those inmates who wish to be showered separately. “

Site Observation:

This Auditor witnessed the color coded system on the inside of the door outside of each pod/unit. It is important to note, the door with the color coded system needs to be unlocked by staff in order to unlock the pod/unit. The system is quite effective and kept confidential from inmates.

115.42

- (a) The Imperial County Sheriff's Office PAQ states the facility uses information from the risk screening required by §115.341 to inform housing, bed, work, education, and program

assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

ICSO Policy 401, page 1, section I., states, "It is the policy of the Imperial County Sheriff's Office, Corrections Bureau to set forth a uniform standard for the purpose of classifying inmates booked into the Jail in accord with Title 15, Section 1080 of the California Code of Regulations. The classification plan provides an outline of information needed to assess the safety risks of the inmates held in custody.

Imperial County Corrections Bureau will house inmates in the least restrictive housing necessary to maintain safety and security of staff, inmates, and the facilities. Housing assignment will be behavior based and inmates will be held responsible for their behavior while incarcerated. Classification will assign housing based on the inmate's behavior (current and past), current criminal charge, criminal sophistication level, gang affiliation, willingness to follow facility rules, predatory behaviors, likeliness to be victimized, assaultiveness and while accommodating special needs."

The facility provided an Imperial County Sheriff's Office Classification form. The form has an in depth graphic 'Custody Level Decision Tree'. The level system is comprised of levels 1-9, separating out Minimum, Medium, and Maximum placement levels.

- (b) The Imperial County Sheriff's Office PAQ states the agency/facility makes individualized determinations about how to ensure the safety of each inmate.
- (c) The Imperial County Sheriff's Office PAQ states the agency/facility makes housing and program assignments for transgender, or intersex inmates in the facility on a case-by-case bases.
- (d) Policy compliance is found compliant in provision (c) of this standard.
- (e) ISCO Policy 401, page 4-6, section H, states, "Restrictive Housing Reviews
 - a. Schedule
 1. The Classification Supervisor will review the request for restrictive housing within 72 hours of the inmate's placement. The review is to assure proper classification of the inmate and to ensure the inmate knows why he/she was placed into administrative segregation.
 2. The Classification Supervisor will review the restrictive housing status on or before the 10th day and give an opinion on the inmate's classification and any changes thereof.
 3. The Classification Supervisor will review the restrictive housing status on or before the 30th day, and every 30 days thereafter and give an opinion on the inmate's classification status and any changes thereof.
 4. The Classification Supervisor will document all restrictive housing reviews into the JMS.
 - b. Removal
 1. Only the Classification Supervisor and the Bureau Commander can authorize the removal of an inmate from restrictive housing.
 2. Criteria for removal:
 - a. Medically approved for general population.
 - b. Inmate is no longer in immediate and foreseeable danger.
 - c. Inmate is interviewed by the Classification Supervisor or Bureau Commander regarding removal.
- 2. Protective Custody Reviews
 - a. Schedule
 1. The Classification Supervisor will review the request for protective custody within 72 hours of the inmate's placement. The review is to assure proper classification and

to ensure the inmate knows why he/she was placed into protective custody.

2. The Classification Supervisor will review the inmate's protective custody status on the 10th day and give an opinion of the inmate's classification status and any changes thereof.
3. The Classification Supervisor will review the inmate's protective custody status on the 30th day and every 30 days thereafter, giving an opinion on the inmate's classification status and any changes. The 30-day review will include a medical opinion of the inmate's physical and mental status.

b. Removal

1. Only the Classification Supervisor and/or the Bureau Commander may remove an inmate who has requested protective custody from that classification if the inmate does not meet the criteria. When an inmate requests removal from protective custody through his/her attorney, the Classification Supervisor or the Bureau Commander is not obligated to release the inmate, if the inmate still meets protective custody criteria.
2. The Classification Supervisor shall thoroughly document all findings and releases from protective custody in the JMS.

3. Reclassification

The Classification Supervisor is responsible for the reclassification of all the inmates for the proper housing assignment if required. The following factors and documents in the inmate's record are to be considered when reclassifying an inmate.

- a. A complete review of all forms and documents in the inmate's jail record folder.
- b. Re-classification will often require a referral and examination or evaluation by medical or mental health staff, as well as personal discussions with inmates, custody staff, probation/parole staff, and other facility support staff.
- c. Reclassification shall be undertaken immediately upon the occurrence of the situations or circumstances, which will or may affect the safety and security of inmates and staff. Staff actions shall include immediate control and supervision and referral to the appropriate command officer. The Classification Supervisor is to be informed immediately of such occurrences through copies of incident reports, disciplinary reports, inmate request forms, and/or other staff reports and re-classification request forms.
- d. If an inmate wishes to appeal his or her classification, the following will take place. The inmate will submit a request to speak to the Classification Supervisor regarding his or her status. The Classification Supervisor will set up a time to interview and review with the inmate all the documentation pertaining to the initial classification. The Classification Supervisor will explain to the inmate the decision that was made and justify his decision based on information and documentation collected. If the inmate is still not satisfied with the decision, he or she can request to speak to the Facility Lieutenant. The Classification Supervisor will advise the Facility Lieutenant of the outcome. The Facility Lieutenant will set up a time to further discuss the inmate's classification. The Facility Lieutenant will have the final say regarding the inmate's re-classification.

(f) Staff consider letting transgender or intersex inmates shower alone, if requested.

(g) Compliance can be found compliant in provision (e) of this standard.

Through such reviews of the Custody Level Decision Tree and the color coded risk identification system the facility exceeds this standards requirements.

Standard 115.43: Protective Custody

115.43 (a)

- Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers? ☒ Yes ☐ No
- If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment? ☒ Yes ☐ No

115.43 (b)

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? ☒ Yes ☐ No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? ☒ Yes ☐ No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? ☒ Yes ☐ No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? ☒ Yes ☐ No
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) ☒ Yes ☐ No ☐ NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) ☒ Yes ☐ No ☐ NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) ☒ Yes ☐ No ☐ NA

115.43 (c)

- Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged? ☒ Yes ☐ No
- Does such an assignment not ordinarily exceed a period of 30 days? ☒ Yes ☐ No

115.43 (d)

- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document the basis for the facility's concern for the inmate's safety? ☒ Yes ☐ No

- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document the reason why no alternative means of separation can be arranged? ☒ Yes ☐ No

115.43 (e)

- In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
3. Imperial County Sheriff's Office Policy 401, Classification Procedure, dated 11.3.2020
4. Imperial County Sheriff's Office Inmate Classification Assessment Form, dated 8.2019

Interviews:

1. Targeted Inmates
2. Random Inmates
3. Correctional Officers
4. Intake Officer

Through interviews this Auditor learned placement of inmates in seclusion is typically done only as a result of an allegation and primarily at the request of the inmate. Targeted inmates in and out of the seclusion spoke to receiving services, being able to come out of the cell one hour a day to include time for showering.

Site Observation:

Through interviews and site observation, it appeared to the Auditor the inmates in seclusion cells were there primarily for their benefit as their behaviors warranted the need to be separated from the main population. As was spoke to earlier in this report, many of the inmates in maximum security have many mental health issues and could easily be taken advantage of and or may not understand if they were being victimized, in this Auditor's humble opinion.

115.43

- (a) The Imperial County Sheriff's Office PAQ states the agency has a policy prohibiting the placement of inmates at high risk for sexual victimization in involuntary segregated housing unless and an assessment of all available alternatives has been made and a determination has been made that there is not available alternative means of separation from likely abusers. The number of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment is zero.

ICSO Policy 1711, page 12-13, section M, states, "Inmates who allege to have suffered sexual abuse shall not be placed into involuntary segregated housing unless and assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. The individual assessment shall be

documented in the JMS and shall require follow up assessments in compliance with BPP 401 – Classification Procedures regarding restrictive housing placement.”

- (b) ICSO Policy 1711, page 8, section 3., second paragraph, states, “The alleged victim(s) and offender(s) may be reclassified into protective custody from the general population or placed into direct supervision housing. Inmates reclassified for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible.”
- (c) The Imperial County Sheriff’s Office PAQ states the number of inmates at risk of sexual victimization who were assigned to involuntary segregated housing in the past 12 months, for longer than 30 days while awaiting alternative placement was zero.

ICSO Policy 401, page 3, section G., states, “Restrictive Housing Administrative segregation is the removal or segregation of an inmate from general population into a restrictive housing unit. These housing units consist of a separate and secure housing, but do not involve any deprivation of privileges other than those necessary to obtain the objective of protecting the safety and security of the inmate, staff and facility.”

- (d) The Imperial County Sheriff’s Office PAQ states from a review of case files of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH (a) a statement of the basis for facilities concern for the inmate’s safety, and (b) the reason or reason why alternative means of separation could not be arranged was zero.
- (e) The Imperial County Sheriff’s Office PAQ states if an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population.

Through such reviews, the facility meets this standards requirements.

REPORTING

Standard 115.51: Inmate reporting

115.51 (a)

- Does the agency provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency provide multiple internal ways for inmates to privately report retaliation by other inmates or staff for reporting sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency provide multiple internal ways for inmates to privately report staff neglect or violation of responsibilities that may have contributed to such incidents? ☒ Yes ☐ No

115.51 (b)

- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? ☒ Yes ☐ No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? ☒ Yes ☐ No
- Does that private entity or office allow the inmate to remain anonymous upon request? ☒ Yes ☐ No
- Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility *never* houses inmates detained solely for civil immigration purposes) ☐ Yes ☐ No ☒ NA

115.51 (c)

- Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? ☒ Yes ☐ No
- Does staff promptly document any verbal reports of sexual abuse and sexual harassment? ☒ Yes ☐ No

115.51 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
3. Imperial County Sheriff's Jail Booking Summary Sheet Report, English and Spanish, dated 11.6.2020
4. Imperial County Corrections Inmate Handbook Rules & Regulations, dated 10.2020
5. Imperial County Jail End the Silence Brochure, English and Spanish, not dated
6. No Means No Flyer, English and Spanish, not dated
7. Sure Helpline Crisis Center Flyer, not dated

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Correctional staff

Staff and inmates were comfortable reporting verbally to any staff; however, each interviewed knew the PREA Compliance Manager by name and were comfortable approaching him with questions throughout our three days at the facility. Inmates were also aware of calling the hotline numbers posted throughout the facility. Many inmates did not understand the term advocate, once the Auditor explained the purpose of the advocate, they then spoke to the Qualified Mental Health staff by name and the external advocate.

Site Observations:

During the tour and informal inmate interviews, inmates were able to demonstrate how they could make hotline calls, file emergency grievances and or verbally report to staff. The facility had an overwhelmingly inviting environment. Upon entering each pod/unit, inmates would stop what they were doing, ask if they could assist us, and then assisted us, without question. Inmates demonstrated how the tablet system worked and how the phone system worked so they could report. Also of note, the phone system has 800 numbers for inmates to phone outside help, if needed. At 9:00 pm the phone system is shut down except for #9, which allows inmates to call outside advocates and or the hotline.

115.51

- (a) The Imperial County Sheriff's Office PAQ states The agency has established procedures allowing for multiple internal ways for Inmates to report privately to agency officials about sexual harassment, abuse, retaliation and or any type of neglect.

ICSO Policy 1711, page 8-9, section D., states, "Inmate Orientation- Upon intake, all inmates will be educated on ICSO's Zero Tolerance policy. The ICSO Inmate Handbook and ICSO Sexual Assault Awareness pamphlet contain information regarding sexual abuse and sexual harassment. This information shall be provided during the inmate classification interview process. The ICSO Inmate Handbook and Sexual Assault Awareness pamphlet shall include, but not limited to:

1. Methods and self-protection techniques to reduce the likelihood of being victimized by sexual offenders
2. Procedures for reporting attempted sexual abuse or sexual harassment by another inmate or staff to include:
 - a. Reporting the attack to ICSO staff immediately
 - b. Requesting to see the Facility / Bureau Commander or designee via an inmate request.
 - c. Calling the Rape Crisis or Sure Helpline Crisis Center Hotline phone number that is posted in all holding areas, housing areas, inmate tablets, and informational pamphlets given at the time of booking. Inmates can contact either number toll free from any inmate telephone.
3. Consequences for the inmate who commits sexual abuse or harassment against another inmate(s), including criminal prosecution and administrative disciplinary proceedings.
4. Available support services (e.g. counseling, medical/mental health services, etc.)
5. ICSO Disciplinary rules of conduct for all inmates.

Prior to being housed all inmates will view an orientation video that will explain their rights to be free from sexual abuse or harassment and to be free from retaliation for reporting such incidents.

The facility provided:

- An Imperial County Sheriff's Jail Booking Summary Sheet. The Jail Booking Summary Sheet includes reporting sexual abuse and sexual harassment reporting instruction to include contact information.
- Imperial County Corrections Inmate Handbook Rules & Regulations. Page 2, section Reporting speaks to reporting incidents of sexual abuse with direction to dial *4357# to report internally.
- End the Silence Brochure. The brochure includes instruction on:
 - Dialing 442.265.2272 – this Auditor phoned this number on 11.28.2021 at 6:32 pm MST and was connected with the Imperial County Jail. This Auditor asked the operator what she would if this call regarded a PREA report. The Operator responded she would contact the Watch Commander and transfer the call to him/her. (*Operator Grey*)
 - Report to any staff, volunteer, contractor, or medical or mental health staff.
 - Submit a grievance or sick call slip.
 - Report to the PREA Coordinator or the PREA Manager who are both named on the brochure with contact information
 - Tell a family member, friend, legal counsel or anyone else outside the facility or that those individuals could call on the inmate's behalf.
 - Submit a report on someone's behalf.
- No Means No flyer. This flyer includes information on:
 - Right to Report
 - How to Report
 - Victim Support Services phone number information

- (b) The Imperial County Sheriff's Office PAQ states facility provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency. The agency does not have a policy requiring inmates detained solely for civil immigration purposes be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.

ICSO Policy 1711, page 8-9, section D. 2.c., states, "Calling the Rape Crisis or Sure Helpline Crisis Center Hotline phone number that is posted in all holding areas, housing areas, inmate tablets, and informational pamphlets given at the time of booking. Inmates can contact either number toll free from any inmate telephone."

- (c) The Imperial County Sheriff's Office PAQ states the agency has a policy mandating that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously and from third parties. The agency has a policy mandating that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously and from third parties.

ICSO Policy 1711, page 9, section IV., states, "Reporting of Sexual Abuse/Harassment. Inmate Reporting – Inmates can report using the following methods: 1. Inmate Requests 2. Inmate Grievances 3. Calling the Sure Helpline Crisis Center 4. Verbal or written report to any staff member 5. Calling the Watch Commander's Office 6. Calling any member of the PREA team 7. Third-party reporting (friends, family or other inmates) 8. Anonymously via the Crime-Tip line on any inmate phone

- (d) The Imperial County Sheriff's Office PAQ states the agency has established procedures for staff to privately report sexual abuse and sexual harassment of inmates. Staff are informed of these procedures in the following ways.

ICSO Policy 1711, page 9-10, section B., states, Staff Reporting – Staff can report using the following methods: 1. Informing their immediate supervisor 2. Contacting the on call manager 3. Contacting any member of the PREA team

Through such reviews, the facility meets this standards requirements.

Standard 115.52: Exhaustion of administrative remedies

115.52 (a)

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit directive, the agency does not have an administrative remedies process to address sexual abuse. ☐ Yes ☒ No

115.52 (b)

- Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

115.52 (c)

- Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

115.52 (d)

- Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

115.52 (e)

- Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)
☒ Yes ☐ No ☐ NA
- Are those third parties also permitted to file such requests on behalf of inmates? (If a third-party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)
☒ Yes ☐ No ☐ NA

115.52 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)
☒ Yes ☐ No ☐ NA
- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)
☒ Yes ☐ No ☐ NA
- Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA
- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

115.52 (g)

- If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 1106, Inmate Grievances, dated 11.6.2020

Interviews:

1. Random Inmates
2. Targeted Inmates
3. PREA Compliance Manager

Inmates interviewed were aware of the grievance procedures and understood they could complete a grievance, if necessary. However, many inmates interviewed stated they were comfortable enough with staff they would simply go to a staff member if they had an issue.

- (a) The Imperial County Sheriff's Office PAQ states the agency has an administrative procedure for dealing with Inmate grievances regarding sexual abuse. ICSO Policy 1106, page 1, section II., states, "Inmates may file a grievance regarding sexual abuse regardless of when the incident is alleged to have occurred. Staff will respond to all grievances regarding sexual abuse according to procedures outlined in Bureau Policy and Procedure 1711 – Inmate Sexual Abuse/Harassment Prevention and Response. Inmate grievances alleging sexual abuse by a staff member shall not be answered by or forwarded to the officer that is the alleged perpetrator." Policy 1711 does not include guidelines outside of informing inmates they may file a grievance to report sexual abuse and or harassment.
- (b) Agency policy does not require an inmate to use an informal grievance process, or otherwise to attempt to resolve with staff, an alleged incident of sexual abuse.

ICSO Policy 1106, page 2, section e., states, "Emergency grievances regarding sexual abuse shall have an initial response within 48 hours and a final agency decision within five days."

- (c) The Imperial County Sheriff's Office PAQ states the agency's policy and procedure allows an inmate to submit a grievance alleging sexual abuse without submitting it to the staff member who is the subject of the complaint. The agency's policy and procedure requires that an inmate grievance alleging sexual abuse not be referred to the staff member who is the subject of the complaint.

Policy compliance can be found in provision (a) of this standard.

- (d) The Imperial County Sheriff's Office PAQ states the agency's policy and procedures that require a decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing of the grievance. In the past 12 months:
 - there have been one grievances filed alleging sexual abuse;
 - one cases in the past 12 months, the number of grievances alleging sexual abuse that reached final decision within 90 days after being filed:
 - zero grievances alleging sexual abuse that involved extensions because final decision was not reached within 90 days.

Policy compliance regarding grievances answered within five days can be found in provision (a) of this standard.

- (e) The Imperial County Sheriff's Office PAQ states agency policy and procedure permits third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of inmates. Agency policy and procedure requires that if an inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, the agency documents the inmate's decision to decline. The number of grievances alleging sexual abuse filed by inmates in the past 12 months in which the inmate declined third-party assistance, containing documentation of the inmate's decision to decline was zero.
- (f) The Imperial County Sheriff's Office PAQ states the facility has a policy and established procedures for filing an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. The facilities policy and procedures for emergency grievances alleging substantial risk of imminent sexual abuse require an initial response within 48 hours. The facilities policy and procedure for emergency grievances alleging substantial risk of imminent sexual abuse require that a final agency decision be issued within 5 days. No grievances were received alleging substantial risk of imminent sexual abuse, that were filed in the past 12 months, reached final decisions within 40 days.
- Policy compliance regarding grievances answered within five days can be found in provision (a) of this standard
- (g) The Imperial County Sheriff's Office PAQ states the facility has a written policy that limits its ability to discipline an inmate for filing a grievance alleging sexual abuse to occasions where the agency demonstrates that the Inmate filed the grievance in bad faith. In the past 12 months, there have been zero grievances alleging sexual abuse to occasions where the agency demonstrated that the Inmate filed the grievance in bad faith.

Through such reviews, the facility meets this standards requirements.

Standard 115.53: Inmate access to outside confidential support services

115.53 (a)

- Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? ☒ Yes ☐ No
- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility *never* has persons detained solely for civil immigration purposes.) ☐ Yes ☐ No ☒ NA
- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? ☒ Yes ☐ No

115.53 (b)

- Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? ☒ Yes ☐ No

115.53 (c)

- Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse? ☒ Yes ☐ No
- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Sure Helpline Crisis Center flyer, not dated
3. Imperial County Sheriff's Office End the Silence Brochure (English and Spanish), not dated
4. No Means No flyer, not dated

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Specialized staff

Staff and inmates interviewed informally and formally were aware of outside reporting agencies and spoke to the information being posted throughout the facility and in living unit hallways.

Site Observation:

Advocate, End The Silence and outside reporting agency information was posted on either movable white boards and or on the windows of the maximum security facility.

(a) The Imperial County Sheriff's Office PAQ states the facility provides Inmates with access to outside victim advocates for emotional support services related to sexual abuse by:

- Giving inmates (by providing, posting, or otherwise making accessible) mailing addresses and telephone numbers (including toll-free hotline numbers where available) of local, State, or national victim advocacy or rape crisis organizations.
- Giving inmates mailing addresses and telephone number (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes; and
- Enables reasonable communication between Inmates and these organizations, in as confidential manner as possible.

The facility provided:

- An Imperial County Sheriff's Jail Booking Summary Sheet. The Jail Booking Summary Sheet includes reporting sexual abuse and sexual harassment reporting instruction to include contact information.
- Imperial County Corrections Inmate Handbook Rules & Regulations. Page 2, section Reporting speaks to reporting incidents of sexual abuse with direction to dial *4357# to report internally.

- End the Silence Brochure. The brochure includes instruction on:
 - Dialing 442.265.2272 – this Auditor phoned this number on 11.28.2021 at 6:32 pm MST and was connected with the Imperial County Jail. This Auditor asked the operator what she would if this call regarded a PREA report. The Operator responded she would contact the Watch Commander and transfer the call to him/her. (*Operator Grey*)
 - Report to any staff, volunteer, contractor, or medical or mental health staff.
 - Submit a grievance or sick call slip.
 - Report to the PREA Coordinator or the PREA Manager who are both named on the brochure with contact information
 - Tell a family member, friend, legal counsel or anyone else outside the facility or that those individuals could call on the inmate's behalf.
 - Submit a report on someone's behalf.
- No Means No flyer. This flyer includes information on"
 - Right to Report
 - How to Report
 - Victim Support Services phone number information

The facility provided the following text: "We have a standing and secure working relationship with the Sure Helpline Crisis Center. A "PREA" victim or anyone who has been a victim of sexual assault and desires services. The phone number for Sure Helpline Crisis Center could be found throughout the jail, is given upon intake and is available to be called free and anytime. The victim could either call on their own or a PREA member could set up services by making the first initial intake interview. A PREA member would then set up for face to face, counseling services. The Sure Helpline counselors let the victim know of their rights on the first session and advocate for them. Sure Helpline will come as often as the victim desires, and a PREA team member personally takes care of coordinating this.

Prior to the initial intake – a PREA member advises the victim that everything they discuss with the counselor is confidential, but some information may have to be disclosed if they are in imminent danger. We let them know that the counselors are their advocates and they are mandatory reporters. The victim has the right to know what information will be shared.

The number given to inmates on the PREA pamphlet during the intake process is (760)352-7273. We also have the cell phone number of one of the lead counselors Consuelo who is always available to assist us."

- (b) The Imperial County Sheriff's Office PAQ states the facility informs Inmates, prior to giving them access to outside support services, the extent to which such communications will be monitored. The facility informs inmates, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant Federal, State, or local law.

Compliance can be found in provision (a) of this standard.

- (c) The Imperial County Sheriff's Office PAQ states the facility maintains memoranda of understanding with community service providers that are able to provide inmates with emotional support services related to sexual abuse. Note Memorandum of Understanding can be found in standard 115.21 of this report.

Through such reviews, the facility meets this standards requirements.

Standard 115.54: Third-party reporting

115.54 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? ☒ Yes ☐ No
- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
3. End the Silence Brochure, not dated

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Supervisory staff
5. PREA Compliance Manager

Inmates and staff interviewed demonstrated their reporting knowledge of third party reporting stating that inmate family members, friends and or legal counsel could report sexual harassment or sexual abuse allegations.

Site Observation:

During tours of visitation area, standardized outside reporting posters on the window and or white boards with poster information were available to include third party reporting information. In addition, inmates have access to tablets. Hotline numbers and or third party information was posted on the End the Silence Brochures.

115.54

- (a) The Imperial County Sheriff's Office PAQ states the facility provides a method to receive third-party reports of inmate sexual abuse or sexual harassment. The agency publicly distributes information on how to report Inmate sexual abuse or sexual harassment on behalf of Inmates.

Imperial County Sheriff's Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, page 202, section 518.3.4 A.3. Inmate Orientation, states, "Calling the Rape Crisis or Sure Helpline Crisis Center Hotline phone number that is posted in all holding areas, housing areas, inmate tablets and informational pamphlets given at the time of booking. Inmates can contact either number toll-free from any telephone."

Through such reviews, the facility meets this standards requirements.

OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

Standard 115.61: Staff and agency reporting duties

115.61 (a)

- Does the agency require all staff to report immediately and according to agency directive any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? ☒ Yes ☐ No
- Does the agency require all staff to report immediately and according to agency directive any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment? ☒ Yes ☐ No
- Does the agency require all staff to report immediately and according to agency directive any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? ☒ Yes ☐ No

115.61 (b)

- Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency directive, to make treatment, investigation, and other security and management decisions? ☒ Yes ☐ No

115.61 (c)

- Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? ☒ Yes ☐ No
- Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services? ☒ Yes ☐ No

115.61 (d)

- If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? ☒ Yes ☐ No

115.61 e)

- Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019

3. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020

Interviews:

1. Random inmates
2. Targeted inmates
3. Random staff
4. Qualified Mental Health Contractor
5. PREA Compliance Manager
6. Chief

Interviews with the facility staff and inmates demonstrated each actively practices and understood the importance of immediately reporting all allegations of sexual abuse and sexual harassment.

Site Observations:

Staff reporting documentation of inmate information, incident reports and investigations being completed in the facility database demonstrated reports of allegation are addressed timely. The PREA Manager was able to access reported allegation of abuse and or harassment quickly by accessing the agency database.

115.61

- (a) The Imperial County Sheriff's Office PAQ states the agency requires all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency. The agency requires all staff to report immediately and according to agency policy any retaliation against Inmates or staff who reported such an incident. The agency requires all staff to report immediately and according to agency policy any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

ICSO Policy 902, page 4-5, section 902.41, states, "Department/Office] members shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029). All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

- An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- Retaliation against detainees or the member who reports any such incident.
- Any neglect or violation of responsibilities on the part of any [department/office] member that may have contributed to an incident or retaliation (28 CFR 115.161).

- (b) The Imperial County Sheriff's Office PAQ states, "Apart from reporting to designated supervisors or official and designated state or local service agencies, agency policy prohibits staff from revealing 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.

ICSO Policy 902, page 5, section 902.41, states, "No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions."

- (c) ICSO Policy 1711, page 12, section G. states, "Medical staff shall refer the alleged victim(s) and offender(s) for mental health follow up."
- (e) ICSO Policy 1711, page 12, section I states, "The Administrative Investigations Unit shall be notified if the allegation(s) involve inmate sexual abuse by staff. The Administrative Investigations Unit shall refer such incidents to the State Attorney's Office, if appropriate."

Through such reviews, the facility meets this standards requirements.

Standard 115.62: Agency protection duties

115.62 (a)

- When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 401, Classification Procedure, dated 9.10.2019
3. Imperial County Sheriff's Office Inmate Classification Assessment Form, not dated

Interviews:

1. Targeted inmates
2. PREA Compliance Manager
3. Facility Investigator

Interviews with the targeted inmates, PREA Compliance Manager and Facility Investigator demonstrated the facility staff act promptly and responds properly at the discovery of any incident. Involving sexual harassment and sexual abuse. Inmates interviewed who had reported allegations of abuse, concurred allegations were responded to promptly and thoroughly and were satisfied with the facilities response protocols.

115.62

- (a) The Imperial County Sheriff's Office PAQ states when the agency or facility learns that an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the Inmate. In the past 12 months, the facility reports zero Inmates were subject to substantial risk of imminent sexual abuse. Upon discovery of Inmate being subject to substantial risk, the facility immediately separates the victim from the perpetrator, made notification and completed incident reporting requirements.

ICSO Policy 401, page 3, section G. states, "Administrative segregation is the removal or segregation of an inmate from general population into a restrictive housing unit. These housing units consist of a separate and secure housing, but do not involve any deprivation of privileges other than those necessary to obtain the objective of protecting the safety and security of the inmate, staff and facility."

Through such reviews the facility meets this standards requirements.

Standard 115.63: Reporting to other confinement facilities

115.63 (a)

- Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred? ☒ Yes ☐ No

115.63 (b)

- Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? ☒ Yes ☐ No

115.63 (c)

- Does the agency document that it has provided such notification? ☒ Yes ☐ No

115.63 (d)

- Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 1711, Inmate Sexual/Harassment Prevention and Response, dated 11.23.2020

Interviews:

1. Chief

The interview with the Chief demonstrated that he was aware that upon receiving an allegation that an inmate was sexually abused while confined at another facility, he had the responsibility to notify the head of the facility where the allegation occurred. The Warden stated he would begin an internal investigation and keep in contact with the facility in question until the investigation was completed.

Site Observation:

The facility had no reported allegations of sexual abuse while confined at another facility.

115.63

- (a) The Imperial County Sheriff's Office PAQ states the agency has a policy requiring that, upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency or facility where sexual abuse is alleged to have occurred. The agency's policy also requires that the head of the facility notify the appropriate investigative agency. In the past 12 months, the facility has received zero allegations that an inmate was abused while in confinement at another facility.

ICSO Policy 1711, page 10, section D., states, "Reports of sexual abuse that occurred in another facility

1. Upon receiving an allegation that an inmate was sexually abused while confined at another facility the PREA Coordinator shall, on behalf of the Corrections Bureau Commander, make a notification to the head of the facility or appropriate office of the agency or facility where the sexual abuse was alleged to have occurred.
2. This notification shall be made as soon as possible, but not to exceed 72 hours after the

allegation was received.

3. The PREA Coordinator shall document all notifications made to other facilities.”

- (b) The Imperial County Sheriff's Office PAQ states agency policy requires that the facility head provides such notification as soon as possible, but no later than 72 hours after receiving the allegation. Compliance can be found in provision (a) of this standard.
- (c) The Imperial County Sheriff's Office PAQ states the facility documents that it has provided such notification within 72 hours of receiving the allegation. Compliance can be found in provision (a) of this standard.
- (d) The Imperial County Sheriff's Office PAQ states facility policy requires that allegations received from other agencies or facilities are investigated in accordance with the PREA standards. In the last 12 months, there have been zero allegations of sexual abuse the facility received from other facilities.

ICSO Policy 1711, page 10, section E., states, “Reports received from other agencies for sexual abuse that allegedly occurred in our facilities.

1. Upon receiving an allegation from another agency that a sexual abuse occurred in Imperial County Jail facilities the PREA Coordinator shall direct that an investigation be conducted in accordance with this policy.

Through such reviews, the facility meets this standards requirements.

Standard 115.64: Staff first responder duties

115.64 (a)

- Upon learning of an allegation that an inmate was sexually abused, is the first correctional officer to respond to the report required to: Separate the alleged victim and abuser?
☒ Yes ☐ No
- Upon learning of an allegation that an inmate was sexually abused, is the first correctional officer to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? ☒ Yes ☐ No
- Upon learning of an allegation that an inmate was sexually abused, is the first correctional officer to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? ☒ Yes ☐ No
- Upon learning of an allegation that an inmate was sexually abused, is the first correctional officer to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? ☒ Yes ☐ No

115.64 (b)

- If the first staff responder is not a correctional officer, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify correctional staff? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
3. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019

Interviews:

1. Random staff
2. Correctional Officers
3. PREA Compliance Manager
4. Correctional Lieutenant
5. Watch Commander

Interviews with all staff demonstrated each were aware of their first responder responsibilities. Staff stated reporting information is posted on bulletin boards in each living unit. Staff stated they would have one officer gather information while the victim and suspect were being separated. The victim would be taken to the Watch Commander and ensure they were in a private area. He stated he would ensure the victim didn't drink, eat or use the restroom. He would ask if the victim could give him details of the incident, offer the hotline and inform the Watch Commander. The Watch Commander would notify the Investigator and the investigator would begin an investigation.

Site Observation:

Documentation review of the allegations of sexual abuse reported, each demonstrated staff responded accurately and promptly. The facility staff are aware of the facilities coordinated response to ensure all protocols are followed as designed.

115.64

- (a) The Imperial County Sheriff's Office PAQ states the agency has a first responder policy for allegations of sexual abuse. The policy requires that, upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to separate, preserve, protect, collect physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

In the past 12 months, zero allegations occurred where an inmate was sexually abused. In the past 12 months, there were zero allegations where staff were notified within a time period that still allowed for the collection of evidence.

ICSO Policy 1711, page 10-11, section V, states, "The alleged victim(s) shall be immediately escorted to a secure and non-hostile environment. To ensure the preservation of evidence, the victim(s) shall be asked not to eat, drink, change clothes, shower, brush their teeth, or use the restroom until they have been examined by qualified medical staff. If using the restroom is

absolutely necessary, the victim should be asked to wipe with a sanitary cloth to collect evidence before using the restroom.

- (b) The Imperial County Sheriff's Office PAQ states the facility's policy requires that if the first staff responder is not a security staff member, that responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and notify security staff. Of the allegations that an inmate was sexually abused made in the past 12 months, the number of times a non-security staff member was the first responder was zero.

ICSO Policy 902, page 6, section d., states, "If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164)"

Through such reviews, the facility meets this standards requirements.

Standard 115.65: Coordinated response

115.65 (a)

- Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020

Interviews:

1. Random staff
2. Specialized staff
3. PREA Compliance Manager

Interviews with the PREA Compliance Manager and facility staff demonstrated the response to allegations of sexual assault is written to coordinate actions taken in response to sexual abuse and sexual harassment incidents.

Site Observation:

Review of the Imperial County Sexual Abuse Coordinated Response Plan demonstrates clear direction to staff to ensure first responder duties are fulfilled.

115.65

- (a) The Imperial County Sheriff's Office PAQ states the facility developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

ICSO Policy 1711, page 11-13, section A-M defines the facilities coordinated response plan for first responders, medical and mental health practitioners, investigators, and facility leadership.

Through such reviews, the facility meets this standards requirements.

Standard 115.66: Preservation of ability to protect inmates from contact with abusers

115.66 (a)

- Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? ☒ Yes ☐ No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ

115.66

- (a) The Imperial County Sheriff's Office PAQ states the agency, facility, or any other governmental entity responsible for collective bargaining on the agency's behalf has not entered into or renewed any collective bargaining agreement or other agreement since August 20, 2012, or since the last PREA audit, whichever is later.

Through such reviews, the facility meets this standards requirements.

Standard 115.67: Agency protection against retaliation

115.67 (a)

- Has the agency established a directive to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? ☒ Yes ☐ No
- Has the agency designated which staff members or departments are charged with monitoring retaliation? ☒ Yes ☐ No

115.67 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services, for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? ☒ Yes ☐ No

115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? ☒ Yes ☐ No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? ☒ Yes ☐ No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? ☒ Yes ☐ No

115.67 (d)

- In the case of inmates, does such monitoring also include periodic status checks?
☒ Yes ☐ No

115.67 (e)

- If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?
☒ Yes ☐ No

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019
3. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
4. Imperial County Sheriff's Office Correction Division PREA 90 Day Inmate Review and Tracking Form, dated 11.2020

Interviews:

1. PREA Compliance Manager

Interviews PREA Compliance Manager demonstrated that the PREA Compliance Coordinator would complete retaliation monitoring. Retaliation monitoring would be documented in the electronic inmate record.

115.67

- (a) The Imperial County Sheriff's Office PAQ states the agency has a policy to protect all Inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other Inmates or staff. ICSO Policy 1711, page 15, section III, states "ICSO staff is prohibited in any form of retaliation against an individual because of involvement in the reporting or investigation of sexual abuse or harassment. Staff shall refrain from talking openly about such issues.

The PREA coordinator shall, for at least 90 days following a report of sexual abuse, monitor all inmates and staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. This monitoring shall review any inmate disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. This monitoring shall continue beyond the 90 days if the initial monitoring indicates a continuing need. In the case of inmates, the monitoring shall include periodic status checks. This monitoring for retaliation will discontinue if the allegation is deemed unfounded."

- (b) ICSO Policy 902, page 7, section 902.6, states, "All detainees, prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for

cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.”

- (c) The Imperial County Sheriff's Office PAQ states the facility monitors the conduct or treatment of Inmates or staff who reported sexual abuse and of Inmates who were reported to have suffered sexual abuse to ascertain if there are any changes that may suggest possible retaliation by Inmates or staff. The facility will monitor conduct or treatment until the Inmate is discharged. The facility acts promptly to remedy any such retaliation. In the past 12 months, the facility has had zero incidents of retaliation.

The facility provided a Correction Division PREA 90 Day Inmate Review and Tracking Form. This tracking form would be used to document demographics, review information, and any substantial documentation since the initial allegation to include, investigations / inmate discipline; grievances / inmate requests; medical / mental health; classification review; statement from the inmate; review status and any additional information.

- (d) Policy compliance is found in provision (a) of this standard.

- (e) Policy compliance is found in provisions (a-b) of this standard.

Through such reviews, the facility meets this standards requirements.

Standard 115.68: Post-allegation protective custody

115.68 (a)

- Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Specialized staff
4. PREA Compliance Manager

Random and targeted Inmate interviews conducted demonstrated that inmates are placed in protective custody typically at their own choosing and or during investigations to keep inmates safe. Interviews with facility staff demonstrated that the protective custody for targeted inmates only occurs when absolutely necessary and never solely as a means for inmates who identify as LGBTQI.

Site Observation:

Targeted inmates are placed in isolation cells in maximum security either during an investigation, at their own request, or until the Classification Team meets to ensure safety for the inmate in question.

115.68

- (a) The Imperial County Sheriff's Office PAQ states the agency has a policy prohibiting the placement of inmates who allege to have suffered sexual abuse in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. The number of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment was zero. The number of inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing in the past 12 months for longer than 30 days while awaiting alternative placement was zero. From a review of case files of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH (a) a statement of the basis for facility's concern for the inmate's safety, and (b) the reason or reasons why alternative means of separation could not be arranged was zero: If an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population.

ICSO Policy 1711, page 12-13, section M. states, "Inmates who allege to have suffered sexual abuse shall not be placed into involuntary segregated housing unless and assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. The individual assessment shall be documented in the JMS and shall require follow up assessments in compliance with BPP 401 – Classification Procedures regarding restrictive housing placement."

Through such reviews, the facility meets this standards requirements.

INVESTIGATIONS

Standard 115.71: Criminal and administrative agency investigations

115.71 (a)

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA
- Does the agency conduct such investigations for all allegations, including third-party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA

115.71 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34? ☒ Yes ☐ No

115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? ☒ Yes ☐ No
- Do investigators interview alleged victims, suspected perpetrators, and witnesses?
☒ Yes ☐ No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? ☒ Yes ☐ No

115.71 (d)

- When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution? ☒ Yes ☐ No

115.71 (e)

- Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff? ☒ Yes ☐ No
- Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? ☒ Yes ☐ No

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? ☒ Yes ☐ No
- Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? ☒ Yes ☐ No

115.71 (g)

- Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible? ☒ Yes ☐ No

115.71 (h)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution? ☒ Yes ☐ No

115.71 (i)

- Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? ☒ Yes ☐ No

115.71 (j)

- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation? ☒ Yes ☐ No

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse / Prevention and Response, dated 11.23.2020
3. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019

Interviews:

1. Targeted inmates
2. Facility Investigator
3. PREA Compliance Manager

Interviews with the facility investigator demonstrated he had completed specialized investigator training, The investigator clearly articulated processes required during an investigation, to include the notification requirements to victims. Notifications to victims are documented in the agency database.

Site Observation:

Review of the six Administrative Investigations demonstrated each were completed thoroughly and within 30 days of the initial report. Each investigation included interviews with victims, abusers, witnesses and staff in the area where the allegation took place. Of the six investigations completed, three were unsubstantiated and three were unfounded.

115.71

- (a) The Imperial County Sheriff's Office PAQ states the agency/facility has a policy related to criminal and administrative agency investigations. Since the last PREA audit, the facility has had zero criminal investigations referred to law enforcement.

ICSO Policy 1711, page -, section V., states, "When ICSO staff, volunteers, or contractual staff become aware of a possible incident involving sexual abuse, discover a sexual abuse in progress, or observe physical evidence of sexual abuse they shall immediately notify the respective Watch Commander or designee. Staff are required to accept reports of sexual assault and sexual harassment made verbally, in writing, anonymously, or from third parties. All incidents of sexual abuse shall be reported immediately and investigated thoroughly. The use of inmate interpreters may only be used for the limited scope of gathering evidence that would be vital to the safety and security of the facility and other inmates. At no time will an inmate interpreter be used for conducting investigative interviews."

- (b) ICSO Policy 902, page 5, section 902.5, states, "The [Department/Office] shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received [department/office]-approved special training shall conduct sexual abuse investigations (28 CFR 115.171)."
- (c) ICSO Policy 902, page 3, section F, states, "Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122)."
- (d) ISCO Policy 902, page 6, section d, states, "Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution."
- (e) ISCO Policy 902, page 6, section 902.5.4, states, "No detainee or prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e))."
- (f) ISCO Policy 902, page 6, section 902.5.2 €, states, "Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Imperial County Sheriff's Office."
- (g) ISCO Policy 902, page 6, section 902.5.2 (f), states, "Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings."
- (h) The Imperial County Sheriff's Office PAQ states there has been zero allegations of conduct that appears to be criminal that was referred for prosecution, since the last audit date. ISCO Policy 1711, page 14, last paragraph, states, "All incidents of ICSO staff sexual abuse or harassment shall be referred to the Administrative Investigations Unit and if appropriate, will refer such incidents to the Imperial County District Attorney's Office for prosecution. All sustained incidents of staff sexual abuse or harassment shall result in corrective and/or disciplinary actions, up to and including termination and criminal prosecution. Sustained allegations shall be forwarded to the Imperial County District Attorney's Office."

- (i) The Imperial County Sheriff's Office PAQ states the agency retains all written reports pertaining to administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. ICSO Policy 902, page 9, section 902.8, states, "The [Department/Office] shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the [Department/Office], plus five years (28 CFR 115.171). All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189)."
- (j) ICSO Policy 902, page 6, section 902.5.3, states, "Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this [department/office] shall not be used as a basis for terminating an investigation (28 CFR 115.171)."
- (k) ICSO Policy 902, page 3, section (f), states, "Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.
 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 3. A process to document all referrals to other law enforcement agencies.
 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 5. In accordance with security needs, provisions to permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services."
- (l) ICSO Policy 902, page 6, section (h), states, "Cooperate with outside investigators and remain informed about the progress of any outside investigation."

Through such reviews, the facility meets this standards requirements.

Standard 115.72: Evidentiary standard for administrative investigations

115.72 (a)

- Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** *(Requires Corrective Action)*

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019.

Interviews:

1. Facility Investigator

The interview with the facility investigator demonstrated the facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated."

115.72

- (a) The Imperial County Sheriff's Office PAQ states the agency imposes a standard of a preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated. ISCO Policy 902, page 6, section 902.5.5, states, "All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the Registered Voters. The Sheriff or Registered Voters shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172)"

Through such reviews, the facility meets this standards requirements.

Standard 115.73: Reporting to inmates

115.73 (a)

- Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? ☒ Yes ☐ No

115.73 (b)

- If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) ☒ Yes ☐ No ☐ NA

115.73 (c)

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer posted within the inmate's unit? ☒ Yes ☐ No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer employed at the facility? ☒ Yes ☐ No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate

has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? ☒ Yes ☐ No

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? ☒ Yes ☐ No

115.73 (d)

- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency 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? ☒ Yes ☐ No
- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? ☒ Yes ☐ No

115.73 (e)

- Does the agency document all such notifications or attempted notifications? ☒ Yes ☐ No

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019
3. Imperial County Sheriff's Office Corrections Bureau Memorandum, RE: Notifications to Incarcerated Persons of PREA Investigations, dated 1.18.2022

Interviews:

Facility Investigator

Interviews with the facility investigator demonstrated notification requirements to victims was given verbally and in writing. Documentation of notifications are documented in the agency database used for investigations.

115.73

- (a) The Imperial County Sheriff's Office PAQ states the agency has a policy requiring that any inmate who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated,

unsubstantiated, or unfounded following an investigation by the agency. The number of criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility in the past 12 months was zero.

The facility provided an Imperial County Sheriff's Office Corrections Bureau Memorandum, RE: Notifications to Incarcerated Persons of PREA Investigations. The memo is written by the Lieutenant and addressed to the facility PREA team. The memo states, "In accordance with §115.73 of the PREA Standards, the PREA team shall be responsible for notifications to incarcerated persons following an investigation of an allegation of sexual abuse within the Imperial County Jail Facilities. The notifications to the incarcerated person shall inform them as to whether the allegation was determined to be substantiated, unsubstantiated, or unfounded.

Additionally, following an incarcerated person's allegation that a staff member committed sexual abuse against the, *(unless the investigation determined the allegation to be unfounded)* the PREA team shall inform the incarcerated person whenever the following occurs:

- The staff member is no longer posted within the incarcerated person's housing area
- The staff member is no longer employed at the facility
- The staff member has been indicted on a charge related to the sexual abuse
- The staff member has been convicted on a charge related to the sexual abuse.

Furthermore, following an incarcerated person's allegation that another incarcerated person committed sexual abuse against them, the PREA team shall inform the incarcerated person whenever the following occurs.

- The alleged abuser has been indicted on a charge related to the sexual abuse
- The alleged abuser has been convicted on a charge related to the sexual abuse

All notifications shall be documented on the PREA investigation form on the PREA shared folder. Notifications are only required while the incarcerated person is in the custody of the Imperial County Sheriff's Office, once released the duty to notify the alleged victim terminates.

This directive is effective immediately."

- (b) The Imperial County Sheriff's Office PAQ states If an outside entity conducts such investigations, the agency requests the relevant information from the investigative entity in order to inform the Inmate as to the outcome of the investigation. In the past 12 months, there has been zero investigations of alleged inmate sexual abuse; however, none were completed by an outside agency.
- (c) The Imperial County Sheriff's Office PAQ states following an inmate's allegation that a staff member has committed sexual abuse against the Inmate, the agency/facility subsequently does inform the Inmate (unless the agency has determined that the allegation is unfounded) whenever:
 - The staff member is no longer posted within the Inmate's unit;
 - The staff member is no longer employed at the facility;
 - The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility."

There has not been a substantiated or unsubstantiated complaint of sexual abuse committed by staff against an inmate in the last 12 months.

- (d) The Imperial County Sheriff's Office PAQ states following an inmate's allegation that he or she has been sexually abused by another Inmate in an agency facility, the agency subsequently informs 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.

- (e) The Imperial County Sheriff's Office PAQ states the agency has a policy that all notifications to inmates described under this standard are documented. In the past 12 months, there has been zero notifications to an inmate, pursuant to this standard.

Policy compliance can be found in provision (a) of this standard.

Through such reviews, the facility meets this standards requirements.

DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

115.76 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment Directives? ☒ Yes ☐ No

115.76 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? ☒ Yes ☐ No

115.76 (c)

- Are disciplinary sanctions for violations of agency Directives relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories? ☒ Yes ☐ No

115.76 (d)

- Are all terminations for violations of agency sexual abuse or sexual harassment Directives, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)? ☒ Yes ☐ No
- Are all terminations for violations of agency sexual abuse or sexual harassment Directives, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

- Imperial County Sheriff's Office PAQ
- Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
- Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019

Interviews:

- PREA Compliance Manager

Interview with the PREA Compliance Manager demonstrated the employee would be placed on Administrative Leave until the investigation was completed. Depending on the outcome, would depend on disciplinary action that would take place.

Site Observation:

In the last 12 months, the facility had zero staff who were disciplined for violation of an agency sexual abuse or sexual harassment policy.

115.76

- (a) The Imperial County Sheriff's Office PAQ states staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. ICSO Policy 1711, page 14, section VII., states, "Any staff member who commits sexual abuse against an inmate supervised by ICSO is subject to criminal prosecution and/or disciplinary action up to and including termination. Further, staff who engage in sexual harassment of an inmate without committing the crime of sexual abuse may be subject to criminal prosecution. Failure to report an incident of staff sexual abuse or sexual harassment shall result in corrective and/or disciplinary action up to and including termination and criminal prosecution. Intimidation of a witness or retaliation against an inmate who refuses to submit to sexual activity is prohibited."
- (b) The Imperial County Sheriff's Office PAQ states in the last 12 months, there has been zero staff from the facility that had violated agency sexual abuse or sexual harassment policies.
- (c) The Imperial County Sheriff's Office PAQ states disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. In the past 12 months there have zero staff requiring discipline for sexual abuse or sexual harassment.

ICSO Policy 902, page 7, section 902.5.5, states, "All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the Registered Voters. The Sheriff or Registered Voters shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for [department/office] members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176)."

- (d) The Imperial County Sheriff's Office PAQ states all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. In the past 12 months, zero staff have been terminated for sexual abuse or harassment.

Through such reviews, the facility met this standards requirements.

Standard 115.77: Corrective action for contractors and volunteers

115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? ☒ Yes ☐ No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? ☒ Yes ☐ No

- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? ☒ Yes ☐ No

115.77 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment Directives by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
3. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated, 8.7.2019

Interviews:

1. PREA Compliance Manager

The interview with the PREA Compliance Manager demonstrated any volunteer or contractor who engaged in sexual abuse would be removed from the facility and reported to law enforcement.

Site Observation:

During the last audit cycle, the facility did not have any volunteers or contractors subject to disciplinary action due to violating sexual abuse or sexual harassment policies.

115.77

- (a) The Imperial County Sheriff's Office PAQ states agency policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. agency policy requires that any contractor or volunteer who engages in sexual abuse be prohibited from contact with inmates. In the past 12 months, there have been zero contractors or volunteers reported to law enforcement or relevant licensing bodies for engaging in sexual abuse of inmates.

ICSO Policy 902, page 7, section 902.5.5, last paragraph states, "Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees or prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with detainees or prisoners by a contractor or volunteer."

- (b) The Imperial County Sheriff's Office PAQ states the facility takes appropriate remedial measures and considers whether to prohibit further contact with inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

Policy compliance can be found in provision (a) of this standard.

Through such reviews, the facility meets this standards requirements.

Standard 115.78: Disciplinary sanctions for inmates

115.78 (a)

- Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process? ☒ Yes ☐ No

115.78 (b)

- Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories? ☒ Yes ☐ No

115.78 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior? ☒ Yes ☐ No

115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? ☐ Yes ☒ No

115.78 (e)

- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? ☒ Yes ☐ No

115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? ☒ Yes ☐ No

115.78 (g)

- If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** *(Requires Corrective Action)*

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020
3. Imperial County Jail Inmate Handbook
4. Wellpath Imperial County California Policies and Procedures, not dated
5. Imperial County Sheriff's Office Corrections Bureau Policy and Procedure 1201, Inmate Disciplinary Plan, dated 9.10.2019

Interviews:

1. Facility Investigator

Interviews with the facility investigator demonstrated inmates who falsely reported PREA allegations would typically be moved to another housing unit and or facility due to safety reasons for the inmate.

115.78

- (a) The Imperial County Sheriff's Office PAQ states inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. Inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. In the past 12 months there have been zero administrative findings of inmate-on-inmate sexual abuse have occurred at the facility. In the past 12 months there have no criminal findings of guilt for inmate-on-inmate sexual abuse, occurring at the facility.

ICSO Policy 1711, page 15, section IX., states, “

A. “Criminal Prosecution

An inmate who commits a criminal act of sexual abuse shall be subject to criminal prosecution as governed federal, state, and local laws.

All inmates who have been designated as sexual predators by the court's written findings shall be registered as such prior to their release from departmental custody.

B. Disciplinary Actions

Inmates shall be subject to disciplinary action following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

Disciplinary action may include, but not be limited to:

5. Disciplinary confinement
6. Loss of good time / work time
7. Loss of privileges
8. Change in classification or custody level

An inmate may only be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

An inmate that reports sexual abuse in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

Consensual, non-coerced, sexual activity between inmates shall result in disciplinary

action; it shall not however constitute sexual abuse pursuant to this policy.”

- (b) The facility provided the Inmate Handbook. Page 12, states, “In order for people to live together in a group setting and get along well, it is necessary to have Rules and Regulations. During your stay at these facilities, you are expected to live by and obey the Rules and Regulations. Violation of the Facility’s Rules and Regulations will result in disciplinary action. Any appeal on a discipline hearing must be turned in within 48 hours of the hearing. The degree of punitive actions administered shall be directly related to the severity of the rule infraction. Any violation of the Law will result in Criminal Prosecution. A complete list of these facility’s rules and regulations are available within this handbook. It is your responsibility to make yourself aware of these rules. These rules and regulations are subject to change.”
- (c) Wellpath Imperial County California Policies and Procedures, page 8, section 6.20, states, “If the facility identifies an alleged perpetrator of the abuse (through means such as placement in a Segregation Unit, issuing a disciplinary report, or filing or criminal charges), a mental health staff member will follow-up with this individual and assess adjustments to his or her current situation. If placed in Segregation, mental health staff will continue to monitor adjustment issues at least weekly via the Segregation rounds process. The staff member assigned to this duty shall not be the same person assigned to any on-going follow-up with the victim of the abuse.”
- (d) The Imperial County Sheriff’s Office PAQ states the facility does not offer therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse.
- (e) The Imperial County Sheriff’s Office PAQ states the agency disciplines inmates for sexual contact with staff only upon finding that the staff member did not consent to such contact.
- (f) The Imperial County Sheriff’s Office PAQ states the agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation. ICSO Policy 1711, page 16, second paragraph, states, “An inmate that reports sexual abuse in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.”
- (g) The Imperial County Sheriff’s Office PAQ states the agency prohibits all sexual activity between Inmates. If the agency prohibits all sexual activity between inmates and disciplines inmates for such activity, the agency deems such activity to constitute sexual abuse only if it determines that the activity is coerced. ICSO Policy 1711, page 16, third paragraph, states, “Consensual, non-coerced, sexual activity between inmates shall result in disciplinary action; it shall not however constitute sexual abuse pursuant to this policy. “

Through such reviews, the facility meets this standards requirements.

MEDICAL AND MENTAL CARE

Standard 115.81: Medical and mental health screenings; history of sexual abuse

115.81 (a)

- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)
☒ Yes ☐ No ☐ NA

115.81 (b)

- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) ☒ Yes ☐ No ☒ NA

115.81 (c)

- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? ☒ Yes ☐ No

115.81 (d)

- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?
☒ Yes ☐ No

115.81 (e)

- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 401, Classification Procedure, dated 11.3.2020
3. Wellpath Imperial County California Policies & Procedures, Response to Sexual Abuse, not dated

Interviews:

1. Targeted Inmates
2. Intake Staff
3. Correctional Officers
4. Watch Commander

Interviews with specialized staff and targeted inmates demonstrated disclosure reports are reported to the Intake staff who would report the disclosure to the Mental Health staff. Documentation of disclosures and follow up appointments are documented in the agency database, typically by the Qualified Mental Health Contractor.

Site Observation:

A review of inmate files demonstrated inmate disclosure is documented and follow up medical and or mental health appointments are offered and documented.

115.81

- (a, c) The Imperial County Sheriff's Office PAQ states all Inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to §115.341 are offered a follow-up meeting with a medical or mental health practitioner. Follow up meetings are offered within 14 days of the intake screening. In the past 12 months 100% of inmates who disclosed prior victimization during the intake screening. Medical and mental health staff maintain secondary materials, documenting compliance with the above required services.

ICSO Policy 401, page 2, section D., states, "Classification personnel conducting formal classification interviews shall make necessary accommodations for the inmate if they have a physical or mental disability or if they are limited English proficient, to the extent possible.

1. Whether the inmate has a mental, physical, or developmental disability
2. Age
3. Prior criminal history
4. Whether the inmate is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming
5. Prior history of sexual victimization
6. The inmates own perception of vulnerability

Inmates shall not be disciplined for failing to answer questions related to the criteria of numbers 1,4,5,6 listed above. The interview will be logged in the JMS.

Classification personnel shall complete the Imperial County Sheriff's Office PREA Screening Instrument to determine the risk of victimization or abusiveness. If the inmate reports any prior sexual victimization during the screening the shall be offered a follow-up meeting with a medical or mental health practitioner within 14 days.

If it is determined that a reassessment is required, the Classification staff shall advise the PREA Coordinator. The PREA Coordinator shall ensure that a thirty-day reassessment is completed."

- (b) The Imperial County Sheriff's Office PAQ states all Inmates who have previously perpetrated sexual abuse, as indicated during the screening pursuant to § 115.341, are offered a follow-up meeting with a mental health practitioner. All Inmates are allowed a follow-up meeting offered within 14 days of the intake screening. In the past 12 months 100% of inmates who disclosed previously perpetrated sexual abuse, as indicated during the screening process. Wellpath Imperial County California Policies & Procedures, page 4, section 6.8.1, states, "Patients identified as being at-risk for sexual victimization or abusiveness and for whom custody staff believe there is a need for immediate medial and/or mental health assessment shall be referred for immediate medical and/or mental health assessment at the time of the intake screening."

- (d) The Imperial County Sheriff's Office PAQ states, Information related to sexual victimization or abusiveness that occurred in an institutional setting is not strictly limited to medical and mental health practitioners. Wellpath Imperial County California Policies & Procedures, page 4, section 6.5 states, "All information related to sexual victimization or abusiveness that occurred in the institutional setting will be strictly limited to health care staff and other staff to inform treatment plans and security/management decisions, as required by federal, state and local law."
- (e) The Imperial County Sheriff's Office PAQ states, Medical and mental health practitioners do not obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institution setting unless the inmate is under the age of 18. Wellpath Imperial County California Policies & Procedures, page 4, section 6.8.6, states, "Consent of the patient, 18 years of age or older, is required before reporting an incident of sexual abuse that occurred prior to incarceration, except when the incident occurred in another correctional institution or in the event that the patient is under 18 years of age, as permitted by law."

Through such reviews, the facility meets this standards requirements.

Standard 115.82: Access to emergency medical and mental health services

115.82 (a)

- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?
☒ Yes ☐ No

115.82 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do correctional staff first responders take preliminary steps to protect the victim pursuant to § 115.62? ☒ Yes ☐ No
- Do correctional staff first responders immediately notify the appropriate medical and mental health practitioners? ☒ Yes ☐ No

115.82 (c)

- Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate? ☒ Yes ☐ No

115.82 (d)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?
☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** *(Requires Corrective Action)*

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020

Interviews:

1. Targeted Inmates
2. Random staff
3. Qualified Mental Health Staff

Interviews with staff and targeted inmates demonstrated that inmates are aware of access to emergency medical and mental health services and such services have been offered and accepted. As is stated in standards of this report. Those targeted inmate's, in the maximum security area, mental health made interviewing and keeping them on track difficult. Targeted inmates were either falsely reporting to this auditor for personal gain and or they could not concentrate long enough to stay on topic, during the interviews.

115.82

- (a) The Imperial County Sheriff's Office PAQ states Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of such services are determined by medical and mental health practitioners according to their professional judgment. Medical and mental health staff maintain secondary materials (e.g., form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis

ICSO Policy 1711, page 16, section X., states, "All inmate victims will be evaluated and shall receive timely emergency medical treatment and crisis intervention services based upon the professional judgement of the contract medical provider on-duty. This treatment and services shall be offered for free and should minimally include:

- A. Timely information about sexually transmitted infections (STI), access to testing for STI's and access to STI prophylaxis in accordance with professionally accepted standards of care, where medically appropriate.
- B. Female victims of sexually abusive vaginal penetration while incarcerated shall be offered a pregnancy test and access to emergency contraception.
 1. If a pregnancy results from sexual abuse while incarcerated, victims shall receive timely comprehensive information about, and timely access to. All lawful pregnancy-related medical services.

- (c) The Imperial County Sheriff's Office PAQ states Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

Policy compliance is found in provision (a) of this standard.

- (b,d) The Imperial County Sheriff's Office PAQ states Treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. ICSO Policy 902, section (f) 4., states, " Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The

efforts to provide SAFEs or SANEs shall be documented.”

Through such reviews, the facility meets this standards requirements.

Standard 115.83: Ongoing medical and mental health care for sexual abuse victims and abusers

115.83 (a)

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? ☒ Yes ☐ No

115.83 (b)

- Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody? ☒ Yes ☐ No

115.83 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care? ☒ Yes ☐ No

115.83 (d)

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*) ☐ Yes ☐ No ☒ NA

115.83 (e)

- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*) ☐ Yes ☐ No ☒ NA

115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? ☒ Yes ☐ No

115.83 (g)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? ☒ Yes ☐ No

115.83 (h)

- If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)
☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019
3. Imperial County Sheriff's Office Policy 1711, Inmate Sexual Abuse/Harassment Prevention and Response, dated 11.23.2020

Interviews:

1. Targeted Inmates
2. Random staff
3. Qualified Mental Health Contractor

Interviews with staff and inmates demonstrated that each interviewed are aware of access to emergency medical and mental health services. Inmates who reported sexual abuse reported staff acted immediately, empathetically and addressed their concerns and needs.

- (a) The Imperial County Sheriff's Office PAQ states the facility offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

ICSO Policy 902, section (f) 4., states, "Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented."

- (b) ICSO Policy 1711, page 12, section G., states, "Medical staff shall refer the alleged victim(s) and offenders(s) for mental health follow up."

- (c-d) ICSO Policy 1711, page 16, section X, states, "All inmate victims will be evaluated and shall receive timely emergency medical treatment and crisis intervention services based upon the professional judgement of the contract medical provider on-duty. This treatment and services shall be offered for free and should minimally include:

Timely information about sexually transmitted infections (STI), access to testing for STI's and access to STI prophylaxis in accordance with professionally accepted standards of care, where medically appropriate.

Female victims of sexually abusive vaginal penetration while incarcerated shall be offered a pregnancy test and access to emergency contraception.

If a pregnancy results from sexual abuse while incarcerated, victims shall receive timely comprehensive information about, and timely access to. All lawful pregnancy-related medical services.

- (e) Compliance can be found in provision (d) of this standard.
- (f) Compliance can be found in provision (c-d) of this standard.
- (g) Compliance can be found in provision (a) of this standard.
- (h) Compliance can be found in provision (c-d) of this standard.

Through such reviews, the facility meets this standards requirements.

DATA COLLECTION AND REVIEW

Standard 115.86: Sexual abuse incident reviews

115.86 (a)

- Does the facility 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? ☒ Yes ☐ No

115.86 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation? ☒ Yes ☐ No

115.86 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? ☒ Yes ☐ No

115.86 (d)

- Does the review team: Consider whether the allegation or investigation indicates a need to change directive or practice to better prevent, detect, or respond to sexual abuse? ☒ Yes ☐ No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? ☒ Yes ☐ No
- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? ☒ Yes ☐ No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? ☒ Yes ☐ No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? ☒ Yes ☐ No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? ☒ Yes ☐ No

115.86 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)

- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office, Policy 902, Prison Rape Elimination, dated 8.7.2019

Interviews:

1. PREA Compliance Manager
2. Chief

The team on-site were aware of the requirements to document and safeguard investigations. Incident Reviews are completed by the facility with follow up review by the critical incident response team for the overall Sheriff's Office.

115.86

- (a) The Imperial County Sheriff's Office PAQ states the facility conducts a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded. In the past 12 months there has been zero administrative investigations of alleged sexual abuse completed at the facility,

ICSO Policy 902, page 8, section 902.7.1, states, "An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186)."

- (b) The Imperial County Sheriff's Office PAQ states sexual abuse incident reviews are ordinarily conducted within 30 days of concluding the criminal or administrative investigation. Policy compliance is found in provision (a) of this standard.
- (c) The Imperial County Sheriff's Office PAQ states the sexual abuse incident review team includes upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health practitioners. Compliance can be found in provision (a) of this standard.
- (d) The Imperial County Sheriff's Office PAQ states the facility prepares a report of its findings from sexual abuse incident reviews, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submits such report to the facility head and PREA compliance manager.

ICSO Policy 902, page 8, section 902.7.1, last paragraph states, "The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186)."

- (e) The Imperial County Sheriff's Office PAQ states, the facility implements the recommendations for improvement or documents its reasons for not doing so. Compliance can be found in provision (d) of this standard.

Through such reviews, the facility meets this standards requirements.

115.87 (a)

- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? ☒ Yes ☐ No

115.87 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually?
☒ Yes ☐ No

115.87 (c)

- Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice? ☒ Yes ☐ No

115.87 (d)

- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?
☒ Yes ☐ No

115.87 (e)

- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.) ☒ Yes ☐ No ☐ NA

115.87 (f)

- Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)
☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019

115.87

(a)/(c)-1,2

The Imperial County Sheriff's Office PAQ states the agency collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.

ICSO Policy 902, page 8-9, section 902.7.2, first paragraph, states, "The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should

include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187)."

- (b) The Imperial County Sheriff's Office PAQ states The annual report includes a comparison of the current year's data and corrective action from prior years. ICSO Policy 902, page 8-9, section 902.7.2, second paragraph, states, "The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the [Department/Office]'s progress in addressing sexual abuse."

- (d) The Imperial County Sheriff's Office PAQ states the agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

ICSO Policy 902, page 9, section 902.8, states, "The [Department/Office] shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the [Department/Office], plus five years (28 CFR 115.171)."

- (e) The Imperial County Sheriff's Office PAQ states the agency obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates. ICSO Policy 902, page 9, second paragraph, states, "All aggregated sexual abuse data from Imperial County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the [department/office] website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189)."
- (f) The Imperial County Sheriff's Office PAQ states the Department of Justice has requested agency data for the previous calendar year.

Through such reviews, the facility meets this standards requirements.

Standard 115.88: Data review for corrective action

115.88 (a)

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response Directives, practices, and training, including by: Identifying problem areas? ☒ Yes ☐ No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response Directives, practices, and training, including by: Taking corrective action on an ongoing basis? ☒ Yes ☐ No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response Directives, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? ☒ Yes ☐ No

115.88 (b)

- Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse ☒ Yes ☐ No

115.88 (c)

- Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means? ☒ Yes ☐ No

115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

1. Imperial County Sheriff's Office PAQ
2. Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019
3. 2019 Annual PREA Report
4. <https://icso.imperialcounty.org/jail/#info>

115.88

- (a) The Imperial County Sheriff's Office PAQ states the agency reviews data collected and aggregated pursuant to §115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training, including:

- Identifying problem areas;
- Taking corrective action on an ongoing basis; and
- Preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole.

Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, page 4, section (i) 1-2, states, "Establishing a process that includes the use of a standardized form and set of definitions to ensure; accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC 30303; 15 CCR 1041).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
2. The data shall be aggregated at least annually."

- (b) The Imperial County Sheriff's Office PAQ states the annual report includes a comparison of the current year's data and corrective actions to those from prior years. The annual report provides an assessment of the agency's progress in addressing sexual abuse.

- (c) The Imperial County Sheriff's Office PAQ states the agency makes its annual report readily available to the public, at least annually, through its website. Annual reports are approved by the agency head.

Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, page 8-9, section last paragraph, states, "the report shall be approved by the Sheriff and made readily available to the public through the [department/office] website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated."

- (d) The Imperial County Sheriff's Office PAQ states when the agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility.

Through such reviews, the facility meets this standards requirements.

Standard 115.89: Data storage, publication, and destruction

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?
☒ Yes ☐ No

115.89 (b)

- Does the agency 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 through its website or, if it does not have one, through other means? ☒ Yes ☐ No

115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? ☒ Yes ☐ No

115.89 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

- Imperial County Sheriff's Office PAQ
- Imperial County Sheriff's Office Policy 902, Prison Rape Elimination, dated 8.7.2019

- (a) The Imperial County Sheriff's Office PAQ states the agency ensures that incident-based and aggregate data are securely retained. ICSO Policy 902, page 9, section 902.8, states, "The [Department/Office] shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the [Department/Office], plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189)."

- (b) The Imperial County Sheriff's Office PAQ states agency policy requires that aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website. ICSO Policy 902, page 9, second paragraph states, "All aggregated sexual abuse data from Imperial County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the [department/office] website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189)."

- (c) The Imperial County Sheriff's Office PAQ states before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers. ICSO Policy 902, page 8-9, second paragraph, states, "The report shall be approved by the Sheriff and made readily available to the public through the [department/office] website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated."

- (d) ICSO Policy 902, page 9, section 902.8, states, "The [Department/Office] shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the [Department/Office], plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189)."

Through such reviews, the facility meets this standards requirements.

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

115.401 (a)

- During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (*Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.*) ☒ Yes ☐ No

115.401 (b)

- Is this the first year of the current audit cycle? (*Note: a "no" response does not impact overall compliance with this standard.*) ☐ Yes ☒ No
- If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is **not** the *second* year of the current audit cycle.) ☐ Yes ☒ No ☐ NA
- If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is **not** the *third* year of the current audit cycle.) ☒ Yes ☐ No ☐ NA

115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility? ☒ Yes ☐ No

115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? ☒ Yes ☐ No

115.401 (m)

- Was the auditor permitted to conduct private interviews with inmates, inmates, and detainees? ☒ Yes ☐ No

115.401 (n)

- Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Document Review:

Standard 115.403: Audit contents and findings

115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

- ☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)
- ☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ **Does Not Meet Standard** (*Requires Corrective Action*)

Through such reviews, the facility meets this standards requirements.

AUDITOR CERTIFICATION

I certify that:

- ☒ The contents of this report are accurate to the best of my knowledge.
- ☒ No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- ☒ I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Karen d. Murray

January 21, 2022

Auditor Signature

Date