

**GEM COUNTY DETENTION CENTER
POLICIES AND PROCEDURES**

Chapter	18	IPREA	Policy # 18.5
Subject	5	Reporting	
Effective Date:		Revision Date:	
Sheriff's Approval:			

Policy:

The Gem County Detention Center shall provide multiple ways for inmates to report incidences of sexual misconduct, sexual assault, or sexual harassment.

Purpose:

With this policy, the Gem County Detention Center has established practices that will ensure that the information obtained from a report of sexual misconduct, sexual assault, or sexual harassment will be handled professionally, confidentially, and fairly to protect inmates who have been a victim or are in danger of becoming a victim.

References:

Idaho Jail Standards, Chapter 12
IPREA Standards §115.51 to §115.54

Procedures:

§115.51 – Inmate Reporting

Inmates at the Gem County Detention Center may make reports of sexual abuse, sexual harassment, retaliation by other inmates or staff members, and/or staff neglect or violation of staff responsibilities that may have contributed to sexual abuse or harassment, either verbally or in writing; privately or anonymously, to any staff person.

Verbal reports may be submitted to:

- (1) Detention Deputy
- (2) Medical or mental health staff
- (3) Detention or Agency Administration
- (4) Volunteers
- (5) Third party
- (6) Attorney
- (7) Clergy

Written reports may be submitted in the form of:

- (1) A kite
- (2) A grievance
- (3) Personal letter
- (4) Personal letter address to administration
- (5) Third party

Staff are required to accept **all** such reports from an inmate or third party without hesitation, delay, or question, and promptly forward them on to Supervisor. The Supervisor is to immediately begin the review, referral, and investigative process. Verbal reports that are received are promptly documented and given to the designated person. (to be documented at the time of or directly after the verbal report has been given)

The Gem County Detention Center shall also allow inmates to report sexual abuse or sexual harassment to a public or private outside agency which is:

- | | |
|-----------------------------|---|
| (1) Public Defenders Office | 323 E Main Street, Emmett ID 208-365-4548 |
| (2) Rose Advocates | 128 N Washington Emmett ID 208-365-1615 |

It shall be the responsibility of the outside agency to immediately refer and/or report any allegations of inmate sexual abuse and/or sexual harassment which it receives to the highest ranking staff person at the Gem County Sheriff's Office on duty at the time the report is forwarded.

The Gem County Detention Staff will notify the inmates that upon contacting a public or private agency some information may be provided to the Jail Administrator or Sheriff, per Federal and state laws. Phone calls will not be monitored unless requested by the agency called.

The Gem County Detention Center does not typically detain inmates solely for civil immigration purposes, but in the rare event this occurs, the inmate shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security to report sexual abuse.

§115.52 – Exhaustion of Administrative Remedies

Any grievance submitted by an inmate alleging sexual abuse or imminent risk of sexual abuse shall immediately be withdrawn from the routine Gem County Detention Center inmate grievance process. Rather, these grievances will be considered a **complaint** of sexual abuse and **not** subject to any of the rules, or procedures regarding a routine inmate grievances. All

staff receiving such grievances alleging sexual abuse shall immediately direct them to a Supervisor. The Supervisor shall immediately initiate the appropriate sexual abuse response.

The Gem County Detention Center shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.

- (1) The agency may apply otherwise applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse;
- (2) The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

The Gem County Detention Center shall ensure that:

- (1) An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and
- (2) Such grievance is not referred to a staff member who is the subject of the complaint.

The facility shall issue a final facility decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance

- (1) Computation of the 90 day time period shall not include time consumed by inmates in preparing any administrative appeal.
- (2) The facility may claim an extension of time to respond, of up to 70 days, with approval of the sheriff, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.
- (3) 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, the inmate may consider the absence of a response to be a denial at that level.

Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.

- (1) 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 agrees to have the request filed on his/her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
- (2) If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.

Inmates may file emergency grievances alleging that an inmate is subject to a substantial risk of imminent sexual abuse. After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the facility shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to Jail Administrator and he/she will take immediate corrective action, shall provide an initial response within 48 hours, and shall issue a final facility decision within 5 calendar days. The initial response and final facility decision shall document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

The inmate will be disciplined for filing a grievance related to alleged sexual abuse only where there is evidence that the inmate filed the grievance in bad faith.

§115.53 Inmate Access to Outside Confidential Support Services

The Gem County Detention Center shall make contact information for outside agencies and/or victim advocate services that provide emotional and/or psychological support for victims of sexual assault available to inmates. These may include local, State, or national victim advocacy or rape crisis organizations. This contact information will be available to inmates through:

- (1) Wall of the housing unit
- (2) Medical or mental health
- (3) Deputy
- (4) Inmate Handbook
- (5) Investigator

The Gem County Detention Center shall enable reasonable communication between inmates and these organizations and agencies in as confidential a manner as possible. The Gem County Detention Center shall 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.

The Gem County Detention Center shall 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. Copies of the agreements or documentation showing attempts to enter into such agreements will be maintained on file with the facility.

§115.54 Third-party Reporting

The Gem County Detention Center will receive and respond to third party reports of sexual abuse and sexual harassment in an expedient and efficient way. Third party reports may be done verbally or in writing and may be submitted to: (Examples only. List here how a third party can report to your agency.)

- (1) On duty staff member
- (2) On duty supervisor
- (3) Administration
- (4) Medical or Mental Health Personnel
- (5) Investigators

The facility shall publicly distribute information on how to report sexual abuse and sexual harassment on behalf of an inmate by posting flyers and handouts in the Lobby of the jail.