



**STATEMENT OF AUTHORITY**

The Standard Operating Procedure is a single document broken into chapters and sections, and shall be construed as such. Any representation of a singular section as the entirety of policy and procedure is a gross misrepresentation of this document. Such representation made is to be considered out of context and not a factual representation. This section is expressly intended to define and regulate the elements concerned with the subject matter of the title below as it relates to the PCSD Corrections Bureau. All matters or concerns not expressly stated within this section may be covered in statement or interpretation within other areas of policy and procedure. Any such occurrence found within policy and procedure shall have the same effect and weight of authority as this section concerning such subject matters discussed, unless contradictory to statements made here within this section. In such instances that may happen to occur, the statements within this section now and shall in perpetuity be considered the prevailing authority; such is the intent by the author(s) and approving authorities concerned with this document.

**SEXUAL MISCONDUCT**

**1. POLICY**

- 1.1. **Policy** – See 4A 1.1.
- 1.2. **Policy** – See 4A 1.6.

**2. POLICY APPLICATION**

- 1. This policy is applicable to staff-on-inmate and inmate-on-inmate sexual misconduct, sexual abuse, and sexual harassment only.
- 2. This policy does not apply to allegations of sexual misconduct that occur while out-of- custody (e.g. Work Program participants). These allegations should be reported to, and investigated by, the appropriate law enforcement agency.
- 3. This policy does not apply to staff-on-staff conduct.
- 4. This policy does not apply to inmate-on-staff sexual harassment or misconduct. However, it will be taken seriously and investigated as part of the in-house disciplinary process or criminal investigations aspect, whichever is applicable.
  - 1. See 3C Inmate Rules and Regulations
  - 2. See 3D Inmate Discipline
- 5. Sexual misconduct guidelines and standards do not apply to allegations or observed consensual inmate/inmate sexual activity. Such incidents shall be handled as outlined in:
  - 1. See 3C Inmate Rules and Regulations
  - 2. See 3D Inmate Discipline

**3. GENERAL PROCEDURES**

- 3.1. Review 4A 5.5. Protection of Inmates

**4. SEXUAL MISCONDUCT**

- 4.1. According to Arizona Revised Statute consensual sexual conduct cannot occur between a staff member and an inmate.
  - 1. See generally ARS § 13-1419
- 4.2. Wanted or unwanted sexual contact and displays of affection of any kind between inmates is considered sexual misconduct.

**5. REPORTING SEXUAL MISCONDUCT**

**5.1. General**

- 1. All incidents of sexual conduct must be reported to include those of a consensual nature.
- 2. Inmates will be educated and encouraged to report abuse.

**5.2. Confidentiality**

- 1. To preserve confidentiality, the integrity of the complaint, and investigation, information will be disseminated on a need to know basis.



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2. Staff members reporting such incidents will maintain the confidentiality of the information and shall not reveal any information related to a sexual misconduct incident to anyone other than to the extent necessary to begin treatment, investigation, and other security and management decisions.
3. All emails regarding the complaint, involved parties, and investigative details shall only be sent to those in positions who have a need to know.
4. Information related to sexual victimization or abusiveness that occurred in an institutional setting shall be shared with the Contracted Medical Provider (CMP), as necessary, to form treatment plans.

**5.3. Staff Reporting**

1. Any staff member who is aware of an alleged incident or complaint regarding inmate-on- inmate or staff-on-inmate sexual misconduct, retaliation by other inmates or staff for reporting sexual misconduct, or staff neglect/violations of responsibilities which may contribute to sexual misconduct shall report the information to the on-duty Corrections Sergeant immediately.

**5.4. Inmates Reporting**

**1. Reporting Mechanisms for Inmates**

1. Information on reporting sexual misconduct will be included in the Inmate Handbook.
2. Access to various reporting mechanisms will be available to all inmates.
3. Inmates will be allowed to report sexual misconduct or alleged sexual misconduct in writing, verbally to staff or by calling a number provided for that purpose, (520) 351-8414.
4. Inmates requiring interpretation services due to limited English proficiency, speech or hearing impairments will be provided access to these services as part of the complaint and investigative process.
  1. Written prevention and reporting information will be provided in both English and Spanish to inmates.
  2. Corrections Bureau employees shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants.
  3. Interpreting may be accomplished by:
    1. Contacting the contracted translator service.
      1. Contact information is available on the shared drive.
      2. Use of another CO or above that speaks the language.
        1. The CO that is alleged will not be used to perform interpretation.

**2. Reporting**

1. Inmates may report sexual misconduct, retaliation by inmates or staff for reporting sexual misconduct, and staff neglect or violations which may contribute to sexual misconduct by any of the following means:
  1. An Inmate Grievance form.
    1. See 4D Inmate Grievance System
      1. 4D 6.3.
      2. 4D 7.4.
        1. If a response to the grievance cannot be completed within the allotted time due to investigation of the incident, this will constitute a viable circumstance to extend the response time.



- 2. A Health Service Request form (Medical Slip).
- 3. A Specialist Request form.
- 4. Anonymously by placing a written note in the inmate mailbox.
- 5. Verbally to any staff member or PCADC volunteer.
- 6. Through the reporting number (520) 351-8414, provided in each inmate housing location.
- 7. Through Pima County Sheriff's Department (PCSD) Office of Professional Standards.

**5.5. Protection against Retaliation**

- 1. Inmates that have a fear of reprisal for reporting sexual misconduct or assisting in the investigation of an alleged sexual misconduct violation will be assured that any information given will only be shared with those persons to which it is necessary.
- 2. Inmates who report sexual misconduct, or assist in the investigation of an alleged sexual misconduct violation, will be protected against retaliation from other inmates and staff by any of the following means:
  - 1. Housing change or transfers for inmate victims/abusers;
  - 2. Removal of alleged staff or inmate abuser from contact with victim;
  - 3. Segregation may be utilized if there are no other means to ensure the safety of the victim.
- 3. The Corrections Bureau shall act promptly to remedy any form of retaliation against inmates or staff.

**5.6. Public Reporting**

**1. Reporting Mechanisms**

- 1. A phone number (520) 351-8414, shall be provided to the public for reporting sexual misconduct incidents on behalf of inmates.
  - 1. The public shall be encouraged to use this number if they need to report this type of situation.
  - 2. The reporting phone number shall be available on the Department website.
- 2. The PCSD Corrections Bureau will display informational posters in non-secure areas accessible to the public that will be used to inform the public:
  - 1. Of the PCSD Correction Bureau's zero tolerance policy regarding sexual misconduct.
  - 2. How to report suspected abuse.
  - 3. What the sexual misconduct reporting phone number is.

**2. Reporting**

- 1. The Department will accept third party and anonymous complaints from the public on behalf of inmates.
- 2. Complaints may be filed through the public reporting line or to the Office of Professional Standards.

**6. INITIAL RESPONSE**

**6.1. General**

- 1. Upon the discovery or report of an alleged sexual misconduct incident, staff members shall complete a detailed Incident Report of the alleged incident and forward the information to the Corrections Sergeant.



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2. The CMP shall provide follow-up medical care and mental health treatment for the victim as deemed appropriate by the contract medical provider.

**6.2. Staff First Responder Duties**

1. Upon learning of an allegation that an inmate has been a victim of sexual misconduct, or upon witnessing a sexual misconduct incident, the first CO(s) on scene shall:
  1. Immediately take appropriate means to stop the sexual misconduct if it is still taking place, ensuring to maintain personal safety and the security and safety of the inmates.
  2. Ensure those involved are separated to prevent further misconduct.
  3. Secure, preserve, and protect the location of the incident as a crime scene until appropriate steps can be taken to collect any evidence.
    1. See 6I Control of Crime Scenes and Criminal Evidence
  4. Advise the alleged victim that medical examination and evidence collection will be directed by the investigator(s).
    1. This includes rape kits, swabs, victim and alleged perpetrator blood sample collection, etc. or any other necessary tests.

**6.3. Corrections Sergeant's Responsibilities**

1. The on-duty Corrections Sergeant shall ensure the first responder actions have been met and direct the investigation from that point forward.
  1. The on-scene Corrections Sergeant will review known facts and may interview the victim if additional information is needed. The sergeant will notify their Section Commander before proceeding with any other interviews of inmates or staff.
  2. Prior to notifying the Section Commander, the sergeant may review other information such as staff schedules, video of alleged location, or other resources which may provide valuable evidence.
    1. The sergeant will notify the Section Commander of the allegation in a timely manner, and in no instance shall notification be made later than the end of the supervisor's shift.
2. The on-scene Corrections Sergeant will also complete the following tasks:
  1. Ensure that the victim is in a safe and secure location pending the initial interview with the criminal investigator.
  2. If the Sexual Misconduct allegation is criminal in nature, and is deemed the next appropriate investigative step by the Section Commander, contact PCSD Communications and request a deputy to respond to the incident location as soon as possible.
    1. Ensure the investigator(s) receive assistance as needed (e.g., transport the victim to the appropriate medical examination facility, facilitate access to the crime scene, coordinate access to other inmates, etc.).
      1. If the criminal investigation leads to an inmate being administered a rape kit, the Sex Crimes Unit Sergeant should be notified.
    2. Ensure copies of all documentation and original photos/videos are provided to the investigator(s).
  3. The Corrections Sergeant shall ensure the Section Commander is notified of the incident.
  4. After alleged victim is no longer needed for investigative purposes the Corrections Sergeant shall:
    1. Reclassify the inmate if necessary.



- 2. Ensure the victim is afforded the opportunity to take care of hygiene issues. If necessary hygiene supplies, clean clothing, and bedding will be provided.
- 3. Ensure Mental Health and Medical staff evaluates the victim.
- 5. Ensure all Incident Reports are completed.
- 6. Ensure the inmates involved have Keep Separate alerts issued to prevent further interaction.
- 7. If alleged perpetrator is an inmate:
  - 1. See 3C Inmate Rules and Regulations
  - 2. See 3D Inmate Discipline
- 8. If alleged perpetrator is a staff member:
  - 1. Communicate with Section Commander for directives on work status or restrictions for the staff member. Unless specifically stated otherwise, the staff member shall be:
    - 1. Removed from any inmate contact/areas; and
    - 2. Placed in a no-inmate contact duty post pending the initial investigation by CID/IA and review by the Bureau Chief or designee.
- 9. Ensure all necessary reports and photographs are forwarded to the following individuals:
  - 1. The Misconduct Coordinator for review and inquiry.
- 3. The Corrections Commander will also complete the following tasks:
  - 1. The Section Commander will decide after a review of the initial investigation by the Corrections Sergeant what further steps are needed in the investigation.
    - 1. If a complaint of sexual misconduct is outright disproven during the initial investigation, the sergeant and Commander can close the incident administratively.
    - 2. If a complaint of sexual misconduct cannot be disproven during the initial investigation, the investigation should proceed administratively or criminally depending on the specific factors of the alleged incident.

**7. ADMINISTRATION**

**7.1. Misconduct Coordinator**

**1. General**

- 1. A Misconduct Coordinator will be designated for each complex, the PCADC (to include the MSF) and Ajo Detention Center.
  - 1. The PCADC Misconduct Coordinator will be designated by the Misconduct Committee Chairperson.
  - 2. The Ajo Detention Center Sergeant will be designated as the Ajo Detention Center Misconduct Manager.

**2. Responsibilities**

- 1. The Misconduct Coordinator will develop, implement, and oversee the PCSD Corrections Bureau's efforts to discourage and prevent sexual misconduct.
- 2. Retain any and all Incident Reports regarding sexual misconduct for future litigation and reporting to the Department of Justice, as required.
- 3. The Misconduct Coordinator will act as the point of contact for any investigating agency.
- 4. Data Collection And Review



1. The PCSD Corrections Bureau shall collect accurate, uniform data for every allegation of sexual misconduct using a standardized instrument and set of definitions.
2. The PCSD Corrections Bureau shall maintain collected sexual misconduct data in accordance with PCSD records retention policies.
5. After Action Follow-Up with Victims
  1. For at least 90 days following a report of sexual misconduct, the Corrections Bureau shall monitor the conduct and treatment of inmates/staff who have reported sexual misconduct, and of inmates who claim to be a victim of sexual misconduct, to see if there are changes that may suggest possible retaliation by inmates/staff. The PCSD Corrections Bureau shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
  2. Following an investigation into an inmate's allegation that they are a victim of a sexual misconduct incident, the Misconduct Coordinator shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
  3. A 30, 60, and 90 day follow-up is not required on unsubstantiated or unfounded complaints.
  4. All such notifications or attempted notifications shall be documented.
  5. Reporting and follow-up requirements are not required if the victim inmate has been released from PCSD Corrections Bureau custody.

**7.2. Sexual Misconduct Incident Reviews**

1. The Misconduct Coordinator shall conduct a sexual misconduct incident review at the conclusion of every sexual misconduct investigation, excluding unfounded complaints.
2. Sexual misconduct incident reviews will be conducted by a designated review team. The review team shall:
  1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual misconduct incidents.
  2. Prepare a report of the team's findings.

**8. ACCESS TO INFORMATION**

**8.1. Requests**

1. See 1C 4.

**8.2. Public**

1. The PCADC policy regarding sexual misconduct shall be posted on the PCSD website.