
9.32 REPORTING OF SEXUAL ABUSE, MISCONDUCT OR HARASSMENT

9.32.01 POLICY

The Lincoln County Detention Center (LCDC) shall provide inmates multiple ways to privately report sexual abuse, sexual harassment, staff neglect or violation of staff responsibilities, retaliation by other inmates or staff for reporting sexual abuse or sexual harassment that may have contributed to inappropriate incidents.

9.32.02 PROCEDURE

9.32.03 LCDC Administration Expectations

- A. All staff to follow all LCDC Policies and Procedures
- B. Any allegation of employee, contractor, volunteer or inmate sexual misconduct to be investigated and treated with confidentiality and professionalism.
- C. Staff's conduct and attitude towards such allegations shall be professional and unbiased.
- D. All staff shall be required to cooperate with the investigation into all allegations.
- E. When appropriate allegations may be referred to the Lincoln County Attorney for prosecution.

9.32.04 Inmate Reporting

- A. Inmates may confidentially disclose incidents of sexual misconduct, contact, abuse and harassment to any LCDC staff, either verbally or in writing.
 - 1. Staff shall complete an incident report detailing the information provided to them by the inmate and forward to the PREA Coordinator.

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- B. Inmates may file a sexual misconduct complaint through the inmate grievance system.
 - 1. An Inmate may submit such grievance without submitting it to the staff member who is the subject of the complaint
 - 2. An inmate grievance alleging sexual abuse shall not be referred to the staff member who is the subject of the complaint.
- C. In emergency situations the Shift Supervisor will handle the complaint immediately during non-business hours.
- D. The inmate may request to make a report to an investigator from the Lincoln County Sheriff's Office.
- E. The inmate may contact a third party to make any reports who will immediately forward any reports to the Lincoln County Sheriff's Office. The inmate may remain anonymous upon request.
- F. Any inmate who reports an incident of sexual misconduct, sexual contact, sexual abuse or sexual harassment may request to be treated as an anonymous informant.
- G. The inmate may request to speak with Health Services to express their concerns.
- H. Inmates held under Immigration and Customs Enforcement (ICE) detainer will be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.
- I. LCDC requires that a decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within ninety (90) days of the filing of the grievance.
- J. In any event the Lincoln County Sheriff may direct another outside law enforcement agency to manage inmate reporting when appropriate.

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9.32.05 Third Party Reports

- A. Any person may confidentially disclose incidents of sexual misconduct, contact, abuse and harassment to an LCDC staff member, either verbally or in writing.
- B. This information shall be forwarded to the PREA Coordinator for further investigation.
- C. A person may write to the PREA Coordinator in regards to allegations of sexual misconduct, sexual abuse or sexual harassment of an inmate.
- D. The PREA Coordinator shall conduct a professional investigation to determine the appropriate course of action in regards to the allegations.
- E. LCDC permits third parties to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of inmates.
 - 1. If an inmate declines to have third party assistance in filing a grievance alleging sexual abuse the inmate's decision to decline shall be documented.

9.32.06 Staff, Contractor or Volunteer

- A. All employees of LCDC, contractors or volunteers are obligated to report any concerns of an inmate, a contractor, a volunteer or a staff member sexual misconduct, sexual contact, sexual abuse or sexual harassment. Such report shall be done privately and the person reporting shall only notify the Shift Supervisor, Detention Administrator or PREA Coordinator.
- B. Staff or contracted employees shall provide the PREA Coordinator with a verbal report and will follow-up with a written report immediately.
- C. No staff, contractors or any individual in a position of authority over an inmate shall retaliate against the alleged victim, complainant and/or inmate witness for making allegations of sexual misconduct, sexual contact, sexual abuse or sexual harassment.
 - 1. Such retaliation may include, but is not limited to, threats regarding bond or good time, denial of privileges, subjection to

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disciplinary or adverse administrative action, negative comments or commendation to any parties, statements or actions leading the complainant, victim or witness to believe that such retaliatory action can or will be taken to induce statement or other cooperation.

- D. This in no way shall limit the LCDC Administration's ability to take appropriate disciplinary or prosecutorial action where inmates make untruthful allegations.

9.32.07 Sexual Misconduct, Sexual Abuse and Sexual Harassment Defined

- A. Sexual misconduct includes acts or attempt to commit acts of sexual misconduct including:
 - 1. Sexual conversations or correspondences which suggest a romantic or intimate relationship.
 - 2. All sexual contact between persons regardless of consent.
 - 3. Intentional touching either directly or through clothing of another person with the intent to abuse, humiliate, harass, degrade, arouse or gratify the sexual desire of another person.
- B. Sexual abuse includes raping, molesting, prostitution or otherwise sexually exploiting another person.
- C. Sexual harassment includes, but is not limited to, unwelcome sexual advances, request for sexual favors, disrobing or requesting that another person disrobe without a legitimate penological objective, making sexually offensive comments or gestures or verbal or physical conduct of a sexual nature.

9.32.08 PREA Coordinator Shall Ensure

- A. That all necessary medical and mental health treatment is obtained for the victim.
- B. All documentation of sexual misconduct, sexual contact, sexual abuse or sexual harassment is maintained securely.
- C. All allegations of sexual misconduct, sexual contact, sexual abuse or sexual harassment will be investigated by an investigator of the Lincoln County Sheriff's Office.

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- D. The victim of sexual misconduct, sexual contact, sexual abuse or sexual harassment shall be informed in writing of the outcome of the investigation and the resolution the investigator proposes.

- E. That the inmate who is dissatisfied with the investigation or resolution of the allegation of sexual misconduct, sexual contact, sexual abuse or sexual harassment may appeal to the Detention Administrator with seven (7) days of receiving the written outcome of the investigation.

- F. In any event the Lincoln County Sheriff may direct another outside law enforcement agency to conduct said sexual assault investigation when appropriate.