

# SANTA CLARA COUNTY PROBATION

## Coordinated Response Plan for Sexual Abuse or Assault

REV. 10-04-2017

Resident reports allegation of current or past sexual abuse or sexual assault to a staff member/service provider allegedly occurring at our Institution(s).

Staff/Service Provider witness, become involved in or aware of current or past sexual abuse or sexual assault including a resident allegedly occurring at our institution(s).

**THIRD PARTY OR ANONYMOUS REPORT (family member, friend, etc.)**

### FIRST RESPONDER

- Separate the alleged victim and abuser.
- If a security staff member (i.e. sworn officer), immediately notify Unit Supervisor who will, in turn, notify the Manager. (Write an incident report)
- If not a sworn staff, immediately notify sworn staff and request that alleged victim not take any actions that could destroy physical evidence (Write CPS report/call CPS if resident on resident; if staff member/service provider advise the supervisor, write a report, and wait for sheriff/police to give a statement).

### SUPERVISOR OR MANAGER

- Immediately notify the Deputy Chief (DC) and Managers of Institutions for referral for investigation by Internal Affairs.
- Notify the Santa Clara County Sheriff's Office (SCSO).
- Ensure victim is referred for Medical attention.
- Contact YWCA / Rape Crisis Center (RCC) to provide victim advocate
- Notify resident's family/guardian, the governing board, and committing court.
- If a ward, notify the alleged victim's attorney within 14 days of receiving the allegation.

### STAFF

- Preserve and protect any crime scene until appropriate steps are taken by the SCSO to collect any evidence: Any affected area should be on a 'lock-down' status.
- If abuse occurred within time-period that allows for the collection of physical evidence, request that the alleged victim not take any action that could destroy physical evidence and have a staff member of his/her choice stay with the victim.
- Ensure the alleged abuser does not take any actions that could destroy physical evidence by placing in a different room under observation with the water shut off.
- The alleged victim and aggressor shall remain separated until the initial investigation is completed.
- If alleged abuser is an employee/provider of services, the employee/provider of services shall be instructed by a superior to wait for the SCSO for further action.

### EMERGENCY EXAMINATIONS AND TESTING

- Resident transported to Santa Clara County Valley Medical Center Emergency Room (SCCVMC-ER) as determined by institutional nurse for testing using SAFE (Sexual Assault Forensic Examiner)/SANE (Sexual Assault Nurse Examiner) nurses.
- Forensic evidence secured by emergency room hospital only released to Santa Clara County Sheriff's Office for criminal investigation.

### STATUS

Alleged abuser will be placed on **NO ROOMMATE (NR)** status while investigation is being conducted. If there is no criminal prosecution, the resident shall be permitted to return to regular programming.

### MEDICAL AND MENTAL HEALTH

- Upon return to institution, alleged victim and/or alleged abuser shall be seen by medical and mental health staff for continued services.
- Continued treatment for alleged victim and alleged abuser as needed.

### SANTA CLARA COUNTY SHERIFF'S OFFICE

- Conducts resident's interviews
- Reviews property and physical evidence
- Creates investigative report
- Communicates findings to Probation Deputy Chief for Institutions
- Refers to District Attorney's Office for Criminal Prosecution, if warranted.

### INSTITUTIONAL MANAGER

Follow-up with SCSO.

### SUPERVISOR AND INSTITUTIONAL MANAGER

Administer institutional discipline, if warranted.

### INSTITUTIONAL MANAGER/COMPLIANCE MANAGER

- Complete report with conclusions of review and/or investigation.
- Work with PREA Coordinator to schedule incident review team meeting within 30 days following investigation conclusion
- Retaliation Monitoring Checklist and Status Check every 30 days (for minimum of 90 days or longer, if needed).
- Ensure re-screening for both Vulnerability to Victimization (VV) / Sexually Aggressive Behavior (SAB)
- Upon completion of investigation, advise the resident (victim) of the outcome via notification form.

## PREA FIRST RESPONDER DUTIES FOR ALL STAFF

The First Responder will follow the below steps as outlined in the PREA federal guidelines. This requirement applies to all probation staff, CBO personnel, Clinic staff, Behavioral Health staff, volunteers, etc. Upon learning of an allegation that a resident was sexually abused, the first staff member to respond to the report shall be required to:

1. Separate the alleged victim and abuser. The alleged victim and aggressor are to remain separated until the investigation is completed.
2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
3. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged **victim** not take any actions that could destroy physical evidence including: washing, showering, brushing teeth, changing clothes, urinating, defecating, eating or drinking as appropriate for the specific incident.
4. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure by their actions (if sworn staff) or ensure by reporting to sworn staff (if non-sworn staff) that the alleged **abuser** does not take any actions that could destroy physical evidence including: washing, showering, brushing teeth, changing clothes, urinating, defecating, eating or drinking as appropriate for the specific incident.

**If the Sexual Abuse or Assault is a staff member/service provider in addition to the above steps, the following will also be followed:**

5. If the alleged abuser is any staff member/service provider from any jurisdiction, immediately notify Unit Supervisor who will, in turn, notify the Manager.
6. The employee shall be instructed by a supervisor and/or manager to wait for an officer of the Sherriff's Office or Police Department.