



SAN MATEO COUNTY
PROBATION DEPARTMENT
ADMINISTRATIVE MANUAL

D. GENERAL DEPARTMENT POLICY STATEMENTS

18. Use of Force

During the course of one's duties, all sworn staff (hereafter referred to as Probation Officers) utilize special powers and authority granted them by the State of California in order to operate safely. Exercise of these powers, including the use of reasonable force, is one aspect of a complement of resources that are focused upon our case management values. These values, including an observance and respect for the probationer's rights, privileges, and well-being, guide all probation officer decisions and conduct.

The authority and ability to use deadly force does not compromise the Department's vision or expectations of probation officer conduct. A probation officer's firearm, or any other safety equipment, is intended to protect the probation officer and other members of the public while s/he attempts to bring recovery, positive change, and lawful conduct into the lives of those under their supervision.

I. POLICY FOR ALL USERS OF FORCE

Probation Officers shall use only that force which is reasonable, given the facts and circumstances known at the time of the event, to effectively bring an incident under control. Medical attention shall be provided to any person who sustains any injury or loss of consciousness resulting from a probation officer's use of force. All sections of this policy are equally applicable to conduct occurring at any hour involving the use of force when such conduct occurs in the course and scope of employment.

Reasonable Force:

Probation Officers are authorized to use only that degree of force that is objectively reasonable to protect themselves or others, or to overcome resistance to their lawful authority. Probation Officers may use force in the performance of their duties in the following circumstances:

- 1) To prevent the commission of a public offense
- 2) To prevent a person from injuring himself/herself
- 3) To effect the lawful arrest or detention of persons resisting or attempting to evade that arrest or detention.
- 4) In self-defense
- 5) In the defense of another person

Probation Officers acting in the course and scope of their duties may not carry any implement designed as a weapon not authorized by the Probation Department.

II. LEVELS OF FORCE

When the use of force is necessary and appropriate a probation officer shall, to the extent possible, utilize a use of force option. The probation officer should use his/her training and experience to assist in determining the use of force option that is justified in responding to a particular threat or situation in no specific sequential order.

Use of Force Options:

- A. Officer Presence is the presence of a probation officer, with badge or identification, communicating non-verbally his/her presence as a law enforcement officer.
- B. Verbal Commands is a verbal request or command in order to obtain compliance or control or to give direction.
- C. Light Touch is the light physical touch on a person to obtain a response or compliance.
- D. Physical Control
 - 1. Physical controls include touching greater than a light touch, grasping, pain compliance, superior physical strength, body weight, and handcuffs.
 - 2. Physical controls may be used in response to actual or perceived imminent physical resistance, assault or flight. In institutions and when transporting individuals who have been detained, arrested or booked into institutions, appropriate physical controls may be used to maintain control of such individuals and to prevent escape.
 - 3. Restraint techniques and tactics may be used to physically control combative persons. Probation officers shall only use restraint techniques after receiving training approved by the Probation Department.
- E. Intermediate Force
 - 1. A probation officer may use his personal impact weapons (including hands, feet, elbows, etc.), OC spray, Baton, Conducted Electrical Weapon (Taser) or weapon of opportunity when there is a substantial and immediate risk that death or great bodily injury will result from the actions of the subject.

2. Probation officer's responsibilities, in the event that the use of personal impact weapon becomes necessary, the following procedure will be followed:
- a. The probation officer(s) who have applied the force on the individual will summon or render that person immediate first aid and emergency medical treatment if necessary.
 - b. When such force is applied, the circumstances will be fully documented and an entry will be made during the pre-booking process to alert the jail medical staff of the fact that such force had been applied.

F. Deadly Force

1. Deadly force is that level of force which is reasonably likely to result in death or serious bodily injury. Although use of firearms is the most common example of the use of deadly force, probation officers can use deadly force by other means as well.
2. No employee will be censured if a subject is not apprehended when all methods short of the use of deadly force have been exhausted and the use of deadly force is determined by the employee to be inadvisable.
3. A probation officer may use deadly force including weapons other than a firearm only: In the necessary defense of the probation officer or another person(s) when the probation officer has reasonable cause to believe that he/she or other person(s) is in imminent danger of death or serious bodily injury.

III. POLICY SPECIFIC TO DEPARTMENT ISSUED OC SPRAY

Oleoresin Capsicum (OC), commonly referred to as "pepper spray", is available for all authorized officers that have completed training and maintained certification. Trained personnel are authorized to use OC spray to overcome resistance of individuals lawfully arrested, subject to lawful arrest or lawfully remanded to the custody of a correctional facility.

A. General Guidelines

1. Before the issuance of OC, each probation officer shall attend approved supplemental training as recommended by P.O.S.T./STC and as approved by the Probation Department.

2. Following the completion of training, probation officers are issued and authorized to carry the department-issued model and have it immediately available for use.
3. OC spray shall only be used in dealing with actively resisting, physically aggressive or combative individuals. It shall not be used against passive resistors.
4. OC spray may be deployed against a potentially dangerous animal if the animal appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.
5. OC spray shall not be used against handcuffed or otherwise mechanically restrained subjects unless the subject still presents a serious threat to the safety of the probation officer or others or to prevent significant property damage.
6. OC spray should be discharged directly into the target area at a distance greater than three feet, whenever possible.
7. When a person has been subdued by the use of OC, he/she should be decontaminated without unnecessary delay by flushing the contaminated area of the person with water. If water is unavailable, the subject should be exposed to fresh air as quickly as possible.
8. OC spray shall be replaced at manufacturer recommended intervals.

B. **Probation Officer Responsibilities:**

1. The probation officer(s) who have applied OC shall evaluate carefully the medical condition of the person sprayed, follow appropriate decontamination procedures and shall summon or render immediate first aid if necessary.
2. Each time a probation officer uses OC, the probation officer shall completely document it as required by this policy and notify an on-duty supervisor. If an arrest is made, an entry will be made on the pre-booking forms (under medical problems) to alert the jail or juvenile hall medical staff of the fact that OC had been applied.

C. **Supervisor Responsibilities:**

1. The supervisor shall review the use of force for compliance with departmental policy. The supervisor shall forward the report documenting the use of force to their Director, Deputy Chief, and Chief

IV. POLICY SPECIFIC TO DEPARTMENT ISSUED IMPACT WEAPON

An Impact Weapon is an expandable-type baton and is available for all authorized officers in the Department that have completed training and maintained certification. Trained personnel are authorized to use an impact weapon to overcome resistance of individuals lawfully arrested, subject to lawful arrest or lawfully remanded to the custody of a correctional facility. Such a device may be used to gain control of a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances.

A. General Guidelines

1. Before the issuance of an impact weapon, each probation officer shall attend approved supplemental training as recommended by P.O.S.T./STC and as approved by the Probation Department.
2. Following the completion of training, probation officers are issued and authorized to carry the department-issued model and have it immediately available for use.
3. Officers must weigh the immediate need to control a suspect against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.
4. When using an impact weapon, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.
5. When a person has been subdued by the use of impact weapon, he/she should be rendered medical attention, if needed as soon as it is reasonably safe for the officer to do so.

B. Probation Officer Responsibilities:

1. The probation officer(s) who have utilized an impact weapon shall evaluate carefully the medical condition of the person impacted, follow appropriate procedures to summon or render immediate first aid if necessary.
2. Each incident in which a probation officer strikes a subject with an impact weapon, the probation officer shall completely document it in an incident report as required by this policy and notify an on-duty supervisor the same day.

C. Supervisor Responsibilities:

1. The supervisor shall review the use of force for compliance with departmental policy. The supervisor shall forward the report documenting the use of force to their Director, Deputy Chief, and Chief.

V. POLICY SPECIFIC TO DEPARTMENT ISSUED TASER

A Taser is provided to probation officers as an intermediate level of force. While Tasers are generally effective in subduing most individuals probation officers should recognize the device does have limitations and they should be prepared to utilize other force options as needed.

A. Eligibility Requirements

1. All armed officers will receive training and be issued a Taser. Carrying of a Taser shall be mandatory during field related contacts and when participating in special operations.

Any officer wishing to carry a Taser must obtain written permission from the Chief Probation Officer. The authorization of a probation officer to carry a Taser while in the performance of duty is a privilege that can only be granted by the Chief Probation Officer. Acceptance of this privilege does not create a compensable liability for the Probation Department. Denial or revocation of this privilege does not, in itself, constitute a “disciplinary action” and is not appealable.

2. The Chief Probation Officer has the authority to revoke the authorization to carry a Taser at any time, with or without cause. Should the Chief Probation Officer revoke an employee’s authorization to carry a Taser, a process shall be established consisting of retraining and requalification in order to not unnecessarily limit an employee’s use of force options,

B. Method for Carrying, Displaying and Storing Tasers

1. Only department issued Tasers and Cartridges shall be used.
2. Officers are not authorized to carry department issued Tasers off duty, but may carry while en route to and from work. Carrying a Taser to and from work is strictly a transport function and is not to be construed as being on duty.
3. When not being carried, Tasers stored in a probation building shall be placed in a gun locker.
4. Officers shall ensure that at all times Tasers are stored in a manner that will keep the device inaccessible to others.
5. Officers should never hold both a firearm and the Taser at the same time unless transitioning the level of force or encountering an additional threat.

6. Officers who are unarmed, but authorized to carry a Taser, shall carry OC spray and a Taser at all times while on duty.

C. Maintenance

1. Officers are responsible for ensuring their issued Taser is properly maintained and in good working order.

D. Inspection

1. Officers should conduct a safety inspection prior to going into the field, including a spark test.

E. Training

1. Any probation officer authorized to carry a Taser must satisfactorily complete all required departmental training and must meet all requirements set forth in these policies or otherwise required by the Department. It shall be the responsibility of the Firearms Instructor to ensure that a program of training, providing at least minimum standards required by these policies, is provided to probation officers authorized or applying for authorization to carry a Taser.

Officers must demonstrate proficiency in the use of Tasers on an annual basis.

F. General Guidelines

1. Officers may deploy a Taser when circumstances known to the probation officer at the time indicate there is an imminent risk of bodily injury to themselves or others or when a person is physically resisting a lawful arrest. As with OC Spray, Tasers are to be used as a defensive measure only.
2. Mere flight or threat of flight from a pursuing officer, without other known circumstances, is not sufficient cause to deploy a Taser for the purpose of apprehension.
3. The Taser may be deployed against a potentially dangerous animal if the animal appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.
4. When practical and circumstances allow, a verbal warning of the intended use of the Taser shall proceed its actual use, unless it would otherwise endanger the safety of the officer or others. The verbal warning is intended to allow an individual the opportunity to comply, as well as alert other officers that a Taser may be deployed.
5. If after a verbal warning an individual does not comply with a probation officer's lawful orders and if it appears both reasonable and practical under the

circumstances, the officer may, but is not required to, display the laser in a further

released per SB 978 on 3/18/21

attempt to gain compliance. This may also include display of the electrical arch, display of the laser, or both.

6. When feasible, Officers deploying a Taser should be supported by at least one other officer capable of providing immediate cover.
7. Officers shall not intentionally aim the Taser into the eyes of another and shall not intentionally target sensitive areas such as the head, neck, face and genitals of an individual.
8. Officers shall make reasonable efforts to target the lower center of mass on the front of an individual and the center mass on the back of an individual
9. The use of Tasers on certain individuals such as the elderly, small children, visibly frail, passively resistive individuals, individuals known to be pregnant or individuals in close proximity to flammable substances should be avoided, unless circumstances known to the probation officer at the time indicate there is an imminent risk of great bodily injury to themselves or others.

G. Deployment

1. Probation officers shall deploy one standard cycle of the shortest duration of Taser exposure objectively reasonable to accomplish lawful objectives. If the first application appears to be ineffective in gaining control of an individual and circumstances allow, probation officers should reassess and consider if the individual has the ability and/or has been given the reasonable opportunity to comply or if the use of verbal commands or other tactics may be more effective. This does not preclude a probation officer from deploying multiple, applications of a Taser on individuals when an individual continues to pose a threat to the safety of officers or others.

H. Probation Officer Responsibilities Post Deployment:

1. Secure the subject with the appropriate restraint device or department approved restraint technique. Probation officers are to use caution that any restraint device or technique does not impair the breathing of the subject.
2. Request medical personnel to respond to the scene as soon as possible and render first aid as necessary.
3. Probation officers should leave the probes imbedded in the skin. Unless there are extenuating circumstances, only appropriately trained medical personnel should remove the probes from the individual.

4. Any individual exhibiting signs of distress shall be transported to the hospital by medical personnel. Individuals cleared on the scene by qualified personnel shall be transported to the hospital by probation staff for medical clearance prior to booking.
5. Used Taser probes shall be considered biohazards and universal precautions should be used.
6. All evidence of probe strikes including probes, wires and expended cartridges will be collected and booked into evidence with the law enforcement agency having jurisdiction over the location of the incident.
7. Probation officers shall notify their direct supervisor immediately or as soon as circumstances allow.
8. Officer shall document the Taser deployment in an Incident Report within 24 hours, with copies to their direct supervisor, Division Director and Division Deputy Chief. Incident Reports shall include a detailed description of the incident, the Taser cartridge's serial number and a list of all evidence collected. If a probation officer is unable to collect post deployment evidence, justification for not collecting such evidence shall be documented in the report.
9. The On-Board Taser memory shall be downloaded through the data port and saved by the DCPO overseeing the firearms program or their designee.

VI. POLICY SPECIFIC TO DEPARTMENT ISSUED FIREARMS

The Probation Department has the authority to designate specific positions or assignments as requiring or not requiring the issuance of a firearm. Likewise, authorization to carry a firearm does not enhance an employee's career advancement or performance evaluation in any manner.

A. Status and Authority to Carry a Firearm

1. Members of the Probation Department who are classified as "Peace Officers," per Section 830.5 of the Penal Code, may carry and utilize firearms while on duty if authorized by the Chief Probation Officer.
2. Section 830.5(d) of the Penal Code requires that persons permitted to carry firearms pursuant to this section, either on or off duty, shall meet the training requirements of Section 832 of the Penal Code and qualify with the firearm at least quarterly. The employee must also be specifically authorized to carry a firearm while on duty by the Chief Probation Officer and only under the terms and conditions as stipulated in this policy.
3. While a probation officer always has the status of a "Peace Officer" (830.5

PC), he/she may only exercise the authority of a probation officer while engaging in the performance of their official duties. A probation officer has the authority to exercise peace officer powers while off duty, but not acting as a San Mateo County Deputy Probation Officer. Whether an officer is on duty or off duty is a determination made by the Department. Officers are authorized to render themselves on-duty in response to what they reasonably believe to be an imminent threat of death or serious bodily injury to themselves or others. Furthermore, when off duty, a probation officer has the same rights to make an arrest as a private citizen and, in so doing, is acting as a private citizen, not as a probation officer. A probation officer who carries a concealed weapon off duty does so at his/her own risk and without the authorization of the Probation Department. Under this policy, all probation officers are prohibited from carrying any department issued firearm, when off duty.

4. The authorization of a probation officer to carry a firearm while in the performance of duty is a privilege that can only be granted by the Chief Probation Officer. Acceptance of this privilege does not create a compensable liability for the Probation Department. Denial or revocation of this privilege does not, in itself, constitute a “disciplinary action” and is not appealable.
5. The designated firearm instructor and/or the probation officer’s supervisor may recommend to the Chief Probation Officer the suspension/revocation of a probation officer’s authorization to carry a firearm in the performance of his/her duties.
6. A Probation Services Manager, Division Director, Deputy Chief Probation Officer, Assistant Chief Probation Officer or Chief Probation Officer may, at any time, terminate an officer’s authorization to carry a firearm and must follow through, within two working days, by filing a report with the Chief Probation Officer, justifying said action.

B. Eligibility Requirements

1. Probation officers desiring to carry firearms in the performance of their duties must be in good standing with the Department. For the purpose of this policy, “good standing” shall be defined as “possessing and consistently demonstrating attributes indicative of good judgment, professional conduct, and trustworthy character.” Minimally, it must include but not be limited to the following:
 - a. Passing psychological screening.
 - b. The officer has successfully completed their probationary period.

- released for public use
- c. Being evaluated at a satisfactory level during the same year that the arming application is submitted.
 - d. Not being the subject of disciplinary action or other adverse action during the 24 months prior to the date the arming application is submitted.
 - e. Complete all prerequisites before being armed.
2. Probation officers desiring to carry firearms in the performance of their duties must successfully complete firearms training and qualify with the firearm that they are authorized to carry while on duty.
 3. Permission for probation officers to carry firearms must be in writing from the Chief Probation Officer.
 4. Once a probation officer is authorized to carry a firearm they are required to be armed at all times while on duty.
 5. All training requirements as stipulated by the Firearms Instructor are to be satisfied.
 6. Firearms may be used on an approved range or during other approved training, practice, or qualification when authorized by the Firearms Instructor.
 7. Firearms shall not be discharged under the following circumstances:
 - a. As a warning.
 - b. At a fleeing person or vehicle, unless they represent an immediate life threat to an officer's safety.
 8. Except for cleaning purposes, storage, and training, the firearm shall not be removed from the holster unless the probation officer reasonably determines that there is or can be a clear and present danger to life. In making that determination, it is not necessary for the probation officer to wait until an individual is actually being assaulted or otherwise under attack before the firearm can be drawn. A firearm may be drawn in preparation of that danger. If, however, that clear and present danger fails to materialize or is otherwise controlled, the firearm shall be re-holstered.

C. Method for Carrying, Displaying and Storing Firearms

1. Probation officers authorized to carry firearms shall only carry firearms which have been issued by the San Mateo County Probation Department or approved by the Chief Probation Officer and with which the probation officer has qualified pursuant to these policies. Likewise, officers shall only use department approved equipment intended for use in connection with the carrying and storage of the department's firearm (with the exception of cleaning equipment). This shall include ammunition, holsters, trigger locks, or any other equipment deemed necessary by the Chief Probation Officer.
2. Probation officers authorized to carry a firearm must carry both i intermediary use of force weapons (OC spray and Taser) during any field contact and must wear at least one intermediary use of force weapon when carrying a Department issued firearm in the office.
3. A back-up, fully loaded ammunition magazine shall be carried anytime a probation officer is carrying a department issued firearm.

D. Authorized Methods for Carrying Firearms in Public

1. See Policy B-10 (Dress Code, Section A., 5. and 6.)
2. How a probation officer carries a firearm (and any other safety or restraint equipment) is dependent upon the officer's objective(s), the officer's assessment of risk (to themselves, other officers, and the public) and current officer safety practices.
3. *Tactical or High Profile Field Contact:*
Firearm carried, unconcealed, in department authorized holster on duty belt with Taser, OC Spray, two extra fully loaded magazines, and Handcuffs., The probation officer shall also have on a ballistic vest and carry a department issued radio. Clip on badge or neck chain that bears the officer's badge
4. *Convertible or Low Profile Field Contact:*
Firearm carried, concealed, in department authorized holster, along with one intermediary force option (Taser or OC spray), handcuffs and a second, fully loaded, magazine.. The probation officer shall also have on a ballistic vest and carry a department issued radio. Clip on badge or neck chain that bears the officer's badge.
5. *Training (that does not require athletic activities) and Business or Non-Probationer Field Contacts:*

Firearm carried, concealed, in department authorized holster, along with one intermediary force option (Taser or OC spray), handcuffs and a second, fully loaded, magazine. Clip on badge or neck chain that bears the officer's badge.

6. The authorized and approved firearm must be encased in an approved holster.
7. The San Mateo County Probation Department badge must be displayed in close proximity to the weapon.
8. The firearm's ammunition magazine will be fully loaded and a round chambered (and safety on if so equipped) when it is carried on duty.
9. When in the field and traveling to and from work, the firearm shall not be left where it is vulnerable to theft or use by others.
10. While working in the office, the probation officer may wear the firearm without concealment. The probation officer may utilize an alternative "concealed carry" holster so long as it has been approved by the department. The probation officer must always carry a second, fully loaded, magazine, handcuffs and one intermediary force option (Taser or OC).
11. When at home, firearm safety and security is the responsibility of the probation officer. Department firearms must not be stored in a manner that violates the California Penal Code or other laws governing the safe storage of firearms. All department-issued weapons that are kept anywhere outside of a department-designated site MUST include a lock and stored unloaded, in a locked box.
12. Any probation officer may, for the purpose of practice and developing skill, use a department-issued firearm at any licensed firing range off duty. The probation officer engaging in such practice does so at his/her own risk and expense.

E. Ownership and Procurement of Firearms

Probation officers shall only carry Department issued firearms Department approved firearm-related equipment while on duty or when traveling to and from work. The only exception to this is disposable equipment such as cleaning supplies and ammunition that a probation officer may purchase for the purpose of their own personal practice. The probation officer is solely responsible for such expenditures.

1. Firearms and ammunition should be kept in the possession of the probation officer at all times when in the field and shall not be left unattended in vehicles unless secured in a department issued vehicle lock box.
2. Holsters – A holster shall be issued with each department-issued firearm for use while on duty. Only a department approved holster may be used. The probation officer may utilize an alternative “concealed carry” holster so long as it has been approved by the department. The probation officer must demonstrate proficiency with all holsters before they may be utilized them on duty. “Proficiency” is demonstrated by an officer’s ability to safely operate the holster’s safety features and qualify with the holster at the firing range. Alternative concealed carry holster, not issued by the department, are purchased at the probation officers own expense.
3. Ammunition – Only department approved ammunition shall be used with a Department issued firearm

F. Repair and Maintenance

1. Repairs to any firearm carried while on duty shall be made only by a factory-authorized armorer. There will be no mechanical alterations made to the service weapon. An armorer or weapons factory representative shall only open the faceplate of the weapon. All weapons must meet factory specifications.
2. Probation officers are responsible for the general maintenance and cleaning of personal or department-issued firearms. Probation officers must ensure that a factory-authorized armorer makes a safety inspection and internally cleans all firearms carried by probation officers annually. Probation officers shall clean firearms after each session of firing. Any repairs of a department-issued firearm must be pre-authorized by the Department and paid for through the Department’s Accounting Office.

G. Inspection

1. All firearms must be inspected for cleanliness and operation by a firearms instructor (or a supervisor trained to do so) on a quarterly basis.

H. Ballistic Sample

1. The Department’s firearms’ records will include a “ballistic sample” from each of its firearms. That sample shall consist of one bullet fired from each firearm into material that will clearly show the weapons rifling. If the firearm’s barrel is replaced, a new sample will be dated and submitted to the

Department's records. Samples are not to be discarded until the firearm is destroyed.

I. Training

1. Any probation officer authorized or applying for authorization to carry a firearm must satisfactorily complete all required departmental training and must meet all requirements set forth in these policies or otherwise required by the Department.
2. It shall be the responsibility of the Firearms Instructor to ensure that a program of training, providing at least minimum standards required by these policies, is provided to probation officers authorized or applying for authorization to carry firearms.
3. It shall be the responsibility of the Firearms Instructor to monitor compliance with training qualifying requirements of each probation officer authorized to carry a firearm. The Firearms Instructor shall inform the Supervising Probation Officer of probation officers who fail to comply with training requirements.

J. Qualifications

Required training shall include successful completion of an approved course on firearms, pursuant to Section 832 of the Penal Code, a course on the Department's firearms policies and such other training as set forth in these policies or otherwise required by the Department. Notwithstanding any training provided by the Department, the burden of developing the proficiency necessary to pass a department-authorized "qualifications test" rests solely with the probation officer.

1. The Firearms Instructor shall monitor all legislative and policy changes relating to the use of firearms by Peace Officers and shall provide necessary updated training in a timely manner.
2. The Departmental Training Unit shall maintain records of the training of all probation officers authorized to carry firearms and shall notify the Chief Probation Officer and the appropriate supervising probation officer when any such probation officer is not in compliance with the Department's training requirements.
3. The firearms instructor must certify any probation officer authorized to carry and use a firearm as currently qualified to do so.
4. The PASS/FAIL score for each type of firearm shall be established by the Firearms Instructor and in accordance with state standards. A PASS or FAIL shall

be entered into the probation officer's official records for each qualification.

5. Probation officers shall comply with the Department's policies and the Firearms Instructor's directions.
6. The Training Unit shall arrange/schedule courses necessary to administer a firearms qualification program in liaison with the Firearms Instructor that ensures reasonable competency among all probation officers authorized to carry firearms.
7. Each probation officer authorized to carry a firearm shall qualify quarterly as mandated in Penal Code Section 830.5.
8. Any probation officer who fails to qualify within the time limit shall have his/her authorization to carry a firearm suspended. This suspension will remain in effect until the individual receives additional training and qualifies. Continued failure to qualify will result in revocation of the authorization to carry a firearm.
9. Upon transfer to a non-armed assignment/position or termination of employment, an armed probation officer shall surrender his/her department-issued weapon related equipment to the Firearms Instructor.
10. Any probation officer who requests and receives the Chief Probation Officer's approval for reissue of a firearm after being absent for a period of six months or longer shall complete the standard firearms range familiarization course, unless quarterly qualification schedule has been maintained. In addition, the probation officer shall re-qualify on an approved range before any firearm shall be reissued. The returning probation officer shall also receive and review all firearms training material provided to other probation officer during the absence.
11. Special qualification will only be arranged in emergency situations approved by Senior Management.
12. The Training Unit and/or the Firearms Instructor shall maintain an automated quarterly firearm qualification report accessible to the Chief Probation Officer.
13. A probation officer may, with the supervisor's approval, be authorized additional on-duty hours for practice to improve proficiency in the use of a firearm. Arrangements will be made for additional firearm practice under the supervision of the Firearms Instructor.
14. Anytime an armed probation officer is absent from duty (on leave, Workers Compensation case, etc...) for longer than 90 days that probation officer must surrender their firearm to the range master or his/her designee.

VI. BACK-UP WEAPONS

- A. A back-up weapon is issued by the department and carried by an armed probation officer in conjunction with their other department-issued firearm while in the performance of their duties. Back-up weapons are defensive tools carried by authorized armed staff that have fulfilled the required training/qualifications.
- B. Only a department issued back-up weapon shall be used while on duty and the back-up weapon shall not be modified.
- C. Prior to carrying a back-up weapon, the probation officer shall submit a Written request for authorization to carry a back-up weapon to the Lead Firearms Instructor.
- D. After receiving the request from the probation officer, the Lead Firearms Instructor will forward the request to the Chief Probation Officer for approval. The form will then be returned to the Lead Firearms Instructor.
- E. If the authorization to carry a back-up weapon is granted, the probation officer shall be issued a department approved firearm as their second or backup weapon. The officer must then demonstrate proficiency with that weapon by shooting a qualifying score on the department's back-up weapon qualification course of fire prior to carrying the firearm in the field. Probation officers will need to qualify with the backup weapon on a quarterly basis.
- F. Probation officers attempting to qualify with their back-up weapon will be given 3 opportunities to shoot a qualifying score (all attempts must take place on the same day). If a probation officer fails to shoot a qualifying score, then he/she will not be authorized to carry the weapon in the field.
- G. If a probation officer fails to qualify with their back-up weapon, he/she is responsible for any and all remediation training. The Department is not obligated to provide the probation officer additional training or range time to improve their proficiency with this weapon. The officer will be given the opportunity at the next quarterly qualification day to qualify with their back-up weapon.
- H. Since it is considered to be a back-up or secondary weapon, this weapon shall only be carried in conjunction with the department-issued firearm, not in lieu of the department-issued firearm.
- I. Back-up weapons are to be carried in an approved holster that is attached to their load bearing vest or in an approved ankle holster.
- J. The storage of this weapon when not being worn by the probation officer, shall meet the firearm storage guidelines set forth in Department Policy D-18.

- K. The Lead Firearms Instructor will be responsible for maintaining a record of probation officers authorized to carry a back-up weapon, back-up weapon make/model/serial numbers, and back-up weapon qualifications.
- L. The ammunition used in a backup weapon must meet Department specifications pursuant to Policy D-18.
- M. The Department will supply duty-ammunition for the back-up weapon, which shall be used by probation officers authorized to carry a back-up weapon.

VII. FIREARM INSTRUCTOR

- A. The Firearms Instructor must be qualified through an approved Rangemaster School, e.g., Federal Bureau of Investigation or State Department of Justice:
1. To conduct the firearms qualification and re-qualification as required by these Departmental policies.
 2. To conduct such shooting range and additional firearms-related training as the Firearms Instructor deems appropriate and necessary.
 3. To provide a firing range program for use by Probation Department personnel.
 4. To establish and enforce such rules of conduct on the shooting range as the Firearms Instructor deems necessary for the safe operation of the shooting range and the safety of those using it.
 5. To notify the Chief Probation Officer in writing of any probation officer who fails to qualify after the third attempt on the same day.
 6. To observe the handling of firearms by probation officer and to report any firearms safety violations and to take any other action, which he/she deems necessary, including confiscation of a probation officer's firearm.
 7. With assistance from the Training Unit, maintain firearms training records for all probation officers authorized to carry firearms.
 8. With assistance from the Department's Storekeeper, maintain an inventory of all weapons, ammunition, and equipment issued to probation officer and/or
weapons ammunition, and equipment, which probation officers have been authorized to use.

9. To inspect weapons, ammunition, and equipment for safety; to maintain inspection records; and to take action which the Firearms Instructor deems necessary, including confiscation of a probation officer's weapon, ammunition, and equipment, when unsafe weapons, ammunition and/or equipment are discovered.
10. To confiscate and/or take control of a department-issued firearm of any probation officer that fails to achieve a qualifying score and/or exhibits inappropriate behavior while on the range. A written report must be submitted to the Chief Probation Officer within three (3) working days on any incident involving the confiscation of a firearm or ammunition.

VIII. ADMINISTRATIVE REVIEW

- A. The San Mateo County Probation Department will not, without legal cause, interfere in an employee's citizen's right to own or possess a firearm; however, it reserves the right to investigate any incident that involves an officer's use of a firearm whether that incident occurs on or off duty. As a result, it is the duty of every officer to assist the Department to carry out the procedures below.
- B. A written report by the involved officer must be submitted to the probation officer's immediate supervisor as soon as possible but no later than twenty-four (24) hours of the incident with copies to the Division Director, Chief of the Division, Assistant Chief Probation Officer and the Chief Probation Officer. The report of the unintentional discharge of a weapon will describe the circumstances (or precipitating events) of the incident in detail, the reason for the probation officer's action, and the names of all persons involved or present.
- C. If a probation officer unintentionally discharges a weapon during the course of his or her duties, the Chief Probation Officer will review each incident with County Counsel to obtain counsel's assessment of the propriety of an investigation. The Chief Probation Officer, or his designee, will begin, within twenty-four hours, an investigation of the incident and provide findings of that investigation to County Counsel.
- D. It is the responsibility of the employee's immediate supervisor to conduct ongoing assessments of his/her suitability to remain armed.

IX. SANCTIONS

- A. Failure by a probation officer to abide by the Firearms Policy and the Procedure of the San Mateo County Probation Department shall provide a

basis for disciplinary action up to and including termination.

X. REPORTING THE USE OF FORCE

A. For the purpose of this section, “reportable force” means:

1. Physical control when the person is injured or claims to be injured;
2. Use of force greater than light touch for self-defense against assault;
3. Use of any instrument or device, including use of a chemical agent;
4. Use of deadly force; or,
5. When the probation officer finds it necessary to strike a subject with his/her fist, a flashlight, or any other object.

B. Report use of force in correctional facilities

1. When a probation officer uses reportable force in a juvenile facility, the probation officer shall complete an “Incident Report” documenting the use of force.
2. When the use of force involves criminal activity by the minor (such as a violation of Penal Code Section 148), the probation officer shall forward a copy of the incident report directly to the minor’s officer of record.

C. Documentation of the use of force

1. All reports documenting the use of force shall include a description of the act or acts by the subject which required the use of force, a description of the defensive acts or actions taken to overcome assault or resistance by the subject, the name of the probation officer and all witnesses, and a description of all evidence regarding the incident. If the probation officer is requesting that criminal charges be filed against the subject, the probation officer should note that in his/her report.
2. All evidence regarding the incident shall be made available by the probation officer to the minor’s probation officer of record as soon as practical.

D. Supervisor responsibilities regarding the use of force

1. Supervisors shall be responsible for reviewing, as soon as practical, incidents where reportable force is used by subordinates under their command during their tour of duty.



**SAN MATEO COUNTY
PROBATION DEPARTMENT
ADMINISTRATIVE MANUAL**

D. GENERAL DEPARTMENT POLICY STATEMENTS

18a. Applications to Carry a Firearm

FIREARM INFORMATION – PART A

TO: John Keene, Chief Probation Officer

I, _____, Deputy Probation Officer, have completed an approved firearm training program and have completed the prerequisites to carry a firearm. I request permission to carry the following firearm in the performance of my official duties:

Make:	Model:	Caliber:
Serial #	Ownership:	

I make this request for the following reasons:

I understand that permission to carry a firearm is a privilege, not a right, and, if granted, may be revoked by the Chief Probation Officer at any time.

<i>Print Name of Applicant</i>	<i>Signature of Applicant</i>	<i>Date</i>

<i>Print Name of Firearms Instructor</i>	Recommend	Oppose

Comments:

<i>Signature of Firearms Instructor</i>	<i>Date</i>

APPLICANTS MUST HAVE TAKEN ALL REQUIRED FIREARMS TRAINING COURSES PRIOR TO AUTHORIZATION AND ISSUANCE OF A FIREARM

APPROVAL – PART B

THIS DOCUMENT IS TO BE SENT TO THE FOLLOWING PEOPLE IN THE FOLLOWING ORDER:

<i>Print Name of Probation Services Manager</i>	<i>Recommend</i>	<i>Oppose</i>
Comments:		
<i>Signature of Probation Services Manager</i>		<i>Date</i>

<i>Print Name of Director</i>	<i>Recommend</i>	<i>Oppose</i>
Comments:		
<i>Signature of Director</i>		<i>Date</i>

<i>Print Name of Deputy Chief</i>	<i>Recommend</i>	<i>Oppose</i>
Comments:		
<i>Signature of Deputy Chief</i>		<i>Date</i>

<i>Print Name of Assistant Chief Probation Officer</i>	<i>Recommend</i>	<i>Oppose</i>
Comments:		
<i>Signature of Assistant Chief Probation Officer</i>		<i>Date</i>

<i>Print Name of Chief Probation Officer</i>	<i>Recommend</i>	<i>Oppose</i>
Comments:		
<i>Signature of Chief Probation Officer</i>		<i>Date</i>

REQUIRED FIREARMS TRAINING COURSES

THE FOLLOWING COURSES MUST BE TAKEN PRIOR TO AUTHORIZATION AND ISSUANCE OF A FIREARM. TO REMAIN ELIGIBLE TO CARRY A FIREARM, ALL COURSE UPDATES MUST BE COMPLETED WITHIN THE EXPECTED TIMEFRAMES- PART C

Class	Date Completed
CPR Medic First Aid (Update every two years)	
Defensive Tactics (Annual Update)	
Pepper Spray (Annual Update)	
Field Safety and Tactics	
Radio Protocol	
Weapon Retention (Annual Update)	
Firearms Recognition and Protocol *(Must be completed within two years of application date)	
Firearms Continuum of Force * (Must be completed within two years of application date)	
PC 832 Firearms Range Training **	
Conducted Electrical Weapons (Taser) Training**	

* Course includes Civil Liability and De-escalation of Force components

** Course to be completed following a psychological evaluation

<i>Name of Training Manager</i>
I have verified that Deputy Probation Officer _____ has successfully completed all of the above-required courses.

Signature of Training Manager

Date



**SAN MATEO COUNTY
PROBATION DEPARTMENT
ADMINISTRATIVE MANUAL**

D. GENERAL DEPARTMENT POLICY STATEMENTS

18b. Discharge of a Firearm Incident Report

INCIDENT INFORMATION – SECTION I

THIS FORM IS TO BE COMPLETED BY BOTH THE INVOLVED PROBATION OFFICER AND THE PROBATION SERVICES MANAGER CONDUCTING THE INVESTIGATION

Type of Incident:	Date/Time of Occurrence:	Location of Occurrence:
Name of Probation Officer Involved:	Unit: _____ Cell Phone: _____	Work Phone: _____
Business Address: Street: _ City: _____ State: _____ Zip: _____	Was a Police Report Filed? YES NO	Police Report Number: _____
Name of Probation Services Manager (PSM) Informed:	Date/Time PSM was Informed:	PSM Work Phone: _____ PSM Cell Phone: _____
Did PSM Respond to Scene: YES NO	Manner in which PSM was informed:	

DISCHARGE OF A FIREARM INCIDENT REPORT

SUBJECT INFORMATION – INJURED PARTY – SECTION II

Name of Injured Party: _____		
Street: _____ City: _____		
State: _____ Zip: _____		
Address of Injured party: Home Phone: _____ Cell Phone: _____		
DOB: _____ / _____ / _____ Day Month Year	PDS#: _____	Court #: _____

WITNESS INFORMATION – SECTION III

INCLUDE FURTHER WITNESS INFORMATION ON ADDITIONAL SHEET STATEMENTS
FROM WITNESSES MAY BE ATTACHED ON A SEPARATE SHEET

Name of Witness #1: _____	
Street: _____	
City: _____ Address of Witness	
State: _____	Zip: _____
Home Phone: _____	Cell Phone: _____
DOB of Witness #1: _____ / _____ / _____ Day Month Year	

DISCHARGE OF A FIREARM INCIDENT REPORT

Name of Witness #2:	_____
Street:	_____
City:	_____ Address of Witness
State:	_____ Zip: _____
Home Phone:	_____ Cell Phone: _____
DOB of Witness #2:	/ ____/ ____ Day Month Year

Name of Witness #3:	_____
Street:	_____
City:	_____ Address of Witness
State:	_____ Zip: _____
Home Phone:	_____ Cell Phone: _____
DOB of Witness #3:	/ ____/ ____ Day Month Year

Name of Witness #4:	_____
Street:	_____
City:	_____ Address of Witness
State:	_____ Zip: _____
Home Phone:	_____ Cell Phone: _____
DOB of Witness #4:	/ ____/ ____ Day Month Year

DISCHARGE OF A FIREARM INCIDENT REPORT

Name of Witness #5	_____
Address of Witness #5:	Street: _____
	City: _____
	State: _____ Zip: _____
	Home Phone: _____ Cell Phone: _____
	DOB of Witness #5

Name of Witness #6:	_____
Address of Witness #6:	Street: _____
	City: _____
	State: _____ Zip: _____
	Home Phone: _____ Cell Phone: _____
	DOB of Witness #6:

Name of Witness #7:	_____
Address of Witness #7:	Street: _____
	City: _____
	State: _____ Zip: _____
	Home Phone: _____ Cell Phone: _____
	DOB of Witness #7:



SAN MATEO COUNTY
PROBATION DEPARTMENT
ADMINISTRATIVE MANUAL

D. GENERAL DEPARTMENT POLICY STATEMENTS

18c. Application to Carry a Taser

TASER INFORMATION – PART A

TO: John Keene, Chief Probation Officer

I, _____, Deputy Probation Officer, have completed an approved Taser training program and have completed the prerequisites to carry a Taser. I request permission to carry a Taser in the performance of my official duties:

Serial#	Cartridge#	Holster#

I make this request for the following reasons:

I understand that permission to carry a Taser is a privilege, not a right, and, if granted, may be revoked by the Chief Probation Officer at any time.

<i>Print Name of Applicant</i>	<i>Signature of Applicant</i>	<i>Date</i>

<i>Print Name of Firearms Instructor</i>	<i>Recommend Oppose</i>

Comments:

<i>Signature of Firearms Instructor</i>	<i>Date</i>

APPLICANTS MUST HAVE TAKEN ALL REQUIRED TRAINING COURSES PRIOR TO AUTHORIZATION AND ISSUANCE OF A TASER

APPROVAL – PART B

THIS DOCUMENT IS TO BE SENT TO THE FOLLOWING PEOPLE IN THE FOLLOWING ORDER:

<i>Print Name of Probation Services Manager</i>	Recommend	Oppose
Comments:		

Signature of Probation Services Manager

Date

<i>Print Name of Director</i>	Recommend	Oppose
Comments:		

Signature of Director

Date

<i>Print Name of Deputy Chief</i>	Recommend	Oppose
Comments:		

Signature of Deputy Chief

Date

<i>Print Name of Assistant Chief Probation Officer</i>	Recommend	Oppose
Comments:		

Signature of Assistant Chief Probation Officer

Date

<i>Print Name of Chief Probation Officer</i>	Recommend	Oppose
Comments:		

Signature of Chief Probation Officer

Date

Released per SB 970 on 03/18/21

REQUIRED TRAINING COURSES

THE FOLLOWING COURSES MUST BE TAKEN PRIOR TO AUTHORIZATION AND ISSUANCE OF A TASER. TO REMAIN ELIGIBLE TO CARRY A TASER, ALL COURSE UPDATES MUST BE COMPLETED WITHIN THE EXPECTED TIMEFRAMES- PART C

Class	Date Completed
CPR Medic First Aid (Update every two years)	
Defensive Tactics (Annual Update)	
Pepper Spray (Annual Update)	
Field Safety and Tactics	
Radio Protocol	
Weapon Retention (Annual Update)	
Firearms Recognition and Protocol *(Must be completed within two years of application date)	
Firearms Continuum of Force * (Must be completed within two years of application date)	
Conducted Electrical Weapons (Taser) Training	

* Course includes Civil Liability and De-escalation of Force components

<p><i>Name of Training Manager</i></p>
<p>I have verified that Deputy Probation Officer _____ has successfully completed all of the above-required courses.</p>

Signature of Training Manager

Date

released under CS 9701.3/18/21



**SAN MATEO COUNTY
PROBATION DEPARTMENT
INSTITUTIONS SERVICES MANUAL**

Prison Rape Elimination Act Policy

Topic	Sexual Abuse Prevention, Detection and Response
Date	May 18, 2016
Policy	The San Mateo County Probation Department has zero tolerance towards all forms of sexual abuse and sexual harassment. The Probation Department (Department) recognizes that prevention of youth sexual assault and abuse is a core component of facility security operations. The purpose of this policy is to outline the Department's approach to prevention, detection, reporting and responding to such conduct. The Department will immediately respond to allegations, fully investigate reported incidents, pursue disciplinary action and refer for investigation and prosecution those who perpetrate such conduct.
Reference	State of Washington Department of Corrections (DOC) Policy (2016), DOC 490.800, Prison Rape Elimination Act (PREA) Prevention and Reporting, Prison Rape Elimination Act 28 C.F. R. Part 115.
Definitions	<p><u>Agency</u>: The San Mateo County Probation Department which has direct responsibility for the operation of all juvenile facilities within the County of San Mateo that confines youth (residents), including the implementation of policy as set by the governing authority.</p> <p><u>Bisexual</u>: A person who is emotionally, romantically, and sexually attracted to both men and women.</p> <p><u>Camp Glenwood</u>: County of San Mateo Juvenile Rehabilitation Facility for boys.</p> <p><u>Camp Kemp</u>: County of San Mateo Juvenile Rehabilitation Facility for girls.</p> <p><u>Contractor/ Contract Worker</u>: A person who provides services on a recurring basis pursuant to a contractual agreement with the agency.</p> <p><u>Employee</u>: A person who works directly for the agency or facility.</p> <p><u>Exigent circumstances</u>: Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.</p> <p><u>Facility</u>: A place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.</p>

Gay: A person whose emotional, romantic, and sexual attractions are primarily for individuals of the same sex, typically in reference to men.

Gender Non-Conforming: A person whose appearance or manner does not conform to traditional societal gender expectations.

Intersex: A person whose sexual or reproductive anatomy, or chromosomal pattern, does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as a disorder of sex development.

Juvenile: Any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

Juvenile Facility: A facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Juvenile Sexual Misconduct: Any behavior or act of a sexual nature, either consensual or nonconsensual between juveniles. Completed, attempted, threatened, or requested sexual acts are included.

Lesbian: A woman whose emotional, romantic, and sexual attractions are primarily for other women.

LGBTQI: Common acronym for Lesbian, Gay, Bisexual, Transgender, Queer (or Questioning), and Intersex. This term is often used to refer to individuals whose sexual orientation is not heterosexual or whose gender identity is non-conforming.

Medical Practitioner: means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients with the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental Health Practitioner: means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Pat-down search: A running of the hands over the clothed body of a resident by an employee to determine whether the individual possesses contraband.

PREA Coordinator: Deputy Chief of Institutions. The PREA Coordinator is someone in an upper-level position with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.

Prison Rape Elimination Act (PREA) of 2003 (42 U.S.C. 147): Prison Rape Elimination Act of 2003 supports the elimination, reduction and prevention of nonconsensual sex,

abusive sexual contact and staff sexual misconduct within corrections systems; mandates national data collection efforts; applies to all federal, state and local prisons, jails, police lockups, juvenile facilities, and community setting such as residential facilities.

Queer: Historically used as a derogatory term, *queer* has been widely reclaimed, especially by younger LGBTQI people, as a positive social and political identity. It is sometimes used as an umbrella term for all LGTBQI people.

Questioning: Refers to the active process in which a person explores her/his own sexual orientation, and/or gender identity, and questions the cultural assumptions that they are heterosexual and/or gender conforming.

Resident: An individual who resides at the YSC, Camp Glenwood, or Camp Kemp and is cared for by the San Mateo County Probation Department employees.

Sexual Abuse: includes sexually abusive contact, sexually abusive penetration, indecent exposure, voyeurism, and sexual harassment as defined below:

Sexually Abusive Contact-touching without penetration of the genitalia, anus, groin, breast, inner thigh, or buttocks, either directly or through clothing, of another person.

Sexually Abusive Penetration-contact between the penis and vagina or the penis and anus; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by hand, finger or other object.

Indecent Exposure-the display by a staff member of his/her genitalia, buttocks, or breast in the presence of a youth.

Voyeurism-an invasion of a youth's privacy by a staff member unrelated to official duties such as peering at a youth who is showering, or undressing in his/her room, or requiring a youth to expose him/herself for reasons unrelated to official duties.

Sexual Harassment- repeated verbal statements, comments, or behaviors of a sexual nature to a youth by any individual including threats, extortion, bribery, demeaning references to gender, derogatory comments about body or clothing, or profane or obscene language, gestures, or written comments.

Staff: Any employee of Probation, Health, Behavioral Health, and Schools. In addition, contractors, volunteers and any other services provider.

Staff Sexual Misconduct: Any Behavior or act of a sexual nature, either consensual or nonconsensual, directed toward a juvenile by an employee, volunteer, official visitor, or agency representative. Such acts include intentional touching of the genitalia, groin, anus, breast, inner thigh or buttocks with the intent to abuse, arouse, or gratify sexual desire and occurrences of indecent exposure, invasion of privacy, or voyeurism for sexual gratification. Completed, attempted, threatened, or requested sexual acts are included.

Strip search: A search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Transgender: An umbrella term that can be used to describe people whose gender expression is non-conforming and/or whose gender identity is different from their assigned sex at birth. This term can include transsexuals, gender queers, cross-dressers, and other whose gender expression varies from general norms.

Volunteer: An individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

Youth Services Center (YSC): County of San Mateo Juvenile Detention Facility

Zero Tolerance Policy: Consensual sex between juveniles is not allowed in any San Mateo County juvenile facility and will be addressed by the facility's disciplinary processes. All allegations of nonconsensual sex, abusive sexual contact, staff sexual misconduct and juvenile sexual misconduct shall be investigated, and if applicable, criminal charges may be filed.

Procedure

I. General Provisions

- A. It is the policy of the San Mateo County Probation Department to ensure that any form of sexual activity between youth or between youth and staff/volunteers/contract workers, regardless of consensual status, is strictly prohibited. Such conduct is subject to administrative disciplinary sanction and may result in criminal prosecution.
- B. Staff sexual misconduct is any behavior or act of a sexual nature directed towards a resident by an employee, volunteer, contract worker or visitor. Romantic relationships between staff and residents are included. Sexual acts consist of:
 1. Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to arouse or gratify sexual desire.
 2. Completed, attempted, threatened, or requested sexual acts.
 3. Occurrence of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.
- C. Youth detained in a San Mateo County juvenile facility cannot give consent to engage in sexual acts under this policy, regardless of the youth's age.
- D. Retaliation against any youth or employee who reports or assists in the investigation of alleged sexual abuse is strictly prohibited and is grounds for disciplinary action up to and including termination of employment.
- E. Staff sexual harassment is any repeated verbal statement or comment of a sexual nature to a resident by an employee, volunteer, contract worker or official visitor. Behaviors may include:
 1. Demeaning reference to gender or derogatory comments about body or clothing.

2. Repeated profanity or obscene gestures.

II. PREA Management Requirements

- A. The Department PREA Coordinator is responsible for oversight of all Prison Rape Elimination Act related activities. The Deputy Chief of Institutions is the designated PREA Coordinator for the Department and will have sufficient time and authority to oversee compliance efforts. Duties include:
 1. Coordinate and develop procedures to identify, monitor, and track sexual misconduct incidents occurring in Department facilities and programs;
 2. Maintain related statistics;
 3. Conduct audits to ensure compliance with Department policy and PREA standards;
 4. Ensure that all probation facilities have a PREA Compliance Manager assigned to oversee site compliance efforts;
 5. Make certain that any private agencies or others who operate facilities, who have new or renewed contracts with the Department, are in compliance with PREA standards.
- B. The Youth Services Center (YSC), Camp Glenwood, and Camp Kemp administrations have identified, and will maintain an Institution Services Manager (ISM), to carry out the facility responsibilities and function as the facility PREA Compliance Manager.
 1. This designee will work with the Department's PREA Coordinator to develop, implement and oversee facility efforts to comply with federal standards as specified in the Prison Rape Elimination Act.
 2. Sufficient time will be allotted to this assignment to make every effort to protect youth against sexual abuse and harassment.

III. Prevention

- A. In conjunction with the Department's zero tolerance mandate, all facility administrations will provide for adequate levels of direct supervision to protect youth against sexual abuse or sexual harassment:
 1. The staffing level will comply or exceed staffing ratios as determined by State of California's Title 15 regulations.
 2. The staffing plan will be strictly complied to except during limited and discrete exigent circumstance and any deviation will be fully documented.
 3. Exigent circumstance is defined as *any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of the juvenile facility.*
 4. Staffing plans and staffing patterns will be evaluated as needed, but no less frequently than once each year, to assess and document whether staffing adjustments are necessary.
- B. As possible, video surveillance systems will enhance, but not replace face-to-face direct supervision and monitoring by probation staff:
 1. Video records may be assessed and reviewed by management (ISMs)/administration to validate compliance with policies and procedure.

2. Any expansion of video surveillance systems and/or modification of existing facilities will take into account PREA concerns, and as possible, make design decisions to further protect residents against sexual abuse.
- C. Lead Staff, Institution Services Managers (ISMs), and facility administrators will conduct and document unannounced rounds to ensure staff is in compliance with policies, procedures and expectations.
 1. Rounds will be conducted at least once during each AM shift, PM shift, and Graveyard shift.
 2. Staff are prohibited from alerting other staff that supervisory rounds are occurring unless related to the legitimate operations of the facility.
- D. Housing units will identify, assess, and take reasonable steps to ensure that residents with special needs (i.e. residents with disabilities and residents who are limited English proficient) are able to access all aspects of the Department's efforts to prevent, detect and respond to sexual abuse and harassment.
- E. Resident searches will be conducted by staff of the same sex, except in exigent circumstances. Cross-gender searches are permissible only in exigent situations that involve the immediate or urgent safety of the youth or the security of the facility, and only with the approval of an ISM. Cross-gender searches shall be conducted in the presence of another staff member. When the youth is of ambiguous gender, staff shall contact an ISM. The ISM shall take into account the wishes of the youth and contact the youth's parent or guardian in determining which staff will conduct the search. In the event of a cross-gender search or the search of a youth with ambiguous gender, all staff involved shall file an Incident Report.
- F. Residents will be allowed to shower, perform bodily functions, and change clothing without staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when incidental to routine room checks.

IV. Hiring Probation Employees, Contract Workers and Volunteers

- A. The Probation Department will not hire, promote, or contract with individuals who may have contact with youth if they have a history of certain sexual misconduct.
- B. After the initial application and interview process, the Probation Department will fingerprint and conduct criminal background record checks on all potential probation employees as part as the hiring process.
 1. This includes making an effort to contact all prior institutional employers for information on substantiated misconduct investigations, or resignations during pending investigations.
 2. A Review of local or state child abuse registry will be conducted as part of the standard background process.
- C. The Probation Department prohibits hiring or promoting anyone who may have contact with residents who has:
 1. Engaged in sexual abuse in confinement settings;

2. Engaged in or attempted 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;
3. Any incidents of sexual harassment will be closely evaluated and may disqualify candidates from employment/promotion opportunities;
4. Been convicted of a felony offense in this or any other state/federal jurisdiction, or of any offense in any other state/federal jurisdiction which would have been a felony if committed in this state.
- D. Fingerprinting employment candidates/volunteers will generate automatic notification from Department of Justice should an active employee, volunteer or contact worker be arrested/cited for criminal activity. This notice will allow the Department to keep record checks current and address any criminal contact.
- E. Criminal background checks with fingerprints will be conducted on all juvenile facility volunteers/contract workers who will have contact on a recurring basis with residents.
1. Juvenile facilities will apply the above hiring standards to volunteers (*See Section V. C. above*). Any exceptions to the felony conviction standard must be approved by the Chief Probation Officer. No exceptions to *Section V.C. item 1 or V.C. item 2* will be made.
 2. Guest speakers, and one-time visitors who are under direct and constant supervision by juvenile facility staff do not need to have criminal background checks completed, but must be escorted and under supervision anytime they are in the secure detention facility. Staff must remain in the same room with and within reasonable hearing distance of the guest speaker/visitor.

V. Intake Screening and Housing Assignment

- A. Upon each resident's arrival at the YSC, Camp Glenwood, and Camp Kemp, and periodically throughout a resident's confinement, staff shall obtain and use information about the resident's personal history and behavior to reduce the risk of sexual abuse by or upon a resident.
- B. According to PREA, there must be a classification system for residents to ensure appropriate housing while in custody and to prevent sexual abuse.

A qualified intake officer shall evaluate each resident housed in the juvenile facilities within the County. The evaluation shall assist the intake officers in determining the level of security required, special handling requirements, appropriate program activities, and proper housing assignment to ensure the safety of staff and residents.

The classification policy outlines assessment and appropriate housing for residents who may be a victim or an offender of inmate sexual assault or harassment as outlined by PREA. Residents identified with such history shall be referred to the mental health staff as a high priority for evaluation.

PREA states that residents should only be isolated within the facility as a last resort when less restrictive measures are inadequate to keep them and other residents safe. Even then, the resident shall only be isolated until an alternate safety measure can be arranged. During this period of isolation, residents must

have access to daily large muscle exercise, any legally required educational programming, regular visits from medical or mental health staff, and access to other programs, if possible. Every 30 days, the facility should review if there is need for continued isolation.

Reasons to separate juveniles may include vulnerability to victimization, sexually aggressive behaviors, other specific information about individual residents that may indicate heightened needs for supervision/safety precautions, or to ensure privacy for transgender youth to dress and perform bodily functions without residents of the opposite gender viewing them.

When considering housing for LGBTQI residents, an individual assessment must be made. The resident's classification and housing needs must be reassessed at least twice per year to review any possible threats to the residents' safety. Finally, LGBTQI residents cannot be solely placed into a unit based on their classification unless there is a specific unit for them based on a legal settlement or consent decree.

- C. During the admission process each minor will be classified according to established Classification criteria.
1. The classification process and information that is obtained at intake will be used to establish housing unit assignment and to increase staff awareness of potential safety concerns.
 2. The housing assignment shall be made with the intent of separating victims and aggressors by unit and/or room.
 3. Under no circumstances shall those identified or confirmed as sexually aggressive be housed in the same room as individuals that have been identified as sexually vulnerable.
- D. Each youth admitted to the YSC shall have a medical screening completed. This may include both a medical history and an evaluation of mental health status.
1. At the initiation of medical services, medical practitioners are required to inform the resident of their duty to report, and the limitation of confidentiality unless precluded by federal, state or local law.
 2. Medical and mental health practitioners are mandated to report any knowledge, suspicion or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in the facility. They must also report retaliation and/or any incidents of staff neglect that may have contributed to an incident or retaliation.
 3. Medical and mental health practitioners are also required to complete mandatory child abuse reporting as specified by law.
- E. Should the medical or mental health evaluation indicate that the juvenile has been sexually assaulted, is a potential victim or potential victimizer, the health professional will take appropriate steps to ensure that:
1. Proper documentation is completed, including Suspected *Child Abuse Report*, if warranted;
 2. The resident receives needed medical treatment and psychological services;
 3. If fitting, make a recommendation for any special housing needs;

4. Follow up care or services are provided, as suitable.
- F. Room assignment shall be made to provide an environment for youth that is safe and secure. An admission's staff member will speak with the youth, and review all known information to determine if any special housing considerations are needed. The staff will communicate this information to the housing unit.
- G. Housing unit staff will review all information, and use room assignment criteria to effect the best possible combination of residents assigned to a room. Should a resident at any time display behavior(s) that poses as a threat to harm their roommate, the lead staff will initiate a room change and place the resident on the appropriate special housing program.

VI. Resident Orientation and Education

- A. During the resident's initial orientation, in addition to all other topics covered in the policies and procedures manual, staff are to provide age appropriate information to the orientation regarding sexual misconduct. This information should be provided both verbally and in written format in a language that is clearly understood by the juvenile.
- B. Information provided shall include, but not be limited to:
 1. violation)
 2. Staff Department's zero tolerance stance
 3. Overview of what constitutes sexual abuse and harassment
 4. Prevention and intervention
 5. Reporting incidents of misconduct
 6. Treatment and counseling
 7. Protection against retaliation
- C. Consequence of false allegation (such as verbal or written reprimand, up to a new law will document verification of the resident orientation and education of PREA by completing the Sexual Abuse Resident Orientation Acknowledgement Form:
 1. Staff will maintain the original signed acknowledgment form in the resident file.
 2. Key information will also be available to residents through posters, residents' handbooks or other written formats.
- D. For residents detained prior to the implementation of PREA Education Program, the training materials will be provided, within 60 days of establishment of the program, by the Group Supervisor assigned to each resident in custody. The resident will sign the Sexual Abuse Resident Orientation Acknowledgement Form demonstrating that they have been provided the materials and confirm that they understand the training received.
- E. Staff shall provide residents' education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills.
 1. Steps shall include providing interpreters as necessary and appropriate.

2. Resident interpreters will not be used to conduct orientations, assist in investigating misconduct allegations, or communicate other *non-emergency* information to residents who are limited in English.

VII. Staff Training and Education

- A. The Probation Department shall train all employees who may have contact with residents on:
 1. Its zero-tolerance policy for sexual abuse and sexual harassment;
 2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response;
 3. Resident's right to be free from sexual abuse and sexual harassment;
 4. Resident's/employee's rights to be free from retaliation for reporting sexual abuse and sexual harassment;
 5. The dynamics of sexual abuse and sexual harassment in juvenile facilities;
 6. The common reactions of juvenile victims of sexual abuse and sexual harassment;
 7. How to detect and respond to signs of threatened and actual sexual abuse;
 8. How to avoid inappropriate relationships with residents;
 9. How to communicate effectively and professionally with residents; and
 10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- B. After the initial four hour PREA Training, refresher training will be provided every two years for juvenile facility employees who have contact with youth.
- C. PREA Training shall be documented and records retained by the Department's training unit.

VIII. Volunteer and Contractor Training

- A. All juvenile facility volunteers and contractors who have contact with residents will receive training on their responsibilities under the agency's sexual abuse and sexual harassment policy.
- B. 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 residents, but all volunteers and contractors who have contact with residents shall be notified of the San Mateo County Probation Department's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- C. Should a volunteer and/or contractor be the first to receive a report that a resident has allegedly been sexually abused, they shall be directed to:
 1. Request that the alleged victim not take any actions that could destroy physical evidence.
 2. Immediately notify a probation staff or juvenile facility supervisor.
- D. Documentation of training will be maintained by the PREA Coordinator

IX. Reporting

- A. The Probation Department will provide multiple ways for residents to privately report sexual misconduct, retaliation for reporting misconduct, and staff neglect of responsibilities contributing to misconduct.
1. Residents who are victims of, or have knowledge of, sexual misconduct should immediately report the incident either verbally or in writing to staff (Group Supervisor, Probation Officer, Lead Staff, ISM, teacher, mental health therapist, psychologist, nurse, chaplain, or any other adult in the building).
 2. Residents may tell a parent/guardian, their attorney/legal representative, or other trusted adult during a visit, phone call or via written correspondence so that the responsible adult may initiate the report on behalf of the youth by contacting a Department employee.
 3. Residents have reasonable and confidential access to their attorney and parent/legal guardians.
 4. Residents may utilize the “locked box” grievance procedure to report sexual misconduct. This allows the resident a method to submit a report without alerting staff, and permits the report to be submitted anonymously.
 - a. Grievance forms, pencils, and lock boxes are readily available in each of the housing units;
 - b. No time limit is imposed on submission of a grievance;
 - c. Youth are not required to attempt to resolve issue with staff;
 - d. Ensures that a grievance is not referred to staff who is the subject of the complaint;
 - e. Designated supervisory staff will process such a grievance as a high priority in accordance with established facility procedures regarding allegation of misconduct, and notify the YSC Director and PREA Coordinator;
 - f. If a resident is at substantial risk of imminent sexual abuse, staff will take immediate action to protect the youth and ensure the report is forwarded to a juvenile facility administrator without delay and;
 - g. Residents may not be disciplined for filing a grievance unless it was filed in “bad faith,” or deliberately false. A report of sexual abuse made 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.
- B. Staff should accept reports made verbally, in writing, anonymously, and from third parties.
1. Promptly document any verbal report.
 2. Citizen Complaint Forms are available at the admissions desk, but are not required to be used. Written complaints will be accepted on other formats as well.
- C. Staff who suspects a resident is being sexually abused or sexually harassed, should contact their supervisor (Lead Staff) or manager (ISM) to submit a verbal and/or written report:

1. The Department will take all reasonable steps to protect all residents and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigation, from retaliation by other resident or staff.
2. If an individual who cooperates with an investigation expresses fear of retaliation, measures will be taken to protect the individual against retaliation. Protection measures may include, but are not limited to, housing changes/transfers, removal of alleged staff or resident abusers from contact with victim(s), and emotional support services.
3. Following a report of sexual abuse, ISMs shall monitor the conduct or treatment of residents/staff who reported the sexual abuse, and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff.
 - a. Monitoring shall be conducted for at least 90 days following a report of sexual abuse, and will continue beyond 90 days if the initial monitoring indicates a continuing need. *Monitoring may terminate if allegation is determined to be unfounded.*
 - b. Monitoring includes:
 - i. Periodic status checks
 - ii. Review of any resident disciplinary reports
 - iii. Housing changes
 - iv. Resident program changes
 - v. Negative staff performance reviews
 - vi. Staff reassignments/changes in duties
 - c. If the supervisor detects changes that may suggest possible retaliation by resident or staff, administration shall be promptly notified and steps taken to remedy any such retaliation.
4. Retaliation against juveniles who refuse to submit to sexual activity, intimidation of a witness or intimidation against reporting a sexual complaint is prohibited and shall be referred for administrative investigation and/or to local law enforcement for criminal prosecution.
5. Employees who fail to report incidents of abusive sexual contact, and/or staff or juvenile sexual misconduct, shall be held accountable and disciplined accordingly if found negligent for not reporting.

X. Official Response Following a Resident Report

- A. In accordance with Department Policy, staff must immediately report knowledge, suspicion, or information regarding sexual misconduct that occurs in the facility, and/or staff neglect or violation of responsibilities that may have contributed to sexual misconduct.
- B. If any nonconsensual sexual activity/contact is reported to an employee, or is observed by an employee, the employee shall:
 1. Immediately separate the alleged victim and the perpetrator;
 2. Notify the juvenile facility ISM;
 3. Preserve and secure any crime scene until released by law enforcement;
 4. Notify medical and mental health staff to provide services to the victim;
 5. If the abuse occurred within a time period that still allows for the collection of physical evidence, staff should request the alleged victim not to take any

actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating;

6. If the abuse occurred within a time period that still allows for the collection of physical evidence, staff should ensure as possible, that the alleged abuser not take any actions that could destroy physical evidence (same actions as described in *Section X-B, item 5*);
7. Collect any physical evidence not contained in the crime scene in coordination with, and at the direction of local law enforcement and;
8. Document the incident on an Incident Report.

C. Staff must comply with mandatory child abuse reporting laws.

D. All investigation shall be kept confidential. Staff are not to discuss information related to sexual abuse investigations apart from mandatory reporting obligation and disclosures to ISMs or others pursuant to Departmental policy and instructions received from persons involved in conducting the criminal or administrative investigation.

XI. Investigation and Evidence Collection

A. All allegations of sexual abuse or sexual harassment will be administratively and/or criminally investigated:

1. All allegations of sexual abuse or sexual harassment will be reviewed by the YSC Director.
2. In situations that require further actions, (e.g. an internal investigation or referral to a local law enforcement agency) the matter will be addressed in a timely manner.
3. The YSC Director, or designee, will promptly report the allegation of sexual abuse to
 - a. The County Chief Probation Officer, Deputy Chief Probation Officer of Institutions, and assigned Deputy Probation Officer;
 - b. The victim's parents/legal guardian;
 - c. If the juvenile is under the guardianship of the child welfare system, the agency will report the incident to the minor's welfare worker instead of the parent/legal guardian and;
 - d. If the victim is under the juvenile court jurisdiction, the juvenile's attorney/legal representative will be notified within 14 days.

B. If the allegation does not appear to involve criminal conduct, the Department will complete an objective investigation, following the Department's protocol for conducting administrative investigations. See *Probation Department Administrative Policy on Complaints Regarding Employee Misconduct*.

C. Administrative investigation will include an effort to determine whether staff actions or failures to act contributed to the abuse.

D. Allegations which involve criminal conduct will be forwarded to the San Mateo County Sheriff's Office or other appropriate law enforcement agency with legal authority to conduct a criminal investigation.

E. All such law enforcement referrals will be documented.

F. The Department will cooperate fully within legal limits, with any law enforcement agency's criminal investigation.

- G. Investigations regarding sexual abuse/misconduct will not be terminated solely based on:
1. The source of the allegation recants the allegation
 2. The alleged victim or juvenile abuser is released from the facility
 3. The alleged staff abuser resigns/departs the facility
- H. If the alleged incident did not occur at a San Mateo County juvenile facility, but while the resident was confined at another facility, the YSC Director (or designee) will contact the administrator of the facility where the abuse occurred within 72 hours of discovery, and notify the appropriate investigating agency of the alleged sexual abuse incident. All such contacts will be documented.
- I. Should another agency contact the San Mateo County Probation Department to notify the Department of an allegation of sexual abuse/misconduct which occurred while the youth was detained in our facility, the standard investigative procedures will be followed (as applicable) to ensure the incident is fully and thoroughly investigated.
- J. Following a resident's allegation that a **staff** has committed sexual abuse against the resident, the Department shall subsequently inform the resident (unless allegation is determined to be unfounded) whenever:
1. The staff is no longer posted within the resident's unit;
 2. The staff is no longer employed at the facility;
 3. The Department learns that the staff has been indicted on a charge related to sexual abuse within the facility;
 4. The Department learns that the staff has been convicted on a charge related to sexual abuse within the facility.
- K. Following a resident's allegation that he or she has been sexually abused by **another resident**, the Department shall subsequently inform the alleged victim whenever:
1. The Department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 2. The Department learns that a charge related to sexual abuse within the facility has been sustained against the alleged abuser.
- L. The above reporting or attempted notification to resident(s) shall be documented. The Department's obligation to report shall terminate if the resident is released from the Department's custody.
- M. Following the completion of an administrative or criminal investigation involving sexual misconduct/abuse, the resident will be informed as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. If the Department did not conduct the investigation, the YSC Director (or designee) will request the relevant information from the investigative agency in order to inform the resident of the outcome (substantiated, unsubstantiated or unfounded).
- N. The Probation Department will retain all written sexual abuse/sexual misconduct investigations or documents for as long as the alleged abuser is incarcerated or employed by the agency, plus five years (unless the abuse was

committed by a juvenile resident and applicable law requires a shorter period of retention).

XII. Discipline

- A. Staff shall be subject to disciplinary sanctions up to and including termination for violation of agency sexual abuse or sexual harassment policies.
1. The standard of evidence required in determining whether an allegation of sexual abuse or sexual harassment is substantiated is a *preponderance of the evidence*.
 2. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.
 3. Disciplinary sanctions for violation of Department policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, staff's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
 4. All violations of sexual abuse or sexual harassment policies which appear to rise to the level of criminal conduct will be reported to law enforcement agencies.
- B. Residents who engage in sexual abuse are subject to disciplinary sanctions pursuant to Juvenile Court proceedings, criminal proceeding or through the juvenile facility's formal disciplinary process.
1. Any disciplinary sanctions commensurate with the nature and circumstance of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories.
 2. Resident discipline will comply with applicable policy governing disciplinary sanctions.

XIII. Medical and Mental Health Care

- A. In-Custody sexual abuse victims shall receive, without financial cost, timely, unimpeded access to emergency medical treatment and crisis intervention services as directed by medical and mental health practitioners:
1. A resident who experiences sexual abuse will be allowed access to forensic medical examination where evidentiary or medically appropriate.
 2. Such examination shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) when possible:
 - a. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners.
 - b. Efforts to provide SAFEs or SANEs examination shall be documented.
 3. Medical treatment includes information about, and access to, emergency contraception and sexually transmitted infections prophylaxis where medically appropriate.
 4. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff should take preliminary steps to protect the victim and immediately notify the appropriate medical and mental health practitioners.

- B. Probation staff shall attempt to make available to the victim, a victim advocate, from a rape crisis center or other qualified community based organization:
1. Reasonable communication, in as confidential a manner as possible, between the resident and these organizations will be permitted.
 2. Local, state, or national victim advocacy or rape crisis toll-free hotlines and mailing addresses will be made available to residents.
- C. As requested by the victim, the victim advocate shall be permitted to accompany and support the victim through the forensic medical examination process and investigator interviews and can provide emotional support, crisis intervention, information and referrals.
- D. Victims of in-custody sexual abuse will be provided follow-up services, treatment plans, and (when necessary) referrals for continued care following transfer or release as deemed appropriate by medical personnel:
1. These services, at no cost to the victim, will be provided in a manner that is consistent with the level of care the resident would receive in the community.
 2. Victims of sexual abuse will not be denied treatment for failure to name the abuser, or cooperate in the investigation arising out of the incident.

XIV. Data Collection and Review

- A. Any Special Incident Reports that allege nonconsensual sex, abusive sexual contact or staff misconduct, shall be collected by the YSC Director, or his/her designee.
- B. The Department will collect accurate data, using a uniform collection tool.
- C. The data collection will contain all the data required to complete the Survey of Sexual Violence conducted by the Department of Justice's Bureau of Juvenile Statistics.
- D. YSC Director (or designee) shall be responsible for compiling records and annually reporting statistical data to the Federal Bureau of Justice as required by PREA of 2003.
- E. Upon request, the Department can provide such data from the previous year to the Department of Justice no later than June 30.
- F. The purpose of the annual data collection is to identify problem areas, and to take corrective action on an ongoing basis.
- G. All data collected will be securely retained for at least ten years, after the date of its initial collection.

XV. Sexual Abuse Incident Review Team

- A. A Sexual Abuse Incident Review will be conducted at the conclusion of every sexual investigation (except those investigations determined to be unfounded).
- B. The Review Team will conduct the review within 30 days of the conclusion of the investigation.
- C. The Review Team will include:
1. The Department PREA Coordinator;

2. The YSC, Camp Glenwood, and Camp Kemp Compliance Managers;
3. The Department Investigator;
4. Medical and/or Mental Health Administrator as deemed appropriate;
5. Other Department administrator or manager as needed based on the individual circumstance of the incident.

D. The Review Team will consider if:

1. Policy or procedure changes are warranted;
2. Individual or group dynamics motivated or caused the situation to develop;
3. After review of the physical layout where the abuse occurred, consider possible modifications to physical barriers which may have enabled the abuse;
4. Assess the adequacy of staffing levels and;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

E. The Review Team will prepare a report for the YSC Director of their findings, with any recommendations:

1. PREA Coordinator will retain a copy of the report
2. The PREA Coordinator will document recommendations that were implemented, and reason why others recommendations were not followed.

Institutions Services Managers supervise the application of relevant policies and procedures. The Institutions Services Managers are accountable to the Director of the facility, who is accountable to the Deputy Chief Probation Officer of the Institutions Division.

REVIEWED AND APPROVED

Director, Camp Glenwood: 5/18/16
Director, Camp Kemp: 5/18/16
Director, Juvenile Hall: 5/18/16

Deputy Chief Probation Officer
Institutions Division

May 18, 2016
Date

This policy is a revision of the following policies:

- Youth Services Center, Camp Glenwood, Camp Kemp, Sexual Abuse Prevention, Detection and Response (2014)