Chapter 9 - Custody
900.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines and procedures for the Portland State University-Campus Public Safety Office Temporary Holding Room.

The Department shall maintain custody of prisoners in accordance with this policy, and in accordance with applicable law.

900.1.1 SUPERVISION OF PRISONERS
No prisoner will be held in the Temporary Holding Room unless there is a designated employee who remains within the police building who can supervise the Temporary Holding Room and respond to emergencies within the Temporary Holding Room. This person will not have other duties that could conflict with the supervision of prisoners.

900.1.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY
It is the policy of the Portland State University-Campus Public Safety Office that prisoners detained in the Temporary Holding Room shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practical.

900.1.3 NON-DETAINABLE PRISONERS
Arrestees who fall within the following classifications should not be detained in the Temporary Holding Room. They should be transported to the county jail, the designated medical facility or the county mental health facility as appropriate:

(a) Any person who is sick, injured or who has any other medical condition, including pregnant females, who may require medical attention, supervision or medication during confinement.
(b) Any person who has claimed, or is known to be afflicted with or displays symptoms of any communicable disease.
(c) Any person suffering from a severe mental disorder.
(d) Any combative or unruly person who is likely to cause damage to the facility or severely disrupt the good order of the Temporary Holding Room.
(e) A prisoner who is or may be contemplating suicide.
(f) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotic, sedative, tranquilizer, anti-neoplastic (cancer) drug, research medication or any person suffering from withdrawals of the above.

900.1.4 DETAINABLE PRISONERS
Arrestees who fall within the following classifications may be detained in the Portland State University-Campus Public Safety Office Temporary Holding Room with radio notification to dispatch, for entry into the CAD, and knowledge of the Patrol Sergeant. Once Arrestee is removed
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from the Temporary Holding Room, a second radio notification to dispatch will be noted in CAD. This includes those arrested and detained pending:

(a) Posting of bail (surety release under ORS 135.265).
(b) Release on Own Recognizance (O.R.) (ORS 135.245(3)).
(c) Release on citation in accordance with the Cite and Release Policy in this manual.
(d) Transportation to the county jail.
(e) In-custody interview or other investigation.

900.1.5 FACILITIES - DEFINITIONS
Temporary hold - means a facility, the principal purpose of which is the temporary detention of a prisoner for four or less hours while awaiting court appearance or transportation to a local correctional facility (Oregon Revised Statutes 169.005).

Lock-up - means a facility for the temporary detention of arrested persons held up to 36 hours, excluding holidays, Saturdays and Sundays, but the period in lockup shall not exceed 96 hours after booking.

900.1.6 INTOXICATED PERSONS
Any officer encountering a person who is intoxicated or under the influence of controlled substances in a public place and who is incapacitated, whose health appears to be in immediate danger, or there is reasonable cause to believe the person is dangerous to him/herself or to any other person, shall summon designated authority (Portland Police Bureau) or community resources, to transport the individual to the nearest appropriate treatment facility (ORS 430.399).

If the person is in need of medical attention, an ambulance should be summoned to transport the person to the nearest emergency room.

Any person who is arrested for a criminal offense and who is in need of emergency medical treatment due to drug or alcohol intoxication, or any other reason, shall immediately be taken to the nearest appropriate treatment facility.

900.1.7 TRANSPORTATION OF PRISONERS
Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department the transporting officer shall be responsible for the following:

(a) Verify that the identity of each prisoner to be transported matches the booking paperwork.
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(b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner’s property, warrant copies, etc.

(c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner’s booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

900.1.8 PRISONER WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE
Subject to safety and security concerns, persons who are detained in the Temporary Holding Room shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance shall be removed from the prisoner and booked for safekeeping but shall be promptly returned if it is later determined that such risk no longer exists.

Whenever a prosthetic or orthopedic appliance is removed from a prisoner the Patrol Sergeant shall be promptly apprised of the reason for the removal. If it is determined that the appliance will not be returned, the prisoner shall be examined as soon as practicable by a physician but no later than 24 hours after removal to determine if the removal will be injurious to the health or safety of the prisoner.

If the examining physician determines that removal is or will be injurious to the health or safety of the prisoner and the appliance cannot be returned because of safety or security concerns the prisoner should be transferred to an appropriate medical detention facility.

900.2 PRISONER SUPERVISION AND CLASSIFICATION

900.2.1 SUPERVISION OF PRISONERS
Officers shall maintain continuous supervision when persons are confined; such supervision requires continuous observation of the prisoner while being held in the Temporary Holding Room.

900.2.2 PRISONER CLASSIFICATION, SCREENING AND SEGREGATION
It is the policy of the Portland State University-Campus Public Safety Office Temporary Holding Facility to segregate prisoners.

(a) It is necessary to establish a prisoner classification procedure wherein each prisoner will be evaluated, prior to housing, according to categories of sex, age, criminal sophistication, seriousness of crime charged, assaultive/non-assaultive behavior, medical problems, mental state (including developmental disabilities) and sexual orientation, and housed in order to provide for the safety of prisoners and staff.

(b) As part of the booking procedure, the booking officer should evaluate each incoming prisoner using the prisoner classification and screening form. This form shall be completed in its entirety, in order to properly assign prisoners according to sex, age, criminal sophistication,
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seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior and other criteria to ensure the safety of the prisoner and staff.

(c) All employees with information relevant to a prisoner's risk of suicide shall ensure such information is provided to a supervisor and the prisoner's booking officer. During the booking procedure, the booking officer shall ask the prisoner if he/she is contemplating suicide. The officer shall evaluate the prisoner for other signs or indications that the prisoner may be suicidal. If there is any suspicion the prisoner may be suicidal, he/she shall be transported to the county jail or appropriate mental health facility. The receiving staff shall be notified in writing (e.g., noted on the booking sheet) that the prisoner may be suicidal.

(d) It is the responsibility of the arresting officer's supervisor to ensure that the prisoner classification and screening form has been properly completed. After completing the form the arresting officer's supervisor will be required to authorize, on a case-by-case basis, the placement of each prisoner in the Temporary Holding Facility who is not immediately released or transported to the county jail or other appropriate facility.

1. The prisoner will then be housed or transported.
2. The completed classification form will be attached to the arrest report, booking forms and fingerprints as applicable.
3. The prisoner classification and screening form should be retained in the prisoner's arrest file.

(e) During the booking procedure, the booking officer shall evaluate each incoming prisoner to determine any apparent medical or health issues. The prisoner's responses to such questions and the officer's observations shall be documented in the appropriate form. The booking officer shall promptly notify his/her supervisor of any conditions which may warrant immediate medical attention or other appropriate action.

(f) Before placing any prisoner into a temporary holding cell with any other prisoner, members shall consider whether the prisoner may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141).

(g) If a prisoner will be housed overnight in the same cell with any other prisoner, he/she shall be screened to assess his/her risk of being sexually abused by other prisoners or of being sexually abusive toward other prisoners. Members shall ask the prisoner about his/her own perception of vulnerability and shall consider the following criteria to screen prisoners for risk of sexual victimization, including (28 CFR 115.141):

1. Whether the prisoner has a known or apparent mental, physical or developmental disability
2. The age of the prisoner
3. The physical build and appearance of the prisoner
4. Whether the prisoner has previously been incarcerated
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5. The nature of the prisoner's alleged offense and criminal history

(h) Any prisoner identified as being at a high risk for sexual victimization shall be provided with heightened protection. This may include continuous, direct sight and sound supervision, single-cell housing or placement in a cell that is actively monitored on video by a staff member who is available to immediately intervene, unless no such option is reasonably feasible (28 CFR 115.113; 28 CFR 115.141).

900.2.3 TEMPORARY DETENTION OF JUVENILES
Juveniles who are detained by this department will be processed and handled in accordance with the Temporary Custody of Juveniles Policy. Juveniles will not be permitted to be held in the same room with adults in the Temporary Holding Room.

900.2.4 TEMPORARY DETENTION OF FEMALES
Whenever one or more female prisoners are in custody, there shall be at least one female employee who shall be available and accessible to the female prisoner. Male employees are not to search or enter the cell of a female prisoner, unless another female employee is present.

In the event there is not a female employee readily available to conduct searches and hourly safety inspections, the female prisoner shall be transported to the county jail, or released pursuant to another lawful process (e.g., citation, O.R. release).

900.2.5 HANDCUFFING OF PREGNANT ARRESTEES
No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others.

900.3 EVACUATION OF TEMPORARY HOLDING FACILITY
If an evacuation of the Temporary Holding Room becomes necessary, the following should be considered:

900.3.1 PRIMARY CONCERNS
(a) Safety of public
(b) Safety of department personnel
(c) Safety of prisoners
(d) Security of prisoners

900.3.2 EMERGENCY EVACUATION
When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Temporary Holding Room.
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900.3.3 EVACUATION FORMATION AREA
All prisoners will form in the designated location where they will be held until the Temporary Holding Room can again be safely occupied, or as in the case of an emergency of a long duration until they can be transported to another facility.

If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppression or other emergency activities.

900.3.4 CAMPUSWIDE OR REGIONAL DISASTERS
In cases of Campuswide or regional disasters, the Patrol Sergeant may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

900.3.5 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION
As necessary, evacuating personnel will apply first-aid techniques to those prisoners injured as a result of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

900.3.6 REPORTS
The Patrol Sergeant will ensure that any emergency evacuation of the Temporary Holding Facility is documented and that copies of those reports be forwarded to the Temporary Holding Facility Manager and Temporary Holding Facility Administrator.

900.4 HANDLING OF PRISONER’S PROPERTY
Officers shall take care in the handling of a prisoner’s property to avoid discrepancies or losses.

Any personal property belonging to the prisoner but retained by the officer for safekeeping, shall be kept in a secure location until the prisoner is released or transferred. Smaller items such as a driver license, pocketknife, wallet, prescription medications and other similar property, shall be placed in a property bag and sealed. A list of the property, including detailed descriptions of prescription medications, shall be included on the booking form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping. Prisoner property that is too large or will not otherwise be accepted by a receiving facility in the event of a prisoner transfer should be booked for safekeeping.

Property belonging to the prisoner, but retained by the officer as evidence, shall be booked according to procedures. The prisoner shall be advised that such property will be kept as evidence and where demanded, the officer will issue the prisoner a receipt. Such receipt may be a copy of the property booking form, written out in the officer’s handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number,
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date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

900.4.1 VERIFICATION OF PRISONER’S MONEY
All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner. When possible, the prisoner should initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated, but not added to the cash total. Rings and other jewelry of apparent value or small enough to be easily lost should also be sealed in an envelope. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

900.4.2 RELEASE OF PRISONER’S PROPERTY
Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a prisoner must be made in writing.

When a prisoner is released from custody, all property will be returned to him/her.

If a prisoner is released to the court or an officer of another agency, all property will be released to that officer.

Any alleged shortage or discrepancy shall be brought to the attention of the Patrol Sergeant who will interview the prisoner claiming the shortage prior to his/her release. The Patrol Sergeant shall ensure that a search for the alleged missing item(s) is complete and shall attempt to prove or disprove the claim. A written claim by the prisoner shall be requested where the discrepancy cannot be resolved.

900.5 TEMPORARY HOLDING FACILITY PROCEDURES

900.5.1 SECURITY
(a) No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in the detention area.

(b) Restraint devices such as handcuffs, disposable cuffs, belly-chains and leg restraints shall be used in accordance with department policy and only with the approval of the Patrol Sergeant.

900.5.2 RELEASE OF PRISONERS
(a) The Temporary Holding Facility should be inspected for damage prior to the release or transportation of any prisoner.
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(b) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.

(c) Prisoners shall be released in accordance with state law. The releasing officer will be responsible for the following:

1. All proper reports and forms shall be completed prior to release.
2. All property, not to include evidence, contraband, or dangerous weapons shall be returned to the prisoner.
3. Notifying Dispatch of the prisoner's release.
4. The prisoner being released will be escorted from the Temporary Holding Facility and police facility by a department employee. At no time will a released prisoner be allowed in any secure area of the station without personal supervision by an employee.

900.5.3 FACILITY SANITATION AND MAINTENANCE
The Patrol Sergeant should inspect the Temporary Holding Facility at the beginning and end of each shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the facility manager.

900.5.4 DEATH OR SERIOUS INJURY OF A PRISONER
In the event of a serious injury or death of a prisoner while in custody of this department, The Director of Public Safety shall be notified immediately of any death of a prisoner of this department. The Portland Police Bureau will be immediately notified and conduct the investigation. The State Medical Examiners Office will be responsible for determining the cause and manner of all prisoner deaths.
Custodial Searches

902.1 PURPOSE AND SCOPE
The purpose of this policy is to establish consistent department procedures which conform to Oregon Revised Statues 131.605 to 131.625 and Oregon Revised Statutes 133.525 to 133.537, regarding lawful searches.

902.1.1 DEFINITIONS
Definitions related to this policy include:

Frisk or Pat Down Search - This is the type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other prisoners (Oregon Revised Statutes 131.605).

Booking Search - This search is used in jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person. This includes monitoring of an arrestee showering or changing clothes where the arrestee's private underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

Physical Body Cavity Search - This a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

902.2 POLICY
All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 PAT DOWN SEARCHES
When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual (ORS 131.625).

Prior to detaining any individual in any police vehicle, an officer shall conduct a normal pat-down search of that individual.
Custodial Searches

Whenever practical, a pat down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of the opposite sex as the searching officer.

902.4 ARRESTEE PROPERTY INVENTORIES

(a) Any person taken into custody may be subjected to pat down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

(b) An officer shall inventory an arrestee's personal property before the arrestee is placed in a department vehicle or taken inside the temporary holding facility, jail, or transferred to another agency's custody.

(c) Officers shall conduct the inventory by removing all items from the arrestee's clothing and any open container in the arrestee's possession. Closed containers shall be opened and inventoried only when:

1. Reasonable suspicion exists that the contents of the container may pose significant safety risk and permission for the inventory is approved by a supervisor.
2. The arrestee consents to or requests an inventory of the contents of the closed container.
3. The closed container is either objectively likely under the circumstances to or designed to contain valuables. This includes, but is not limited to, closed purses, closed coin purses, closed wallets, luggage, backpacks, briefcases, and closed fanny packs.

(d) Inventories of the contents of a closed container in the possession of such person shall only be conducted when:

1. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room.
2. Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room.
3. The officer or other employee charged with such inventories must ensure that the arrestee receives a receipt for any money or other valuables received and shall have the arrestee countersign both the original and duplicate receipt. Employees will otherwise comply with ORS 133.455 if the arrestee is unable to sign. Failure to comply with ORS 133.455 is a misdemeanor.

902.5 STRIP SEARCHES
Strip searches by Portland State University - Officers are prohibited.
**Custodial Searches**

902.6  PHYSICAL BODY CAVITY SEARCH
Physical body cavity searches by Portland State University-Campus Public Safety Officers are prohibited.

902.7  TRAINING
The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.8  CLOSED CONTAINER SEARCHES
Closed containers will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.

Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of $10, valuables or a hazardous material.
Prison Rape Elimination

904.1 PURPOSE AND SCOPE
This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Portland State University-Campus Public Safety Office Temporary Holding Facilities (28 CFR 115.111).

904.1.1 DEFINITIONS
Definitions related to this policy include:

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 disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
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Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above

Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident

Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth (28 CFR 115.5).

904.2 POLICY

The Portland State University-Campus Public Safety Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Portland State University-Campus Public Safety Office will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

904.3 PREA COORDINATOR

The Director of Public Safety shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Portland State University-Campus Public Safety Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator’s responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Portland State University-Campus Public Safety Office prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
Prison Rape Elimination

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, #A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents# or a similarly comprehensive and authoritative protocol.

2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.

3. A process to document all referrals to other law enforcement agencies.

4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.

5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:
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1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(J) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

904.4 REPORTING SEXUAL ABUSE AND HARASSMENT
Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

904.4.1 MEMBER RESPONSIBILITIES
Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Patrol Sergeant any knowledge, suspicion or information regarding:
Prison Rape Elimination

(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against prisoners or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

904.4.2 PATROL SERGEANT RESPONSIBILITIES
The Patrol Sergeant shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Patrol Sergeant shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Patrol Sergeant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Patrol Sergeant shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

904.5 INVESTIGATIONS
The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

904.5.1 FIRST RESPONDERS
The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

904.5.2 INVESTIGATOR RESPONSIBILITIES
Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Portland State University-Campus Public Safety Office.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

904.5.3 ADMINISTRATIVE INVESTIGATIONS
Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS
No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (2BCFR 115.171(e)).
Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

904.5.5 CONCLUSIONS AND FINDINGS
All completed investigations shall be forwarded to the Director of Public Safety, or if the allegations may reasonably involve the Director of Public Safety, to the Vice President Office of Finance and Administration. The Director of Public Safety or Vice President Office of Finance and Administration shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Director of Public Safety shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

904.6 RETALIATION PROHIBITED
All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Patrol Sergeant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Patrol Sergeant or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.
904.7 REVIEWS AND AUDITS

904.7.1 INCIDENT REVIEWS
An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Director of Public Safety and the PREA Coordinator. The Director of Public Safety or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

904.7.2 DATA REVIEWS
The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187). The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.
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The report shall be approved by the Director of Public Safety and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Portland State University-Campus Public Safety Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

904.8 RECORDS
The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

904.9 TRAINING
All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
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Proper use of *Miranda* and *Garrity* warnings.

Sexual abuse evidence collection in confinement settings.

Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.