

CHAPTER 16

Sexual Assault

I. POLICY

The California Department of Corrections shall treat sexual assault allegations seriously and shall ensure the management of the investigation is performed in a confidential manner and is sensitive to the alleged victims needs.

California Penal Code delineates the response required by law enforcement with regard to the contact with the victim.

II. PURPOSE

To identify the required medical response to sexual misconduct allegations with inmates or parolees who have been returned to the custody of CDC.

III. RESPONSIBILITY

Staff shall ensure that the sexual assault policy is conducted with care and respect for the victim. Health Care Staff are not responsible for preservation of evidence. The role of Health Care Staff is to provide emergency care until the victim can be sent to a county sexual assault hospital.

IV. PROCEDURE

When an inmate alleges he/she is the victim of sexual misconduct, health care staff shall ensure the following is accomplished:

- 1) Provide necessary and immediate emergency medical attention to the victim.
- 2) Per Penal Code Section 13823.11, notify the Watch Commander.
- 3) Notify Security and Investigations (S&I) staff. The S&I staff shall collect any clothing that may be discarded in order to provide emergency care. Health Care staff are not responsible for collecting evidence.
- 4) Advise the victim that they will be transported to a local hospital for treatment of the assault.
- 5) Notify the Watch Commander who shall arrange for transportation.
- 6) Document any statements made by the victim and provide the documentation to S&I staff.
- 7) A CDC Form 837, Incident Report, is required for all allegations of sexual assault.

Upon return to the Receiving & Release area from the local hospital, the inmate shall be referred to a mental health professional for an evaluation and any necessary follow-up.