Prison Rape Elimination Act

608.1 PURPOSE AND SCOPE

This policy provides guidance for compliance with the Prison Rape Elimination Act of 2003 (PREA) and the National Standards to Prevent, Detect and Respond to Prison Rape. (PREA Standards) (28 CFR Part 115) This policy applies to all Probation Department employees, volunteers and contractors who have contact with clients.

This Policy applies to the East Mesa Juvenile Hall and the Secure Youth Treatment Facility – East Mesa, both located at 446 Alta Road, San Diego, CA 92158, and the Youth Transition Center Juvenile Camp and Youth Transition Center Juvenile Hall, both located at 2801 Meadowlark drive, San Diego, CA 92123.

608.2 DEFINITIONS

Client - Any person under the supervision or authority or in the custody of the County of San Diego Probation Department ("Probation" or "Department"), including but not limited to persons detained in or committed to a juvenile facility, regardless of adjudication status. ("Client" also includes persons under the supervision or authority or in the custody of Probation who are residing in a community corrections facility. (See 608.3.3 below).

Community confinement facility - A community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which clients reside as part of a term of imprisonment or as a condition of pre- trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility approved programs during nonresidential hours. (28 CFR 115.5)

Contractor - A person who provides services on a recurring basis pursuant to a contractual agreement with the agency. (28 CFR 115.5)

Exigent circumstances - 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. (28 CFR 115.5)

Garrity - , 385 U.S. 493 (1967) was a legal case in which two police officers were threatened with termination if they would not testify to the fixing of tickets. The police officers violated state criminal code and internal policy. They were threatened with the loss of their job if they did not answer questions. The Supreme Court said their coerced testimony could not later be used against them in criminal matter, because it is a violation of the Fifth Amendment – the right against self-incrimination. As a result, correctional authorities shall administer a "Garrity" warning which clearly informs the staff that their answers to questions will not be used against them in a criminal prosecution.

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

Gender nonconforming - A person whose appearance or manner does not conform to traditional society gender expectations. (28 CFR 115.5)

Intersex person - 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.

Investigative findings include:

- **Substantiated allegation**: An allegation that was investigated and determined to have occurred.
- **Unfounded allegation**: An allegation that was investigated and determined not to have occurred.
- **Unsubstantiated allegation**: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Mandated child abuse reporter –A "mandated reporter" is any of the persons listed in Cal Pen C § 11165.7. "Mandated Reporter(s)" include, , probation officers, teachers, social workers, medical and mental health professionals, district attorney investigators, and any employee of Probation, the Sheriff's Department or a police department. A mandated reporter shall make a report to an agency specified in Section 11166.9 whenever the mandated reporter, in their professional capacity or within the scope of their employment, has knowledge of or observes child abuse or neglect. The mandated reporter shall make an initial report to the agency immediately or as soon as is practicably possible by telephone and the mandated reporter shall prepare and send, fax, or electronically transmit a written follow-up report thereof within 36 hours of receiving the information concerning the incident. The mandated reporter shall include with the report any non-privileged documentary evidence the mandated reporter possesses relating to the incident. (Cal Pen C § 11166(a))

Over familiarity - A state of excessive friendliness, informality, or intimacy when interacting with someone who is not a close personal friend or family member.

Prison Rape Elimination Act (PREA) - The Prison Rape Elimination Act (34 USC 30301-30309) was signed into law in 2003. The Prison Rape Elimination Act requires the gathering of national statistics regarding elimination of prison rape and the development of guidelines about how to address prisoner rape. The broad goal of the law is to implement a zero-tolerance policy for sexual assaults in correctional facilities, including client-on-client assault and staff-on-client assault.

Sex – A person's anatomical make up, including external genitalia, chromosomes, and reproductive system.

Sexual Abuse –

(a) Sexual activity or voyeurism by one or more persons upon another person who does not consent, is unable to refuse, or is coerced into the act by manipulation, violence, or by overt or implied threats.

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(b) Sexual abuse includes (28 CFR 115.6)

(a) Sexual abuse of an inmate, detainee, or client by another inmate, detainee, or client; and

(b) Sexual abuse of an inmate, detainee, or client by a staff member, contractor, or volunteer.

(c) Sexual abuse of an inmate, detainee, or client by another inmate, detainee, or client includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR § 115.6):

(a) Contact between the penis and the vulva or the penis and anus, including penetration, however slight;

(b) Contact between the mouth and the penis, vulva, or anus;

(c) Penetration, however slight, of the anal or genital opening of another person by a hand, finger, object, or other instrument; and

(d) 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; and

(e) Voyeurism - An invasion of privacy by intentional watching of personal intimate activities such as dressing or undressing, showering, using the toilet to perform bodily functions or other actions of a private nature.

(d) Sexual abuse also includes abuse by an employee, staff member, contractor, or volunteer as follows, with or without consent of the youth (28 CFR 115.6):

(a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(b) Contact between the mouth and the penis, vulva, or anus;

(c) 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;

(d) 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;

(e) 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;

(f) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above;

(g) Any display by staff members, contractors, or volunteers of their uncovered genitalia, buttocks, or breast in the presence of a youth; and

(h) Voyeurism - Actions by staff unrelated to official duties that constitute an invasion of client privacy by watching or taking images of clients engaged in intimate behaviors

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

such as dressing or undressing, showering, using the toilet to perform bodily functions or other actions of a private nature. Voyeurism includes requiring a youth to expose their buttocks, genitals, or breast or taking images of all or part of a youth's naked body when not related to an official duty, e.g., an investigation of sexual abuse by qualified investigators.

Sexual assault – For purposes of this Policy, "sexual assault" encompasses any act defined herein as sexual abuse except voyeurism.

Sexual harassment –

Includes:

(a) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth, detainee, or client directed toward another; and

(b) Repeated verbal comments or gestures of a sexual nature to a youth, detainee, or client 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)

Sexual misconduct – For purposes of this Policy, "sexual misconduct" means sexual abuse or sexual harassment.

Sexualized conversations - Any verbal and non-verbal communication that takes place between people, which includes sexual jokes, innuendos, sexual references, banter in which sexual topics are openly discussed. Sexualized conversations are always inappropriate between staff and client, as these will erode professional boundaries and encourage overfamiliarity. Sexualized conversations can also be "red flags" of a potential problem which may exist between staff and client, or between clients themselves.

Staff - For purposes of the Prison Rape Elimination Act, "staff" includes any paid employee, any contractor, any volunteer, any agency representative who enters and comes to a facility. No staff person can engage in sexual activity with any client.

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

Volunteer – A person who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

Voyeurism – See definitions pertaining to client-on-client and staff-on-client sexual abuse.

Youth – A Client who is detained in or committed to a juvenile facility.

608.2.1 MEDICAL TREATMENT EXCLUSION; ABUSE; REPORTING

(a) The conduct defined in section 608.2 as various forms of sexual abuse and misconduct shall not apply to medical staff engaging in legitimate medical treatment.

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(b) Any incidents of abuse occurring within the compounds of the facility's medical facility shall be referred immediately to the Watch Commander/Supervisor who will notify the facility Division Chief. The Division Chief will, via the chain of command, notify the Ombudsman, Medical Services Program Manager, Quality Assurance Specialist, DCPO, Assistant Chief Probation Officer and the Chief Probation Officer for possible referral to local law enforcement.

(c) Regardless of the identity of the alleged perpetrator(s), collection of forensic evidence for the purpose of prosecution shall be performed by qualified and appropriately trained medical personnel who are not affiliated with the current Probation medical provider. In addition, the victim will be transported to the nearest local hospital that shall perform a thorough medical evaluation.

608.3 PREVENTION PLANNING (28 CFR 115.311 - 28 CFR 115.318)

608.3.1 POLICY (28 CFR 115. 311)

The San Diego County Probation Department has a zero-tolerance regarding sexual abuse and sexual harassment in its facilities. The Department will take appropriate affirmative measures to protect all in-custody clients from (a) sexual abuse and harassment, and (b) retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation. The Department will promptly, thoroughly, and objectively investigate all allegations of sexual abuse and sexual harassment. (28 CFR 115.211; 28 CFR 115.311)

608.3.2 PREA COORDINATOR AND COMPLIANCE MANAGERS

(a) The Chief Probation Officer has appointed a full-time Supervising Probation Officer as the agency-wide PREA Coordinator (Ombudsman) with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all the Department's facilities. (28 CFR 115.311(b))

(b) The Division Chief of each facility operated by the Department has designated a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. (28 CFR 115.311(c))

608.3.2.1 PREA Coordinator (Ombudsman) Duties (28 CFR 115.311(b))

The PREA Coordinator's duties to develop, implement, and oversee agency efforts to comply with the PREA standards in all the Department's facilities include, but are not limited to, the following:

(a) Reviewing all departmental generated Sexual Incident Reports, both allegations and substantiated incidents.

(b) Identifying any policy, training, or other issues related to sexual misconduct that indicate a need for change to better prevent, detect, and/or respond to an incident of abuse.

(c) Ensuring all data is collected, recorded, and submitted. For internal reporting purposes, data shall be submitted through the established chain of command to the Business Intelligence (BI) team and forwarded to the Chief Probation Officer for inclusion in the Department's Annual Report. For external reporting, data shall

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

be submitted annually to the Department of Justice in accordance with applicable reporting requirements.

(d) Working with an independent auditing entity and providing any information as needed.

(e) Responding to and/or reviewing reports of staff-on-youth sexual related incidents, e.g., grievances, sick call slips and verbal reports.

(f) Conducting fact finding on alleged staff-on-youth sexual abuse or sexual harassment.

608.3.2.2 PREA Compliance Manager (28 CFR 115.311(c))

The PREA Compliance Managers' duties to coordinate facility efforts to comply with the PREA standards include, but are not limited to, the following:

(a) Ensuring all clients are provided education regarding sexual abuse/harassment.

(b) Ensuring that the facility has a program for the evaluation, treatment and counseling for victims and sexual perpetrators.

(c) Assisting in the identification and utilization of community resources available for the provision or development of counseling and treatment services for clients.

(d) Reviewing all departmentally generated Sexual Incident Reports, both allegations and substantiated incidents.

(e) Identifying any policy, training, or other issues related to sexual misconduct that indicate a need for change to better prevent, detect, and or respond to an incident of abuse.

(f) Ensuring all data is collected, recorded, and submitted to the PREA Coordinator for the Annual Report and Department of Justice.

(g) Working with an independent auditing entity and providing any information as needed.

(h) Responding and/or reviewing all reports of sexual related incidents, e.g., grievances, sick call slips and verbal reports.

(i) Conducting fact finding on alleged sexual abuse or sexual harassment in coordination with the Watch Commander or Supervising Probation Officer after their initial review.

608.3.3 CONTRACTING WITH OTHER ENTITIES FOR THE CONFINEMENT OF CLIENTS (28 CFR 115.212; 28 CFR 312)

(a) Probation does not contract for the operation of any juvenile facility. The County of San Diego contracts with a private entity to operate a work furlough center (a "community confinement facility") for adult clients.

(b) Any Probation or County of San Diego contract for the confinement of clients with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply applicable provisions in PREA and the implementing regulations, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.287 (28 CFR 115.212(a); 28 CFR 115.312(a)).

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(c) Any new contract or contract renewal shall provide for Department contract monitoring to ensure that the contractor is complying with the PREA standards. (28 CFR 115.212(b); 28 CFR 115.312(b))

608.3.4 SUPERVISION AND MONITORING (28 CFR 115.313)

Probation ensures that each juvenile facility it operates has developed, implemented, and documented a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect clients against sexual abuse.

608.3.4.1 Calculating Staffing Levels

(a) In calculating adequate staffing levels and determining the need for video monitoring, each facility shall take into consideration:

1. Generally accepted juvenile detention and correctional/secure detention practices;
2. Any judicial findings of inadequacy;
3. Any findings of inadequacy from Federal investigative agencies;
4. Any findings of inadequacy from internal or external oversight bodies;
5. All components of the facility's physical plant (including "blind spots" or areas where staff or clients may be isolated);
6. The composition of the client population;
7. The number and placement of supervisory staff;
8. Institution programs occurring on a particular shift;
9. Any applicable State or local laws, regulations, or standards;
10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
11. Any other relevant factors.

608.3.4.2 Deviations From The Staffing Plan (28 CFR 115.313(b))

Each facility shall comply with the staffing plan except during limited and discrete exigent circumstances and shall fully document and justify deviations from the plan during such circumstances.

608.3.4.3 Staffing Ratios (28 CFR 115.313(c))

Each secure juvenile facility shall maintain staff ratios of a minimum of 1:8 during client waking hours and 1:16 during client sleeping hours, except during limited and discrete exigent circumstances, which shall be fully documented. Only security staff shall be included in these ratios.

608.3.4.4 Staffing Plan Assessments (28 CFR 115.313(d))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

Whenever necessary, but no less frequently than once each year and no later than January 30 of each year, for each facility, in consultation with the PREA Coordinator shall assess, determine, and document whether adjustments are needed to:

(a) The staffing plan established pursuant to section 606.6.1

(b) Prevailing staffing patterns;

(c) The facility's deployment of video monitoring systems and other monitoring technologies;

(d) The resources the facility has available to commit to ensure adherence to the staffing plan.

608.3.4.5 Unannounced Rounds (28 CFR 115.313(e))

The Watch Commander or back up watch commander will conduct a minimum of one unannounced round each shift to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night shifts as well as day shifts. Each secure facility shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

608.3.5 LIMITS: CROSS-GENDER VIEWING AND SEARCHES (28 CFR 115.315)

(a) The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. (28 CFR 115.315(a))

(b) The agency shall not conduct cross-gender pat-down searches except in exigent circumstances. (28 CFR 115.315(b))

(c) The facility shall document and justify all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches, conducted pursuant to 608.3.5(a) – (b). Such documentation and justification shall include detailed description of the exigent circumstances pursuant to which the searches were performed (28 CFR 115.315(c))

(d) Clients will be allowed an opportunity to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine room checks. Staff of the opposite gender shall announce their presence at the beginning of each shift. Staff shall also announce before showers that there may be staff of all genders performing safety checks.

(e) Facility staff shall not search or physically examine a transgender or intersex youth for the sole purpose of determining the youth's genital status. If the youth's genital status is unknown, it may be determined during conversations with the youth, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(f) Probation staff are trained in how to conduct cross-gender pat-down searches, and searches of transgender and intersex youth, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

608.3.6 CLIENTS WITH DISABILITIES AND YOUTH WHO ARE LIMITED ENGLISH PROFICIENT (28 CFR 115.316)

(a) It is the policy of the Department that clients with disabilities (including, for example, clients who are deaf or hard of hearing, blind or have low vision, or have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

1. To ensure effective communication with clients who are deaf or hard of hearing an interpreter will be provided by those who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

2. Probation will ensure written materials are provided in formats or through methods that ensure effective communication with clients with disabilities, including youth who have intellectual disabilities, limited reading skills, or who are blind or have low vision. (28 CFR 316 (a))

(b) For those clients who are limited English proficient Probation staff shall provide qualified interpreters to ensure meaningful access to all aspects of Probation's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. (28 CFR 115.316(b))

(c) Probation does not rely on other clients to interpret except in limited circumstances where an extended delay in obtaining an effective Interpreter could compromise the client's safety, the performance of first-response duties or the investigation of the client's allegations. (28 CFR 115.316(c))

608.3.7 HIRING AND PROMOTION DECISION (28 CFR 115.317)

An extensive background investigation to include, but not limited to a criminal background check and a psychological evaluation (for sworn staff only) are conducted prior to the hiring of any new employees.

(a) Probation does not hire or promote anyone, or enlist the services of any contractor who may have contact with youth who:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C.1997);

2. Has been convicted of engaging or attempting 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; or

3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a) (2) of this section. (28 CFR 115.317(a))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(b) In determining whether to hire or promote anyone or enlist the services of any contractor Probation considers any incidents of sexual harassment prior to hiring or promoting the candidate. (28 CFR 115.317(b))

(c) As part of the hiring process, and prior to hiring any new employee, the Probation Department:

1. Conducts a criminal background records check.
2. Consults the State of California child abuse registry.
3. Makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse within Federal, State and Local mandates. (28 CFR 115.317(c))

(d) The Department also performs a criminal background records check and consults applicable child abuse registries, before enlisting the services of any contractor who may have contact with clients. (28 CFR 115.317(d))

1. Service providers contracted by the County ("contractors") to provide services to the Probation Department are required by the terms of their Agreement to (A) conduct annual criminal background checks on any workforce employee who has direct contact with youth or access to secure areas or (B) enroll in a subsequent arrest notification service.
2. .Contractors are required by the terms of their Agreement with the County to (A) comply with this and all Probation Department policies regarding PREA, (B) maintain documentation of such compliance and (C) make such records available to the Department upon request.
3. The assigned Contracting Officer Representative (COR) on any given Agreement subject to the foregoing requirements shall request such compliance documentation at least annually on or about the anniversary of the Agreement or as other circumstances may warrant in the opinion and at the discretion of the Department. The COR shall review the documentation submitted by the contractor and if any potential concerns arise from the documentation as to whether the contractor is complying with section 608.3.7(d)(1), the PREA Coordinator or designee shall be consulted for further action as warranted.

(e) The Department has in place a system for capturing such information for current employees. (See 608.3.7(f) below) (28 CFR 115.317(e))

(f) Probation staff are required to self-report law enforcement contacts. (See 608.3.7.1 below). Additionally, the Department of Justice notifies the Probation Department of any arrest of Probation staff and local law enforcement agencies contact the Department if or when arresting a Probation staff member.

1. During the background check, Probation asks all applicants and employees who may have direct contact with clients about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. When considering promotions employees are

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

asked about previous misconduct and the questions include, but are not limited to:

(a) Have you ever been convicted of engaging or attempting to engage in sexual activity 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?

(b) Have you ever been civilly or administratively adjudicated to have engaged in or attempting to engage in sexual activity 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?

(g) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. (28 CFR 115.317(g))

(h) The Probation Department conforms to all employment laws and regulations when disclosing information about its current and former employees. Upon receiving a request from an institutional employer for whom such employee has applied to work information will be disclosed according to governing laws. (28 CFR 115.317(h))

608.3.7.1 PREA Disclosure

Staff has a continuing affirmative duty to notify the person's chain-of-command in writing if they have (28 CFR 115.217; 28 CFR 115.317):

(a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.

(b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

(c) Been the subject of any civil or administrative adjudication finding that the staff member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

The Department shall ask all employees who may have contact with client to disclose any applicable misconduct during written evaluations or reviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

608.3.8 UPGRADES TO FACILITIES AND TECHNOLOGIES (28 CFR 115. 318)

(a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, Probation shall consider the effect of the design, acquisition, expansion, or modification upon the Probation's ability to protect youth from sexual abuse. (28 CFR 115.318(a))

(b) When installing or updating a video monitoring system, electronic surveillance system or other monitoring technology, Probation shall consider how such technology may enhance the Probation's ability to protect clients from sexual abuse. (28 CFR 115.318(b))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

608.4 RESPONSIVE PLANNING (28 CFR 115.321 - 28 CFR 115.322)

608.4.1 EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMINATIONS (28 CFR 115.321)

(a) When an allegation of sexual abuse is witnessed by staff or reported to Probation, the probation staff member will contact and refer the allegation to local law enforcement with jurisdiction over the facility location for investigation. To the extent the Department investigates allegations of sexual abuse, the Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. (28 CFR 115.321(a)). (See also Policy and Procedure 734 Sexual Assaults.)

(b) The protocol shall be developmentally appropriate for youth and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011. (28 CFR 115.321(b)). Staff shall adhere to the following protocol to maximize the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions:

1. Separate the Victim(s) and the Suspect(s) into isolated rooms;
2. Secure area where the crime occurred, not letting anyone in the area;
3. Contact Chain of Command;
4. Remove victim from the area(s) in which the crime occurred;
5. Notify the Ombudsman via chain of command;
6. Contact local law enforcement agency;
7. If it is necessary to have staff access the area, document their name, time of entry and exit and the purpose of entering the area;
8. Document any items brought in or removed from the area;
9. Victim(s) and Suspect(s) should be discouraged from using the bathroom, washing their hands, changing their clothing or drinking water until after an interview by local law enforcement;
10. Keep Victim(s) and Suspect(s) isolated from all other staff and clients until interviewed by local law enforcement;
11. Seek appropriate medical treatment for victim;
12. Refer Victim(s) and Suspect(s) to mental health services; and
13. Complete a Child Welfare Services referral.
14. When a crime is reported in an untimely fashion, preservation of the crime scene may not be possible and/or necessary. Follow the reporting procedures and assist the investigating local law enforcement agency and Department

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

investigators to the extent the Department is conducting or participating in the investigation.

(c) The Department offers all clients who experience sexual abuse access to forensic medical examinations whether on-site or at an outside facility, without financial cost, where evidentiarily or medically 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 Department shall document its efforts to provide SAFEs or SANEs. (28 CFR 115.321(c)).

(d) The Department shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the Department shall make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member. The Department shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The Department may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services. (28 CFR 115.321(d))

(e) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. (28 CFR 115.321(e))

(f) To the extent the Department itself is not responsible for investigating an allegation of sexual abuse, or if the Department has requested a local law enforcement agency to investigate or participate in the investigation, the Department shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section. (28 CFR 115.321(f))

(g) The requirements of paragraphs (a) - (f) of this section shall also apply to:

1. Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in juvenile facilities; and

2. Any Department of Justice component that is responsible for investigating allegations of sexual abuse in juvenile facilities.

(h) For the purposes of the standards set forth in this section 608.11.1, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. (28 CFR 115.321(h))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

608.4.2 POLICIES TO ENSURE REFERRALS OF ALLEGATIONS FOR INVESTIGATIONS (28 CFR 115.322)

The Probation Ombudsman (PREA Coordinator) shall ensure:

(a) That an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. (28 CFR 115.322(a))

(b) That allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The Department shall publish on its website the Department's policy of referring such allegations to agencies with the legal authority to conduct criminal investigations.

1. The Department shall internally, i.e., not publicly, document all such referrals. (28 CFR 115.322(b))

(c) That if a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the Department and the investigating entity. (28 CFR 115.322(c))

(d) That allegations are documented on grievances, incident reports, Internal Affairs reports or special findings reports, and the PREA Coordinator Investigative report.

(e) That yearly data is posted on the Probation website regarding the number of administrative or criminal investigations completed for all allegations of sexual abuse and sexual harassment.

608.5 TRAINING AND EDUCATION (28 CFR 115.331 - 28 CFR 115. 335)

608.5.1 EMPLOYEE TRAINING (28 CFR 115.335)

(a) All staff who may have contact with clients receive training regarding (28 CFR 115.331(a)):

1. The Probation Department's zero-tolerance policy for sexual abuse and sexual harassment;

2. How to fulfill their responsibilities under Probation's policies and procedures on prevention, detection, reporting and response to sexual abuse and sexual harassment prevention;

3. Client's rights to be free from sexual abuse and sexual harassment;

4. The right of clients and staff 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. Common reactions of juvenile victims of sexual abuse and sexual harassment;

7. How to detect and respond to sexual abuse, distinguish between consensual sexual contact and sexual abuse between clients and signs of threats;

8. How to avoid inappropriate relationships with clients;

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

9. How to communicate effectively and professionally with clients, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming youth;

10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and

11. Relevant laws regarding the applicable age of consent.

(b) The training developed is tailored to the unique needs attributes and sex or the clients. Because all staff work shifts at various facilities, the training is formatted to educate staff in all areas. (28 CFR 115.331(b))

(c) Staff receive training related to the PREA Standards within 90 days of working in the facilities. Refresher training will be conducted every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, staff are provided refresher information on current sexual abuse and sexual harassment policies. (28 CFR 115.331(c))

(d) All training is documented through staff signature or electronic verification. (28 CFR 115.331(d))

608.5.2 VOLUNTEER AND CONTRACTOR TRAINING (28 CFR 115.332)

(a) Prior to any contact with residents, all volunteers and contractors who have contact with residents shall be trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. (Policy 306.4; 28 CFR 115.332(a))

1. 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 agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. (28 CFR 115.332(b))

2. All volunteers and contractors receiving training pursuant to Policy 306.4(a) shall receive refresher training every two years,

(b) The Training Manager shall ensure that the volunteers and contractors receive training and written testing in prevention and intervention techniques, that they have sufficient knowledge to answer any questions the youths may have regarding sexual assault or abuse, and that they are familiar enough with the reporting process to take an initial report of a sexual assault or abuse.

(c) The Training Manager shall be responsible for developing and administering the training required by Policy 306.4.

(d) The Training Manager shall document, through signature or electronic verification, that volunteers and contractors have received and understand the training. (28 CFR 115.332(c))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(e) Professional Standards and Training Division will maintain training records on all those volunteers and contractors receiving training in accordance with procedures developed by the Training Manager.

608.5.3 YOUTH EDUCATION (28 CFR 115.333)

(a) During the intake process, clients receive a brochure explaining the Probation Department's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

(b) Within 10 days of intake, and thereafter through weekly programs clients receive a comprehensive age-appropriate education either in person or through video that includes areas such as their rights to be free from sexual abuse and sexual harassment, to be free from retaliation for reporting such incidents, policies and procedures for responding to such incidents and any other relevant information to assist in preventing, detecting and reporting sexual abuse and sexual harassment as well reading the sexual harassment/sexual misconduct statement. (28 CFR 115.333(b))

(c) Education is provided verbally, and/or in writing and with an interpreter if necessary for all clients, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to clients who have limited reading skills. (28 CFR 115.333(d)

(d) The Probation Department maintains documentation of client participation in these education sessions. (28 CFR 115.333(e))

(e) In addition to providing educational programs each youth receives a brochure and rule book that includes information on their rights to be free from sexual abuse and sexual harassment, how to report and community resources available to them. Facility lobbies prominently display signs informing all who enter the facility of the Probation Department's zero tolerance to sexual abuse and sexual harassment as well as posters in each unit/cottage. (28 CFR 11.333(f))

608.5.4 SPECIALIZED TRAINING: INVESTIGATIONS (28 CFR 115.334)

(a) Although the Probation Department does not currently conduct criminal investigations, Division Chiefs and Supervisors assigned to Institutions, Internal Affairs, PREA Unit staff and staff designated to conduct PREA fact-finding/investigation have received specialized training to ensure the integrity of local law enforcement criminal investigations and how to interview victims of sexual abuse. (28 CFR 115.334(a))

(b) The specialized training includes techniques for interviewing juvenile sexual abuse/ sexual harassment victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. (28 CFR 115.334(b))

(c) Training records are maintained by the Probation Department Training Unit. (28 CFR 115.334(c))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

608.5.5 SPECIALIZED TRAINING: MEDICAL AND MENTAL HEALTH CARE (28 CFR 115.335)

(a) All medical and mental health staff assigned to a juvenile Probation facility receive training in the following areas:

1. How to detect and assess signs of sexual abuse and sexual harassment;
2. How to preserve physical evidence of sexual abuse;
3. How to respond effectively and professional to juvenile victims of sexual abuse and sexual harassment; and
4. How and whom to report allegations or suspicions of sexual abuse and sexual harassment.

(b) Forensic medical examinations are performed in accordance with section 608.11.1(c). Medical staff employed by the Department shall not conduct forensic medical examinations unless and until they have received the appropriate training to conduct such examinations. (28 CFR 115.335(b))

(c) The training required by this section is documented by signature on training rosters maintained by the Training Unit/Ombudsman.

(d) Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.331 or for contractors and volunteers under § 115.332, depending upon the practitioner's status at the agency. (28 CFR 115.335(d))

608.6 SCREENING FOR RISK OF VICTIMIZATION AND ABUSIVENESS (28 CFR 115.341 - 28 CFR 115.342)

608.6.1 OBTAINING INFORMATION FROM CLIENTS (28 CFR 115.341)

(a) Upon intake and prior to assignment to a living unit and periodically throughout a client's confinement, staff obtain and use information about each client's personal history and behavior to reduce the risk of sexual abuse by or upon a client. (28 CFR 115.341(a))

(b) The assessments are conducted using an objective screening instrument. (28 CFR 115.341(b))

(c) Information obtained during the assessment includes:

1. Prior sexual victimization or abusiveness.
2. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the client may therefore be vulnerable to sexual abuse.
3. Current charges and offense history.
4. Age.
5. Level of emotional and cognitive development.
6. Physical size and stature.

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

7. Mental illness or mental disabilities.
8. Intellectual or developmental disabilities.
9. Physical disabilities.
10. Client's own perception of vulnerability.
11. Any other specific information about individual clients that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other youth. (28 CFR 115.341(c))

(d) The information is ascertained through conversations with the client during the intake process and medical/mental health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the client files. (28 CFR 115.341(d))

(e) Any information collected will be disseminated on a right and need to know basis in order to ensure that sensitive information is not exploited to the client's detriment by staff or other youth. (28 CFR 115.341(e))

608.6.2 PLACEMENT OF YOUTH IN HOUSING BED, PROGRAM, EDUCATION AND WORK ASSIGNMENTS (28 CFR 115.342)

(a) All screening for risk of sexual victimization and abusiveness is used in determining housing, bed, program, education, and work assignments for clients with the goal of keeping all clients safe and free from sexual abuse. (28 CFR 115.342(a))

(b) Clients may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other clients safe, and then only until an alternative means of keeping all safe can be arranged. During any period of isolation, clients shall not be denied California Code of Regulations Title 15 requirements, including but not limited to daily large-muscle exercise, work opportunities, programs, free-time, correspondence, and legally required educational programming/special education services. If isolated the client shall receive daily visits from a medical or mental health care clinician. (28 CFR 115.342(b))

(c) If a youth is isolated pursuant to paragraph (b), staff shall clearly document in the Probation Case Management System:

1. The basis for concern for the client's safety; and
2. The reason why no alternative means of separation can be arranged. (28 CFR 115.342(h))

(d) Each week the Division Chief will review the client's segregation file to determine whether there is a continuing need for separation from the general population. (28 CFR 115.342(i))

(e) Lesbian, gay, bisexual, transgender, or intersex clients are not placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor does staff consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive. (28 CFR 115.342(c))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(f) In deciding whether to assign a transgender or intersex client to a male or female unit/cottage, and in making other housing and programming assignments, staff shall consider on a case-by- case basis whether a placement would ensure the client's health and safety, and whether the placement would present management or security problems. (28 CFR 115.342(d)). Serious consideration will be taken regarding the client's own view with respect to their own safety. (28 CFR 115.342(d))

(g) Placement and programming assignments for each transgender or intersex client is reassessed during their confinement at least twice each year to review any threats to safety experienced by the client. (28 CFR 115.342(e))

(h) Transgender and intersex youth shall be given the opportunity to shower and use bathroom facilities separately from other youth. (28 CFR 115.342(g))

(i) A transgender or intersex resident's own views with respect to his or her own safety shall be given serious consideration. (28 CFR 115.342(f))

608.7 REPORTING (28 CFR 115.351 – 28 CFR 115.354)

608.7.1 YOUTH (CLIENT) REPORTING (28 CFR 115.351)

(a) Clients have access to written or verbal communication within the community and facilities in order to easily, privately, and securely report any sexual abuse, retaliation or staff neglect that may have contributed to an incident of sexual abuse (Grievance forms, sick call slips, youth request forms, citizen complaints, and outside agencies).

(b) Clients or their family members can report sexual abuse to any entity within the Probation Department or any outside public entity. (28 CFR 115.351(b))

(c) Staff accept reports made verbally, in writing, anonymously and from third parties. Staff will document any report of sexual abuse/harassment. (28 CFR 115.351(c))

(d) Clients have a variety of ways to report abuse and harassment, including reporting to outside agencies not a part of the Probation Department. Phone numbers and addresses to outside agencies are provided to clients during the intake process. The agencies provided are able to receive and immediately forward client reports of sexual abuse and sexual harassment to agency officials, allowing the clients to remain anonymous upon request. (28 CFR 115.351(b))

(e) Federal hold clients are provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security. (28 CFR 115.351(b))

(f) Staff accept reports made verbally, in writing, anonymously, and from third parties and are required to promptly relay the report to Watch Commander and document any such verbal reports. (28 CFR 115.351(c))

(g) Clients are provided pencils and paper in each unit/cottage. Each unit/cottage has grievance forms in a place where clients can access them without asking. (28 CFR 115.351(d))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(h) Clients can privately report sexual abuse and sexual harassment through the locked grievance, sick call and Chaplain boxes. They may also request to speak to any staff privately to make such a report. (28 CFR 115.351(a)-(e))

608.7.2 EXHAUSTION OF ADMINISTRATIVE REMEDIES (§ 115.352)

(a) The Probation Department does not put a time limit on when a client may submit a grievance regarding any allegations of misconduct including sexual abuse. (28 CFR 115.352(b)(1))

(b) Generally, clients are encouraged to resolve matters at the lowest possible level. However, the Probation Department does not require a client to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. (28 CFR 115.352(b)(3))

(c) 1. Clients may submit a grievance to any staff member in the unit or by placing the grievance in the locked grievance box located in each unit/cottage. All grievances placed in the locked grievance box will be collected by the late-night Watch Commander when conducting late night rounds. (28 CFR 115.351(c)(1))

2. The Watch Commander will follow the grievance protocol as referenced in Institutional Services Manual section 7.4 and Policy and Procedure 610 Youth Grievances and will not refer the grievance to the staff member who is the subject of the complaint. (28 CFR 115.352(c)(2))

(d) 1. A final departmental decision will be made within 90 days of the initial filing of a grievance. (28 CFR 115.352(d)(1))

2. Computation of the 90-day time period shall not include time consumed by youth in preparing any administrative appeal. (28 CFR 115.352(d)(2))

3. The department may claim an extension of up to 70 days to make a final decision. The victim will be notified in writing of any extension and will be provided with a date by which a decision will be made. (28 CFR 115.352(d)(3))

4. At any level of the administrative process, including the final level, if the client does not receive a response within the time allotted for reply, including any properly noticed extension, the client may consider the absence of a response to be a denial at that level. (28 CFR 115.352(d)(4))

(e) 1. Clients are allowed assistance from third parties, including fellow clients, staff members, family members, attorneys, and outside advocates, in filing requests for administrative remedies relating to allegations of sexual abuse. Such third parties are also permitted to file such requests on behalf of clients. (28 CFR 115.352(e)(1))

2. If a third party, other than a parent or legal guardian, files such a request on behalf of a client, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. (28 CFR 115.352(e)(2))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

3. If the client declines to have the request processed on his or her behalf, the client's decision shall be documented in the Probation Case Management System by the PREA Compliance Manager or PREA Coordinator/Ombudsman. (28 CFR 115.352(e)(3))

4. A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a grievance is not conditioned upon the juvenile agreeing to have the request filed on his/her behalf. (28 CFR 115.352(e)(4))

(f) 1. Any person or client is allowed to file an emergency grievance alleging that a client is subject to a substantial risk of imminent sexual abuse. (28 CFR 115.352(f)(1))

2. After receiving an emergency grievance alleging a client is subject to a substantial risk of imminent sexual abuse, the staff shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the watch commander for immediate action. The watch commander shall provide an initial response within 24 hours and shall issue a final decision within 5 calendar days. The initial response and final decision shall be documented as to the determination whether the client is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. (28 CFR 115.352(f)(2))

(g) Staff may discipline a client for filing a grievance related to alleged sexual abuse only when Probation demonstrates the grievance was filed in bad faith. (28 CFR 115.352(g))

608.7.3 YOUTH ACCESS TO OUTSIDE SUPPORT SERVICES AND LEGAL REPRESENTATION (28 CFR 115.353)

(a) Clients are provided access to outside victim advocates for emotional support services related to sexual abuse. Clients are provided a brochure that provides mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, if a person is detained solely for civil immigration purposes, immigration services agencies. The facility shall enable reasonable communication between clients and these organizations and agencies, in as confidential a manner as possible. Additionally, clients who are not citizens of the United States are provided an opportunity to contact their consulate. The Department provides an opportunity for reasonable communication between clients and their consulate in as confidential a manner as possible. (28 CFR 115.353(a))

(b) Staff informs clients, prior to giving them access, of the extent to which such communications are monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. (28 CFR 115.353(b))

(c) The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide clients with confidential emotional support services related to sexual abuse. The agency shall

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

maintain copies of agreements or documentation showing attempts to enter into such agreements. (28 CFR 115.353(c))

(d) All clients have reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians. (28 CFR 115.353(d))

608.7.4 THIRD-PARTY REPORTING (28 CFR 115.354)

(a) Third-party reports of sexual abuse and sexual harassment can be submitted verbally or in writing on behalf of a client:

1. To any staff member in the facility.
2. To the case work probation officer.
3. To the Ombudsman (PREA Coordinator).
4. Compliance Manager.
5. To the Chief Probation Officer.
6. On the Probation Department website.
7. On the County Ethics hotline.

(b) The provisions of paragraph are distributed to the public on the Department's website.

608.8 OFFICIAL RESPONSE FOLLOWING A CLIENT REPORT (28 CFR 115.361 – 28 CFR 115.368)

608.8.1 STAFF AND AGENCY REPORTING DUTIES (28 CFR 115.361)

(a) All staff are required to report immediately to the facility Watch Commander, Supervisor, Division Chief or compliance manager any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual-harassment that occurred in a facility, whether or not it is part of the Department, retaliation against clients or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. (28 CFR 115.361(a))

(b) Probation Officers, medical and mental health personnel and teaching staff are mandated reporters by California law. All staff shall comply with mandatory child abuse reporting laws. (See Definitions: "Mandated Reporters"). (28 CR 115.361(b))

(c) Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff are prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, those having a right and need to know as specified in policy, to make treatment, investigation, and other security and management decisions. (28 CFR 115.361(c))

(d) 1. Medical and mental health practitioners shall report sexual abuse to the facility Division Chief as well as to Child and Family Wellbeing as required by mandated reporting laws.

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

2. Such practitioners are required to inform clients at the initiation of services of their duty to report and the limitations of confidentiality. (28 CFR 115.361(d))

(e) 1. Upon receiving any allegation (including third-party) of sexual abuse, the Division Chief or his/her designee shall promptly report the allegation to the appropriate agency office and to the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified.

2. If the alleged victim is under the guardianship of the Department of Child and Family Well-Being, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.

3. If a juvenile court retains jurisdiction over the alleged victim, the Division Chief or his/her designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.

4. For purposes of paragraph (e)(1) above, "appropriate agency office(s)" may include, but are not limited to:

(a) Child and Family Well-being;

(b) Local law enforcement;

(c) Deputy Chief of Institutional Services;

(d) Probation Department Ombudsman;

(e) Casework Probation Officer;

(f) Social Worker;

(g) Juvenile Justice Commission;

(h) Juvenile Court Presiding Judge; and

(i) Attorney or legal representative of record. Notification to legal representatives shall be completed within 14 days of receiving the allegation. (28 CFR 115.361(e)(1)-(3))

(f) All allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, shall be reported to the facility's designated investigators. (28 CFR 115.361(f))

608.8.2 AGENCY PROTECTION DUTIES (28 CFR 115.362)

When the Probation Department learns that a client is subject to a substantial risk of imminent sexual abuse, staff shall take immediate action to protect the client.

608.8.3 REPORTING TO OTHER CONFINEMENT FACILITIES (28 CFR 115.363)

(a) Upon receiving an allegation that a client was sexually abused while confined at another facility, the Division Chief shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency. (28 CFR 115.363(a))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(b) Such notification shall be provided no later than 72 hours after receiving the allegation. (28 CFR 115.363(b))

(c) The Department shall document the notification in the client's Probation Case Management System file. (28 CFR 115.363(c))

608.8.4 STAFF FIRST RESPONDER DUTIES (28 CFR 115.364)

(a) Upon learning of an allegation that a youth was sexually abused, the first staff member to respond to the report is required to:

1. Separate the alleged victim and abuser;
2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
3. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
4. 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, drinking, or eating. (28 CFR 115.364(a)(1)-(4))

(b) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify sworn Probation staff. (28 CFR 115.364(b))

608.8.5 COORDINATED RESPONSE (28 CFR 115.365)

(a) The Department has developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. Institutions Manual Section Four. (28 CFR 115.365)

(b) The Department's Institutions Manual Section Four (Section 4.6.5) has policies and procedures for preserving the crime scene on any alleged sexual abuse. This includes calling local law enforcement to begin an investigation. Included in the response planning is a referral to a victim advocate. The Department shall coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and the Ombudsman.

(c) When an alleged act of a sexual abuse has occurred, in addition to the first responder actions required by section 608.8.4 above, the Watch Commander shall notify the Department's Ombudsman/PREA coordinator, Division Chief and Deputy Chief of Institutions and the following steps shall be followed to preserve the crime scene and chain of evidence pursuant to Institutional Manuals Section 4 while notifying the Ombudsman via the chain of command:

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

1. Remove victim from the area(s) in which the crime occurred and separate the Victim(s) and the Suspect(s) into isolated rooms to await local law enforcement. Disturb as little as possible in the area where the crime occurred and have as little contact with the victim as possible.
2. Secure the area where the crime occurred and do not let anyone enter in order to preserve the crime scene. Limit all access to the area. If it is necessary to have staff access the area, document their name, time of entry and exit, and the purpose of entering the area. Also document any items brought in or removed from the area.
3. The area where the crime took place is not to be released for regular use until released by local law enforcement.
4. Victim(s) and suspect(s) should be discouraged from using the bathroom, washing their hands, changing their clothing or drinking water until after an interview by local law enforcement.
5. Keep Victim(s) and suspect(s) isolated from all other staff and clients until interviewed by local law enforcement. Staff shall maintain five-minute hall checks on both victim(s) and suspect(s).
6. Seek appropriate medical treatment for victim.
7. Victim(s) and suspect(s) shall be referred for psychological evaluation.

(d) A crime may be reported, revealed or discovered after a period of time has passed such that 'preservation of the crime scene' is no longer possible. In such cases, reporting procedures shall be followed and investigation efforts assisted.

(e) The Department has developed/shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

608.8.6 PRESERVATION OF ABILITY TO PROTECT YOUTH FROM CONTACT WITH ABUSERS (28 CFR 115.366)

(a) The Department has not entered into an agreement with any collective bargaining unit that limits Probation's ability to remove alleged staff sexual abusers from contact with youth pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. (28 CFR 115.366(a); 28 CFR 115.366(b)(1))

(b) 1. The Department has entered into agreements that govern the conduct of the disciplinary process that are not inconsistent with sections 28 CFR 115.372 and 28 CFR 115.376. (28 CFR 115.366(b)(1))

2. Agreements into which the County has entered allow (or will allow), at the discretion of the Department, the inclusion of no-contact assignments in the staff personnel file following a determination that the allegation of sexual abuse is not substantiated. (28 CFR 115.366(b)(2))

(c) All investigations of staff-on-youth allegations are maintained by the Internal Affairs unit and review of the records is restricted.

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

608.8.7 AGENCY PROTECTION AGAINST RETALIATION (28 CFR 115.367)

(a) All youth and staff who report sexual abuse or harassment or cooperate with sexual abuse or sexual harassment investigation are protected from retaliation by other youth or staff. The Division Chief, Supervisor and/or PREA Compliance Manager of the facility are charged with monitoring clients to ensure there is no retaliation and the Department Human Resource Manager will monitor staff to ensure there is no retaliation. (28 CFR 115.367(a))

(b) In order to protect youth and staff the facility manager will employ protection measures, including determining the need for housing, transfers, imposing no-contact orders, offering emotional support services for youth or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. (28 CFR 115.367(b))

(c) For at least 90 days following a report of sexual abuse, the Department will monitor the conduct and treatment of clients and staff who reported the sexual abuse and of clients who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by youth or staff and shall act promptly to remedy any such retaliation. Items monitored include status of the client, client disciplinary reports, housing, program changes, or negative performance reviews or reassignments of staff. The Probation Department will continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. (28 CFR 115.367(c); 28 CFR 115.367(d))

(d) If any individual who cooperates with an investigation expresses a fear of retaliation, the Department will take appropriate measures to protect that individual against retaliation. (28 CFR 115.367(e))

(e) The Department's obligation to monitor shall terminate if the Probation Department determines that the allegation is unfounded. (28 CFR 115.367(f))

608.8.8 POST-ALLEGATION PROTECTIVE CUSTODY (28 CFR 115.368)

(a) Any use of segregated housing to protect a client who is alleged to have suffered sexual abuse shall be subject to the requirements of section 608.6.2 above and 28 CFR 115.342. If the Division Chief of the facility determines a need to use segregated housing to protect an client who is alleged to have suffered sexual abuse the Division Chief shall ensure the client is isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other clients safe, and then only until an alternative means of keeping all clients safe can be arranged. During any period of isolation, clients shall not be denied California Code of Regulations Title 15 requirements, including but not limited to daily large-muscle exercise, work opportunities, programs, free- time, correspondence, and legally required educational programming/special education services. If isolated the client shall receive daily visits from a medical or mental health care clinician.

608.9 INVESTIGATIONS (28 CFR 115.371 - 28 CFR 115.373)

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

608.9.1 CRIMINAL AND ADMINISTRATIVE AGENCY INVESTIGATION (28 CFR 115.371)

(a) The Department's investigations into allegations of sexual abuse and sexual harassment, shall be performed promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. (28 CFR 115.371(a))

(b) Where sexual abuse is alleged, the Department uses investigators who have received special training in sexual abuse investigations involving juvenile victims pursuant to section 608.5.4 above and 28 CFR 115.334. (28 CFR 115.371(b))

(c) Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. (28 CFR 115.371(c))

(d) The Department shall not terminate an investigation solely because the source of the allegation recants the allegation. (28 CFR 115.371(d))

(e) When the quality of evidence appears to support criminal prosecution, the Department shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. (28 CFR 115.371(e))

(f) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as client or staff. The Department or any other investigating agency shall not require a client who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation. (28 CFR 115.371(f))

(g) Administrative investigations (28 CFR 115.371(g)):

1. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and

2. Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

(h) Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. (28 CFR 115.371(h))

(i) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution. (28 CFR 115.371(i))

(j) The agency shall retain all written reports referenced in paragraphs (g) and (h) of this section 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 client and applicable law requires a shorter period of retention. (28 CFR 115.371(j))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(k) The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation. (28 CFR 115.371(k))

(l) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation. (28 CFR 115.371(m))

608.9.2 EVIDENTIARY STANDARD FOR ADMINISTRATIVE INVESTIGATORS (28 CFR 115.372)

For administrative findings the Probation Department uses a preponderance of evidence standard in determining whether allegations of sexual abuse or sexual harassment are substantiated.

608.9.3 REPORTING TO YOUTH (28 CFR 115.373)

(a) Following an investigation into allegation(s) of sexual abuse suffered in a Department facility, the Department informs the client(s) as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. (28 CFR 115.373(a))

(b) If the Department did not conduct the investigation, the Department will request the relevant information from the investigative agency in order to inform the client. (28 CFR 115.373(b))

(c) Following a client's allegation that a staff member has committed sexual abuse against the client, the Probation Department subsequently informs the client (unless the Probation Department has determined the allegation is unfounded) whenever (28 CFR 115.373(c)):

1. The staff member is no longer posted within the client's unit;
2. The staff member is no longer employed at the facility;
3. The Probation Department learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
4. The Probation Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

(d) Following a client's allegation that he or she has been sexually abused by another client, the Probation Department informs the alleged victim whenever (28 CFR 115.373(d)):

1. The Probation Department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
2. The Probation Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

(e) All such notifications or attempted notifications are documented in the client's Probation Case Management record. (28 CFR 115.373(e))

(f) The Probation Department's obligation to report under this standard terminates if the client is released from the custody. (28 CFR 115.373(f))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

608.10 DISCIPLINE (28 CFR 115.376 - 28 CFR 115.378)

608.10.1 DISCIPLINARY SANCTIONS FOR STAFF (28 CFR 115.376)

(a) Staff are subject to disciplinary sanctions up to and including termination for violating sexual abuse or sexual harassment policies. (28 CFR 115.376(a))

(b) Termination is the presumptive disciplinary sanction for staff who has engaged in sexual abuse. (28 CFR 115.376(b))

(c) Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. (28 CFR 115.376(c))

(d) All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. (28 CFR 115.376(d))

608.10.2 CORRECTIVE ACTION FOR CONTRACTORS AND VOLUNTEERS (28 CFR 115.377)

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with clients and shall be reported to law enforcement agencies and shall be denied access to any probation facility. Any contractor or volunteer who engages in sexual harassment may be prohibited from contact with clients and denied access to any probation facility.

608.10.3 INTERVENTIONS AND DISCIPLINARY SANCTIONS FOR CLIENTS (28 CFR 115.378)

(a) Once there is an administrative finding that a client engaged in client-on-client sexual abuse or following a true finding for client-on-client sexual abuse, a client may be subject to disciplinary sanctions only pursuant to a formal disciplinary process. (28 CFR 115.378(a))

(b) Disciplinary sanctions shall be commensurate with the nature and circumstances of the abuse committed, the client's disciplinary history, and the sanctions imposed for comparable offenses by other clients with similar histories. In the event a disciplinary sanction results in the isolation of a client, staff shall not deny the client daily large-muscle exercise or access to any legally required educational programming or special education services. Clients in isolation shall receive daily visits from a medical or mental health care clinician. Clients shall also have access to other programs and work opportunities to the extent possible. (28 CFR 115.378(b))

(c) The disciplinary process shall consider whether a client's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. (28 CFR 115.378(c))

(d) The Division Chief or designee shall consider whether to offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

for the abuse to the client. The Division Chief or designee may require participation in such interventions as a condition of access to any rewards-based behavior management system or other behavior-based incentives, but not as a condition to access to general programming or education. (28 CFR 115.378(d))

(e) The Division Chief or designee may discipline a client for sexual contact with staff only upon a finding that the staff member did not consent to such contact. (28 CFR 115.378(e))

(f) For the purpose of disciplinary action, 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. (28 CFR 115.378(f))

(g) Sexual activity is prohibited in Department facilities. The Division Chief or designee may discipline clients for such activity. However, such activity does not constitute sexual abuse if it is determined the activity is not coerced. (28 CFR 115.378(g))

608.11 MEDICAL AND MENTAL HEALTH CARE (28 CFR 115.381 - 28 CFR 115.383)

608.11.1 MEDICAL AND MENTAL HEALTH SCREENINGS; HISTORY OF SEXUAL ABUSE (28 CFR 115.381)

(a) If the screening pursuant to section 608.6.1 above and 28 CFR 115.341 indicates that a client has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the client is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

(b) If the screening pursuant to section 608.6.1 above and 28 CFR 115.341 indicates that a client has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure the youth is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

(c) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans, security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

(d) Medical and mental health practitioners shall obtain informed consent from youth before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the youth under the age of 18.

608.11.2 ACCESS TO EMERGENCY MEDICAL AND MENTAL HEALTH SERVICES (28 CFR 115.382)

(a) Clients who are victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. (28 CFR 115.382(a))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim pursuant to § 115.362 and shall immediately notify the appropriate medical and mental health practitioners. (28 CFR 115.382(b))

(c) Clients who are victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. (28 CFR 115.382(c))

(d) Treatment services are 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 115.382(d))

608.11.3 ONGOING MEDICAL AND MENTAL HEALTH CARE FOR SEXUAL ABUSE VICTIMS AND ABUSERS (28 CFR 115.383)

(a) The facility offers medical and mental health evaluations and treatment to all youth who have been victimized by sexual abuse as appropriate. (28 CFR 115.383(a))

(b) The evaluation and treatment of such victims includes, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. (28 CFR 115.383(b))

(c) All medical and mental health services provided are consistent with the community level of care. (28 CFR 115.383(c))

(d) Clients who are victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. (28 CFR 115.383(d))

(e) If pregnancy results from conduct specified in paragraph d of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy related medical services. (28 CFR 115.383(e))

(f) Clients who are victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. (28 CFR 115.383(f))

(g) Treatment services are 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 115.383(g))

(h) The facility attempts to conduct a mental health evaluation of all known client-on-client abusers within 60 days of learning of such abuse history and offers treatment when deemed appropriate by mental health practitioners. (28 CFR 115.383(h))

608.12 DATA COLLECTION AND REVIEW

608.12.1 SEXUAL ABUSE INCIDENT REVIEWS (28 CFR 115.386)

(a) The Probation Department conducts a review of all sexual abuse incidents at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(b) The review shall ordinarily occur within 30 days of the conclusion of the investigation.

(c) The review team shall include the Ombudsman, the Deputy Chief Probation Officer, facility Division Chief, a Supervisor, an Internal Affairs Probation Officer, the medical program manager/assistant manager and a mental health provider.

(d) The review team shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. Consider whether the incident or allegation was motivated by race; ethnicity, gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
6. Prepare a report of its findings and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.
7. The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.

608.12.2 DATA COLLECTION (28 CFR 115.387)

(a) The Probation Department collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. (28 CFR 115.387(a))

(b) The Probation Department aggregates the incident-based sexual abuse data at least annually. (28 CFR 115.387(b))

(c) The incident-based data collected includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (Survey of Sexual Victimization) conducted by the Department of Justice. (28 CFR 115.387(c))

(d) The Probation Department maintains, reviews, and collects data as needed from all available incident-based documents, including reports, grievances, investigation files, and sexual abuse incident reviews. (28 CFR 115.387(d))

(e) Data collected include the number of…

DOJ Survey of Sexual Victimization Item 7

1. Youth-on-Youth Sexual Abuse Allegations

DOJ Survey of Sexual Victimization Item 8

2. Substantiated Youth-on-Youth Sexual Abuse Allegations

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

3. Unsubstantiated Youth-on-Youth Sexual Abuse Allegations

4. Unfounded Youth-on-Youth Sexual Abuse

5. Investigation Ongoing Youth-on-Youth Sexual Abuse Allegations

DOJ Survey of Sexual Victimization Item 10

6. Youth-on-Youth Sexual Harassment Allegations

DOJ Survey of Sexual Victimization Item 11

7. Substantiated Youth-on-Youth Sexual Harassment Allegations

8. Unsubstantiated Youth-on-Youth Sexual Harassment Allegations

9. Unfounded Youth-on-Youth Sexual Harassment Allegations

10. Investigation Ongoing Youth-on-Youth Sexual Harassment Allegations

DOJ Survey of Sexual Victimization Item 13

11. Staff/Collaborative Staff Sexual Abuse on Youth

DOJ Survey of Sexual Victimization Item 14

12. Substantiated Staff/Collaborative Staff Sexual Abuse on Youth

13. Unsubstantiated Staff/Collaborative Staff Sexual Abuse on Youth

14. Unfounded Staff/Collaborative Staff Sexual Abuse on Youth

15. Investigation Ongoing Staff/Collaborative Staff Sexual Abuse on Youth

DOJ Survey of Sexual Victimization Item 16

16. Staff/Collaborative Staff Sexual Harassment on Youth

DOJ Survey of Sexual Victimization Item 17

17. Substantiated Staff/Collaborative Staff Sexual Harassment on Youth

18. Unsubstantiated Staff/Collaborative Staff Sexual Harassment on Youth

19. Unfounded Staff/Collaborative Staff Sexual Harassment on Youth

20.. Investigation Ongoing Staff/Collaborative Staff Sexual Harassment on Youth

f. Upon request the Probation Department shall provide all such data from the previous calendar year to the Department of Justice no later than June 30 of each year. (28 CFR 115.387(f))

608.12.3 DATA REVIEW FOR CORRECTIVE ACTION (28 CFR 115.388)

(a) All data collected and aggregated pursuant to section 608.12.2 and 28 CFR 115.387 by the Probation Department is reviewed in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

1. Identifying problem areas;
2. Taking corrective action on an ongoing basis;
3. Preparing an annual report of its findings and corrective actions.

(b) Such report includes a comparison of the current year's data and corrective actions with those from prior years and an assessment of the Probation Department's progress in addressing sexual abuse.

(c) The Probation Department's report is approved by the Chief Probation Officer and made readily available to the public through its website.

(d) Information may be redacted from reports when publication would present a clear and specific threat to the safety of the facility but the Department shall indicate the nature of the material redacted.

608.12.4 DATA STORAGE, PUBLICATION AND DESTRUCTION (28 CFR 115.389)

(a) All data collected is securely maintained by the Probation Department. (28 CFR 115.389(a))

(b) All aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, is published annually on the Probation Department website. (28 CFR 115.389(b))

(c) All aggregated sexual abuse data made publicly available has all personal identifiers removed. (28 CFR 115.389(c))

(d) All sexual abuse data collected pursuant to 608.12.2 above and 28 CFR 115.387 is available for at least 10 years after the date of its initial collection unless Federal, State, or local law requires otherwise. (28 CFR 115.389(d))

608.13 AUDITING AND CORRECTIVE ACTION

608.13.1 SCOPE OF AUDITS (28 CFR 115.401)

(a) An audit will be conducted on each custodial juvenile facility operated by the Probation Department once every three years. (28 CFR 115.393; 28 CFR 115.401(a))

(b) During each one-year period starting on August 20, 2013, the agency shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited. (28 CFR 115.401(b))

(c) If The Department of Justice has reason to believe that a particular facility may be experiencing problems relating to sexual abuse it may send a recommendation to the Probation Department for an expedited audit. The recommendation may also include referrals to resources that may assist the facility with PREA-related issues. (28 CFR 115.401(c))

(d) The audit will be conducted using the latest audit instrument developed and issued by the Department of Justice that provides guidance on the conduct and contents of the audit. (28 CFR 115.401(d))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

(e) It is the responsibility of the Probation Department to demonstrate compliance with the standards. (28 CFR 115.401(e))

(f) The audit will consist of a review of all relevant Probation Department policies, procedures, reports, internal and external audits, and accreditations for each facility. (28 CFR 115.401(f)).

(g) The audits shall review at a minimum a sampling of relevant documents and other records and information for the most recent one-year period. (28 CFR 115.401(g))

(h) The Probation Department shall ensure the auditor has access to all areas of the audited facilities.

(i) The Probation Department will provide the auditor copies of any relevant documents (including electronically stored information including video). (28 CFR 115.401(i))

(j) The Department requires its contracted auditor to retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request. (28 CFR 115.401(j))

(k) The Department will provide access to clients, staff, supervisors, and administrators for interviews. (28 CFR 115.401(k))

(l) The Department will provide the auditor with a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited. (28 CFR 115.401(l))

(m) The Probation Department will provide private rooms to the auditors to conduct interviews. (28 CFR 115.401(m))

(n) Clients are permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

(o) The Department shall facilitate auditor communication with community-based or victim advocates who may have insight into relevant conditions in the facility.

608.13.2 AUDITOR QUALIFICATIONS (28 CFR 115.402)

(a) Audits shall be conducted by an auditing entity certified by the Department of Justice. (28 CFR 115.401(a); 28 CFR 115.401(b))

(b) The Department shall not have an audit conducted by an auditor who has received financial compensation from the agency being audited (except for compensation received for conducting prior PREA audits) within the three years prior to the agency's retention of the auditor. (28 CFR 115.401(c))

(c) The Probation Department shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the Probation Department retention of the auditor, with the exception of contracting for subsequent PREA audits. (28 CFR 115.401(d))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

608.13.3 AUDIT CONTENTS AND FINDINGS (28 CFR 115.403)

a. The audit will include a certification by the auditor that no conflict of interest exists with respect to their ability to conduct the Probation Department. (28 CFR 115.401(a))

b. The audit report shall state whether the Probation Department policies and procedures comply with relevant PREA standards. (28 CFR 115.401(b))

c. For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings (28 CFR 115.401(c)):

(a) Exceeds Standard (substantially exceeds requirement of standard);

(b) Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period);

(c) Does Not Meet Standard (requires corrective action).

The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.

d. Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility and shall include recommendations for any required corrective action. (28 CFR 115.401(d))

e. All auditors are required to redact any personally identifiable client and staff information from their reports. (28 CFR 115.401(e))

f. The final report is published on the Probation Department website within 90 days of receipt. (28 CFR 115.401(f))

608.13.4 AUDIT CORRECTIVE ACTION PLAN (28 CFR 115.404)

(a) A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180–day corrective action period. (28 CFR 115.401(a))

(b) The auditor and the Department shall jointly develop a corrective action plan to achieve compliance and correct all "Does Not Meet Standard Findings" within the 180-day corrective action period. (28 CFR 115.401(b))

(c) The auditor shall verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of a facility. (28 CFR 115.401(c))

(d) After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action. (28 CFR 115.401(d))

(e) If the Probation Department does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that is has achieved compliance. (28 CFR 115.401(e))

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

608.13.5 AUDIT APPEALS (28 CFR 115.405)

(a) Should the Probation Department disagree with the audit finding the Probation Department may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal will be lodged within 90 days of the auditor's final determination. (28 CFR 115.405(a))

(b) If the Department of Justice determines that Probation has stated good cause for a re-evaluation, the Probation Department may commission a re-audit by an auditor mutually agreed upon by the Department of Justice and the Probation Department and the agency. The Probation Department shall bear the costs of this re-audit. (28 CFR 115.405(b))

(c) The findings of the re-audit shall be considered final.

608.14 STATE COMPLIANCE (28 CFR 115.501)

608.14.1 STATE DETERMINATION AND CERTIFICATION OF FULL COMPLIANCE (28 CFR 115.501)

(a) In determining pursuant to 42 U.S.C. 15607(c) (2) whether the State is in full compliance with the PREA standards, the Governor shall consider the results of the most recent agency audits. (28 CFR 115.501(a))

(b) The Governor's certification shall apply to all facilities in the State under the operational control of the State's executive branch, including facilities operated by private entities on behalf of the State's executive branch.

608.15 REFERENCES

Date Last Reviewed	12/22/2025
Date(s) Revised	11/14/2017 and 12/22/2025
Policy and Procedure References	Policy and Procedure 734 Sexual Assaults Institutions Manual Section Four (Section 4.6.5)

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department

Prison Rape Elimination Act

Attachments/Links	28 CFR 115.501 42 U.S.C. 15607 28 CFR 115.405 28 CFR 115.401 28 CFR 115.402 28 CFR 115.403 28 CFR 115.387 28 CFR 115.389 28 CFR 115.393 28 CFR 115.341 28 CFR 115.6 28 CFR 115.366 28 CFR 115.367 28 CFR 115.335 28 CFR 115.382 28 CFR 115.373 28 CFR 115.342 28 CFR 115.351 28 CFR 115.352 28 CFR 115.353 28 CFR 115.361 28 CFR 115.363 28 CFR 115.364 28 CFR 115.365 28 CFR 115.342 28 CFR 115.371 28 CFR 115.334

Copyright Lexipol, LLC 2026/02/13, All Rights Reserved.
Published with permission by San Diego County Probation Department