

CHESTERFIELD COUNTY SHERIFF'S OFFICE

SUBJECT PRISON RAPE ELIMINATION ACT		BOC STANDARD N/A	PAGE NO. 1 of 12
EFFECTIVE DATE 12-29-14	REVISED DATE 4-19-16	APPROVED: <i>Maj. W.B. Craft</i>	

STANDARD OPERATING PROCEDURE

The Sheriff's Office has a zero tolerance policy with regard to sexual abuse, sexual threats, and staff voyeurism. All sexual conduct, including sexual contact, is prohibited. All allegations of sexual abuse, sexual threats, and sexual contact with or without consent or staff voyeurism will be promptly and thoroughly investigated. The classification lieutenant is charged with the responsibility of all Prison Rape Elimination Act compliance issues for the Chesterfield County Sheriff's Office.

Sexual conduct by an employee with a person committed to the custody of the Chesterfield Sheriff's Office whether it occurs inside the jail, during transportation, outside of the jail or at any other time during an inmate's custody, is strictly prohibited. An employee who engages in sexual conduct, including sexual contact with an inmate is subject to termination.

The Chesterfield Sheriff's Office further prohibits employees from indulging in an undue familiarity with inmates or permitting undue familiarity on the part of the inmate toward themselves, regardless of marital status. Any sexual abuse of an inmate by a staff member will result in severe disciplinary action and will be prosecuted to the fullest extent of the law. Employees also face registration as a sex offender and may be held financially liable and not indemnified by Chesterfield County or the Chesterfield Sheriff's Office if sued as a result of their actions.

Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and shall be reported to the proper law enforcement agency, unless the activity was clearly not criminal, and to relevant licensing bodies. The department will take appropriate remedial measures, and will consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment by a contractor or volunteer.

Additionally, inmate rules prohibit an inmate from engaging in or soliciting a sexual act with another inmate, whether voluntary or coerced. Inmates who are observed engaging in this activity will be ordered to cease their activity and violations will be imposed for both parties. Inmates who engage in sexual abuse herein defined below will be arrested and referred for prosecution as well as disciplinary action.

All employees are responsible for being alert to signs of potential situations in which sexual abuse might occur and signs of victimization. While conducting security checks,

employees of the opposite sex are required to announce their presence when entering an inmate housing unit.

On a yearly basis, the jail administrator and security captain, in collaboration with the PREA Coordinator, will review the staffing plan to make adjustments as needed to ensure adequate levels of staffing are available to protect inmates against abuse.

A. Purpose:

The purpose of this policy is to prevent inmate-on-inmate and employee-on-inmate sexual abuse and sexual threats, detect and respond to allegations of sexual abuse, sexual threats, and employee voyeurism. This includes prompt and effective intervention to address the safety and treatment needs of an inmate victim; to discipline and prosecute those who commit such acts of sexual abuse, sexual threats, or employee voyeurism; and to set forth the duty of all employees to report and allegations, actual knowledge, or reasonable belief concerning any incident of sexual abuse, threats, or employee voyeurism, or the existence of an inappropriate relationship between an employee and an inmate.

B. Definitions:

1. Employee—any person who is permitted entry into the Chesterfield County Jail pursuant to their duties as an employee of any government agency, volunteer, or under contractual arrangement with a government agency.
2. Sexual Conduct—sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.
3. Sexual Contact—any touching of the sexual or other intimate parts of a person with or without consent for the purpose of gratifying sexual desire of either party. NOTE: “sexual contact” does not include touching of the intimate parts of another person during the performance of a personal search in accordance with Sheriff’s Office procedures or during a medical examination by health care staff for the proper medical purpose.
4. Sexual Violence—contact with any person with or without their consent or of a person who is unable to consent or refuse and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
5. Staff-on-Inmate Sexual Abuse—when an employee engages in sexual conduct, including sexual contact, with an inmate; is a form of “Prison Rape” under the Prison Rape Elimination Act of 2003, 42 U.S.C. § 15609.
6. Inmate-on-Inmate Sexual Abuse—when one or more inmates engage in sexual conduct, including sexual contact with another inmate against their will or by use of threat, intimidation, or other coercive action. Inmate-on-inmate sexual abuse is a form of “Prison Rape” under the Prison Rape Elimination Act of 2003, 42 U.S.C. § 15609.

7. Attempt to Commit Sexual Abuse-when a person engages in conduct which tends to effect the commission of sexual conduct, including sexual contact.
8. Sexual Threat-any spoken, written, or other threat to engage in sexual conduct forcibly or against a person's will.
9. Staff Voyeurism-the intentional or surreptitious viewing, broadcasting, or recording of an inmate dressing or undressing or of the sexual or other intimate parts of such inmate for the purpose of sexual arousal or sexual gratification, amusement, entertainment, profit or for the purpose of degrading or abusing a person.

NOTE: "Staff Voyeurism" does not include the viewing of the sexual or other intimate parts of another person during a personal search in accordance with Chesterfield Sheriff's Office procedures or inadvertently or accidentally during tours while assigned to Sheriff's Office security camera systems, during the performance of other official duties; or during a medical examination by health care staff for a proper medical purpose.

C. Employee Duty to Report

1. This procedure directs all employees, regardless of title, have a duty to report any sexual contact, sexual abuse, sexual threat, staff voyeurism, or information regarding inappropriate relationships between an employee and inmate. Such duty to report will include any allegations, knowledge or reasonable belief regarding such conduct.
2. Staff will report any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
3. All allegations are to be reported regardless of whether supported by medical evidence.
4. Any employee who fails to report such information may be subject to disciplinary action.
5. Staff can privately report sexual abuse and sexual harassment of inmates by submitting an anonymous statement to Professional Standards for investigation.
6. Staff will report any concern for assessment to the PREA Coordinator of any changes in an inmate's risk. The PREA Coordinator along with a medical professional will reassess the inmate's risk of victimization.

D. Procedures

1. Reporting (in general)

- a. An employee who receives any allegation or information that an inmate is the victim of an incident of sexual abuse, sexual threats, or staff voyeurism must be aware of the sensitive nature of the situation. The inmate must be treated with due consideration for the effects of sexual abuse. Confidentiality is a must and information will only be relayed for investigative purposes.
- b. No reprisals of any kind will be taken against an inmate or employee for good faith reporting of such an incident.
- c. Staff shall accept reports made verbally, in writing, anonymously and from third parties. All verbal reports will be documented promptly once received.
- d. Staff is required to report abuse immediately. However, abuse may also be reported anonymously to the Internal Affairs Unit or notifying the PREA Coordinator.
- e. When staff learns that an inmate is subject to a substantial risk of imminent sexual abuse, they shall take immediate action to protect the inmate.
- f. There will be no disciplinary action taken against an inmate for refusing to answer or for not fully disclosing information to questions regarding mental or physical disability, sexual identity, sexual preference, sexual victimization, or own perception of vulnerability.

2. Staff-on-Inmate Sexual Abuse, Sexual Threats, or Sexual Voyeurism

- a. Whenever an employee receives any allegation or information regarding employee-on-inmate sexual abuse, sexual threats, and sexual contact with or without consent or sexual voyeurism, they must immediately notify shift supervisor/commander and no one else and await further instructions. The shift supervisor/commander will immediately notify the classification lieutenant or his designee. During off-hours, the shift supervisor/commander will call the classification lieutenant or his designee who will then make proper notification to the Sheriff's Office Administration and Sheriff's Office Investigative Unit. Staff will await instructions from the Sheriff's Office Administration regarding further action such as completion of a CSO-1 Incident Report, opening of an RMS report, establishment of the crime scene, referral to medical and mental health services and housing the complainant. (See ADM.18.01-06; PER.08.01-03 Internal Investigations and OPR.02.01-04; OPR.03.01-02; OPR.03.04; OPR.14.01, Preliminary/Follow-Up Criminal Investigations.)

- b. If it is determined, through a preliminary investigation conducted by the Sheriff's Office Investigative Unit, that a criminal offense has occurred such as rape, sodomy or any other criminal sexual conduct or attempts, the Sheriff's Office Investigative Unit will forward the information to the Chesterfield County Police Department who will handle the criminal investigation. (See OPR.02.01-04; OPR.03.01-02; OPR.03.04; OPR.14.01, Preliminary/Follow-Up Criminal Investigations). The preliminary investigation by the Sheriff's Office Investigative Unit will be conducted promptly, thoroughly, and objectively for all allegations including third-party and anonymous reports. This investigation will include an effort to determine whether staff actions or failure to act contributed to the offense, description of the physical and testimonial evidence, reasoning behind credibility assessments, and investigative facts and findings.
- c. No standard higher than a preponderance of the evidence will be imposed in determining whether allegations of sexual abuse or sexual harassment are substantiated.
- d. No statements will be taken from inmates or employees unless otherwise directed by the lead detective of the Chesterfield Police Department.
- e. The shift supervisor/commander will ensure that the victim is separated from the alleged perpetrator and brought to medical for both physical and mental evaluation.

NOTE: When the subject of the allegation is the shift supervisor/commander, notification will be made directly to the sheriff or designee.

NOTE: All other allegations involving employee misconduct, conflict of interest or criminality will be reported to the shift supervisor/commander and/or the Professional Standards Unit by the employee involved.

- f. The department will cooperate with investigations conducted by the Chesterfield Police Department and will remain informed about the progress of the investigation.
 - g. All reports associated with the allegation will be retained for as long as the alleged abuser is incarcerated or is employed by the department plus five years.
3. Inmate-on-Inmate Sexual Abuse or Sexual Threat
- a. Whenever an employee knows, suspects or receives an allegation from any source regarding inmate-on-inmate sexual abuse or sexual threats, the employee will immediately separate the alleged victim

and abuser. If the employee is non-sworn staff, they will immediately call for security.

- b. The employee will preserve the crime scene and notify the shift supervisor/commander.
 - c. The employee will prohibit the alleged abuser from any action that could destroy physical evidence such as washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating. They should discourage the alleged victim from showering, washing, bathing, douching, drinking, eating, changing clothing, or using the bathroom until examined by a physician.
 - d. The shift supervisor/commander will interview the victim and witnesses about the alleged sexual assault when possible to determine what type of criminal offense or jail violation, if any, has occurred.
 - e. The shift supervisor/commander will ensure that a CSO-1 Incident Report is completed and all pertinent information is obtained, noting who, what, where, when, and how, name of reporting deputy and inmate numbers of all of the inmates involved (if applicable) and the sexual assault allegedly committed.
 - f. The shift supervisor/commander will ensure that the inmate is immediately escorted to medical for an evaluation and/or transport to St. Mary's Hospital for forensic examination.
 - g. No interviews will be conducted with any suspects (inmate or employee) unless otherwise directed by the Professional Standards Unit or designee.
4. Evidence Collection-Crime Scenes-Sex Crimes
- a. In all instances of crime scenes related to sex crimes:
 - 1) Staff should use extreme caution when handling evidence and should do so only when instructed by the Professional Standards Unit or the Chesterfield Police Department.
 - 2) When possible, the use of latex gloves (to prevent fingerprints) and or instruments should be used in the minimal handling of all evidence.
 - 3) Staff should make every attempt to minimize the handling of all evidence to avoid cross contamination.
 - 4) All crime scenes will be processed by the Chesterfield Police Department.

b. Evidence Collections-Crime Scenes-General

- 1) In instances where it has been determined that a crime scene is required, a crime scene will be established. (See OPR.02.01-04; OPR.03.01-02; OPR.03.04; OPR.14.01, Preliminary/Follow-Up Criminal Investigations.)

E. Medical

Applicable to both staff-on-inmate and inmate-on-inmate sexual abuse incidents.

1. The medical provider will prepare a consultation and refer the inmate to St. Mary's Hospital for assessment of the patient and determination whether a forensic evaluation and rape kit is required.
2. The Chesterfield Police Department will coordinate the collection and preservation of this evidence.

NOTE: The critical component of a sexual abuse case is the collection of physical evidence. To avoid the loss of crucial evidence, the alleged victim should be discouraged from showering, washing, bathing, douching, drinking, eating, changing clothing, or using the bathroom until examined by a physician.

F. Mental Health Evaluation

1. Upon completion of the inmate's physical examination by the local hospital and upon return to the jail, a mental health evaluation will be performed to determine the potential for suicide ideation and/or the need for more in-depth psychiatric intervention or treatment. At this time, the mental health clinician will determine whether the inmate may require crisis intervention counseling, and will ensure that it is provided, if it is deemed necessary.
2. All inmates who make a sexual allegation will be seen and offered counseling every thirty (30) days until discharged from the Chesterfield Sheriff's Office custody, regardless of whether they recant their allegation.

NOTE: In no event will an inmate be housed until a mental health evaluation is performed.

G. Counseling Services

1. The Sheriff's Office has a Memorandum Of Understanding with The James House to provide advocacy and counseling services for inmate victims.

H. Housing Assessment

1. Before an inmate is returned to the housing area, the shift supervisor/ commander will ensure that the inmate's housing status is evaluated to determine the need for transfer within the jail or to another facility. The shift

supervisor/commander will also ensure that the inmate is separated from the alleged perpetrator and that the perpetrator is housed appropriately.

I. Protection Against Retaliation

1. The classification lieutenant, or designee, will promptly monitor possible retaliation from any party that reports or cooperates with an investigation of sexual abuse or sexual harassment. This monitoring will be a minimum of 90 days and shall be continued for a longer period if a continuing need is present. Monitoring will be documented on a CSO-COR-17 and filed with the PREA Coordinator's investigative file. In the case of inmate complainants they will be placed on seven day reclassification status.
2. Examples of retaliation to be monitored include but are not limited to inmate disciplinary reports, housing or program changes, and staff performance reviews and reassignments.
3. The department will employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims. Support services for inmates or staff who fear retaliation for reporting or cooperating with investigations of sexual abuse or sexual harassment will be made available upon request.
4. Should the allegation prove to be unfounded the Sheriff's Office obligation to monitor terminates.

J. Reporting Allegations to Other Facilities

1. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the jail administration will notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
2. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
3. The incident and notification will be documented on a CSO-1 and the department will ensure that the allegation is investigated thoroughly.

K. Reporting to Inmates

1. Following the preliminary investigation into an inmate's allegation of sexual abuse, the department will notify the inmate whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
2. In situations that the department did not conduct the investigation, all relevant information will be requested from the investigative agency to inform the inmate.
3. Following an inmate's allegation that a staff member has committed sexual abuse against an inmate the inmate will be informed whenever:

- : the staff member is no longer working in the inmate's section;
- : the staff member is no longer employed at the facility;
- : the department is made aware that the staff member has been indicted on a charge related to sexual abuse within the facility; and
- : the department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

If the allegation is deemed as unfounded by the department, no notification will be required.

4. Following an inmate's allegation that sexual abuse has been committed by another inmate, the department will be informed whenever:
 - : the department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; and
 - : the department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
5. All notifications or attempted notifications are to be documented.
6. The department's obligation to report shall terminate if the inmate is released from the department's custody.

L. Sexual Abuse Incident Reviews

1. The department will conduct a sexual abuse incident review 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.
2. The incident review will occur within 30 days of the conclusion of the incident.
3. The incident review team will include department administration with input from front line supervisors, investigators, and medical or mental health practitioners.
4. The incident review team shall:
 - : consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - : consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, intersex identification, status, perceived status, gang affiliations, or was motivated or otherwise caused by other group dynamics within the facility;

- : examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - : assess the adequacy of staffing levels in the area during different shifts;
 - : assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - : prepare a report of its findings, including but not necessarily limited to determinations made in this section , and any recommendations for improvement and submit such report to the sheriff and classification lieutenant.
5. The department shall implement the recommendations for improvement, or shall document its reasons for not doing so.

M. Data Collection

1. The department will collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
2. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
3. The department will aggregate the incident-based sexual abuse data at least annually.
4. The department will maintain, review, and collect data as needed from all available incident based documents, including reports, investigation files, and sexual abuse incident reviews.
5. The department also shall obtain incident based and aggregated data from every private facility with which it contracts for the confinement of its residents.
6. Upon request, the department will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

N. Data Review for Corrective Action

1. The department will review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:

- : identifying problem areas;
 - : taking corrective action on an ongoing basis; and
 - : preparing an annual report of findings and corrective actions.
2. The report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
 3. The report will be approved by the sheriff and made readily available to the public on our website.
 4. The department may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the jail, but must indicate the nature of the material redacted.

O. Data Storage, Publication, and Destruction

1. The department will ensure that sexual abuse data collected are securely retained.
2. All aggregated data from private facilities that are contracted by the department will be made readily available to the public at least annually through our website.
3. Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.
4. The department will maintain sexual abuse data collected for at least ten (10) years after the date of the initial collection unless federal, state, or local law requires otherwise.

P. Training/Orientation

1. All sworn staff employed by the Chesterfield Sheriff's Office will receive, during basic academy training and as in-service training every two (2) years, instruction that relates to the prevention, detection, response, and investigation of staff-on-inmate and inmate-on-inmate sexual abuse.
2. Training will include instruction on being alert to signs of potential situations in which sexual abuse might occur, including the fact that sexual abuse can happen anywhere, inside or outside facilities, including housing areas, holding cells, and administrative, food service, or program areas.
3. Training will emphasize that practices such as leaving housing area or cell doors open, failing to make frequent rounds of an assigned post or being off

post can be prime contributing factors to a sexual assault incident, and the importance of staying on post, staying alert, and making frequent rounds.

- a) Training will also include instruction on recognizing the physical, behavioral, and emotional signs of sexual victimization.
 - b) Training will emphasize the security consequences of any inappropriate relationships with inmates, including sexual conduct.
4. Civilian staff will receive, during initial staff and orientation training instruction that relates to the prevention, detection, response, and investigation of staff-on-inmate and inmate-on-inmate sexual abuse.
 5. Medical and mental health staff will receive training on prevention, detection, response, coordinating of care, forensic preservation and counseling services.
 6. All inmates will receive information during the intake process and classification process that addresses sexual abuse. This information will address prevention, self-protection, reporting sexual abuse, and the availability of treatment and counseling.

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