ALBEMARLE – CHARLOTTESVILLE REGIONAL JAIL
STANDARD OPERATING PROCEDURE

SOP NUMBER: 13.37
SOP TITLE: Federal Sexual Assault Reporting Regulation; Procedure in the Event of Sexual Assault; Prison Rape Elimination Act (PREA)
EFFECTIVE DATE: March 1, 2016

Retain this policy in your S.O.P. Manual. You are responsible for the thorough knowledge and proper application of this policy.

PURPOSE

The purpose of this policy is to provide written policy and procedures related to the Federal Prison Rape Elimination Act of 2003 and to outline the prompt and appropriate health intervention of an inmate should a sexual assault occur.

This Standard Operating Procedure consists of the following numbered sections:

I. Policy
II. References
III. Definitions/Compliance Indicators
IV. Procedures
V. Revisions
VI. Cross-references
VII. Forms
VIII. Review and Approval
I. POLICY

The purpose of this policy is to comply with Public Law 108-79, Prison Rape Elimination Act of 2003, established September 4, 2003, which mandates Authority employees, contractual employees, and volunteers maintain a professional relationship with all persons under the supervision of the Albemarle- Charlottesville Regional Jail and any relationship other than a professional relationship must be properly reported and investigated. ACRJ has a zero tolerance standard for the incidence of sexual abuse/assault in accordance with the Prison Rape Elimination Act of 2003. ACRJ will enforce all federal, state and local laws pertaining to inmate sexual misconduct of threats of sexual assault or intimidation by providing clear definitions of prohibited conduct, establishing uniform methods for prompt reporting and investigation of allegations of sex-related offenses or threat, identification of predators, protection of victims and prescribing sanctions for substantiated sexual offenses, as well as false allegations. ACRJ will make the prevention of sexual abuse a top priority, in order to protect the Eighth Amendment rights (prohibition of cruel and unusual punishment) of the inmate and increase the efficiency and effectiveness of health care, mental health care, disease prevention, crime prevention, investigation and prosecution.

ACRJ shall prevent violations of PREA by ensuring staff, contractors, volunteers and inmates are trained, using video technology to assist in deterring misconduct, requiring staff to report and respond to allegations promptly. Staff, contractors and volunteers should be proactive and observant of situations that may create an opportunity for violations. Among other things and in accordance with PREA standards

1. Develop and maintain a zero-tolerance policy regarding sexual abuse;

2. Designate a PREA point person to coordinate compliance efforts;

3. Screen inmates for risk of being sexually abused or sexually abusive, and use screening information to inform housing, bed, work, education and program assignments;

4. Develop and document a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring;

5. Train employees on their responsibilities in preventing, recognizing and responding to sexual abuse;

6. Perform background checks on prospective employees and not hire abusers;

7. Prevent juveniles from being housed with adult inmates or having unsupervised contact with adult inmates in common spaces;

8. Ban cross-gender pat-down searches of female inmates in prisons and jails and of both male and female residents of juvenile facilities;

9. Incorporate unique vulnerabilities of lesbian, gay, bisexual, transgender, intersex and gender nonconforming inmates into training and screening protocols;

10. Enable inmates to shower, perform bodily functions and change clothing without improper viewing by staff of the opposite gender;

11. Restrict the use of solitary confinement as a means of protecting vulnerable inmates; and

12. Enter into or renew contracts only with outside entities that agree to comply with the standards.

ACRJ shall detect violations of PREA by ensuring that staff, contractors, volunteers and inmates are trained to report any and all appearances of misconduct and that there is zero tolerance of sexual abuse, misconduct or harassment at ACRJ. Among other things, in accordance with the PREA standards:

1. Make inmates aware of facility policies and inform them of how to report sexual abuse.

2. Provide multiple channels for inmates to report sexual abuse, including by contacting an outside entity, and allow inmates to report abuse anonymously upon request;
3. Provide a method for staff and other third parties to report abuse on behalf of an inmate;

4. Develop policies to prevent and detect any retaliation against those who report sexual abuse or cooperate with investigations; and

5. Ensure effective communication about facility policies and how to report sexual abuse with inmates with disabilities and inmates who are limited English proficient;

ACRJ shall respond violations of PREA by holding all individuals accountable to the full extent of the law who are found guilty of such charges. In addition, ACRJ shall respond by investigating all allegations promptly with dignity and respect regardless of the alleged victim or perpetrator’s status. In addition to the PREA standards among other things:

1. Provide timely and appropriate medical and mental health care to victims of sexual abuse;

2. Where available, provide access to victim advocates from rape crisis centers for emotional support services related to sexual abuse;

3. Establish an evidence protocol to preserve evidence following an incident and offer victims no-cost access to forensic medical examinations;

4. Investigate all allegations of sexual abuse promptly and thoroughly, and deem allegations substantiated if supported by a preponderance of the evidence;

5. Discipline staff and inmate assailants appropriately, with termination as the presumptive disciplinary sanction for staff who commit sexual abuse;

6. Allow inmates a full and fair opportunity to file grievances regarding sexual abuse so as to preserve their ability to seek judicial redress after exhausting administrative remedies; and

7. Maintain records of incidents of abuse and use those records to inform future prevention planning.

II. REFERENCES

A. Virginia Department of Corrections (DOC)

NIA

B. American Correctional Association (ACA)

NIA

C. National Commission on Health Care (NCCHC)

J-B-4 Federal Sexual Abuse Regulations The facility has written policies and procedures regarding the detection, prevention, reduction, and punishment of sexual abuse consistent with Federal law.

J-B-5 Response To Sexual Abuse The medical and psychological trauma of sexual assault is minimized as much as possible by prompt and appropriate health intervention.

D. Code of Virginia

§18.2-64.2 Carnal knowledge of an inmate, parolee, probationer, or pretrial or post trial offender; penalty

An accused shall be guilty of carnal knowledge of an inmate, parolee, probationer, or pretrial or post trial offender if he or she is an employee or contractual employee of, or a volunteer with, a state or local correctional facility or regional jail, the Department of corrections, a
local community-based probation program or a pretrial services program; is in a position of
authority over the inmate, probationer, parolee, or pretrial or post trial offender is under the
jurisdiction of the state or local correctional facility, a regional jail, the Department of
Corrections, a local community-based probation program, or pretrial services program; and
carnally knows, without the use of force, threat or intimidation (i) an inmate who has been
committed to jail or convicted and sentenced to confinement in a state or local correctional
facility or regional jail or (ii) a
Probationer, parolee, or a pretrial or post trial offender under the jurisdiction of the Department of
Corrections, a local community-based probation program, a pretrial services program, a local
or regional jail for the purposes of imprisonment, a work program or any other
parole/probationary or pretrial services program. Such offense is Class 6 felony for the
purposes of this section

"carnal knowledge" includes the acts of sexual intercourse, cunnilingus fellatio, anallngus,
apal intercourse and animate or inanimate object sexual penetration.

§ 18.2-67.4 Sexual battery

A. An accused is guilty of sexual battery if he sexually abuses, as defined in § 18.2-67.10, (i)
the complaining witness against the will of the complaining witness, by force, threat,
imimation, or ruse, (ii) an inmate who has been committed to jail or convicted and
sentenced to confinement in a state or local correctional facility or regional jail, and the
accused is an employee or contractual employee of, or a volunteer with, the state or local
correctional facility or regional jail; is in a position of authority over the inmate; and knows
that the inmate is under the jurisdiction of the state or local correctional facility or regional
jail, or (iii) a probationer, parolee, or a pretrial defendant or post trial offender under the
jurisdiction of the Department of Corrections, a local community-based probation services
ACRJ, a pretrial services ACRJ, a local or regional jail
for the purposes of imprisonment, a work program or any other parole/probationary or
pretrial services or ACRJ and the accused is an employee or contractual employee of, or a
volunteer with, the Department of Corrections, a local community-based probation services
ACRJ, a pretrial services ACRJ or a local or regional jail; is in a position of authority over an
offender; and knows that the offender is under the jurisdiction of the Department of
Corrections, a local community-based probation services ACRJ, a pretrial services ACRJ or a
local or regional jail.

B. Sexual battery is a Class 1 misdemeanor. (1981, c. 397; 1997, c. 643; 1999, c. 294; 2000,
cc. 832, 1040; 2006, C. 284; 2007, C. 133.)

E. **Prison Rape Elimination Act of 2003 (PREA)** - This Law is directed to all sexual acts relating
to: inmate to inmate, inmate to staff and staff to inmate which includes (female/male;
males/male; male/female; female/female activity.

III. DEFINITIONS / COMPLIANCE INDICATORS

A. Indexed sections:

1. 115.05 General Definitions
2. 115.06 Definitions Related to Sexual Abuse
3. 115.11 Zero Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator
4. 115.12 Contracting with Other Entities for the Confinement of Inmates
5. 115.13 Juveniles Supervision and Monitoring
6. 115.14 Youthful Detainees
7. 115.15 Limits to Cross-Gender Viewing and Searches
8. 115.16 Detainees with Disabilities and Detainees who are Limited English Proficient
9. 115.17 Hiring and Promotion Decisions
10. 115.18 Upgrades to Facilities and Technologies
11. 115.21 Evidence Protocol and Forensic Medical Examinations
12. 115.22 Policies to Ensure Referrals of Allegations For Investigations
13. 115.31 Employee and Volunteer Training
14. 115.32 Detainee, Contractor, and Inmate Worker Notification of the Agency's Zero-Tolerance Policy
15. 115.33 Inmate Education
16. 115.34 Specialized Training: Investigations
17. 115.35 Specialized Training: Medical and Mental Health Care
18. 115.41 Screening for Risk of Victimization and Abusiveness
19. 115.42 Use of Screening Information
20. 115.43 Protective Custody
21. 115.51 Detainee Reporting
22. 115.52 Exhaustion of Administrative Remedies
23. 115.53 Inmate Access to Outside Confidential Support Services
24. 115.54 Third-Party Reporting
25. 115.61 Staff and Agency Reporting Duties
26. 115.62 Agency Protection Duties.
27. 115.63 Reporting to Other Confinement Facilities
28. 115.64 Staff First Responder Duties
29. 115.65 Coordinated Response
30. 115.66 Preservation of Ability to Protect Detainees from Contact with Abusers
31. 115.67 Agency Protection Against Retaliation
32. 115.68 Post-Allegation Protective Custody
33. 115.71 Criminal and Administrative Agency Investigations
34. 115.72 Evidentiary Standard for Administrative Investigations
35. 115.73 Reporting to Inmates
36. 115.76 Disciplinary Sanctions for Staff
37. 115.77 Corrective Action for Contractors and Volunteers
38. 115.78 Referrals for Prosecution for Detainee on Detainee Sexual Abuse
39. 115.81 Medical and Mental Health Screening
40. 115.82 Access to Emergency Services
41. 115.83 Ongoing Medical & Mental Health Care for Sexual Abuse Victims & Abusers
42. 115.86 Sexual Abuse Incident Reviews
43. 115.87 Data Collection
44. 115.88 Data Review for Corrective Action
45. 115.89 Data Storage, Publication and Destruction

B. Definitions

1. **Asexual** refers to a person who is not sexually attracted to any sex and/or gender.
2. **Bisexual** refers to a man or a woman who is emotionally, romantically and sexually attracted to both men and women.
3. **Sexual Misconduct** is any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, visitor or ACRJ representative. This includes acts or attempts to commit such acts including but not limited to sexual assault, sexual harassment, sexual contact, conduct of a sexual nature or implication, obscenity and unreasonable invasion of privacy. Sexual misconduct also includes but is not limited to conversation or correspondence, which suggest a romantic or sexual relationship between an inmate and any party mentioned above 18.2-67.4.
4. **Sexual Contact** includes, but is not limited to, all forms of sexual contact. Intentional sexual touching or physical contact in a sexual manner, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, buttocks, with or without consent of the person; or any unwanted touching with intent to arouse, humiliate, harass, degrade or gratify the sexual desire of any person.
   a. This does not preclude an inmate from being searched for contraband or for security reasons under normal and emergency situations.
5. **Sexual Assault** is any contact between the sex organ of one person and sex organ, mouth or anus of another person, by the use of force or threat of force.
6. **Unauthorized Relationship** is a relationship with any inmate under the supervision of ACRJ to include employees, volunteers or contractual employee other than a business/professional relationship.
   a. Sexual acts or sexual contacts between any staff person or inmate, even if the inmate consents, initiates or proposes, are always prohibited and always illegal.
7. **ACRJ** means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.
8. **ACRJ head** means the principal official of an ACRJ.
9. **Community confinement facility** means 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 individuals 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.

10. Contractor means a person who provides services on a recurring basis pursuant to a contractual agreement with the ACRJ.
11. Detainee means any person detained in a lockup, regardless of adjudication status.
12. Direct staff supervision means that Security staff is in the same room with, and within reasonable hearing distance of, the resident or inmate.
13. Employee means a person who works directly for the ACRJ or facility.
14. Exigent circumstances mean 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.
15. Facility means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an ACRJ for the confinement of individuals.
16. Facility head means the principal official of a facility.
17. Full compliance means compliance with all material requirements of each standard except for de minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance.
18. Gay refers to a man who is emotionally, romantically, and sexually attracted to other men.
19. Gender expression refers to how a person expresses their gender identity through their manner of dress, speech, behavior, and/or other physical expressions of themselves (masculine, feminine, androgynous, other).
20. Gender identity refers to how a person understands their own gender (man, woman, other).
21. Gender nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.
22. Inmate means any person incarcerated or detained in a prison or jail.
23. Intersex means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.
24. Jail means a confinement facility of a Federal, State, or local law enforcement ACRJ whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.
25. Juvenile means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
26. Juvenile facility means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.
27. Law enforcement staff means employees responsible for the supervision and control of detainees in lockups.
28. Lesbian refers to a woman who is emotionally, sexually or romantically attracted, e.g., whether that individual identifies as lesbian, gay, bisexual, straight, asexual or other.
29. Lockup means a facility that contains holding cells, cell blocks, or other secure enclosures that are:
   a. Under the control of a law enforcement, court, or custodial officer; and
   b. Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other ACRJ.
30. Medical practitioner means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
31. Mental health practitioner means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified mental health practitioner" refers to such a professional who has also successfully completed specialized training for
treated sexual abuse victims.

32. **Pat-down search** means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

33. **Observational search** means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

34. **Prison** means an institution under Federal or State jurisdiction whose primary use is for the confinement of Individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

35. **Resident** means any person confined or detained in a juvenile facility or in a community confinement facility.

36. **Secure juvenile facility** means a Juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows resident's access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure Juvenile facility.

37. **Security staff** means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

38. **Staff** means employees.

39. **Straight/heterosexual** refers to a person who is emotionally, romantically, and sexually attracted to other person who is of a different sex and/or gender.

40. **Transgender** means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth. Most transgender people identify as the gender they transitioned to and do not use the “trans” prefix.

41. **Substantiated allegation** means an allegation that was investigated and determined to have occurred.

42. **Unfounded allegation** means an allegation that was investigated and determined not to have occurred.

43. **Unsubstantiated allegation** means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

44. **Volunteer** means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the ACRJ.

45. **Youthful inmate** means any person under the age of 18 who is under adult court supervision and incarcerated or detained in prison or jail.

46. **Youthful detainee** means any person under the age of 18 who is under adult court supervision and detained in a lockup.

47. **Sexual Assault** - Non-consensual oral, anal, or vaginal penetration by or union with, the sexual organ of another or by any other object; or the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, buttocks, or mouth) for the purpose of sexual gratification.

48. **Sexual Misconduct** - Any behavior or act of a sexual nature, directed toward anyone by another person. Sexual misconduct includes, but is not limited to: acts, threats, requests for sexual acts, or attempts to commit acts such as sexual harassment, sexual contact, obscenity, behavior of a sexual nature or implication of the same, inappropriate sexual comments, taking or soliciting photographs/pictures of a person's nude breasts, genitalia or buttocks, indecent exposure, invasion of privacy for sexual gratification, sexually harassing comments or language, inappropriate touching or incidents of intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks of other body parts with the intent of abuse, arouse, or gratify sexual desire or incidents of indecent exposure of breasts, genital areas, or other body parts, even with consent in a penal institution.

49. **Inmate to Inmate Non-Consensual Sexual Acts** - Contact of any person without his or her consent, or of a person who is unable to consent or refuse such as contact between the penis and the vagina or the penis and the anus including penetration, however slight; Contact between the mouth and the penis, vagina, or anus; Penetration of the anal or genital opening of another person by hand, finger or other object.

50. **Inmate on Inmate** - One or more inmates engaging in, attempting to engage in, or having completed a sexual act with another inmate through the use of threats, intimidation, force or other actions and/or communications reasonably calculated to cause submission of another inmate to engage against that inmate's will.

51. **Sexual Abuse** - Abuse by another inmate or a staff member, contractor, or volunteer when the victim does not consent and is coerced into such act by overt or implied threats of violence, or is unable to
consent or refuse.

52. **Sexual Abuse by another inmate includes:**
   a. Contact between the penis and the vulva or the penis and the anus, including penetrations, however slight.
   b. Contact between the mouth and penis, vulva, or anus.
   c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
   d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

53. **Sexual Abuse by a staff member, contractor, or volunteer includes:**
   a. Contact between the penis and the vulva or the penis and the anus, including penetrations, however slight.
   b. Contact between the mouth and penis, vulva, or anus.
   c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
   d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

54. **Sexual touching by a staff member, contractor, or volunteer which includes:**
   a. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with the intent to abuse, arouse, or gratify sexual desire.
   b. Any attempted, threatened, or requested sexual touching by a staff member, contractor, or volunteer.

55. **Indecent exposure** by a staff member, contractor, or volunteer which includes displays by a staff member, contractor, or volunteer of their uncovered genitalia, buttocks, or breast in the presence of an inmate.

56. **Voyeurism** by a staff member, contractor, or volunteer that involves an invasion of an inmate's privacy by staff for reasons unrelated to official duties such as:
   a. Peering at an inmate who is using a toilet in their cell to perform bodily functions.
   b. Requiring an inmate to expose their buttocks, genitals or breast or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions, regardless of what the staff member does with the images afterwards.

57. **Sexual Violence** - Any instance of non-consensual sexual acts or abusive sexual contact.

58. **Sexual Harassment** - Repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

59. **Voyeurism by staff, contractors, or volunteers** - Invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate performing bodily functions, requiring an inmate to expose his or her buttocks, genitals or breasts, or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

60. **Sexual Abuse of an Inmate, Detainee, or Juvenile by another Inmate, Detainee.** 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; which may include: persuasion, inducement, enticement or forcible compulsion, subjecting to sexual contact another person who is incapable of giving consent by reason of custodial status; subjecting another person to sexual contact who is incapable of consenting by reason of being physically helpless, physically restrained or mentally incapacitated; prostituting or otherwise sexually exploiting another person.
   a. Contact between the penis and vulva or the penis and anus, including penetration, however slight;
   b. Contact between the mouth and the penis, vulva, or anus;
   c. Penetration of the anal or genital opening of another person, however slight, 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.

61. **Sexual Abuse of an Inmate, Detainee, or Juvenile by a Staff Member, Contractor, or Volunteer.** Includes any of the following acts, with or without consent of the inmate, detainee or juvenile:
a. Contact between the penis and vulva or the penis and 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 of another person, 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 touching, 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 in paragraphs 1-5. of this section;
g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or juvenile and
h. Voyeurism by a staff member, contractor, or volunteer.

62. 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 inmate, detainee or juvenile directed toward another; and
b. Repeated and unwelcome verbal comments or gestures of a sexual nature to an inmate, detainee or juvenile, 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.

C. Compliance Indicators

1. (J.B-04) Federal Sexual Assault Reporting Regulations: The facility has written policies and procedures regarding the detection, prevention, reduction, and punishment of sexual abuse consistent with Federal law.
a. All aspects of the standard are addressed by written policy and defined by procedures.

2. (J.B-05) Procedure In The Event Of Sexual Assault: The medical and psychological trauma of sexual assaults minimized as much as possible by prompt and appropriate health intervention.
a. Health staff are trained in how to detect, assess, and respond to signs of sexist abuse and sexual harassment, as well as how to preserve physical evidence
b. Victims of sexual assault are either referred to a community facility for treatment and gathering of evidence, or if these procedures are performed in-house, the following guidelines are used.
i. A history is taken and qualified health care professionals conduct an examination to document the extent of physical injury and to determine whether referral to another medical facility is indicated. With the victim’s consent, the examination includes collection of evidence from the victim, using a kit approved by the local legal authority.
ii. Prophylactic treatment and follow-up care for sexually transmitted or other communicable diseases (e.g., HIV, hepatitis B) are offered to all victims, as appropriate.
c. In all cases, whether victim is treated in-house or referred to an outside facility, the following activities occur:
i. After the physical examination, there is an evaluation by a qualified mental health professional for crisis intervention counseling and long-term follow-up.
ii. A report is made to the correctional authorities to effect a separation of the victim from the assailant in their housing assignments.
d. All aspects of the standard are addressed by written policy and defined procedures.

IV. PROCEDURES

A. General
1. Albermarle-Charlottesville Regional Jail, independent contractual employees and volunteers will maintain appropriate authorized relationships with inmates in order to assure fairness, integrity, credibility and security in the workplace.
   a. There shall be two (2) staff members present when emergency treatment is needed for a sexual assault.

2. All employees, volunteers, and independent contractual employees are expected to have a clear understanding that the Jail Authority considers any type of unauthorized relationship with an individual under the Jail Authority supervision to be a serious breach of the standards of employee conduct and these relationships will not be tolerated.

3. Engaging in an unauthorized relationship may result in employment termination and/or termination of the contractual or volunteer status.

4. Any sexual behavior involving another person whether voluntary or involuntary is prohibited.
   a. Any such conduct will be treated as misconduct and/or violation of the law.

5. Individuals will be subject to disciplinary action, up to and including administrative, criminal prosecution and/or civil action if charges are filed falsely or frivolously.

B. Prevention Planning

i. § 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator.
   a. ACRJ has a zero tolerance policy toward all forms of sexual abuse.
   b. ACRJ shall designate a PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.
   c. ACRJ shall not hire or promote anyone who has engaged in sexual abuse in an institutional setting or who has engaged in sexual activity in the community facilitated by force, the threat of force, or coercion.
   d. All correctional facilities that the ACRJ has contracts with for the confinement of inmates will be expected to abide by the standards of PREA. The PREA coordinator will track all facilities to ensure continued compliance.
   e. ACRJ Certified Officers and Staff will provide proper supervision necessary to protect inmates from sexual assault and report threats and claims of abuse.
   f. Except in exigent or emergency situations, strip searches of opposite gender inmates are expressly prohibited.
   g. Accommodations are made for inmates that do not speak English, are deaf or hearing impaired, and/or disabled will be made.
   h. Sexual Assault Information/Sexual Abuse are available on posters, notices and other handouts.
   i. Video monitoring and other technology are used to supplement sexual abuse prevention, detection, and response efforts. The need for this technology is continually assessed.

2. § 115.12 Contracting with other entities for the confinement of inmates.
   a. ACRJ when contracting for the confinement of inmates 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 with the PREA standards.
   b. Any new contract or contract renewal shall provide for ACRJ contract monitoring to ensure that the contractor is complying with the PREA standards.

3. § 115.13 Supervision and monitoring.
   a. ACRJ shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video
monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the ACRJ shall consider:

i. Generally accepted detention and correctional practices;
ii. Any judicial findings of inadequacy;
iii. Any findings of inadequacy from Federal investigative agencies;

iv. Any findings of inadequacy from internal or external oversight bodies;

v. All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated;

vi. The composition of the inmate population;

vii. The number and placement of supervisory staff;

viii. Institution programs occurring on a particular shift;

ix. Any applicable State or local laws, regulations, or standards;

x. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and

xi. Any other relevant factors.

xii. In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan. This shall be accomplished documenting the deficiency in the Shift Packet.

xiii. Whenever necessary, but no less frequently than once each year, the Administration, Command Staff and Finance Manager, in consultation with the PREA coordinator required by § 115.11, shall assess, determine, and document whether adjustments are needed to:

xiv. The staffing plan established pursuant to paragraph (1) of this section;

xv. The facility's deployment of video monitoring systems and other monitoring technologies; and,

xvi. The resources the facility has available to commit to ensure adherence to the staffing plan.

xvii. ACRJ requires intermediate-level or higher-level supervisors, on all shifts, conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

xviii. Staff is prohibited from alerting other staff members that these supervisory rounds are occurring unless such announcement is related to the legitimate operation functions of the facility.

4. § 115.14 Youthful inmates.

a. ACRJ does not house youthful inmates.

b. A youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.

c. Direct supervision by facility staff is required at all times when a youthful inmate and an adult inmate have sight, sound, or physical contact with one another.

d. ACRJ will ensure specialized housing arrangements are provided for youthful inmates to meet the requirements of this standard.
5. **§ 115.15 Limits to cross-gender viewing and searches.**

   a. ACRJ 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.

   b. ACRJ does not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. In addition, ACRJ shall not restrict female inmates’ access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

   c. The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates.

   d. ACRJ will make every attempt to ensure inmates are allowed 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 cell checks. This shall be accomplished through staffing assignments, construction of privacy shields, and requiring staff of the opposite gender to announce their presence when entering an inmate housing area. Example:

      i. Male on the floor. (When entering a female housing area)
      ii. Female on the floor. (When entering a male housing area)

   e. ACRJ shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status. If the inmate’s genital status is unknown, it may be determined during conversations with the inmate, 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.

   f. ACRJ shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

6. **§ 115.16 Inmates with disabilities and inmates who are limited English proficient.**

   a. The PREA coordinator shall ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who 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.

   b. ACRJ shall take reasonable steps to ensure meaningful access to all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

   c. ACRJ shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate’s safety, the performance of first-response duties under § 115.64, or the investigation of the inmate’s allegations.
7. § 115.17 Hiring and promotion decisions.

a. The ACRJ shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who—
   i. 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);
   ii. 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
   iii. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a) of this section.

b. The ACRJ shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.

c. Before hiring new employees who may have contact with inmates, the ACRJ shall:
   i. Perform a criminal background records check; and
   ii. Consistent with Federal, State, and local law, 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.

d. The ACRJ shall perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.

e. The ACRJ shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees. The PREA office will coordinate with internal stakeholders (Human Resources, OIG, Criminal Justice Command, etc.) to ensure compliance.

f. The ACRJ shall ask all applicants and employees who may have contact with inmates directly 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. The ACRJ also imposes upon employees a continuing affirmative duty to disclose any such misconduct.

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

h. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

i. Staff, Contractors and Employees Reporting Incidents Sexual Assault, Abuse or Harassment
   i. Any employee, contractual employee, or volunteer who becomes aware of or reasonably suspects that another employee, contractual employee or volunteer is involved in an unauthorized relationship has an affirmative duty to immediately report any such knowledge or suspicion to a supervisor or higher authority to the Superintendent by way of chain-of-command.
ii. The staff member shall communicate this information to the Superintendent by way of chain-of-command.

iii. Employees, volunteer and contractual employees who fail to report knowledge of a potential unauthorized relationship or withhold information concerning a potential unauthorized relationship may be subject to disciplinary action, up to and including dismissal.

a. In the case of contractual employees or volunteers, they may be subject to suspension of their volunteer status and/or termination of their contract.

iv. Persons involved particularly staff are advised that they shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions.

v. It is to the goal of ACRJ to the extent possible to provide Inmates alleging victimization of a sexual manner the same level of law enforcement service, treatment and care as non-inmate to the extent possible.

8. § 115.18 Upgrades to facilities and technologies.

a. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the ACRJ shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.

b. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the ACRJ shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

9. § 115.21 Evidence protocol and forensic medical examinations.

a. ACRJ shall investigate all allegations of sexual abuse; in addition the ACRJ shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

b. The protocol shall be developmentally appropriate for youth where applicable, 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 Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.

c. The ACRJ shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentially 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. ACRJ shall document its efforts to provide SAFE or SANEs.

d. The ACRJ shall attempt to make available to the victim a victim advocate from a rape crisis center.

i. ACRJ 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.

ii. ACRJ 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.

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.

f. For the purposes of this section, a qualified ACRJ 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.

C. ACRJ Staff Immediate Response to Allegations of Sexual Abuse

1. § 115.22 Policies to ensure referrals of allegations for investigations.

a. ACRJ shall conduct an administrative for all allegations of sexual abuse and sexual harassment.

b. Allegations of sexual abuse or sexual harassment shall be referred Albemarle County Policy who has legal authority to conduct criminal investigations.

c. Investigators assigned to the PREA allegations shall conduct investigation for allegations of sexual abuse and sexual harassment.

d. Allegations regarding employee wrongdoing shall be forwarded to the ACRJ Internal Affairs Lieutenant and Command Staff. However, the PREA Coordinator shall ensure all reporting, follow-up, and PREA guidelines and standards are followed.

e. ACRJ shall publish such policy on its website or, if it does not have one, make the policy available through other means.

D. Training and Education

1. § 115.31 Employee training.

a. ACRJ shall train all employees who may have contact with inmates on:

i. Its zero-tolerance policy for sexual abuse and sexual harassment;

ii. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;

iii. Inmates' right to be free from sexual abuse and sexual harassment;

iv. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;

v. The dynamics of sexual abuse and sexual harassment in confinement;

vi. The common reactions of sexual abuse and sexual harassment victims;

vii. How to detect and respond to signs of threatened and actual sexual abuse;

viii. How to avoid inappropriate relationships with inmates;
ix. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and

x. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

xi. ACRJ shall provide refresher training every year to ensure that all employees know the agency’s current sexual abuse and sexual harassment policies and procedures.

xii. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

f. The agency shall document, through employee signature or electronic verification that employees understand the training they have received.

2. § 115.32 Volunteer and contractor training.

a. The ACRJ shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

b. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

c. All volunteers shall receive PREA training prior to being allowed contact with inmates at ACRJ.

d. All ACRJ volunteers who regularly enter facilities shall receive instruction related to the prevention, detection, response, reporting, investigation, and sanctions related to sexual assault, abuse, misconduct and harassment.

e. Volunteers shall be responsible for understanding and preventing sexually abusive behavior.

f. The ACRJ shall maintain documentation confirming that volunteers and contractors understand the training they have received.

3. § 115.33 Inmate education.

a. During the intake process, inmates shall receive information explaining the agency’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 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

c. ACRJ shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.

d. The ACRJ shall maintain documentation of inmate participation in these education sessions.

e. In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate
4. § 115.34 Specialized training: Investigations.
   a. In addition to the general training provided to all employees pursuant to § 115.31, the ACRJ shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
   b. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the

5. § 115.35 Specialized training: Medical and Mental Health Care.
   a. The agency shall ensure that all full and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in:
      i. How to detect and assess signs of sexual abuse and sexual harassment;
      ii. How to preserve physical evidence of sexual abuse;
      iii. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
      iv. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
   b. Medical staff employed by ACRJ shall conduct not conduct forensic examinations,
      i. The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.
      ii. Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.31 or for contractors and volunteers under § 115.32, depending upon the practitioner’s status at the agency.

E. Screening for Risk of Sexual Victimization and Abusiveness

1. § 115.41 Screening for risk of victimization and abusiveness.
   a. All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
   b. Intake screening shall ordinarily take place within 72 hours of arrival at the facility.
   c. Such assessments shall be conducted using an objective screening instrument.
   d. The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:
      i. Whether the inmate has a mental, physical, or developmental disability;
      ii. The age of the inmate;
      iii. The physical build of the inmate;
      iv. Whether the inmate has previously been incarcerated;
v. Whether the inmate’s criminal history is exclusively nonviolent;

vi. Whether the inmate has prior convictions for sex offenses against an adult or child;

vii. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;

viii. Whether the inmate has previously experienced sexual victimization;

ix. The inmate’s own perception of vulnerability; and

x. Whether the inmate is detained solely for civil immigration purposes.

c. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to ACRJ, in assessing inmates for risk of being sexually abusive.

d. Within a set time period, not to exceed 30 days from the inmate’s arrival at the facility, ACRJ will reassess the inmate’s risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

e. An inmate’s risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate’s risk of sexual victimization or abusiveness.

f. Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(i), (d)(7), (d)(8), or (d)(9) of this section.

i. ACRJ shall treat all screening information as sensitive and will not share or make available screening information to any inmate. Moreover, the Justice management Bureau shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate’s detriment by staff or other inmates.

2. § 115.42 Use of screening information.

a. ACRJ shall use information from the risk screening required by § 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

b. ACRJ shall make individualized determinations about how to ensure the safety of each inmate.

c. In deciding whether to assign a transgender or intersex inmate to a housing area for male or female inmates, and in making other programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and whether the placement would present management or security problems.

d. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

e. A transgender or intersex inmate’s own views with respect to his or her own safety shall be given serious consideration.

f. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

g. The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in
dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

3. § 115.43 Protective custody.

a. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.

b. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:

   i. The opportunities that have been limited;

   ii. The duration of the limitation; and

   iii. The reasons for such limitations.

c. The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

d. If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document:

   i. The basis for the facility's concern for the inmate's safety; and

   ii. The reason why no alternative means of separation can be arranged.

e. Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

F. Reporting

1. § 115.51 Inmate reporting.

a. Inmates may report any knowledge or suspicion of an unauthorized relationship between inmates, staff, visitors, contractors and or volunteer to any staff member. Ways to communicate this information are made available to inmates.

b. ACRJ shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. These shall include:

   i. Notification to any staff member;

   ii. Notification to any staff member;

   iii. Inmate Telephone System

   iv. Writing an Inmate Request Form

c. ACRJ shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive
and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security by:

i. Using the inmate telephone system following the prompts inmates can stay anonymous

ii. Writing c/o PREA Contact, Offender Aid and Restoration, 750 Harris Street Suit 207, Charlottesville, 22902

iii. prea@oar-jace.org

d. ACRJ staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports in writing.

e. ACRJ staff may privately report sexual abuse and sexual harassment of inmates

i. notifying a supervisor,

ii. notifying an ACRJ PREA investigator

iii. emailing prea@acrj.org

iv. notifying Command Staff

2. § 115.52 Exhaustion of administrative remedies.

a. It is the policy of the ACRJ that—Grievances regarding sexual abuse are NOT accepted. Other ways to report are available.

3. § 115.53 Inmate access to outside confidential support services.

a. ACRJ shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

b. ACRJ shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

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 inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

4. § 115.54 Third-party reporting.

a. ACRJ will receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate. This shall be accomplished by making the 3rd party reporting notice available on the Department’s website and other documents.
G. Official Response Following an Inmate Report

1. § 115.61 Staff and agency reporting duties.
   a. ACRJ requires all staff to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the ACRJ; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
   b. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.
   c. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services.
   d. All allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, shall be forwarded to the ACRJ PREA Coordinator or Investigator for investigation.

2. § 115.62 Agency protection duties.
   a. It is the policy of ACRJ upon learning learns that an inmate is subject to a substantial risk of imminent sexual abuse, to take immediate action to protect the inmate.

3. § 115.63 Reporting to other confinement facilities.
   a. Any staff member receiving allegation that an inmate was sexually abused while confined at another facility shall immediately forward that information to the PREA Coordinator.
   b. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the PREA Coordinator thru ACRJ’s Superintendent shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
   c. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
      i. The agency shall document that it has provided such notification.
      ii. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

4. 115.64 Staff first responder duties.
   d. Staff First Responders
      i. After separating the victim and aggressor, advising the inmate of not destroying any evidence, and notification of the Shift Commander, the security staff member is responsible for preserving any physical evidence which might be available.
      ii. The focus is on the safety and well-being of the inmate and providing subsequent medical care.
      iii. Call for immediate security assistance and notify Shift Supervisor.
iv. First responders will secure the crime scene immediately.

v. Keep victim(s) and alleged perpetrator(s) separate.

vi. Secure scene and prevent destruction of physical evidence by victim or alleged perpetrator.

vii. The alleged victim will be advised to:
   a. Not shower,
   b. Not use the restroom
   c. Not to eat or drink anything
   d. Not to shower or clean themselves in any way
   e. Not to brush their teeth
   f. Not to change clothes
   g. Not to do anything which may destroy evidence of the assault

viii. Complete written reports/narrative/incident report prior to departing shift and submit to Shift Supervisor.

ix. Staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions.

x. 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 security staff.

e. Shift Commander/Supervisor:

   i. Ensure safety of those involved.

   ii. Ensure the victim and perpetrator(s) are kept separate

   iii. Ensure the crime scene is preserved

   iv. Prohibit unnecessary staff members from entering the affected area.

   v. Ensure any suspects and/or witnesses are isolated.

   vi. Document any observations

   vii. Refer the alleged victim to Medical for any immediate treatment needs.

   viii. Notify a PREA investigator

ix. Command Staff thru the chain of command.

x. Following notification to Albemarle County Police Department

xi. Ensure that the victim is escorted to the UVA Medical Center for treatment/evaluation as indicated.

xii. Ensure completion of all reports prior to departing shift to include but not be limited to:

   a. Narratives,
   b. Housing reassignments
   c. Shift/post reassignments (segregation placement, etc.)
   d. Ensure all staff members understand that they shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions
xiii. The Facility PREA Coordinator shall be notified.

f. ACRJ PREA Coordinator (PC)

i. The PC/designee shall review and ensure PREA standards are met and appropriate coordinated response has been provided.

ii. The PC/designee shall act as a liaison between the inmate victim and the victim advocate or qualified staff member, if one is available; to support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

iii. Mental Health staff shall provide the victim a list of emotional support/rape crisis providers. In the event that neither a community advocate nor a qualified staff member is available, the inmate may choose to correspond in writing or, if appropriate, make arrangements for telephonic communication.

iv. In conjunction with the Classification Supervisor/designee and other staff as needed, shall ensure the victim is placed in the least restrictive housing possible.

v. The PC shall ensure monitoring of the treatment and conduct of inmates and staff who have reported sexual abuse and shall act promptly to remedy any retaliation.

g. Classification

i. The Classification Supervisor/designee will be contacted to assist with housing determinations.

h. Investigators

i. The facility investigates all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, and notifies victims and/or other complainants in writing of investigation outcomes and any disciplinary or criminal sanctions, regardless of the source of the allegation. All investigations are carried through to completion, regardless of whether the alleged abuser or victim remains at the facility.

ii. Agency administrative investigations into allegations of sexual abuse and sexual harassment are prompt, thorough, objective, including third party and anonymous reports, and conducted by investigators who have received special training in sexual abuse investigations. When the Albemarle County Police Department investigates sexual abuse or sexual harassment, the facility has a duty to keep abreast of the investigation and cooperate with outside investigators, and remain informed about the progress of the investigation. Investigations include the following elements:

iii. Investigators will gather and preserve direct and circumstantial evidence, including physical and DNA evidence and electronic monitoring data, when available; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator.

iv. When the quality of evidence appears to support criminal prosecution, the Albemarle County Police Department will determine whether compelled interviews may be an obstacle for subsequent criminal prosecution.

v. Investigative findings are based on an analysis of the evidence gathered and a determination of its probative value.

vi. The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by person's status as inmate or staff. Albemarle County Police Department shall not require an inmate who alleges
sexual assault or sexual harassment to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation.

vii. Investigations include an effort to determine whether staff actions or failures to act contributed to the abuse to occur.

viii. Administrative investigations are documented by facility staff in written reports that include a description of the physical and testimonial evidence and the reasoning behind credibility assessments, and administrative facts and findings.

ix. Criminal investigations shall be documented by the Albemarle County Police Department in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

x. Substantiated allegations of conduct that appears to be criminal are referred for prosecution.

i. Facility Leadership

i. ACRJ protects all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff as monitored by the Shift Commanders/Supervisors as to their employees assigned to them.

ii. ACRJ employs multiple protection measures, including housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

iii. Following an investigation into an inmate’s allegation that he or she suffered sexual abuse while at ACRJ, ACRJ shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

iv. The department shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The department shall aggregate the incident-based sexual abuse data at least annually. 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.

v. The department’s report shall be approved by the Superintendent and made readily available to the public through its website.

vi. The report of rape is to be treated as any other medical complaint and is to be kept confidential between the service providers and the inmate. All staff are responsible for the protection of the victim from acts of retribution or reprisal.

j. Medical and Mental Health Practitioner

i. Any physical examination of an alleged victim of sexual assault shall include execution of a

ii. signed consent form, and collection of evidence will be conducted in accordance with a SANE (Sexual Assault Nurse Examiner) representative at UVA Medical Center and an Officer from the Albemarle County Police Department.

iii. ACRJ health services staff are prohibited from participating in the collection of forensics information that may be used against an inmate in disciplinary or legal proceedings.

a. Such action on health services staff part undermines their credibility with the inmates.

iv. The physical examination should include at a minimum the following elements:
a. Documentation of extent in injury (tearing, bruising, bleeding, etc.) to include photographs.
b. All examinations and treatment will be documented in the inmate's health record.
c. The inmate will be transported to the UVA Medical Center Emergency Room to conduct an examination to document the extent of any physical injury and to determine if referral to another medical facility is indicated.
d. An advocate may be notified to provide support to the inmate/victim once the inmate has been returned to the facility.
e. Following the physical examination, there is availability of an evaluation by a Mental Health professional to assess the need for crisis intervention counseling and long-term follow-up.
f. Treatment will be provided, as indicated for physical injury as well as for prophylaxis, and Mental Health Services are provided to assess the need for crisis intervention counseling and long-term follow-up.
g. The Sexual Assault Resource Agency (SARA) provides support, advocacy and education for inmates/victims who are affected by domestic violence, sexual violence and stalking. A representative from the (SARA) will make referrals for assistance when returning to the community.
h. Provisions will be made for testing for sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis and other diseases) and counseling as appropriate.
i. Prophylactic treatment and follow-up for sexually transmitted diseases will be offered to all victims, as appropriate.
j. Inmate shall have access to rape crisis services.

k. Volunteer/Contractor
   i. Any support staff receiving information regarding an incident of sexual abuse, assault or harassment will report the incident to the Shift Commander/Supervisor and their supervisor immediately.
   ii. The support staff will make an attempt to identify or assist the security staff in separating the victim from the aggressor.
   iii. The volunteer/contractor will advise the inmate:
        a. Not to shower or clean themselves in any way
        b. Not to use the restroom
        c. Not to eat or drink anything
        d. Not to brush their teeth
        e. Not to change clothes
        f. Not to do anything which may destroy evidence of the assault
   iv. The volunteer/contractor will write a report on any information provided to them verbally.

2. § 115.65 Coordinated response.
   a. Staff First Responders
      i. The focus is on the safety and well-being of the inmate and providing subsequent medical care.
      ii. Notify Security for assistance and notify Shift Supervisor.
      iii. First responders will secure the crime scene immediately.
      iv. Keep victim(s) and alleged perpetrator(s) separate.
      v. Secure scene and prevent destruction of physical evidence by victim or alleged perpetrator.
      vi. The alleged victim will be advised to:
          a. Not shower,
          b. Not use the restroom
          c. Not to eat or drink anything
d. Not to shower or clean themselves in any way  
e. Not to brush their teeth  
f. Not to change clothes  
g. Not to do anything which may destroy evidence of the assault  

vii. Complete written reports/narrative/incident report prior to departing shift and submit to Shift Supervisor.

viii. Staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions.

b. Shift Commander/Supervisor:

i. Ensure safety of those involved.

ii. Ensure the victim and perpetrator(s) are kept separate.

iii. Ensure the crime scene is preserved.

iv. Document any observations.

v. Refer to Medical for any immediate treatment needs.

vi. Notify a PREA investigator.

vii. Notify the Superintendent thru the chain of command.

viii. Following notification to Albemarle County Police Department.

ix. Ensure that the victim is escorted to the UVA Medical Center for treatment/evaluation as indicated.

x. Ensure completion of all reports prior to departing shift to include but not be limited to:

a. Narratives,  
b. Housing reassignments  
c. Shift/post reassignments (segregation placement, etc.)

xi. Ensure all staff members understand that they shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions.

xii. The Facility PREA Coordinator shall be notified.

c. ACRJ PREA Coordinator (PC)

i. The PC/designee shall review and ensure PREA standards are met and appropriate coordinated response has been provided.

ii. The PC/designee shall act as a liaison between the inmate victim and the victim advocate or qualified staff member, if one is available; to support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

iii. Mental Health staff shall provide the victim a list of emotional support/rape crisis providers. In the event that neither a community advocate nor a qualified staff member is available, the inmate may
choose to correspond in writing or, if appropriate, make arrangements for telephonic communication.

iv. In conjunction with the Classification Supervisor/designee and other staff as needed, shall ensure the victim is placed in the least restrictive housing possible.

v. The PC shall ensure monitoring of the treatment and conduct of inmates and staff who have reported sexual abuse and shall act promptly to remedy any retaliation.

d. Investigators

i. The facility investigates all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, and notifies victims and/or other complainants in writing of investigation outcomes and any disciplinary or criminal sanctions, regardless of the source of the allegation. All investigations are carried through to completion, regardless of whether the alleged abuser or victim remains at the facility.

ii. Agency administrative investigations into allegations of sexual abuse and sexual harassment are prompt, thorough, objective, including third party and anonymous reports, and conducted by investigators who have received special training in sexual abuse investigations.

iii. When the Albemarle County Police Department investigates sexual abuse or sexual harassment, the facility has a duty to keep abreast of the investigation and cooperate with outside investigators, and remain informed about the progress of the investigation. Investigations include the following elements:

iv. Investigators will gather and preserve direct and circumstantial evidence, including physical and DNA evidence and electronic monitoring data, when available; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator.

v. When the quality of evidence appears to support criminal prosecution, the Albemarle County Police Department will determine whether compelled interviews may be an obstacle for subsequent criminal prosecution.

vi. Investigative findings are based on an analysis of the evidence gathered and a determination of its probative value.

vii. The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by person's status as inmate or staff. Albemarle County Police Department shall not require an inmate who alleges sexual assault or sexual harassment to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation.

viii. Investigations include an effort to determine whether staff actions or failures to act contributed to the abuse to occur.

ix. Administrative investigations are documented by facility staff in written reports that include a description of the physical and testimonial evidence and the reasoning behind credibility assessments, and administrative facts and findings.

x. Criminal investigations shall be documented by the Albemarle County Police Department in written report that contains a thorough description of physical, Testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
xi. Substantiated allegations of conduct that appears to be criminal are referred for prosecution.

**e. Facility Leadership**

i. ACRJ protects all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff as monitored by the Shift Commanders/Supervisors as to their employees assigned to them.

ii. ACRJ employs multiple protection measures, including housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

iii. Following an investigation into an inmate's allegation that he or she suffered sexual abuse while at ACRJ, ACRJ shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

iv. The department shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The department shall aggregate the incident-based sexual abuse data at least annually. 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.

v. The department's report shall be approved by the Superintendent and made readily available to the public through its website.

vi. The report of rape is to be treated as any other medical complaint and is to be kept confidential between the service providers and the inmate. All staff are responsible for the protection of the victim from acts of retribution or reprisal.

**f. Medical and Mental Health Practitioner**

i. Any physical examination of an alleged victim of sexual assault shall include execution of a signed consent form, and collection of evidence will be conducted in accordance with a SANE (Sexual Assault Nurse Examiner) representative at UVA Medical Center and an Officer from the Albemarle County Police Department.

ii. ACRJ health services staff are prohibited from participating in the collection of forensics information that may be used against an inmate in disciplinary or legal proceedings.
   a. Such action on health services staff part undermines their credibility with the inmates.

iii. The physical examination should include at a minimum the following elements:
   a. Documentation of extent in injury (tearing, bruising, bleeding, etc.) to include photographs.
   b. All examinations and treatment will be documented in the inmate's health record.
   c. The inmate will be transported to the UVA Medical Center Emergency Room to conduct an examination to document the extent of any physical injury and to determine if referral to another medical facility is indicated.
d. An advocate may be notified to provide support to the inmate/victim once the inmate has been returned to the facility.

e. Following the physical examination, there is availability of an evaluation by a Mental Health professional to assess the need for crisis intervention counseling and long-term follow-up.

f. Treatment will be provided, as indicated for physical injury as well as for prophylaxis, and Mental Health Services are provided to assess the need for crisis intervention counseling and long-term follow-up.

g. The Sexual Assault Resource Agency (SARA) provides support, advocacy and education for inmates/victims who are affected by domestic violence, sexual violence and stalking. A representative from the (SARA) will make referrals for assistance when returning to the community.

h. Provisions will be made for testing for sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis and other diseases) and counseling as appropriate.

i. Prophylactic treatment and follow-up for sexually transmitted diseases will be offered to all victims, as appropriate.

3. § 115.66 Preservation of ability to protect inmates from contact with abusers.

a. ACRJ shall not enter into or renew any collective bargaining agreement or other agreement that limits the agency’s ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

b. Nothing in this policy shall restrict the entering into or renewal of agreements that govern:

   i. The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.72 and 115.76; or

   ii. Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member’s personnel file following a determination that the allegation of sexual abuse is not substantiated.

4. § 115.67 Agency protection against retaliation.

a. ACRJ shall make all necessary precautions to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. To that end, the PREA Coordinator shall ensure:

b. ACRJ employs multiple protective measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

c. For at least 90 days following a report of sexual abuse, the PREA Coordinator shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. The PREA Coordinator will monitor inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The PREA Coordinator shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
d. If any other individual who cooperates with an investigation expresses a fear of retaliation, ACRJ shall take appropriate measures to protect that individual against retaliation.

c. ACRJ obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

5. § 115.68 Post-allegation protective custody.

a. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.

b. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:
   i. The opportunities that have been limited;
   ii. The duration of the limitation; and
   iii. The reasons for such limitations.

c. The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

d. If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document:
   i. The basis for the facility’s concern for the inmate’s safety; and
   ii. The reason why no alternative means of separation can be arranged.
   iii. Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

H. Investigation of Sexual Misconduct

1. § 115.71 Criminal and administrative agency investigations.

a. The Superintendent or designee will initiate an internal affairs investigation.

b. Employees and inmates are to cooperate fully by providing all pertinent information during the investigation.

   i. The failure of an employee or inmate to answer any inquiry fully will be grounds for disciplinary actions.
      a. Employees who violate this policy will be investigated and disciplined consistent with the Standards of Employee Conduct.

   ii. The Albemarle County Police Department will be notified of all instances of potential criminal sexual offenses committed by staff or inmates.
      a. The department will aid in the prosecution of criminal charges to the fullest extent possible.

   iii. Contact between the allege victim/accused shall be prevented at all levels possible as soon as there is allegation of an assault.
      a. Classification and Chief of Security/designee to effect a separation of the victim from the assailant in their housing area.
iv. An ACRJ PREA investigator shall be responsible for initially investigating all reports of alleged sexual abuse and sexual harassment including any involving sexual activity (regardless of any perception of consent) between inmates to determine if a PREA event has occurred.
   a. If the incident is deemed criminal then the ACPD is responsible for continuing with the investigation.
   b. If a staff member is alleged to be involved, the Deputy Superintendent/designee will contact the ACRJ's internal affairs investigator/designee.

v. ACRJ PREA investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available data (i.e. video surveillance); shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

vi. In conjunction with Medical/Mental Health, and other staff as needed, ACRJ shall ensure that all victims of sexual abuse have access to forensic medical examinations.

vii. 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 inmate or staff.
   a. If the investigation reveals that the sexual activity was not forced or coerced between inmates, both inmates are held accountable through the appropriate disciplinary process.

viii. If an investigation reveals that a report of sexual abuse or sexual harassment was made in bad faith, the facility may hold inmates accountable through the appropriate disciplinary process.

ix. ACRJ staff shall ensure the victim is placed in the least restrictive housing possible.

x. Allegations involving staff members/contractors/volunteers shall first being thoroughly reviewed by the Superintendent or designee to determine what if any disciplinary action(s) shall take place.

xi. 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.
   a. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
   b. The agency shall retain all written reports referenced in paragraphs (6) and (7) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

xii. 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.

I. § 115.72 Evidentiary standard for Administrative Investigations

1. The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

J. § 115.73 Reporting to Inmates.
1. Following an investigation into an inmate's allegation that he or she suffered sexual abuse, ACRJ shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

2. If ACRJ did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.

3. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, ACRJ shall subsequently inform the inmate (unless it has determined that the allegation is unfounded) whenever:
   a. The staff member is no longer posted within the inmate's unit;
   b. The staff member is no longer employed at the facility;
   a. The staff member has been indicted on a charge related to sexual abuse within the facility; or,
   b. ACRJ learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

4. Following an inmate's allegation that he or she has been sexually abused by another inmate, ACRJ shall subsequently inform the alleged victim whenever:
   a. The alleged abuser has been indicted on a charge related to sexual abuse within the facility; or,
   b. The alleged abuser has been convicted on a charge related to sexual abuse within the facility.

5. All such notifications or attempted notifications shall be documented.

6. ACRJ's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

K. DISCIPLINE

1. § 115.76 Disciplinary sanctions for staff.
   a. Staff shall be subject to disciplinary sanctions up to and including termination for violating ACRJ's sexual abuse or sexual harassment policies.
   b. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
   c. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
   d. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to any relevant licensing bodies.

2. § 115.77 Corrective action for contractors and volunteers.
   a. Any contractor or volunteer who engages in sexual abuse shall be prohibited from
contact with inmates and shall be reported to the law enforcement agencies unless the activity was clearly not criminal, and to relevant licensing bodies.

b. ACRJ shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

3. § 115.78 Disciplinary sanctions for inmates.

a. Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

b. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate’s disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

c. The disciplinary process shall consider whether an inmate’s mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

d. ACRJ shall offer therapy, counseling or other interventions designed to address and correct the underlying reasons for motivations for abuse.

i. When ACRJ is offering therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

e. ACRJ may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

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.

g. ACRJ prohibits all sexual activity between inmates and shall discipline inmates for such activity. ACRJ will not deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

L. Medical and Mental Care

1. § 115.81 Medical and mental health screenings; history of sexual abuse.

a. If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

b. 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 and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

c. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.
2. § 115.82 Access to emergency medical and mental health services.
   
   a. Inmate victims of sexual abuse shall 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.
   
   b. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to § 115.62 and shall immediately notify the appropriate medical and mental health practitioners.
   
   c. Inmate victims of sexual abuse while incarcerated shall be 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.
   
   d. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

3. § 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers.
   
   e. ACRJ shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse.
   
   f. The evaluation and treatment of such victims shall include, 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.
   
   g. ACRJ shall provide such victims with medical and mental health services consistent with the community level of care.
   
   h. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
   
   i. If pregnancy results from the conduct described in paragraph (4) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
   
   j. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
   
   k. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
   
   l. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
   
   m. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

M. DATA COLLECTION AND REVIEW

1. § 115.86 Sexual abuse incident reviews.
   
   a. ACRJ's PREA Coordinator shall 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.

b. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

c. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

d. The review team shall:
   
   i. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

   iii. 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;

   iv. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;

   v. Assess the adequacy of staffing levels in that area during different shifts;

   vi. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

   e. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (2)(a)-(2)(e) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.

   f. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

3. § 115.87 Data collection.

a. ACRJ's (PREA Coordinator) shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. (Refer to Survey of Sexual Violence conducted by the Department of Justice.

b. The agency shall aggregate the incident-based sexual abuse data at least annually.

c. 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.

d. ACRJ's PREA Coordinator shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

e. ACRJ's PREA Coordinator also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.

f. The annual report shall include a comparison of the current year's data and corrective actions with those from prior years.

g. The annual report shall provide an assessment of the agency's progress in addressing sexual abuse.
h. The report shall be approved by the Superintendent and made readily available to the public through its website.

i. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

4. § 115.89 Data storage, publication, and destruction.

a. ACRJ’s PREA Coordinator shall ensure that data collected pursuant to § 115.87 are securely retained.

b. ACRJ’s PREA Coordinator shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.

c. Before making aggregated sexual abuse data publicly available, ACRJ shall remove all personal identifiers.

d. ACRJ’s PREA Coordinator shall maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

N. Audits

i. § 115.93 Audits of standards.

a. ACRJ shall conduct audits pursuant to §§ 115.401-.405.

O. Auditing and Corrective Action

1. § 115.401 Frequency and scope of audits.

a. ACRJ shall ensure that each jail facility is audited in accordance with current PREA Standards.

P. Exempted Processes

i. Jail activities or actions taken by ACRJ, which are supported by ACRJ’s Policies and Procedure, and deemed necessary for the safety and security of the facility, will not be defined as staff sexual harassment, misconduct, assault or rape. These Policies and Procedures include, but are not limited to the taking of photographs, pat or strip searches, court ordered body cavity searches and/or medical exams.

V. Revisions

Amends/Renames
S.O.P. 13.37 Federal Sexual Assault Reporting Regulations; Procedure in the Event of Sexual Assault dated, October 27, 2014

S.O.P. 13.37 Federal Sexual Assault Reporting Regulations; Procedure in the Event of Sexual Assault dated, December 01, 2010


New Policy
VI. CROSS-REFERENCES

A. ACRJ SOP(s)
   1. Receiving/Transfer Screenings, Initial Health Assessment and Medical Discharge Planning
   2. Classification Process
   3. Inmate Handbook
   4. Standard of Conduct
   5. Forensic Information
   6. Nursing Assessment Protocols
   7. Internal Affairs
   8. Citizens Involvement and Volunteers
   9. Discharge Planning
   10. Inmate Programs and Service Plans

B. Other
   1. Inmate Handbook

VII. FORMS

A. Signed Staff Carnal Knowledge Form
B. Volunteer Training Packet

VIII. SIGNATURES AND APPROVALS

SUPERINTENDENT'S SIGNATURE

Superintendent's Review and Approval

05/27/16
Date