
	<p style="text-align: center;"><b>CITY OF RICHMOND OFFICE OF THE SHERIFF ADMINISTRATION</b></p>		
	<b>STANDARD: 115.5-115.89</b>  <b>POLICY: 129</b>	<b>Subject</b>  <b>PRISON RAPE ELIMINATION ACT (PREA)</b>	
<b>Effective Date: 05/2014</b>	<b>Revised Date: 04/2019</b> <b>02/2018</b> <b>09/2016</b>	<b>Sheriff's Approval</b> 	<b>Pages</b> <b>67</b>

## **I. POLICY**

The Richmond City Sheriff's Office will establish standards as defined by the Prison Rape Elimination Act of 2003. These standards have been established for the reduction and punishment of sexual abuse of inmates; to address the safety and treatment needs of inmates, who have been a victim of a sexual act, and to discipline and prosecute those who perpetrate these acts upon inmates. The Richmond City Sheriff's Office has a zero tolerance towards all forms of sexual abuse and sexual harassment in its facilities.

The Richmond City Sheriff's Office is committed to the safety of all inmates within the facility. The department also has a zero tolerance standard for sexual abuse involving inmate-on-inmate behaviors and staff-on-inmate behaviors. The Department will respond to all reports of sexualized behavior or abuse as nonconsensual, regardless of perception, rumor, appearance, or participant disclosure.

The policy will be reviewed every twelve (12) months by all personnel. The review shall be documented.

## **II. PURPOSE**

The purpose of this policy is to eliminate all forms of sexual abuse and sexual harassment of inmates within the Richmond City Sheriff's Office.

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## **IV. PREA DEFINITIONS**

### **115.05 – General Definitions**

#### **Agency**

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.

#### **Agency head**

The principal official of an agency.

#### **Community Confinement Facility**

A community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which 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.

#### **Contractor**

A person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

#### **Detainee**

Any person detained in a lockup, regardless of adjudication status.

#### **Direct Staff Supervision**

Security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

#### **Employee**

A person who works directly for the agency or facility.

#### **Exigent Circumstances**

Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

#### **Facility**

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 agency for the confinement of individuals.

#### **Facility Head**

The principal official of a facility.

**Full compliance**

Compliance with all material requirements of each standard except for *de minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance.

**Gender nonconforming**

A person whose appearance or manner does not conform to traditional societal gender expectations.

**Inmate**

Any person incarcerated or detained in a prison or jail.

**Intersex**

A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

**Jail**

A confinement facility of a Federal, State, or local law enforcement agency 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.

**Juvenile**

Any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

**Juvenile facility**

A facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

**Law enforcement staff**

Employees responsible for the supervision and control of detainees in lockups.

**Lockup**

A facility that contains holding cells, cell blocks, or other secure enclosures that are:

- (1) Under the control of a law enforcement, court, or custodial officer; and
- (2) 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 agency.

**Medical practitioner**

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.

**Mental Health Practitioner**

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 treating sexual abuse victims.

**Pat-down Search**

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.

**Prison**

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.

**Resident**

Any person confined or detained in a juvenile facility or in a community confinement facility.

**Secure Juvenile Facility**

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.

**Security Staff**

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.

**Staff**

Employees.

**Strip Search**

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.

**Transgender**

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

**Substantiated allegation**

An allegation that was investigated and determined to have occurred.

**Unfounded Allegation**

An allegation that was investigated and determined not to have occurred.

**Unsubstantiated Allegation**

An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

**Volunteer**

An individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

**Youthful Inmate**

Any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

**Youthful Detainee**

Any person under the age of 18 who is under adult court supervision and detained in a lockup.

**115.06 – Definitions Related To Sexual Abuse****Sexual abuse includes;**

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

**Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident 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:**

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) 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.

**Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:**

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) 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;

- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) 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;
- (7) 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 resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.
- (9) Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform 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.

**Sexual harassment includes—**

- (1) 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 resident directed toward another; and
- (2) 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.

## **V. PREVENTION PLANNING**

### **115.11 – Zero Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator**

#### **Policy**

- (a) An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.
- (b) An agency shall employ or designate an upper-level, agency-wide 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) Where an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

### **Procedure**

1. The Richmond City Sheriff's Office has a zero tolerance for any staff sexual misconduct or sexual harassment directed towards LGBTI inmates, detainees or residents. Any substantiated claim of sexual conduct, sexual contact or sexual harassment by a staff member towards an inmate, detainee or resident may result in termination of the staff members employment, referral for criminal charges, civil penalties, or other punitive actions as deemed appropriate.
2. This policy will outline how the Richmond City Sheriff's Office will implement the agency's zero tolerance approach to preventing, detecting, and responding to sexual abuse and sexual harassment.
3. Disciplinary Sanctions will be imposed on those who have been found to have participated in prohibited behaviors.
  - i. Staff members, contractors, or volunteers will be subject to disciplinary sanctions up to and including termination for violating the sexual abuse and sexual harassment policies.
  - ii. Staff that has engaged in sexual abuse can be terminated.
  - iii. All violations of the agency's sexual abuse or sexual harassment policies will be reported to Human Resources and the Internal Affairs Divisions.
  - iv. If the staff member has resigned in lieu of termination and would have been terminated if not for their resignation, will also be reported to Human Resources and the Internal Affairs Division.
  - v. Other disciplinary sanctions for violating the sexual abuse or sexual harassment policy that does not include actually engaging in sexual abuse will be based on the following:
    - The nature and circumstances of the acts committed.
    - The staff member's disciplinary history.
    - The sanctions imposed for similar offenses by other staff with similar histories.
  - vi. Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with inmates and will be reported to Internal Affairs.

- vii. Appropriate remedial measures will be taken into consideration as to whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policy by a contractor or volunteer, the facility will consider whether to prohibit further contact with inmates.
- viii. Inmates will be subject to disciplinary sanctions through a formal disciplinary process following:
  - An administrative finding that the inmate engaged in inmate-on-inmate sexual abuse.
  - Following a criminal finding of guilt of inmate-on-inmate sexual abuse.
- ix. Inmate disciplinary sanctions will take in consideration the following:
  - The nature and circumstances of the abuse committed.
  - The inmate's disciplinary history.
  - The sanctions imposed for similar offenses by other inmates with similar histories.
  - Inmate's mental disabilities or mental illness.
- x. An inmate will be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- xi. All inmate reports of sexual abuse made in good faith and based on reasonable belief will not be disciplined for falsely reporting an incident or lying, even if the investigation does not establish evidence sufficient to substantiate the allegation.
- xii. All sexual activity between inmates is prohibited and any inmate who is engaging in such activity will be disciplined.

### **PREA Coordinator**

- 1. The PREA Coordinator will be responsible for coordinating, monitoring, implementing changes evaluating and reviewing new methods to prevent and reduce the sexual misconduct of inmates.
- 2. A designated PREA Coordinator has been established for the Sheriff's Office.
- 3. The PREA Coordinator will:
  - i. Coordinate procedures to identify and monitor all reported sexual misconduct;

- ii. Work with management staff in conducting audits ensuring compliance with all PREA standards;
- iii. Collect, analyze and report compliance data to management and recommends any program changes, compile reports and/or track statistical data as required;
- iv. Ensure all incidents of sexual misconduct are immediately reported;
- v. Assist in staff training, including volunteers, medical and mental health staff;
- vi. Work with staff in the prevention of sexual assaults;
- vii. Work in identifying trends and patterns to improve sexual abuse prevention;
- viii. Effectively communicate orally and in writing;
- ix. Complete annual PREA reports
- x. Identify area(s) where policy, practice and staff/inmate culture either enhance or hinder inmate sexual activity.

## **115.12 – Contracting with Other Entities for the Confinement of Inmates**

### **Policy**

- (a) A public agency that contracts for the confinement of its 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 agency contract monitoring to ensure that the contractor is complying with the PREA standards.

### **Procedure**

- 1. Any contract entered into for the confinements of inmates will require:
  - a. All contractors to adopt and comply with PREA standards.
  - b. The Sheriff's Office to monitor the contractor's compliance with PREA standards.

## 115.13 – Supervision and Monitoring

### Policy

- (a) The agency shall ensure that each facility it operates 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, facilities shall take into consideration:
  - 1) Generally accepted detention and correctional practices;
  - 2) Any judicial findings of inadequacy;
  - 3) Any findings of inadequacy from Federal investigative agencies;
  - 4) Any findings of inadequacy from internal or external oversight bodies;
  - 5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
  - 6) The composition of the inmate population;
  - 7) The number and placement of supervisory staff;
  - 8) Institution programs occurring on a particular shift;
  - 9) Any applicable State or local laws, regulations, or standards;
  - 10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
  - 11) Any other relevant factors.
- (b) In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.
- (c) Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by § 115.11, the agency shall assess, determine, and document whether adjustments are needed to:
  - 1) The staffing plan established pursuant to paragraph (a) of this section;
  - 2) The facility's deployment of video monitoring systems and other monitoring technologies; and

- 3) The resources the facility has available to commit to ensure adherence to the staffing plan.
- (d) Each agency operating a facility shall implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night shifts as well as day shifts. Each agency shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

### **Procedure**

1. The Richmond City Sheriff's Office will develop, document and make best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing and, where applicable, video monitoring to protect inmates against sexual abuse.
2. Shift Supervisors will ensure each housing area has adequate personnel to comply with PREA Standards for Supervision and Monitoring.
3. When the staffing plan is not complied with, the facility documents and justifies all deviations from the staffing plan.
4. No less than once each year, and in collaboration with the PREA Coordinator, the agency will assess, determine and document whether adjustments are needed to:
  - i. The staffing plan.
  - ii. The facility's deployment of video or other monitoring technology.
  - iii. The allocation of agency resources to commit to the staffing plan to ensure compliance.
5. The PREA Coordinator will conduct a quarterly inspection of all areas to maintain compliance with the PREA Standards.
6. Supervisors will conduct unannounced rounds to the jail daily to identify and deter staff sexual abuse and sexual harassment.
7. Staff are prohibited from alerting other staff members that supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

#### **115.14 – Youthful Inmates**

- (a) 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.
- (b) In areas outside of housing units, agencies shall either:
  - 1) Maintain sight and sound separation between youthful inmates and adult inmates, or
  - 2) Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.
- (c) Agencies shall make best efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, agencies shall not deny youthful inmates daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible.

#### **Procedure**

- 1. Youthful inmates will not be placed in a housing unit within sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area, or sleeping area.
- 2. In areas outside of the housing area:
  - i. There will be sight, sound and physical separation between youthful and adult inmates.
  - ii. In the event when youthful and adult inmates have sight and sound or physical contact direct staff supervision is provided.
  - iii. Best efforts will be made to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, youthful inmates will not be denied large muscle exercise and any legally required special education services to comply with this provision. Youthful inmates will also have access to other programs and work opportunities to the fullest extent possible.

#### **115.15 – Limits to Cross Gender Viewing and Searches**

#### **Policy**

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

- (b) As of August 20, 2015, or August 20, 2017 for a facility whose rated capacity does not exceed 50 inmates, the facility shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. Facilities 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) The facility shall implement policies and procedures that enable inmates 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. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit.
- (e) The facility 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) The agency 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.

### **Procedure**

1. Deputies will not conduct cross gender strip searches or cross-gender visual body cavity searches (anal or genital opening) except in exigent circumstances or when performed by a medical practitioner.
2. Cross gender pat down searches of female inmates are not permitted, except under exigent circumstances.
3. Female inmates will not be restricted access to regularly available programs or other out of cell opportunities based on the inability to perform cross gender pat down searches.
4. Cross gender strip searches and cross gender visual body cavity searches will be documented.
5. Inmates will be allowed to shower, perform bodily functions, and change clothing without non-medical 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 includes viewing via video camera).

6. Staff will announce “Male on the Floor” or “Female on the Floor” each time a Deputy of the opposite gender enters a housing unit; to inform inmates that an officer of the opposite gender will be on the floor. This announcement will be document in the jail log book.
7. Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status.
  - i. If the inmate’s genital status is unknown, it may be determined through conversation 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.
  - ii. The inmate will be asked whether they consider themselves male or female.
  - iii. The Classification Deputy will report this preference to the Transfer and Release Deputy.
  - iv. A copy of the PREA Initial Classification Assessment form will be placed in the inmates Classification file.
  - v. All transgender or intersex inmates will be housed according to the appropriate housing unit to ensure their safety and security of the facility.
8. All security staff will be trained 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.

#### **115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient**

##### **Policy**

- (a) The agency shall take appropriate steps to 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. Such steps shall include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take



actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.

- (b) The agency 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) The agency 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.

### **Procedure**

- 1. Inmates who are disabled will be provided with 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. All inmate education materials will be accessible to all residents/inmate. This includes but not limited to:
  - i. Interpreter services for the deaf or hard of hearing inmates.
  - ii. Interpreter services for Non-English speaking inmates.
  - iii. Reading of the material, by staff, to inmates.
  - iv. TTY (Text and Telephone) Machine.
- 2. The department will not rely on inmate interpreters, inmate readers or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety.

### **115.17 – Hiring and Promotion Decisions**

#### **Policy**

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

- 2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
  - 3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a) (2) of this section.
- (b) The agency 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 agency shall:
- 1) Perform a criminal background records check; and
  - 2) Consistent with Federal, State, and local law, make 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 agency shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.
- (e) The agency 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.
- (f) The agency 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 agency shall also impose 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.

## **Procedure**

1. The Richmond City Sheriff's Office prohibits hiring, promoting and enlisting the services of any contractor who may have contact with inmates who have:
  - i. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution.
  - ii. Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, open or implied threats of force, coercion, or if the victim did not consent or was unable to consent or refuse.
  - iii. Been civilly or administratively adjudicated to have engaged in the activity described in paragraph 1-ii in this section.
2. Any incidents of sexual harassment will be considered in determining whether to hire or promote anyone or to enlist the services of any contractor, who may have contact with inmates.
3. Before any new employee is hired, who may have contact with inmates; a criminal background check is conducted.
4. Consistent with Federal, State, and local law, best efforts will be made 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.
5. A criminal background check will be completed before enlisting the services of any contractor who may have contact with inmates.
6. Criminal background checks will be conducted by Internal Affairs/Human Resources on all current employees, volunteers and contractors who may have contact with inmates at least every five (5) years.
7. All applicants and employees will be asked, that may have contact with inmates directly, about previous misconduct in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as a part of reviews of current employees. Employees must disclose any such misconduct. A continuing affirmative duty to disclose any such misconduct shall be imposed.
8. Any material omission(s) regarding such misconduct, or the provision of materially false information, will be grounds for termination.
9. Unless prohibited by law, the agency will provide any information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer or for whom such employee has applied to work.

## **115.18 – Upgrades to Facilities and Technology**

### **Policy**

- (a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency 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 agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

### **Procedure**

- 1. The Richmond City Sheriff's Office will consider the effect of the design, acquisition, expansion or modification in reference to the jail's ability to protect inmates from sexual abuse during any planned expansions, modifications, or video equipment updates to the facility.
- 2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, it will be considered how such technology may enhance the agency's ability to protect inmates from sexual abuse.

## **VI. RESPONSIVE PLANNING**

### **115.21 – Evidence Protocol and Forensic Medical Examinations**

#### **Policy**

- (a) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency 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 Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
- (c) The agency shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the

examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs.

- (d) The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency 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) To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.
- (g) The requirements of paragraphs (a) through (f) of this section shall also apply to:
  - 1. Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and
  - 2. Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails.
- (h) For the purposes of this section, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

### **Procedure**

- 1. The Sheriff's Office is responsible for conducting administrative or criminal sexual abuse investigations (including inmate on inmate sexual abuse or staff sexual misconduct.)
- 2. When conducting a sexual abuse investigation the Internal Affairs Investigators will follow a uniform evidence protocol.
- 3. The Internal Affairs Division will use the most recent edition of the U.S. Department of Justice's Office on Violence against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations,

Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011.

4. All victims of sexual abuse will be offered access to forensic medical examinations. Such examinations will be offered without financial cost to the victim. Forensic Examinations will be conducted at a local hospital.
5. Examinations are conducted by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse (SANEs).
  - When SAFEs or SANEs are not available, the examination can be performed by other qualified medical practitioners.
  - The facility will document efforts to provide SAFEs or SANEs.
6. The facility attempts to make available to the victim a victim advocate from a rape crisis center, in person or by other means. All of these efforts are fully documented. **(Sexual assault victims can contact the Virginia family Violence and Sexual Assault Hotline at 1-800-838-8238. The Hotline staff are available 24 hours a day.)**
7. If and when a rape crisis center is not available to provide victim advocate services, the facility shall make available a qualified staff member from a community based organization or a qualified agency staff member.
8. If requested by the victim, a victim advocate, qualified agency staff member, or qualified community based organization staff member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provide emotional support, crisis intervention, information and referrals.

## **115.22 – Policies to Ensure Referrals of Allegations for Investigations**

### **Policy**

- (a) The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
- (b) The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.
- (c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.

- (d) Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.
- (e) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

### **Procedure**

1. An administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment (including inmate on inmate sexual abuse of staff or staff sexual misconduct.)
2. Allegations of sexual abuse or sexual harassment must be referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior.
3. There will be a policy in place to ensure that allegations of sexual abuse and sexual harassment are referred for investigation. The agency shall publish such policy on its website or make the policy available through other means.
4. All referrals of allegations of sexual abuse or sexual harassment for criminal investigations must be documented.

## **VII. TRAINING AND EDUCATION**

### **115.31 – Employee Training**

#### **Policy**

- (a) The agency shall train all employees who may have contact with inmates on:
  - 1) Its zero-tolerance policy for sexual abuse and sexual harassment;
  - 2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
  - 3) Inmates' right to be free from sexual abuse and sexual harassment;
  - 4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  - 5) The dynamics of sexual abuse and sexual harassment in confinement;
  - 6) The common reactions of sexual abuse and sexual harassment victims;

- 7) How to detect and respond to signs of threatened and actual sexual abuse;
  - 8) How to avoid inappropriate relationships with inmates;
  - 9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
  - 10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- (b) Such training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa.
- (c) All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.
- (d) The agency shall document, through employee signature or electronic verification that employees understand the training they have received.

### **Procedure**

1. All employees who have contact with inmates will be trained on the following:
  - a. The department's zero tolerance policy for sexual abuse and sexual harassment.
  - b. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
  - c. The right of inmates to be free from sexual abuse and sexual harassment.
  - d. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
  - e. The dynamics of sexual abuse and sexual harassment in confinement.
  - f. The common reactions of sexual abuse and sexual harassment victims.
  - g. How to detect and respond to signs of threatened and actual sexual abuse.
  - h. How to avoid inappropriate relationships with inmates.



- i. How to communicate effectively and professionally with inmates, including lesbians, gay, bisexual, transgender, intersex, or gender nonconforming inmates.
  - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- 2. Training is tailored to the gender of the inmates in the facility.
- 3. Pat Search – Strip Search/Transgender – Intersex inmates
  - a. The deputy performing the pat search should be of the same sex, according to where the resident/inmate is housed.
  - b. When a strip search is required for a transgender/intersex inmate, the search will be conducted by a deputy of the same sex of the resident/inmate, according to where the resident/inmate is housed.
  - c. Strip searches will never be performed as a punitive measure – Zero Tolerance.
  - d. Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status.
  - e. If the genital status is unknown, it may be determined during conversations with the inmate, reviewing medical records, or as part of a broader medical examination conducted in private by medical personnel.
  - f. Medical and Classification deputies must attempt to communicate with the inmate for the cooperation in determining gender for the purpose of housing and additional inmate services without resorting to a physical exam. If the inmate refuses to cooperate, the inmate will be housed in a single cell by themselves until the review team communicates and attempt to receive confirmation.
- 4. The Review Team will consist of the following or designees:
  - a. Health Services Administrator
  - b. Jail Operations Major
  - c. PREA Coordinator
- 5. The Intake deputy is responsible for notifying the medical staff that a transgender/intersex inmate has been identified at Intake.
- 6. Security staff will conduct these searches in a professional and respectful manner. The searches will be conducted in the least intrusive manner possible consistent

with security needs, and only if a search needs to occur based on exigent circumstances. All transgender/intersex searches will be documented in an incident report.

7. The security of the facility, staff and inmates safety must be maintained at all times.
8. Employees will receive training on the PREA standards and the agency shall provide each employee with refresher training every two (2) years to ensure all employees know the agency's current sexual abuse and sexual harassment policies and procedures.
9. In between the years in which an employee does not receive refresher training, the agency will provide refresher information on current sexual abuse and sexual harassment policies.
10. The agency will document, through employee signature or electronic verification that the employee understand the training they have received.

### **115.32 – Volunteer and Contractor Training**

#### **Policy**

- (a) The agency 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) The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.

#### **Procedure**

1. All volunteers and contractors, who have contact with inmates will be trained on their responsibilities under the Prison Rape Elimination Act (PREA) policy. The type and level of training is based on the services they provide and the level of contact they have with inmates.
2. All volunteers and contractors who have contact with inmates have, at the very least, been notified of the agency's zero tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

3. Documentation confirming that the volunteers/contractors understand the training they receive is kept on file within the agency.

### **115.33 – Inmate Education**

#### **Policy**

- (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) Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.
- (d) The agency 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.
- (e) The agency shall maintain documentation of inmate participation in these education sessions.
- (f) 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 handbooks, or other written formats.

#### **Procedure**

1. All inmates, during Intake, will receive orientation explaining the facility zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
2. Within thirty (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.
  - i. A sexual assault awareness pamphlet is provided to each inmate in inmates/residents property bag during clothing exchange with information

on self-protection and prevention techniques, treatment and counseling and reporting needs.

- ii. An informational video which contains PREA educational information is played during the Intake process.
3. Inmate PREA education is available in accessible formats for all inmates including those who are:
  - i. Limited English proficient;
  - ii. Deaf;
  - iii. Otherwise disabled;
  - iv. Limited in their reading skills.
4. Residents/Inmate will be required to sign documentation of inmate's participation in PREA education sessions.
5. Information about the agency's PREA policies is continuously and readily available or visible through informational video, inmate handbooks, or other written formats.
6. Current inmates who have not received such education shall be educated and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.

#### **115.34 – Specialized Training: Investigations**

##### **Policy**

- (a) In addition to the general training provided to all employees pursuant to § 115.31, the agency 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 criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- (c) The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.
- (d) Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.

## **Procedure**

1. Investigators who investigate allegations of sexual abuse are trained in conducting sexual abuse investigations in confinement settings.
2. The specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in a confinement setting and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
3. The agency maintains documentation showing that investigators have completed the required training.

### **115.35 – Specialized Training: Medical and Mental Health Care**

## **Policy**

- (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:
  - 1) How to detect and assess signs of sexual abuse and sexual harassment;
  - 2) How to preserve physical evidence of sexual abuse;
  - 3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
  - 4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- (b) If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.
- (c) 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.
- (d) 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.

## **Procedure**

1. Medical staff do not conduct forensic exams. Forensic exams will be conducted at a local hospital.
2. All full and part time medical and mental health practitioners who work regularly in the facility 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.
3. All medical and mental health personnel who work regularly within the agency will receive training mandated for contractors and volunteers.
4. All documentation will be kept on file within the agency.

## **VIII. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS**

### **115.41 – Screening for Risk of Sexual Victimization and Abusiveness**

#### **Policy**

- (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:
  - 1) Whether the inmate has a mental, physical, or developmental disability;
  - 2) The age of the inmate;
  - 3) The physical build of the inmate;
  - 4) Whether the inmate has previously been incarcerated;
  - 5) Whether the inmate's criminal history is exclusively nonviolent;
  - 6) Whether the inmate has prior convictions for sex offenses against an adult or child;

- 7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
  - 8) Whether the inmate has previously experienced sexual victimization;
  - 9) The inmate's own perception of vulnerability; and
  - 10) Whether the inmate is detained solely for civil immigration purposes.
- (e) 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 the agency, in assessing inmates for risk of being sexually abusive.
  - (f) Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.
  - (g) 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.
  - (h) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section.
  - (i) The agency 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.

### **Procedure**

1. All inmates will be screened during Intake using an Objective Classification Screening instrument. Newly committed inmates will be screened for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
2. Intake screening will take place within seventy two (72) hours of arrival at the facility.
3. Classification will reassess the inmate no later than thirty (30) days from the inmate's arrival to the facility. The inmate's risk of victimization or abusiveness will be based upon any additional relevant information received by the facility since the Intake screening.
4. Intake Screening will consider at a minimum the following to assess inmates for risk of sexual victimization:
  - i. Whether the inmate has a mental, physical or developmental disability.

- ii. Age of the inmate.
  - iii. Physical build of the inmate.
  - iv. If the inmate has previously been incarcerated.
  - v. If the inmates criminal history is exclusively nonviolent.
  - vi. If the inmate has prior convictions for sex offenses against an adult or child.
  - vii. If the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
  - viii. If the inmate has previously experienced sexual victimization.
  - ix. The residents/inmate own perception of vulnerability.
  - x. If the inmate is detained solely for civil immigration.
  - xi. If the inmate has any prior acts of sexual abuse.
  - xii. If the inmate has prior convictions for violent offenses.
  - xiii. If the inmate has a history of prior institutional violence or sexual abuse, as known to the agency.
5. Based on the answers provided and the inmates own perceptions of vulnerability a determination for the residents/inmate housing is made during Intake. If the inmate feels comfortable in general population, the inmate will be placed in a housing unit. If the inmate feels uncomfortable being placed in general population, the inmate will be housed in Administrative Segregation until seen and evaluated by the PREA Coordinator and/or Classification; unless required by a medical practitioner to be housed in Medical.
6. The inmates risk level will be reassessed at any time and when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmates risk of sexual victimization or abusiveness.
7. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked during the risk screening relating to the following questions:
- i. Whether the inmate has a mental, physical, or developmental disability.
  - ii. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.



- iii. Whether the inmate has previously experienced sexual victimization.
  - iv. The inmates own perception of vulnerability.
8. Appropriate controls on the dissemination of information shall be implemented within the facility of responses to questions asked pursuant to the inmate screening, in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

## **115.42 – Use of Screening Information**

### **Policy**

- (a) The agency 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) The agency 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 facility for male or female inmates, and in making other housing and 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.

### **Procedure**

- 1. Information from the risk screening will be used to determine housing, bed, work, education, and program assignments to prevent inmates with the high risk of being sexually victimized from those at the risk of begin sexually abusive.

2. The agency makes individualized determinations about how to ensure the safety of each inmate.
3. The agency makes housing and program assignments for transgender or intersex inmates in the facility on a case by case basis to ensure the inmates health and safety; and whether the placement would present management or security problems.
4. Placement and programming assignments for transgender or intersex inmates will be reassessed at least twice each year to review any threats to the inmate's safety.
5. A transgender or intersex inmates own views with respect to his/her own safety shall be given serious consideration.
6. Transgender or intersex inmates shall be given the opportunity to shower separately from other inmates.
7. The PREA Coordinator or designee will assess all transgender or intersex inmates for housing to include:
  - i. Does the inmate feel comfortable being housed in general population?
  - ii. What gender of inmates does the inmate feel comfortable being housed with?
  - iii. Does the inmate feel comfortable showering around other inmates?
  - iv. Does the inmate prefer to shower away from other inmates?
  - v. Transgender or intersex inmates who prefer to shower separately will be taken to Transfer & Release or an occupied dayroom and allowed to shower.
  - vi. Transgender or intersex inmates in general population can submit a request form to the PREA Coordinator or Classification to request a change in housing or showering status.
  - vii. Lesbian, gay, bisexual, transgender or intersex inmates shall not be placed 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 inmate.

### **115.43 – Protective Custody**

#### **Policy**

- (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:
  - 1) The opportunities that have been limited;
  - 2) The duration of the limitation; and
  - 3) 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:
  - 1) The basis for the facility's concern for the inmate's safety; and
  - 2) 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.

### **Procedure**

- 1. Inmates at high risk for sexual victimization will 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.
- 2. 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.
  - iii. The reasons for such limitations.

3. The facility shall assign inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged. Such an assignment shall not exceed a period of thirty (30) days.
4. If an involuntary segregated housing assignment is made, the facility shall clearly document:
  - i. The basis for the facility's concern for the inmate's safety.
  - ii. The reason why no alternative means of separation can be arranged.
5. An incident report will be completed on all inmates placed in involuntary segregated housing.
  - i. The PREA Coordinator and Classification will review all incident reports and determine if the need for continued segregated housing is required.
  - ii. If the inmate is to remain in involuntary segregated housing, Classification will complete an incident report documenting the reason the inmate will remain in segregated housing, any limitations to programs, education, and work opportunities, the duration of the limitations and why the limitations are placed based on the safety of the inmate and security of the facility.
  - iii. Classification will also document this information in the inmates Classification file.
6. Inmates in involuntary segregated will be reviewed at least every thirty (30) days by the PREA Coordinator and Classification to determine whether there is a continuing need for separation from the general population.
  - i. Classification conducts a weekly walkthrough of all confinement dorms and interviews all inmates, housed in voluntary and involuntary segregation. Information received from the inmate interviews is used to determine if there is a continued need to remain in segregated housing.

## **IX. REPORTING**

### **115.51 – Inmate Reporting**

#### **Policy**

- (a) The agency 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.

- (b) The agency 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.
- (c) Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
- (d) The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.

### **Procedure**

- 1. The Richmond City Sheriff's Office allows for internal reporting, by inmates, to report privately to agency officials about:
  - i. Sexual abuse or sexual harassment.
  - ii. Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment; and
  - iii. Staff neglect or violation of responsibilities that may have contributed to such incidents.
- 2. The multiple internal reporting methods an inmate can utilize are:
  - i. Verbal Reporting.
  - ii. Inmate Request form
  - iii. Grievance Forms
- 3. The agency provides at least one way for an inmate to report abuse or harassment to a public or private entity or office that is not part of the agency by contacting the **Greater Richmond Regional at 804-612-6126. The Hotline staff are available 24 hours a day.**
- 4. Inmates detained solely for civil immigration purposes must be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.
- 5. Staff must accept reports of sexual assault and sexual harassment made verbally, in writing, anonymously, and from third parties.
- 6. Staff is required to immediately document verbal reports.

7. Staff can privately report sexual abuse and sexual harassment of inmates to their supervisor or any other facility supervisor.
8. Staff is informed of these procedures in the following ways:
  - i. Classroom training.
  - ii. Muster briefings.
  - iii. Email bulletins.
  - iv. Policies.

## **115.52 – Exhaustion of Administrative Remedies**

### **Policy**

- (a) An agency shall be exempt from this standard if it does not have administrative procedures to address inmate grievances regarding sexual abuse.
- (b)
  - 1) The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
  - 2) The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.
  - 3) The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
  - 4) Nothing in this section shall restrict the agency's ability to defend against an inmate lawsuit on the ground that the applicable statute of limitations has expired.
- (c) The agency shall ensure that—
  - 1) An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
  - 2) Such grievance is not referred to a staff member who is the subject of the complaint.
- (d)
  - 1) The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
  - 2) Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.
  - 3) The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision.

The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.

- 4) At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
- (e)
- 1) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.
  - 2) If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
  - 3) If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.
- (f)
- 1) The agency shall establish procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.
  - 2) After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
- (g) The agency may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.

### **Procedure**

1. The agency has an administrative procedure for dealing with inmate grievances regarding sexual abuse.
2. Agency policy allows an inmate to submit a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred.

3. Inmates are not required to use an informal grievance process, or otherwise to attempt to resolve with staff, an alleged incident of sexual abuse.
4. Residents/Inmate may submit a grievance alleging sexual abuse without submitting the grievance to the staff member who is the subject of the complaint.
5. Any inmate grievance alleging sexual abuse shall not be referred to the staff member who is the subject of the complaint.
6. A final decision will be issued by Internal Affairs on the merits of any portion of a grievance alleging sexual abuse within ninety (90) days of the initial filing of the grievance.
7. Internal Affairs may claim an extension of time to respond up to seventy (70) days, if the normal time period for response is insufficient to make an appropriate decision.
8. If an extension is needed the inmate will be notified in writing. The notification will also include a date by which a decision will be made.
9. Policy and procedure permits third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such request on behalf of residents/inmate.
10. If the inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, the agency documents the inmate's decision to decline.
11. The agency has a policy and established procedure for filing an emergency grievance alleging that an inmate is subject to substantial risk of imminent sexual abuse. (*Follow procedures outline in staff and agency reporting duties*)
12. Emergency grievances alleging substantial risk of imminent sexual abuse require an initial response within forty-eight (48) hours.
13. Emergency grievances alleging substantial risk of imminent sexual abuse require that a final agency decision be issued within five (5) days.
14. After an agency decision is made, a copy of the emergency grievance and all responses shall be forwarded to the PREA Coordinator.
15. The agency shall only discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.



## **115.53 – Inmate Access to Outside Confidential Support Services**

### **Policy**

- (a) The facility 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) The facility 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.

### **Procedure**

- 1. Inmates are provided with access to outside victim advocates for emotional support services related to sexual abuse by:
  - i. Giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available, for local, state, or national victim advocacy or rape crisis organizations.)
  - ii. Giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes.
  - iii. Enabling reasonable communication between inmates and these organizations in as confidential a manner as possible.
- 2. The facility informs inmates, prior to giving them access to outside support services, the extent to which such communications will be monitored.
- 3. The facility informs inmates, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law.

4. The agency shall maintain or attempt to enter into memoranda of understanding (MOU) or other agreements with community service providers.
5. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

#### **115.54 – Third Party Reporting**

##### **Policy**

The agency shall establish a method to 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.

##### **Procedure**

1. The agency provides a method to receive third party reports of inmate sexual abuse or sexual harassment by posting reporting information and contact numbers on the agency's website.
2. The agency publicly distributes information on the agency website, on how to report inmate sexual abuse or sexual harassment on behalf of inmates.
3. The agency posts contact numbers and reporting information in the lobby for public viewing.

### **X. OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT**

#### **115.61 – Staff and Agency Reporting Duties**

##### **Policy**

- (a) The agency shall require all staff to report immediately and according to agency policy 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 agency; 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) If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.
- (e) The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators.

### **Procedure**

1. All staff are required to report immediately any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, even if that facility is not with the Richmond City Sheriff's Office.
2. All staff are required to immediately report any retaliation against inmates or staff who report such incidents.
3. All staff are required to immediately report any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
4. Apart from reporting to the designated supervisors or officials and designated state or local services agencies, staff is prohibited from revealing 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 decision.
5. Unless otherwise precluded by Federal, State or local law, medical and mental health practitioners shall be required to report sexual abuse to those appropriate officials and to inform inmates of their duty to reports; and the limitations of confidentiality at the initiation of services.
6. If the alleged victim is under the age of eighteen (18) or considered a vulnerable adult under a State or local vulnerable person's statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.
7. The facility shall report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, to the facility's designated investigators.

### **115.62 – Agency Protection Duties**

#### **Policy**

When an agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

## **Procedure**

1. When the agency or facility learns that an inmate is subject to a substantial risk of imminent sexual abuse, immediate action will be taken to protect the inmate.

### **115.63 – Reporting To Other Confinement Facilities**

## **Policy**

- (a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
- (b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- (c) The agency shall document that it has provided such notification.
- (d) The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards

## **Procedure**

1. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Sheriff or designee must notify the head of the facility or appropriate office of the agency/facility where sexual abuse is alleged to have occurred.
2. The Sheriff or designee will provide such notification as soon as possible but no later than seventy two (72) hours after receiving the allegation.
3. The facility will fully document that I provided such notification within seventy two (72) hours of receiving the allegation.
4. The Richmond City Sheriff's Office is required to fully investigate allegations received from other facilities/agencies and in full accordance with these standards.

### **115.64 – Staff First Responder Duties**

## **Policy**

- (a) Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:
  - 1) Separate the alleged victim and abuser;
  - 2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;

- 3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
  - 4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- (b) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

### **Procedure**

1. Upon learning of an allegation that an inmate was sexually abused the first responder will:
  - i. Separate the alleged victim and abuser.
  - ii. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
    - The first responder on the scene has the responsibility to secure, preserve, and control access to and from the crime scene.
      - a. If the abuse occurred within a time period that still allows for the collection of evidence request that the alleged victim not take any actions that could destroy physical evidence (i.e. washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and)
      - b. If the abuse occurred within a time period that still allows for the collection of evidence request that the alleged abuser does not take any actions that could destroy physical evidence (i.e. washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating)
    - Secure cell or dorm door.
    - Control of the crime scene shall be the responsibility of the first deputy on scene until relieved.
    - Allow as few people as necessary to enter the scene.

- iii. Ensure alleged victim is evaluated by Medical. If requested by the victim, attempt to make available to the victim a victim advocate from a rape crisis center, in person or by other means. (All of these efforts are to be fully documented.)
- iv. Ensure alleged inmate aggressor is seen and evaluated by Medical.
- v. Prepare a complete PREA Packet to include:

- PREA Sexual Assault Checklist
- Chronological event log
- Synopsis of event
- Action taken by the deputy/supervisor

Supporting documentation to include:

**Jail Operations will prepare the following documents for the PREA Packet:**

- Incident Report by the first responder
- Copy of events recorded in the log book
- Attach memorandums that have been written surrounding the events
- Supervisor reports of the incident
- After packet has been completed the information will be given to Internal Affairs.

**Internal Affairs will prepare the following documents for the PREA Packet**

- Investigative Reports
- Photographs
- Gather any relevant medical or mental health reports
- Take witness statements
- Handwritten Notes that may have been written
- Any other relevant documents, photographs, notes, etc.

**The PREA Coordinator will prepare the following documents for the PREA Packet**

- Booking Face Sheet
- PREA Reassessment Form

- vi. Notify the Sheriff, PREA Coordinator, Internal Affairs, Jail Operations and Medical.

- vii. The PREA packet will be forwarded to Internal Affairs. Internal Affairs will forward a copy of the completed PREA packet to the PREA Coordinator. The PREA Coordinator will review the documentation for accuracy and request any additional documentation that may be needed
  - viii. In the event that an actual rape occurs, a copy of the PREA packet will be provided to Internal Affairs on the scene to investigate.
2. If the first staff responder is a civilian staff member, the responder shall be required to:
- i. Request that the alleged victim not take any actions that could destroy evidence.
  - ii. Immediately notify security staff.

#### **115.65 – Coordinated Response**

##### **Policy**

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

##### **Procedure**

1. The facility has a written institution plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators and facility leadership.

#### **115.66 – Preservation of Ability to Protect Inmates from Contact with Abusers**

##### **Policy**

- (a) Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall 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 standard shall restrict the entering into or renewal of agreements that govern:
  - 1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.72 and 115.76; or
  - 2) 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.

### **Procedure**

1. The agency, facility, nor any other governmental entity responsible for collective bargaining on the agency's behalf shall 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.

### **115.67 – Agency Protection Against Retaliation**

#### **Policy**

- (a) The agency shall establish a policy 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, and shall designate which staff members or departments are charged with monitoring retaliation.
- (b) The agency shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, 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 agency 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. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
- (d) In the case of inmates, such monitoring shall also include periodic status checks.
- (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.
- (f) An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.



## **Procedure**

1. The agency protects all inmates and staff who report sexual abuse or sexual harassment or those who cooperate with sexual abuse or sexual harassment investigators from retaliation by other residents/inmate or staff. The agency's PREA Coordinator is designated to monitor for possible retaliation.
2. The agency shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
3. For at least ninety (90) days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates or staff who report 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 inmate or staff and acts promptly to remedy any such retaliation. The agency shall monitor to include; any inmate disciplinary reports, housing or program changes or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond ninety (90) days if the initial monitoring indicates a continuing need.
4. In the case of inmates, such monitoring shall also include periodic status checks.
5. If any other individual who cooperates with an investigation expresses a fear of retaliation the agency shall take appropriate measures to protect that individual against retaliation.
6. The agency's obligation to monitor shall terminate if the agency determined that the allegation is unfounded.

### **115.68 – Post allegation protective custody**

## **Policy**

Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.43.

## **Procedure**

1. Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse is subject to the procedures is found in 'Protective Custody'.

## **XI. INVESTIGATIONS**

### **115.71 – Criminal and Administrative Agency Investigations**

#### **Policy**

- (a) When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- (b) Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.34.
- (c) Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- (d) When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) 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. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- (f) Administrative investigations:
  - 1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
  - 2) Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- (g) 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.
- (h) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- (i) The agency shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

- (j) 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.
- (k) Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
- (l) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

### **Procedure**

1. All investigations into allegations of sexual abuse and sexual harassment will be done promptly, thoroughly, and objectively including third-party and anonymous reports.
2. The Richmond City Sheriff's Office shall use investigators who have received special training.
3. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
4. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent prosecution.
5. The credibility of an alleged victim, suspect or witness shall not be determined by the person's status as inmate or staff. The agency shall not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation.
6. Administrative investigations:
  - i. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse;
  - ii. Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
7. 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.

8. All substantial allegations of conduct that appear to be criminal will be referred for prosecution.
9. The agency retains all written reports pertaining to administrative or criminal investigations of alleged sexual assault or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years.
10. The departure of the alleged abuser or victim from the employment or control of the facility or agency control shall not provide a basis from terminating an investigation.
11. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

#### **115.72 – Evidentiary Standards for Administrative Investigations**

##### **Policy**

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.

##### **Procedure**

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.

#### **115.73 – Reporting To Inmates**

##### **Policy**

- (a) Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- (b) If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.
- (c) Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:
  - 1) The staff member is no longer posted within the inmate's unit;
  - 2) The staff member is no longer employed at the facility;

- 3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
  - 4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- (d) Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever:
- 1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
  - 2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- (e) All such notifications or attempted notifications shall be documented.
- (f) An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

### **Procedure**

1. The agency requires that any inmate who makes an allegation that he/she suffered sexual abuse in an agency facility is formed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency.
2. If there has been a substantiated or unsubstantiated complaint (i.e. not unfounded) of sexual abuse committed by a staff member against an inmate the agency must subsequently inform the inmate whenever:
  - i. The staff member was no longer posted within the inmate's dayroom;
  - ii. The staff member was no longer employed at the facility;
  - iii. The agency learned that the staff member was indicted on a charge related to sexual abuse within the facility;
  - iv. The agency learned that the staff member was convicted on a charge related to sexual abuse within the facility.
3. Following an inmate's allegation that he/she has been sexually abused by another inmate in an agency facility, the agency subsequently informs the alleged victim whenever:
  - i. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility.

- ii. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- 4. All notifications to inmates described under this standard must be documented.
- 5. The agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

## **XII. DISCIPLINE**

### **115.76 – Disciplinary Sanctions for Staff**

#### **Policy**

- (a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency 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 law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

#### **Procedure**

- 1. Staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
- 2. Termination is the likely disciplinary sanction for staff who engage in sexual abuse.
- 3. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the natural 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.

4. 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, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

#### **115.77 – Corrective Action for Contractors and Volunteers**

##### **Policy**

- (a) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
- (b) The facility 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.

##### **Procedure**

1. The agency requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
2. Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates.
3. The facility will take remedial measures and 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.

#### **115.78 – Disciplinary Sanctions for Inmates**

##### **Policy**

- (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) If the facility offers 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) The agency 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) An agency may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

### **Procedure**

1. Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse.
2. Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate abuse.
3. Sanctions are proportionate with the nature and circumstance of the abuses committed, the inmate's disciplinary history, and the sanctions imposed for the comparable offenses by other inmates with similar histories.
4. The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any should be imposed.
5. Richmond City Sheriff's Office offers minimal therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for abuse. The program is voluntary or can be court ordered.
6. The agency disciplines inmates for sexual conduct with staff only upon finding that the staff member did not consent to such contact.
7. The agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.
8. Richmond City Sheriff's Office prohibits all sexual activity between inmates.



9. Although all sexual activity is prohibited between inmates the agency will only deem such activity to constitute sexual abuse if it determines that the activity is coerced.

### **XIII. MEDICAL AND MENTAL HEALTH CARE**

#### **115.81 – Medical and Mental Health Screening; History of Sexual Abuse**

##### **Policy**

- (a) If the screening pursuant to § 115.41 indicates that a prison 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 fourteen (14) days of the intake screening.
- (b) If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, 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 mental health practitioner within fourteen (14) days of the intake screening.
- (c) 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 fourteen (14) days of the intake screening.
- (d) 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.
- (e) 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 eighteen (18).

##### **Procedure**

1. All inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to §115.41 are offered a follow-up meeting within fourteen (14) days with a medical or mental health practitioner.

2. Medical and mental health staff maintain secondary materials (i.e. form, log) documenting compliance with the above standard.
  - i. A PREA log is maintained by the PREA Coordinator to document that all inmates have been offered a fourteen (14) day follow up with Mental Health.
3. Information related to sexual victimization or abusiveness that occurred in an institutional setting is not limited to medical and mental health practitioners. The information shared with other staff is strictly limited to informing security and management decisions, including treatment plans, housing, bed, work, education and program assignments, or as otherwise required by federal, state or local law.
4. 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 eighteen (18).

#### **115.82 – Access to Emergency Medical and Mental Health Services**

##### **Policy**

- (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.

##### **Procedure**

1. Inmate victims of sexual abuse receive timely and unimpeded access to emergency medical treatment and crisis intervention services.
2. Medical and Mental Health Staff maintain secondary materials (i.e. log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided.

3. Medical staff are on duty twenty-four (24) hours a day.
4. Inmate victims of sexual abuse while incarcerated shall be offered timely access to emergency contraception and sexually transmitted infection prophylaxis where medically appropriate.
5. Treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

#### **115.83 – Ongoing Medical and Mental Health Care for sexual Abuse Victims and Abusers**

##### **Policy**

- (a) The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
- (b) 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.
- (c) The facility shall provide such victims with medical and mental health services consistent with the community level of care.
- (d) Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
- (e) If pregnancy results from the conduct described in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
- (f) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
- (g) 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.
- (h) All prisons shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

## **Procedure**

1. The facility offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
2. The evaluation and treatment of such victims shall include, as appropriate, follow-services, treatment plans, and when necessary, referrals for continued care following their transfer to or placement in, other facilities, or their release from custody.
3. The facility shall provide such victims with medical and mental health services consistent with the community level of care.
4. Female victims of sexual abuse while incarcerated are offered pregnancy tests.
5. If pregnancy results from sexual abuse while incarcerated, victims receive timely and comprehensive information about and timely access to, all lawful pregnancy-related medical services.
6. Residents/Inmate victims of sexual abuse while incarcerated are offered treatment for sexually transmitted infections as medically appropriate.
7. Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
8. The facility will maintain that a mental health evaluation is conducted of all inmate-on-inmate abusers within sixty (60) day of learning of such abuse history and offers treatment when deemed appropriate by mental health practitioners.

## **XIV. DATA COLLECTION AND REVIEW**

### **115.86 – Sexual Abuse Incident Reviews**

#### **Policy**

- (a) The facility 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:

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

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

### **Procedure**

1. The facility conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including whether the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
2. Sexual abuse incident reviews will be conducted within thirty (30) days of concluding the investigation.
3. The sexual abuse incident review team will include upper-level management officials and allows for input from line supervisors, investigators and medical or mental health staff.
4. 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.
  - ii. 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 by otherwise caused by other group dynamics at the facility.

- iii. Examine the area in the facility where the incident allegedly occurred to access whether physical barriers in the area may enable abuse.
  - iv. Assess the adequacy of staffing level in that area during different shifts.
  - v. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
  - vi. Prepare a report of its findings and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.
5. The facility will implement the recommendations or will document the reason for not doing so.

### **115.87 – Data Collection**

#### **Policy**

- (a) The agency 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.
- (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) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- (e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- (f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

#### **Procedure**

- 1. The agency collects accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set definitions.
- 2. The standardized instrument includes at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

3. The agency aggregates the incident based data at least annually.
4. The agency maintains reviews and collects data as needed from all available incident based documents, including reports, investigation files, and sexual abuse incident reviews.
5. Upon request, the agency will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

#### **115.88 – Data Review for Corrective Action**

##### **Policy**

- (a) The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
  - 1) Identifying problem areas;
  - 2) Taking corrective action on an ongoing basis; and
  - 3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- (b) Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
- (c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.
- (d) 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.

##### **Procedure**

1. The agency reviews data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, and training, including:
  - i. Identifying problem areas.
  - ii. Taking corrective action on an ongoing basis.
  - iii. Preparing an annual report of its finding from its data review and any corrective actions for each facility, as well as the agency as a whole.

2. The annual report will include a comparison of the current year's data and corrective actions with those from prior years.
3. The annual report will provide an assessment of the agency's progress in addressing sexual abuse.
4. The agency will make its annual report readily available to the public at least annually through its website.
5. The annual reports are approved by the Sheriff.
6. When the agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility.
7. The agency will indicate the nature of the redaction.

### **115.89 – Data Storage, Publication, and Destruction**

#### **Policy**

- (a) The agency shall ensure that data collected pursuant to § 115.87 are securely retained.
- (b) The agency 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, the agency shall remove all personal identifiers.
- (d) The agency 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.

#### **Procedure**

1. The agency ensures that the incident-based and aggregate data are securely retained.
2. Aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website.
3. Before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers.



4. The agency maintains sexual abuse data collected pursuant to §115.87 for at least ten (10) years after the date of initial collection, unless federal, state, or local law requires otherwise.

## **XV. COMMUNICATION**

1. All communication must be professional and without comments that could be deemed harassment.
2. Sexual harassment includes verbal statements or comments of a sexual nature to an inmate, detainee, or resident by all agency members, medical staff, mental health staff, volunteers, program staff, contractors, contract employees, official visitors and agency representatives to include demeaning references to gender or derogatory comments about body or clothing or profane obscene language or gestures.
3. All transgender inmates will be addressed by last name.
4. Avoid using language that a reasonable person would consider demeaning, specifically language aimed at a person's actual or perceived gender identity expression and/or sexual orientation.
5. Questions relating to an inmate's gender identity or gender expression shall only be asked when necessary for ensuring proper classification, housing, and medical treatment.
6. Richmond City Sheriff's Office will have zero tolerance for derogatory terms used towards members of the LGBTI community including LGBTI inmates.

## **XVI. STRIP SEARCHES**

1. A strip search will be conducted of an inmate during the Intake/Booking Process.
2. When a strip search is conducted it will be conducted by one (1) deputy while the deputy in Quartermaster will conduct a clothing exchange.
3. Staff members of the same gender as the inmate shall conduct strip searches.
4. Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the genital status is unknown, it may be determined during conversations with the inmate, reviewing medical records, or as part of a broader medical examination conducted in private by medical personnel.
5. The perception of a transgender or intersex resident/inmate will be taken into consideration when performing a strip search. The search will be conducted in a professional and respectful manner and in the least intrusive manner as possible.

## **XVII. CLASSIFICATION**

1. Classification shall use the information from the risk screening to determine housing, bed, work, education, and program assignments with the goal of keeping separate LGBTI inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
2. Classification will make individualized determinations on how to ensure the safety of each inmate.
3. In deciding whether to assign a transgender inmate to a facility housing unit for male or female inmates and in making other housing and programming assignments, Classification shall consider on a case-by-case basis.
4. An LGBTI inmates own views with respect to his/her own safety shall be given significant consideration and recorded on their Classification Record.
5. Classification shall strive not to place LGBTI inmates in dedicated housing units solely on the basis of such identification or status, unless such placement is necessary for their safety.

## **XVIII. ADMINISTRATIVE & STAFF REVIEW**

1. This policy and procedures will be reviewed by the Administrative staff every twelve (12) months and updated as required.
2. All staff shall review this policy every twelve (12) months to ensure compliance and understanding of duties in the event of an emergency.
3. The Training Department will maintain documentation of the review.

## RICHMOND CITY SHERIFF'S OFFICE

### COORDINATED RESPONSE TO A SEXUAL ASSAULT INCIDENT

