

SALUDA COUNTY SHERIFF'S OFFICE SALUDA COUNTY DETENTION CENTER	
CHAPTER NUMBER /TITLE:	1/Administration/Management
POLICY #:	1.7
TITLE:	Prison Rape Elimination Act of 2003 (PREA)
DATE:	May, 2014
DATES REVIEWED:	
SOUTH CAROLINA JAIL STANDARDS/STATUTES:	SC Code of Laws §44-23-1150; Public Law 108-79 (PREA);
PREA STANDARDS:	115.11(a), 115.12(a) - (b), 115.13(a) - (d), 115.16(a), 115.16(c), 115.17(a) - (g), 115.18(a) - (b), 115.21(a) - (h), 115.22(a) - (d), 115.31(a) - (d), 115.32(a) - (c), 115.33(a) - (f), 115.34(a) - (c), 115.35(a) - (d), 115.43 (a) - (e), 115.52(a) - (g), 115.53(a) - (c), 115.54(a), 115.61 (a) - (e), 115.62(a), 115.63(a) - (c), 115.64(a) - (b), 115.65(a), 115.67(a) - (f), 115.68(a), 115.71 (a) - (j), 115.72(a), 115.73 (a) - (f), 115.76(a) - (d), 115.77 (a) - (b), 115.78(a) - (g), 115.82(a) - (d), 115.83(a) - (h), 115.115.86(a) - (e), 115.87(a) - (f), 115.88(a) - (d), 115.89(a) - (d)



POLICY: The Saluda County Detention Center is committed to the safety and security of inmates, staff and others. To this end, the Saluda County Detention Center will establish guidelines and procedures to address the Prison Rape Elimination Act (PREA) of 2003 and the Department of Justice (DOJ) standards related to the same. The Saluda County Detention Center will have a zero tolerance policy on all forms of sexual harassment, sexual assault, and sexual abuse of inmates as defined under PREA. Any staff member, contractor, or volunteer found, upon investigation, to have been involved in any incident of inmate sexual abuse, assault, harassment, rape, attempted rape or sexual misconduct will be subject to disciplinary action, up to and including immediate termination of employment, services, or contract, consistent with Sheriff's Office personnel or County policies and procedures. Any staff member, contractor or volunteer may be subject to criminal prosecution for any sexual abuse offense, as warranted under South Carolina statutes. Any inmate who, upon investigation, is determined to be the perpetrator of sexual abuse, misconduct, harassment, assault,

rape, and/or attempted rape, will be subject to disciplinary action, to include criminal prosecution, if applicable.

OTHER REFERENCES: Policy 1.4 – *Staffing Plans*; Policy 2.6 – *Intake Screening of Inmates (PREA)* Policy 3.0 – *Classification*; Policy 3.1 – *Administrative Separation*; Policy 5.4 – *Inmate Grievances*; Policy 5.8 – *Inmate Discipline*. South Carolina Code of Laws §44-23-1150

DEFINITIONS:

1. **Employee or Staff** refers to an individual(s) who is employed or works for the Saluda County Detention Center or the Saluda County Sheriff's Office or an individual who provides services on a recurring basis pursuant to a contractual agreement with the agency (e.g., contract health care and food service providers, contract maintenance workers, contract commissary workers, etc.). This definition is also applicable to volunteers who have direct contact with inmates, (i.e., volunteer chaplains, counselors, etc.)
2. **Inmate** refers to any individual incarcerated in the Saluda County Detention Center, to include sentenced, pre-trial, inmate workers, trustees, work release, weekender and any other person incarcerated in the Saluda County Detention Center under a contractual arrangement with a private or public entity, i.e. U.S. Marshal Services, ICE, state inmates, etc.
3. **PREA Coordinator** refers to an upper-management level position that reports directly to the Jail Administrator tasked with overseeing the Saluda County Detention Center's plan to address PREA standards. the responsibilities of the PREA Coordinator are outlined in this policy.
4. **Qualified Staff Member** refers to an individual who has been screened for appropriateness to provide rape crisis intervention and related assistance such as those services outlined in 42 U.S.C. 14043g(b)(2)(C)t to victims of sexual assault and who has received education concerning sexual assault, forensic examinations and related issues.
5. **Sexual Abuse** refers to any of the following, as further described below: (a) inmate-on-inmate sexual abuse, (b) inmate-on-inmate sexual harassment, (c) staff-on-inmate sexual abuse, and (d) staff-on-inmate sexual harassment.
 - A. **Inmate-on-inmate sexually abusive contact:** Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks without penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexual contact by threats of violence, or of an inmate who is unable to consent or refuse.
 - B. **Inmate-on-inmate sexually abusive penetration:** Penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexually abusive penetration by threats of violence, or of an inmate who is unable to consent or refuse. The sexual acts included are: contact between the penis and the vagina or the anus; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object.

- C. **Inmate-on-inmate sexual harassment:** Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by one inmate directed toward another.
 - D. **Staff-on-inmate sexually abusive contact:** Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks by a staff member of an inmate with or without the latter's consent that is unrelated to official duties.
 - E. **Staff-on-inmate sexually abusive penetration:** Penetration by a staff member of an inmate with or without the latter's consent. The sexual acts included are contact between the penis and the vagina or the anus; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object.
 - F. **Staff-on-inmate indecent exposure:** The display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.
 - G. **Staff-on-inmate voyeurism:** An invasion of an inmate's privacy by staff for reasons unrelated to official duties or when otherwise not necessary for safety and security reasons, such as peering at an inmate who is using a toilet in his or her cell; 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 and distributing or publishing them.
 - H. **Staff-on-inmate sexual harassment:** Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member. Such statements include demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
9. **Zero Tolerance** means that no sexual act, contact or harassment, will be tolerated between any inmate with another inmate and/or between an inmate and an employee per South Carolina Code of Laws §44-23-1150. Staff found guilty of such violations will be subject to disciplinary action up to and including immediate termination and possible criminal prosecution. Inmates will be subject to disciplinary action consistent with the requirements of Saluda County Detention Center's inmate disciplinary procedures, and may be subject to criminal prosecution.

PROCEDURES:

- 1. **PREA Coordinator (115.11):** The Jail Administrator will designate an employee in an upper level, agency wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee efforts to address the requirements contained in the PREA Standards. The PREA Coordinator will, at a minimum, be responsible for the following activities/duties:
 - A. Assist in the development, review and necessary revision of detention center policies and procedures to identify, monitor, assess and keep account of sexual misconduct incidents reported at the detention center;
 - B. Collect, maintain and report statistics and information related to PREA incidents, programs, and activities, to include documentation and data related to corrective

action plans as required under the PREA Standards 115.87(a) - (f) and 115.88(a) - (d) and 115.89(a) -(d);

- C. Conduct periodic reviews of compliance with detention center policies and procedures, and make recommendations to the Sheriff, Jail Administrator, and Chief Deputy regarding needed funding or equipment to promote PREA compliance efforts;
- D. Assist in the development of PREA reporting forms and mechanisms to be used by inmates, staff and third parties to report PREA incidents. Ensure that reporting methods are communicated to staff, inmates, volunteers, contractors and third parties in written literature and/or via training;
- E. Collect and maintain uniform data for every allegation of sexual abuse at the Saluda County Detention Center. At a minimum, the data collected shall be sufficient to address all the questions presented in the *Survey of Sexual Violence* conducted by the Department of Justice and sent to facilities on a recurring basis. Data may be collected, reviewed and maintained from all available reports, investigations, and sexual abuse incident reviews.
- F. Review data collected in order to assess and improve the effectiveness of the detention center's sexual abuse prevention, detection, and response plans, policies, practices, and training and prepare annual reports of all recommendations and corrective action plans for presentation to the Sheriff and the Jail Administrator. In addition, upon approval of the report by the Sheriff and/or Jail Administrator, the Sheriff and/or Jail Administrator or designee will ensure a copy of the report is made readily available to the public either through the detention center's website or by other means.
- G. Maintain all collected data related to sexual abuse incidents, recommendations and corrective action plans for at least ten (10) years.
- H. Assist in the development and/or review of all staff and inmate training programs related to PREA to ensure such plans are compliant with the requirements contained in PREA Standards 115.31, 115.32, 115.33, 115.34, and 115.35.
- I. Assist in identifying and entering into agreements with any outside providers able to provide services to victims of sexual abuse.
- J. Assist the Jail Administrator/designee in conducting an annual, formal review of the detention center's staffing plan and deployment of video monitoring devices and other monitoring devices/technologies to ensure staff/technology levels are sufficient for compliance with PREA. (Also, refer to Policy 1.4 – *Staffing Plans*.)
- K. Complete and deliver follow-up reports to be provided to inmate victims of sexual abuse to inform them if their allegations of sexual abuse have been substantiated, unsubstantiated or unfounded as required under Standard 115.73(a), and to provide inmate victims whose allegations are deemed substantiated with information as to the action taken against their abuser as required under Standards 115.73(c) and (d).

- L. Other duties as deemed necessary by the Jail Administrator or by PREA related standards.
2. **Upgrades to Facilities and Technology** : Consistent with PREA Standards 115.18(a) - (b), when designating or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Sheriff and the Jail Administrator in consultation with the PREA Coordinator, will consider the effect of the design, acquisition, expansion, or modification upon the ability to protect inmates from sexual abuse. When installing or upgrading video monitoring equipment, electronic surveillance systems, or other monitoring technology, the Sheriff and the Jail Administrator/designee and the PREA Coordinator will consider how such technology may enhance the detention center's ability to protect inmates from sexual abuse. The PREA Coordinator will be responsible for maintaining documentation to certify that all plans were reviewed by the Jail Administrator and/or the Sheriff for this purpose.
3. **Contracts**: Should Saluda County enter into any contract for the confinement of any Saluda County inmates with another agency, public or private, the contract will include the contractor's obligation to adopt and comply with PREA Standards and Saluda County's authority to monitor the contractor for compliance with PREA Standards.
4. **Training**:
- A. **Staff Training**:
- 1). All employees who may have contact with inmates (to include contract employees) will be trained on the following topics:
 - a. The Saluda County Detention Center's zero tolerance policy for sexual abuse;
 - b. How to fulfill their responsibilities under the detention center's zero tolerance policy and how to detect, document and report the signs or potential situations in which sexual abuse or harassment might occur;
 - c. Inmates' rights to be free from sexual abuse and harassment;
 - d. The right of inmates and employees to be free from retaliation for reporting sexual abuse and harassment;
 - e. The dynamics of sexual abuse and harassment in confinement facilities;
 - f. The common reaction of sexual abuse and 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, to include lesbian, gay, transgender, bi-sexual, intersex, or gender nonconforming inmates;
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
 - 2). Current employees of the detention center who have not received such training will be trained within one year of the effective date of the PREA Standards (or by August, 2014). The detention center will ensure that refresher training is provided employees every two (2) years. In the years when an employee is not scheduled for formal training, the Training Lieutenant and/or Sergeant and the PREA Coordinator will ensure that employee's are provided training on the detention center's zero tolerance

- policy. All training on the policy will be documented in the employee's training file by the Training Lieutenant and/or Training Sergeant. Training files will be made accessible to the PREA Coordinator.
- 3). New detention center employees and staff, to include contractors and volunteers with contact with inmates, will receive documented PREA training during their orientation training as described in Policy 1.3 – *Employee Training Requirements*.
 - 4). All employee training will be documented and will be maintained in the employee's training file by the Training Lieutenant and/or Training Sergeant. Training files will be made accessible to the PREA Coordinator.
 - 5). Employees, to include contractors and volunteers, will be trained to report any incident of sexual abuse or harassment, to include suspected incidents, immediately to their supervisor. Employees will be required to submit an *Incident Report* to their supervisor in these cases. Exceptions will be authorized when an employee has reason to believe supervisory staff may be involved in the incident or suspected incident/activity. In these cases, the officer may remove their supervisor from distribution and bring the matter directly to the attention of the next highest ranking official.

B. Inmate Training:

- 1). New inmates will receive information during the intake process explaining the Saluda County Detention Center's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or harassment.
- 2). Within 30 days of intake, the Saluda County Detention Center will provide comprehensive, documented education to inmates either in person or via video regarding their rights to be free from sexual abuse and harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. Similar information will also be provided inmates in written literature to be provided to inmates at the time of their admission to the detention center.
- 3). Inmates currently in the jail (not new admissions) who have not received PREA education will be educated within one year of the effective date of the standards.
- 4). Consistent with PREA standards, the Saluda County Detention Center will provide inmate education in formats accessible to all inmates, in compliance with the requirements of the Americans with Disabilities Act. The detention center 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, the performance of first responder duties, or the investigation of an inmate's allegations (Standard 115.16(c)).
- 5). Documentation related to training provided to inmates, to include their receipt of any written literature, will be maintained in the inmate's confinement record and will be accessible to the PREA Coordinator for record keeping and compliance monitoring purposes.
- 6). The Saluda County Detention Center will ensure that key information regarding PREA and the detention center's zero tolerance position is continuously and readily available or visible to inmates through posters, handbooks or other written formats (Standard 115.33(f)).

5. **Security Rounds:**

- A. Security staff and employees will be alert to their surroundings at all times and will bring to the attention of their supervisor any equipment or structural problems that may cause line-of-sight issues. Any issues will be properly reported and rectified consistent with detention center maintenance procedures.
- B. Intermediate level and upper level supervisory staff will be required to conduct and document unannounced rounds to identify and deter staff sexual abuse and harassment. Supervisory staff will conduct such rounds on both day and evening shifts. All documentation pertaining to such rounds will be maintained and will be made accessible to the PREA Coordinator for review or documentation purposes. Any noted issues identified by supervisory staff will be documented on an *Incident Report* to be immediately forwarded through the chain-of-command to the Jail Administrator and to the PREA Coordinator for investigation, if necessary. (115.13(d).)

6. **Post-Admission Screening Tools:** Consistent with PREA Standards 115.41(a) - (i), the Saluda County Detention Center will assess all inmates during intake and upon their transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. Intake screening will take place within 72 hours of an inmate's admission to the facility. An objective screening tool will be developed by detention center personnel to be used for this purpose. (See, also Policy 2.6 – *Intake Screening of Inmates (PREA)*, for more information.)

7. **Classification and Administrative Separation Issues:**

- A. **Classification:** Saluda County Detention Center classification personnel will develop and implement a classification system to identify, evaluate/assess and manage inmates with special needs, including those who are vulnerable and dangerous. Classification personnel will use information from the post admission screening tool described Procedure #6, above, to inform housing, bed, work, and program assignments with the goal of keeping inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. (See Policy 3.0 – *Classification*; Policy 3.1 – *Administrative Separation* and Policy 2.6 – *Intake Screening of Inmates (PREA)*, for more information.)
- B. **Protective Custody:** Inmates at high risk for sexual victimization will not be placed in involuntary segregation (or protective custody) unless an assessment of all available, alternative means of housing the inmate has been made and a determination has been reached that there is no other, available alternative means of separation from likely abusers. In cases such as this, the PREA Coordinator and the Jail Administrator/designee will be contacted by classification personnel to assist in the assessment. If an assessment is unable to be conducted immediately, inmates may be placed in involuntary protective custody for no more than 24 hours while completing the assessment. If a decision is made to continue placement of the inmate in protective custody, the following requirements must be met:
 - 1). Written documentation will be made by the PREA Coordinator and approved by the Jail Administrator/designee, clearly setting forth the rationale and reasons for maintaining the inmate in protective custody status;

- 2). Written documentation made by the PREA Coordinator and approved by the Jail Administrator/designee, that clearly sets forth the reasons why no alternative means of separation can be made, to include any attempts made to seek transfer of the inmate to another facility;
- 3). The inmate must have access to programs, privileges, education, and work opportunities. If the facility restricts access to programs, privileges, or work opportunities, the facility must document the opportunities that have been limited, the duration of the limitation, and the reason for the limitation. All documentation will be maintained in the inmate's confinement record.
- 4). The inmate must be reviewed every 30 days to determine whether there is a continued need for separation from the general population. Reviews will be conducted every 30 days by classification staff and will be forwarded to the PREA Coordinator for written approval.

8. **Hiring and Promotions:**

- A. The Saluda County Detention Center will implement a hiring and policy to assist in the prevention of sexual abuse. The detention center will not hire or promote anyone who may have contact or enlist the services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lock-up or other correctional confinement facility; 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; and/or has been civilly or administratively adjudicated to have engaged in any of the aforementioned activities.
- B. In addition, the Saluda County Detention Center will consider any incident of sexual harassment in determining whether to hire or promote anyone or to contract with anyone who may have contact with inmates.
- C. Before hiring new employees who may have contact with inmates, the Saluda County Detention Center will perform a criminal background records check and will, consistent with applicable laws, contact prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. Those responsible for hiring or promoting any individual will maintain documentation that required background checks and investigations have been completed.
- D. Saluda County employees responsible for enlisting the services of any contract employee will be responsible for ensuring a criminal background check has been completed on any potential contractor who may have contact with inmates. Documentation related to the background check will be maintained in the contract employee's personnel file and will be made accessible to the PREA Coordinator.
- E. The Saluda County Detention Center reserves the right to ask all applicants and employees who may have contact with inmates directly about previous conduct described in Specific Procedure #8.A., above, in written applications or interviews for hiring or promotion or in any interviews or written self-evaluations conducted as part of an employee's or contractor's annual review. Should any employee, applicant or contractor provide false information or omit information regarding their involvement in any conduct described in Specific Procedure #8.A., above, they will

be subject to disciplinary action up to and including immediate termination. Those responsible for hiring, promoting or reviewing employees, contractors or applicants will ensure documentation is maintained regarding any disciplinary action taken in these cases.

9. **Reporting PREA Incidents:**

- A. **Inmate Reporting:** Inmates may report sexual abuse or harassment in any of the following manners:
- 1). Inmates may report incidents of sexual abuse or harassment to any staff member without fear of retaliation. Notified staff members will be required to immediately complete an *Incident Report* describing the inmate's complaint for submission to the Jail Administrator and the PREA Coordinator. Once notified, the Jail Administrator and/or PREA Coordinator will immediately initiate a formal investigation into the matter consistent with procedures outlined in #10, below.
 - 2). Inmates may also submit grievances consistent with the procedures outlined in Policy 5.4 – *Inmate Grievances*.
 - 3). Inmates may utilize the detention center phone system to report incidents of sexual abuse or harassment. Inmates will be provided information as to how to utilize the phone system for this purpose, and written instructions will also be provided on all phones. All phoned-in allegations will be immediately forwarded by the responding party to the PREA Coordinator and the Jail Administrator so that an investigation can be initiated consistent with the procedures outlined in #10, below.
- B. **Staff, Contractor and Volunteer Reporting:**
- 1). Any employee, contractor, or volunteer who receive information concerning an allegation of sexual abuse or harassment, has reasonable suspicion of such activity; or who has knowledge of any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or harassment or retaliation will be required to immediately report the information or incident to their supervisor. The supervisor will immediately contact the Jail Administrator and the PREA Coordinator who will be responsible for initiating an investigation into the allegations consistent with the procedures outlined in Procedure #10, below. If the supervisor is a subject of the complaint or allegation, the employee, contractor or volunteer may submit the *Incident Report* to the next supervisory level.
 - 2). Apart from reporting to designated supervisors or officials, correctional staff will not reveal any information related to a sexual abuse report to anyone other than necessary to make treatment, investigation, and other security and management decisions.
 - 3). Should a staff member, contractor, or volunteer learn that an inmate may be subject to a substantiated risk of imminent sexual abuse, he/she will take immediate action to protect the inmate. The staff member, contractor or volunteer will immediately report this information to his/her supervisor and will complete an *Incident Report* for immediate dissemination to the Jail Administrator and the PREA Coordinator. The Administrator and/or the PREA Coordinator will immediately, upon receipt of the *Report*, initiate an investigation and will, if needed, consult with classification staff to determine the appropriate steps to take to immediately protect the inmate.

Should a determination be made to place the inmate in protective custody, the procedures outlined in #7.B., above will be followed.

- 4). Should an inmate enter the detention center due to a transfer from another facility and report an allegation of sexual abuse, the inmate will be referred to the health care provider to be assessed and evaluated. The intake officer receiving the inmate will complete an *Incident Report* for dissemination to the Jail Administrator and PREA Coordinator. The PREA Coordinator or designee will be responsible for contacting the administrator of the transferring facility to advise him/her of the allegation. All notifications will be documented and maintained by the PREA Coordinator. Notifications to the transferring agency head should be provided as soon as possible, but no more than 72 hours after receiving the allegation.

C. **Outside, Third Party Reporting:**

- 1). Any outside or third party, i.e., fellow inmate, staff member, family member, friend, attorney, chaplain, etc., may report an incident of sexual abuse or harassment that he/she has knowledge of by contacting the Jail Administrator or PREA Coordinator directly.
- 2). If a third party or outside party files a report, the PREA Coordinator may require as a condition of processing the report that the alleged victim agree to have the report filed on his/her behalf. If the inmate declines to have the report processed, the PREA Coordinator will document the inmate's decision.
- 3). All approved reports will be investigated as described in Procedure #10.
- 4). The PREA Coordinator will distribute public information on how to file a report of sexual abuse or harassment so that third parties are advised of the procedures. Copies of all public information will be maintained by the PREA Coordinator.

D. **False or Deliberately Malicious Reports:**

- 1). **Inmates:** Substantiated, deliberately malicious or false reports by inmates will result in disciplinary action and/or criminal charges consistent with the procedures outlined in Policy 5.8 – Inmate Discipline. A report of sexual abuse made in good faith based upon a reasonable belief by the inmate or staff member that the alleged conduct occurred will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- 2). **Others:** Any employee, contractor, volunteer, or staff member who fails to report an allegation or who coerces or threatens another person to submit inaccurate, incomplete, or untruthful information with the intent to alter a report, may face disciplinary action, up to and including immediate termination or termination of their volunteer status or contract. A report of sexual abuse made in good faith based upon a reasonable belief by the inmate or staff member that the alleged conduct occurred will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

E. **Agency Protection Against Retaliation (115.67):**

- 1). All inmates, employee, contractors and volunteers who report sexual abuse or harassment or who cooperate with any related investigation will be protected from retaliation by other inmates or staff.

- 2). In any case where an inmate or employee has expressed fear of retaliation or where retaliation is substantiated or suspected, the PREA Coordinator will take protective measures, i.e., housing or job assignment changes, removal of alleged staff or inmate abusers from contact with inmates, disciplinary action, to protect the inmate and/or staff member.
- 3). **Monitoring Retaliation:** The PREA Coordinator will monitor retaliation following a report of sexual abuse or harassment, as follows:
 - a. For at least 90 days following the submission of a report of sexual abuse or harassment, the PREA Coordinator will monitor the conduct and treatment of inmates and staff who reported sexual abuse and of inmates who were reported to have suffered sexual abuse to determine if there are changes that may suggest possible retaliation by inmates or staff.
 - b. The PREA Coordinator will, at a minimum, ensure the following activities/reports are reviewed during the 90 day period that may suggest retaliation.
 - i. Inmate disciplinary reports;
 - ii. Inmate housing or program changes;
 - iii. Negative staff performance reviews or reassignments
 - c. The PREA Coordinator may opt to continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
 - d. The PREA Coordinator will not be required to review or maintain such documentation in cases where the allegation or report of sexual abuse or harassment is determined to be unfounded. The termination of monitoring in these cases will be documented and maintained by the PREA Coordinator.
 - e. Should reports of retaliation be verified through monitoring, the inmate(s) or employee(s) found to be retaliating will be subject to disciplinary action consistent with inmate and staff disciplinary policies and procedures.

10. **Investigation Procedures for Reports of Sexual Abuse:**

- A. A staff member who receives a report of inmate-on-inmate or staff-on-inmate sexual abuse or misconduct will report this information directly to their immediate supervisor as described above. The reporting staff member will be required to complete an *Incident Report* detailing the alleged misconduct or incident. *Incident Reports* will be immediately submitted to the staff member's supervisor, unless the supervisor is the alleged perpetrator of the incident in which case the staff member may submit the *Report* to the next, higher level supervisor.
- B. Upon receipt of the report, the supervisor will immediately contact and forward the *Incident Report* to Jail Administrator and the PREA Coordinator so that an administrative or criminal investigation can be initiated. All allegations of sexual abuse and harassment will be investigated promptly and objectively, generally by the end of the shift in which the incident occurred.
- C. The release or transfer of the alleged victim(s) or perpetrator(s), or the termination, suspension or voluntary departure of an employee(s) involved in the incident, will not be grounds to terminate any investigation. The Saluda County Detention Center will uphold a policy that no staff member lessen to any degree the credibility of any

victim, witness or suspect because of the person's status as a inmate or detainee. No member of the detention center or Sheriff's Office staff will boost the credibility of any witness or suspect because the individual is a staff member.

- E. To uphold Saluda County's zero tolerance against sexual abuse, the detention center will be committed to criminally prosecuting any substantiated allegations of inmate-on-inmate or staff-on-inmate abuse or misconduct. As per PREA standards, the detention center and the Sheriff's Office will institute no standard higher than the preponderance of the evidence when determining whether an allegation of sexual abuse or harassment is substantiated.
- F. Upon notification of an alleged incident of sexual abuse, the supervisor receiving the report will:
- 1). Immediately separate the victim from the alleged assailant to protect the victim and prevent further violence. The responding supervisor and/or the PREA Coordinator will advise the detention center's classification officers of the incident so that arrangements can be made to initiate separate housing assignments for the victim and his/her assailant. Once separated, the supervisor will ensure enough staff is deployed to assist in maintaining control of the area. The supervisor will also be responsible for contacting the health care provider to assist the victimized inmate.
 - 2). The supervisor will direct the scene to be secured to preserve any evidence and immediately contact the Sheriff's Office to request a trained investigator(s) to process the scene consistent with the investigative requirements contained in PREA Standards. At a minimum, investigators assigned to conduct PREA investigations will receive specialized training in the following areas. All training will be documented and will be made accessible to the PREA Coordinator, as needed.
 - a. Interviewing sexual abuse victims and perpetrators in confinement settings;
 - b. Proper use of Miranda and Garrity warnings during such investigations;
 - c. Sexual abuse evidence collection in confinement settings, to include the criteria and evidence required to substantiate a case for administrative action and/or criminal prosecution.
 - 3). Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; will interview alleged victims, suspected perpetrators, and witnesses; and will review prior complaints and report of sexual abuse involving the suspected perpetrator, in any.
 - 4). When the quality of evidence appears to support criminal prosecution, investigators may conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
 - 5). All criminal investigations will 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. All written reports will be maintained for as long as the alleged abuser is incarcerated at the facility or employed by the facility, plus five (5) years. The departure of the alleged abuser or victim from the employment or

- control of the facility will not be used as a basis for terminating an investigation.
- 6). Health care providers at the facility will assess the medical and mental health care needs of the victimized inmate. If the incident involved sexual abuse or assault that occurred within a 72 hour period, the health care provider will instruct corrections staff that the inmate is to be transported to an outside medical facility so a sexual assault medical examination of the inmate can be conducted by medical personnel trained to conduct such examinations. The health care provider will ensure that any outside medical facility contracted to conduct sexual examinations utilizes Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). (The health care provider will ensure that documentation related to SAFE and SANE certification is provided to the PREA Coordinator for record keeping and reporting purposes.)
 - 7). The health care provider will either conduct or arrange to be conducted a mental health evaluation of any known inmate-on-inmate abuser within 60 days of learning of their abuse history. Appropriate treatment will be arranged for such inmates as deemed appropriate by the mental health care provider conducting the evaluation.
 - 8). The health care provider will assess the victimized inmate to determine if he/she may be at risk for suicide and will arrange for an evaluation by a qualified mental health care professional for crisis intervention counseling and follow-up care. All such efforts and evaluations will be documented by the health care provider and included in the inmate's medical file.
 - 9). Every effort will be made by the detention center to provide inmates with access to outside victim advocates for emotional support services related to sexual abuse. (See Procedure #11, below.)
 - 10). All responding officers and staff members will be required to complete an *Incident Report* detailing their involvement and role in the investigation or aftercare for dissemination to the PREA Coordinator and the Jail Administrator by the end of their shift.
 - 11). For investigations that are administrative in nature, an effort will be made to determine whether staff actions, failures to act, or failure of staff to follow policies and procedures contributed to the incident so that corrective action and, if needed, staff re-training can be initiated. All administrative investigations will be documented in writing and will include investigative findings and facts based on physical evidence, testimonial evidence, and an objective assessment of the same.
 - 12). To comply with PREA Standards, the Jail Administrator/designee will ensure that investigative protocols for allegations of sexual abuse and harassment are included on their website or are made known to the public by other means. Minimally, the website will specify that Saluda County Sheriff's Office investigators will be responsible for conducting PREA investigations and will describe the responsibilities of both the detention center and Sheriff's Office investigators. In addition, the Jail Administrator/designee will advise the Sheriff of the need for the Sheriff's Office to have a separate policy in place that addresses investigations related to PREA violations at the detention center. This policy will include provisions for following uniform evidence protocols for sexual assaults. At a minimum, evidence protocols included in policy will be developmentally appropriate for youth (under 18) and should be based on protocols developed after 2011.

11. On-going Medical/Mental Health Services for Sexual Abuse Victims:

- A. The PREA Coordinator will develop procedures for providing available services to inmates who allege they are victims of sexual abuse. The PREA Coordinator will consult with the health care provider and other applicable staff to develop these procedures.
- B. The PREA Coordinator/designee will make every effort to enter into MOA's with outside agencies trained to assess and provide counseling services for sexual abuse victims or will document that such services are available in-house by qualified staff through the contract health care provider. At a minimum, these services will include:
- 1). Mental health crisis intervention and treatment;
 - 2). Social, family, and peer support; and
 - 3). Medical treatment, including testing for HIV and other sexually transmitted diseases, emergency contraceptive and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

All treatment services will be provided without cost to the victim, regardless of whether the victim names the perpetrator or cooperates with an investigation into the alleged sexual abuse. To the extent possible, all services provided will be consistent with the community level of care.

- C. A victimized inmate may at any time request a victim advocate or other qualified agency staff member or contracted organization to accompany him/her through the forensic medical examination process or investigatory interview process. Victim advocates, qualified staff members or approved organizations may also be requested by the inmate to provide emotional support, crisis intervention, information and referrals. Inmates desiring such support will make a confidential, written request to the facility PREA Coordinator who will meet with the inmate to discuss and to arrange for such services. To the extent possible consistent with security and safety requirements, the facility will provide inmates with confidential access to such services and will provide the inmates access to such individuals and/or organizations via mail or telephone/telephone hotline services. The facility will inform inmates prior to giving them access to such services, numbers and addresses, the extent to which the facility may monitor communications in accordance with mandatory reporting laws. (**NOTE:** The detention center will maintain or attempt to enter into agreement or contracts with community service providers able to provide inmates with confidential emotional support services and victim advocacy services related to sexual abuse. All agreements and efforts to enter into any agreement will be documented.)
- D. The detention center will offer medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse while incarcerated in the Saluda County Detention Center. The evaluation and treatment will, as appropriate, include the following services: follow-up services, treatment plans and, when necessary, referrals for continued care following their release from the detention center or transfer to or placement in other facilities.
- E. Should an inmate be a victim of sexually abusive vaginal penetration while incarcerated, he/she will be offered pregnancy testing by the health care provider. Should pregnancy result from victimization, the victimized inmate will receive timely

and comprehensive information about and timely access to all lawful pregnancy related medical services.

- F. Should a victimized inmate refuse medical or mental health attention following a sexual abuse incident, staff will document the inmate's refusal on a *Medical Treatment Refusal Form* consistent with the health care provider's medical protocol. All *Refusal Forms* will be maintained in the inmate's medical record for documentation and record keeping purposes.

12. **Follow-up Reporting to Inmates:**

- A. Following an investigation into an inmate's allegation that he/she suffered sexual abuse, the PREA Coordinator will inform the inmate whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. All communication will be completed in writing to the inmate and the PREA Coordinator will maintain copies of all written follow-up reports for documentation purposes. If the investigation was conducted by an outside agency, the PREA Coordinator will request relevant information from the investigative agency in order to inform the inmate.
- B. Unless the inmates allegation has been unfounded, the PREA Coordinator will inform an inmate following an allegation that a staff member has committed sexual abuse against the inmate, whenever:
- 1). The staff member is no longer posted in his/her housing unit;
 - 2). The staff member is no longer employed by the facility;
 - 3). The facility learns the staff member has been indicted on a charge of sexual abuse within the facility;
 - 4). The facility learns the staff member has been convicted on a charge related to sexual abuse within the facility.
- All notifications to the inmate will be made in writing and will be maintained by the PREA Coordinator for documentation and record keeping purposes.
- C. Following an inmate's allegation that he/she has been sexually abused by another inmate, the PREA Coordinator will inform the alleged victim whenever:
- 1). The abuser has been indicted on a charge related to sexual abuse within the facility;
 - 2). The abuser has been convicted on a charge related to sexual abuse within the facility.
- All notifications to the inmate will be made in writing and will be maintained by the PREA Coordinator for documentation and record keeping purposes.
- D. The PREA Coordinator's obligation to provide reports to inmates will be terminated when the inmate is released from the custody of the detention center.

13. **Disciplinary Sanctions:**

- A. **For Staff:**
- 1). Staff will be subject to disciplinary action up to and including termination for violating any agency sexual abuse or harassment policies. Termination will be mandatory for staff who have engaged in substantiated claims of sexual abuse.

- 2). Disciplinary sanctions for violations of agency policies relating to sexual abuse and harassment (other than actually engaging in sexual abuse) will 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.
- 3). All terminations for violations of Saluda County sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to the Saluda County Sheriff's Office and other relevant law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies (for individuals who may have specialized licenses). In these cases, the PREA Coordinator will be responsible for making such notifications, in writing, and for maintaining copies of all written notifications for documentation and record keeping purposes.

B. For Contractor and Volunteers:

- 1). Any contractor or volunteer who engages in sexual abuse will be prohibited from any contact with inmates and will be reported to the relevant law enforcement agency(s), unless the activity was clearly not criminal, and to applicable licensing bodies. Documentation of such reports will be maintained by the PREA Coordinator.
- 2). The PREA Coordinator and the Jail Administrator will, in consultation with the volunteer/contractor's supervisor, take appropriate remedial measures and consider whether to prohibit further contact with inmates in the case of any other violation of sexual abuse or sexual harassment policies by a contractor or volunteer.
- 3). The PREA Coordinator will be responsible for maintaining documentation related to all actions taken against contractors and volunteers for record keeping and reporting purposes.

- C. For Inmates:** Inmates will be subject to disciplinary action pursuant to the procedures outlined in Policy 5.8 – *Inmate Discipline* 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.

14. Sexual Abuse Incident Review Team:

- A. Consistent with the requirements contained in PREA Standards 115.86(a) - (e), the Jail Administrator will ensure that a Sexual Abuse Incident Review Team is established to review all substantiated and unsubstantiated allegations of sexual abuse or harassment. Allegations deemed unfounded upon investigation will not required to be reviewed by the team. The team will be required to review incidents within 30 days of the conclusion of the investigation and prepare a report of its findings and any recommendations for improvement for submission to the Jail Administrator and the PREA Coordinator.
- B. The team will include upper-management level staff, with input from shift supervisors, investigators, and medical or mental health care professionals.
- C. The team will be responsible for:

- 1). Considering whether the allegation or investigation indicates a need to change policies and practices 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, or intersex identification status or perceived status; gang affiliation; or by other factors or group dynamics at the facility;
 - 3). Examine the area of the facility where the incident allegedly occurred to determine if any physical barriers existed which may have enabled the abuse;
 - 4). Assess the adequacy of staffing levels the that areas during different shifts;
 - 5). Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- C. To the extent possible, the Jail Administrator and the PREA Coordinator will implement the recommendations of the team. Should the Jail Administrator and/or the PREA Coordinator be unable to implement the recommendations of the team, they will document the reasons for not doing so. All documentation will be maintained by the PREA Coordinator for record keeping and reporting purposes. (Documentation may include requests for funding made for new equipment, staff or renovations that were disapproved by funding authorities, or other requests for outside assistance that were denied.)

Approved: _____

John C. Perry
Sheriff, Saluda County

Date: 08 / 01 / 20 14

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