

I. PURPOSE

The Fairfax County Sheriff's Office (FCSO) shall make every effort to comply with the applicable requirements contained in the Prison Rape Elimination Act (PREA) Standards. The FCSO will ensure proper procedures, training, and management of incidents involving sexual abuse and sexual harassment are established within all FCSO confinement facilities.

II. POLICY

It is the policy of the FCSO to prepare for, respond to, and administratively investigate all alleged incidents involving sexual abuse and sexual harassment in accordance with the Prison Rape Elimination Act of 2003 (PREA). The FCSO has a zero-tolerance policy towards all forms of sexual abuse and sexual harassment within its facility. All staff, contractors, and volunteers shall take the appropriate steps as outlined in this Policy in preventing, detecting, and responding to such conduct.

III. DEFINITIONS

(PREA 115.5)

A. General Definitions

Inmate: any person incarcerated or detained in the jail.

Staff: an agency employee.

Contractor: a person who provides services on a recurring basis pursuant to an agreement with the agency; and

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

Consent: cooperation in act or attitude pursuant to an exercise of free will and with full understanding of the nature of the act. Inmates cannot consent to sexual contact with staff members, volunteers, or contractors. [Virginia Criminal Code §18.2-64.2](#) states in part that an inmate cannot give consent at any time to a staff member that has a position of authority over that inmate.

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

Transgender: a person whose gender identity (internal sense of feeling male or female) is different from the person's assigned sex at birth. "Intersex" means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

Medical practitioner: means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice.

Inmates with disabilities includes but is not limited to inmates who are deaf, hard of hearing, blind or have low vision, and those who have intellectual, psychiatric, or speech disabilities.

Direct staff supervision: that deputies are in the same room with, and within reasonable hearing distance of the youthful offender.

Housing Unit: a detention area enclosed by physical barriers accessed through one or more various types of doors. The Housing Unit consists of single occupancy cells, multiple occupancy cells or dormitory. The Unit comprises a communal lavatory, shared private shower area, and a common dayroom space to eat and socialize. These housing units can be of linear design, podular design, or dormitory design at the Fairfax County Jail.

First Responder: The U.S. Department of Justice (DOJ) defines "first responder" as the staff person (or persons) who first arrive at the scene of an incident.

B. Sexual Misconduct Definitions (PREA 115.6)

Sexual abuse: sexual abuse of an inmate by another inmate; and sexual abuse of an inmate by a staff member, contractor, or volunteer.

Sexual abuse of an inmate by another inmate: includes any of the following acts, if the victim does not consent, is coerced into such an 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 by a staff member, contractor, or volunteer: includes any of the following acts, with or without consent of the inmate:

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) through (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.

Voyeurism by a staff member, contractor, or volunteer: an invasion of privacy of an inmate 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: sexual harassment of an inmate by another inmate; and sexual harassment of an inmate by a staff member, contractor, or volunteer.

Sexual harassment of an inmate by another inmate: repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward another.

Sexual harassment of an inmate by a staff member, contractor, or volunteer:

Repeated verbal comments or gestures of a sexual nature to an inmate 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.

IV. PREVENTION PLANNING

A. Zero Tolerance (PREA 115.11)

The Fairfax County Sheriff's Office has a zero-tolerance policy toward all forms of sexual abuse and sexual harassment. Sexual abuse of an inmate and sexual harassment of an inmate are prohibited. "Zero tolerance" means that sexual abuse, sexual harassment, and sexual misconduct will NOT be tolerated in the Sheriff's Office. All staff, contractors, and volunteers shall take the appropriate steps as outlined in this Policy and the PREA Coordinated Response Plan, in preventing, detecting, and responding to such conduct.

Inmates within the Adult Detention Center have the following rights:

1. The right to be free from sexual abuse and sexual harassment while in the custody of FCSO.
2. The right to remain free from retaliation from FCSO staff for reporting allegations of sexual abuse, sexual harassment, or sexual misconduct.

B. PREA Coordinator (PREA 115.11)

The Commander of the Administrative Services Division or designee shall employ an individual that meets the FCSO qualifications to serve as the agency's PREA Coordinator. The coordinator will be responsible for developing, implementing, and overseeing the FCSO's efforts to comply with the PREA standards in the Adult Detention Center. In addition, the PREA Coordinator must be afforded the time and authority to complete his/her duties. The Personnel Supervisor shall develop, implement, and maintain a written position description establishing the duties of the PREA Coordinator.

C. Contracting with Other Entities for the Confinement of Inmates (PREA 115.12)

The FCSO does not contract with or maintain any contractual agreements with any

private agency or other entities for the purpose of confinement of inmates that have been committed to the custody of the Sheriff of Fairfax County. If in the future the need to contract would arise the FCSO shall:

1. Include in any new contract or contract renewal the entity's obligation to adapt and comply with the PREA standards.
2. Indicate in any new contract or contract renewal a provision for agency contract monitoring to ensure the contract is complying with PREA standards.

D. Preventing and Detecting Sexual Abuse and Harassment (PREA 115.13)

The Sheriff's Office shall adopt and implement the following measures to prevent and detect sexual abuse and sexual harassment in its facility:

1. Staffing Plan/Video Monitoring

In the process of creating and revising a staffing plan to provide for adequate levels of staffing and video monitoring to protect inmates against sexual abuse, The Sheriff's Office shall ensure that the following factors are taken into consideration:

- a. Generally accepted detention and correctional practices
- b. Any judicial findings of inadequacy
- c. Any findings of inadequacy from Federal investigative agencies
- d. Any findings of inadequacy from internal or external oversight bodies
- e. All components of the facility's physical plant
- f. The composition of the inmate population
- g. The number and placement of supervisory staff
- h. Programs occurring on a particular shift
- i. Any applicable State or local laws, regulations, or standards
- j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- k. Any other relevant factors

The Fairfax County Sheriff's Office shall make every effort to comply with the staffing and video monitoring plan and, in circumstances where it is not complied with, shall document, and justify all deviations on a SIRS report.

2. At least once every year, and in collaboration with the PREA Coordinator, the Sheriff's Office Confinement Commander or designee shall conduct an assessment to determine whether adjustments are needed to the staffing plan, the deployment of video monitoring systems, and other technologies, and the resources the facility has available to commit to ensure adherence to the staffing

plan. This report will be created by the PREA Coordinator and presented to Command Staff for consideration.

3. Unannounced Rounds (PREA 115.13 (d))

Supervisors shall conduct and document unannounced rounds covering all shifts, and all areas of the facility, to identify and deter staff sexual abuse and sexual harassment. The Sheriff's Office policy prohibits staff members who are aware of these rounds from alerting other staff as to when or where these rounds are occurring, unless related to the legitimate operational needs of the facility.

Staff members who alert others about unannounced rounds with the intent to obstruct a supervisor's ability to monitor or protect inmates against sexual misconduct may be disciplined up to and including termination of employment.

Supervisors must take immediate action once becoming aware this behavior is occurring.

The Shift Supervisor shall determine how and when the unannounced rounds will be conducted and shall review all documentation from the rounds. These unannounced rounds will be documented on the post floor sheets. This documentation will consist of the date and time along with the name of supervisor conducting the unannounced round.

E. Youthful Inmates (PREA 115.14)

1. A youthful inmate (defined as any person under the age of 18 who is under adult court supervision and incarcerated or detained in jail) shall not be placed in a housing unit in which they 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.

a. General Population housing for **male** youthful inmates shall be housed in A-01. Multiple male youthful inmates may be housed within A-01 simultaneously. If circumstances dictate the housing of multiple youthful inmates that warrant "keep separates" or the number of male youthful inmates exceeds four (4), A-10 shall be utilized. The cellblock adjacent to a cellblock actively housing a youthful inmate shall remain vacant for the duration (A-02 and/or A-09). The adjacent vacant cellblock shall serve as a barrier to maintain sight and sound separation between youthful inmates and adult inmates. Signage stating, "NO INMATES BEYOND THIS POINT" shall be posted at the perimeter of the barrier cellblock furthest from the cellblock housing the youthful inmate.

b. No **female** youthful inmates will be housed in the Fairfax County Adult Detention Center due to current, physical facility limitations. These limitations do not allow for the sight and sound separation required by PREA standards. Therefore, any female youthful inmate mandated to the custody of the Sheriff's Office must be transferred to a facility capable of providing such separation from adult inmates.

2. In areas outside of housing units, The Sheriff's Office shall either:

a. Maintain sight and sound separation between youthful inmates and adult inmates, or

- b. Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.
 3. The Sheriff's Office shall make every effort to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, the agency 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.
- F. Cross Gender Viewing and Searches/Searches of Transgender Inmates **(PREA 115.15)**
 1. The Sheriff's Office shall not conduct cross-gender strip searches (meaning a search that requires a person to remove or arrange clothing so as to permit a visual inspection of their breasts, buttocks, or genitalia) or cross-gender visual body sequestration searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
 2. Pat-down searches (a running of the hands over the clothed body of an inmate) shall be conducted in accordance with an inmate's housing assignment. Inmates assigned to male gendered housing units shall be searched by male deputies. Inmates assigned to female gendered housing units shall be searched by female deputies only.
 3. The Sheriff's Office shall not permit cross-gender pat-down searches (a running of the hands over the clothed body of an inmate by a male employee) of female inmates, absent exigent circumstances. The agency shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
 4. The Sheriff's Office shall document all cross-gender strip searches and body cavity searches of inmates and all cross-gender pat-down searches of female inmates when it is deemed necessary to perform such searches in exigent circumstances. In these circumstances a SIRS report will be generated and forwarded to the Commander of Confinement and the PREA Coordinator.
 5. No staff member shall conduct a search of a transgender or intersex inmate solely for the purpose of determining 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.
 6. Viewing **(PREA 115.15 (d))**
 - a. The Sheriff's Office shall 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.
 - b. Staff members of the opposite gender shall announce their presence when entering an inmate housing unit. (See definitions of a housing unit)
 - c. No staff member may monitor a camera that is likely to view inmates of the opposite gender while they are showering, performing bodily functions, or changing clothing.

- d. If opposite-gender staff will be conducting rounds in housing units while inmates are asleep (such as male staff checking a female dorm), the opposite-gender staff member should announce that these rounds will occur prior to "Lock-in."

G. Inmates with Disabilities or Who Have Limited English Proficiency **(PREA 115.16 (a))**

- 1. The Sheriff's Office shall take appropriate steps to ensure that inmates with disabilities have an equal opportunity to benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

Such steps shall include providing access to qualified interpreters who can interpret effectively, accurately, and impartially when necessary to ensure effective communication with inmates who are deaf or hard of hearing. Please refer to [SOP 610 Interpreters For Deaf And Non-English Speaking Inmates](#) and [SOP 116 Americans With Disabilities Act, Accommodations For Inmates](#) for guidance and resources that are available to handle these situations.

- 2. In addition, the Fairfax County Sheriff's Office shall ensure that written materials are provided in formats and through methods that ensure effective communication with inmates with disabilities.

3. Inmates Who Have Limited English Proficiency **(PREA 115.16 (b))**

The Sheriff's Office shall take reasonable steps to ensure meaningful access to all aspects of its efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who have limited English proficiency, including providing interpreters who can interpret effectively, accurately, and impartially. Please refer to the [Agency Language Stipend List](#) or the County contracted language line found on the SHFnet.

4. Use of Inmate Interpreters **(PREA 115.16 (c))**

The Sheriff's Office 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 an inmate's safety, the performance of first-responder duties, or the investigation of an inmate's allegations.

H. Screening of Inmates

1. Screening for Risk of Victimization and Abusiveness **(PREA 115.41)**

All inmates shall be assessed during the classification intake screening interview for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. The classification interview shall ordinarily take place within 72 hours of arrival at the ADC. These assessments shall be conducted using the FCSO objective screening instrument.

The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

- a. Whether the inmate has a mental, physical, or developmental disability.
- b. The age of the inmate.

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- c. The physical build of the inmate.
- d. Whether the inmate has previously been incarcerated.
- e. Whether the inmate's criminal history is exclusively nonviolent.
- f. Whether the inmate has prior convictions for sex offenses against an adult or child.
- g. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming.
- h. Whether the inmate has previously experienced sexual victimization.
- i. The inmate's perception of his or her own vulnerability to sexual abuse or sexual harassment; and
- j. Whether the inmate is detained solely for civil immigration purposes.

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.

- 2. Within no more than 30 days from the inmate's arrival to the facility, the Sheriff's Office shall reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the agency since the intake screening. In addition, all inmates are reassessed within the first 30 days of incarceration for sexual safety when the initial medical screening is conducted by medical staff.
 - a. The Medical Section will conduct a reassessment of each inmate's risk of victimization or abusiveness during the initial physical which is conducted within 14 days of commitment to the Adult Detention Center (ADC). Each reassessment conducted by the Medical Section will be forwarded to the Classification Section for review and placement in the inmate's Classification file.
- 3. 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.
- 4. Inmates may not be disciplined for refusing to answer, or for not disclosing complete information related to, (1.a.), (1.g.), (1.h.) and (1.i.) above.
- 5. The Sheriff's Office shall implement appropriate controls on the dissemination of responses to questions asked pursuant to this policy to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. Only Classification deputies and on-duty supervisors have access to the filing room where the inmate classification files are kept, along with the VCIN terminal.
- 6. Use of Information Obtained from Screening **(PREA 115.42)**
 - a. The Sheriff's Office shall use information from the risk screening to make informative decisions regarding housing, 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.

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- b. The Sheriff's Office shall make individualized determinations about how to ensure the safety of each inmate.
 - c. In deciding whether to assign a transgender or intersex inmate to a housing unit for male or female inmates, and in making other programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.
 - 1) Transgender and intersex inmates shall receive a Notification of Referral to Institutional Classification Committee Form within 24 hours of their initial interview and will have a 72-hour waiting period prior to the Formal Hearing being conducted.
 - 2) The Formal Institutional Classification Committee shall conduct a hearing to determine appropriate housing for the inmate the day immediately following the 72-hour waiting period, excluding weekends, holidays or when the County is closed.
 - 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.
 - 1) The Classification Section will maintain a confidential list of all active inmates who identify as transgender or intersex.
 - 2) The Formal Institutional Classification Committee (ICC) shall conduct a reassessment of all inmates who identify as transgender or intersex on a quarterly basis beginning in January of each calendar year. This reassessment will include a review of placement and programming for each inmate.
 - e. A transgender or intersex inmate's own view 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 Sheriff's Office shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated housing units solely on the basis of such identification or status unless pursuant to a legal settlement or judgment.
7. Medical and Mental Health Screenings (PREA 115.81)
- a. If the screening required in Section IV. H, 1) above indicates that an inmate has experienced prior sexual victimization, whether in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
 - b. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform

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treatment plans and security and management decisions, including housing, work, education, and program assignments.

- c. Medical and mental health practitioners shall obtain written informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18 years old, in accordance with the Virginia mandatory reporting law.
- d. The classification deputy that receives the initial report of prior sexual abuse during the risk screening interview will refer the inmate to the medical staff. Medical staff will meet with the inmate within 14 days of the intake screening and ask if the inmate would like to speak with a mental health professional. If the inmate requests a meeting, the medical staff member will refer that inmate to the Community Services Board mental health professional assigned to the ADC.

I. Protection of Inmates Facing Substantial Risk

1. Upon Learning of Substantial Risk (PREA 115.62)

When the Fairfax County Sheriff's Office learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

2. Protective Custody (PREA 115.43)

- a. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless the agency has assessed all available alternatives and has determined that there is no available alternative means of separation from likely abusers.
- b. If the agency cannot conduct such an assessment immediately, the agency may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the fullest extent possible.
- c. If the agency restricts access to programs, privileges, education, or work opportunities, it shall document:
 - 1) The opportunities that have been limited.
 - 2) The duration of the limitation; and
 - 3) The reasons for such limitations.

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

4. If an involuntary segregated housing assignment is made pursuant to this section, the facility shall clearly document:

- a. The basis for the agency's concern for the inmate's safety; and

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

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

J. Hiring and Promotion Practices (PREA 115.17)

1. The Fairfax County Sheriff's Office shall not hire or promote anyone who may have contact with inmates, or retain the services of any contractor who may have contact with inmates, who:
 - a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; or
 - b. Has been convicted of, or civilly or administratively adjudicated for, engaging, or attempting to engage in sexual activity in the community facilitated by force, threats of force, or coercion, or if the victim did not consent or was unable to consent.
2. The Sheriff's Office shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to retain the services of any contractor, who may have contact with inmates.
3. Before hiring new employees, who may have contact with inmates, the Sheriff's Office shall:
 - a. Perform a criminal background records check; and
 - b. Make every effort 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.
4. The Sheriff's Office shall also perform a criminal background record check before retaining the services of any contractor who may have contact with inmates.
5. The Sheriff's Office shall conduct criminal background records checks every year on current employees, contractors and volunteers who may have contact with inmates. These background checks are conducted by the Support Services Branch.
6. The Sheriff's Office shall ask all applicants and employees who may have direct contact with inmates about previous misconduct described in this section, in:
 - a. Written applications and/or interviews for hiring or promotion; and
 - b. Interviews or written self-evaluations conducted as part of reviews of current employees.
7. The Sheriff's Office shall impose on its current employees a continuing affirmative duty to disclose any of the misconduct described in this section.
8. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
9. Unless prohibited by law, the Sheriff's Office shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a

former employee upon receiving a signed consent form and request from an institutional employer for whom such employee has applied to work.

- K. Upgrades to Facilities and Technologies **(PREA 115.18)**
1. 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 on its ability to protect inmates from sexual abuse.
 2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Sheriff's Office shall consider how such technology may enhance its ability to protect inmates from sexual abuse.

V. **DETECTION AND RESPONSE TO SEXUAL ABUSE AND SEXUAL HARASSMENT**

A. Procedures for Reporting Sexual Abuse and Sexual Harassment

1. Inmate Reporting **(PREA 115.51 (a), (b), and (c))**

The Fairfax County Sheriff's Office 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 or sexual harassment, and staff neglect that may have contributed to such incidents. Inmates may report concerns by:

- a. Disclosing incidents of sexual misconduct, sexual contact, sexual abuse and sexual harassment to any Sheriff's Office employee, contractor, or volunteer either verbally or in writing.
- b. Calling the PREA hotline and reporting the sexual abuse through the agreement with the Department of Public Safety Communications.
- c. Having a friend or family member report by contacting the PREA Coordinator by phone or submitting an email through the Sheriff's Office PREA 3rd party reporting mailbox located on the agency website.

The Sheriff's Office shall also provide at least one way for inmates to report abuse, harassment, retaliation, and staff neglect to a public or private entity that is not part of the Fairfax County Sheriff's Office, 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 may report concerns by contacting the PREA Hotline established through the memorandum of agreement between the Fairfax County Sheriff's Office and the Department of Public Safety Communications.

Staff shall accept reports made verbally, in writing, and anonymously. Staff shall promptly document any verbal reports by memorandum to their shift commander by the end of their shift.

2. Inmate Grievances **(PREA 115.52 (a) (b) (c) (e) and (g))**

The Fairfax County Sheriff's Office does not use the inmate grievance process regarding allegations of sexual abuse. Any allegation received through the grievance process will be immediately handled using the procedure in SOP 535. However, an inmate incarcerated in the ADC can utilize the grievance process to

demur the findings of a sexual abuse or sexual harassment investigation. Thus, providing the inmate due process to resolve or exhaust their administrative remedies.

If a sexual abuse or sexual harassment allegation is received by means of an inmate kiosk request form, that allegation must be immediately forwarded to the on-duty supervisor and assigned to a PREA investigator for investigation.

3. Staff Reporting (PREA 115.51(d) and § 115.61)
 - a. Any staff member who has knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against inmates or staff who reported such an incident; and any staff neglect that may have contributed to such incident or retaliation, shall immediately report such incident or retaliation to the Internal Affairs Section or any supervisor.
 - b. Apart from reporting to designated supervisors or Internal Affairs, staff shall not reveal any information related to a sexual abuse report to anyone except as specified by agency policy.
 - c. Medical and mental health practitioners shall report knowledge, suspicion, or information regarding sexual abuse, sexual harassment, retaliation, or staff neglect pursuant to this section. This information shall be provided to inmates, in writing, at the initiation of services. (115.51 (d))
 - d. Staff can privately report incidents of sexual abuse, sexual harassment, and retaliation directly to the Internal Affairs section or contact the PREA Hotline.
4. Rules for Third Parties to Report Abuse (PREA 115.51(c), and 115.54)
 - a. The Fairfax County Sheriff's Office 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.
 - b. Staff shall accept reports made verbally, in writing, and anonymously from third parties and shall promptly document any verbal reports by written memorandum to their immediate supervisor prior to their end of shift.
- B. Coordinated Response (PREA 115.65)

The agency shall develop a written 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.
- C. Immediate Steps After Receiving Report of Incident (PREA 115.64 and 115.82 (b))
 1. When a Deputy learns that an inmate has been sexually abused, they shall take immediate action to protect the inmate. This includes:
 - a. Separate the inmate from the alleged perpetrator.

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- b. Preserve and protect any crime scene until appropriate steps can be taken to collect evidence; and
 - c. Immediately contact a supervisor.
 - d. If the abuse occurred within 120 hours that still allows for the collection of physical evidence, **request** that the alleged victim (and **ensure** that the alleged abuser) not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and
 - e. The deputy or supervisor shall immediately notify the appropriate medical and mental health practitioners. **(PREA 115.82 (b))**
 - 2. When the first staff responder is not sworn personnel, they shall request that the alleged victim not take any actions that could destroy physical evidence, and then notify sworn staff.
- D. Medical and Mental Health Services
 - 1. Emergency **(PREA 115.82)**
 - 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. 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.
 - c. Treatment services shall be provided to the victim — without financial cost to the victim and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
(PREA 115.51 (d))
 - Note: Medical and mental health practitioners shall report knowledge, suspicion, or information regarding sexual abuse, sexual harassment, retaliation, or staff neglect pursuant to this section. This information shall be provided to inmates, in writing, at the initiation of services.
 - 2. Ongoing Medical and Mental Health Care **(PREA 115.83)**
 - a. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been sexually abused in a prison, jail, lockup, community corrections facility, or juvenile justice facility.
 - b. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.

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- 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, as medically necessary.
- e. If pregnancy results from the conduct described in this section, victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services, such as prenatal care and access to pregnancy termination services, where available.
- f. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate.
- g. Ongoing treatment services shall be provided to the victim without financial cost to the victim and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

E. Support Services for Victims of Sexual Abuse

1. Victim Advocate (PREA 115.21(d)(e) and (h))

The Fairfax County Sheriff's Office has entered into a memorandum of agreement with the Fairfax County Family Services Department's Domestic and Sexual Violence Services to make available to the victim an advocate from a rape crisis center. The services provided is in accordance with PREA standards.

When requested by the victim, the DSVS victim advocate staff member shall accompany the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

2. Emotional Support Services (PREA 115.53)

- a. The Sheriff's Office 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 Sheriff's Office shall inform inmates, prior to giving them access to outside advocates, of the extent to which such communications shall be monitored and the extent to which reports of abuse shall be forwarded to authorities in accordance with mandatory reporting laws.
- c. The Sheriff's Office 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.

F. Investigation of Incidents

(PREA 115.21(a)(b)(c)(f) and(h), 115.22, 115.71, 115.72, 115.73 and 115.86)

1. The Fairfax County Sheriff's Office shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
2. It is The Fairfax County Sheriff's Office policy to ensure that allegations of sexual abuse 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 Fairfax County Sheriff's Office shall publish this policy on its website at www.fairfaxcounty.gov/sheriff and make the policy available through other means. The Fairfax County Sheriff's Office shall document all such referrals.
3. When the Fairfax County Sheriff's Office conducts its own administrative 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.
4. Where sexual abuse is alleged, the Fairfax County Sheriff's Office shall use investigators who have received special training in sexual abuse investigations pursuant to Section VI. A. (Employee Training) of this policy.
5. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator.
6. 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. The Sheriff's Office 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 an investigation.
7. Administrative Investigations
 - a. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
 - b. 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.
 - c. Shall be referred for prosecution if there are substantiated allegations of conduct that appear to be criminal.
 - d. The FCSO PREA investigators shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated in administrative investigations.
 - e. The administrative investigation should be completed and submitted for supervisory review within 45 days from the time the agency was made

aware of the sexual abuse or sexual harassment allegation. If the administrative investigation cannot be completed in the above listed timeframe, a memorandum shall be written by the PREA Investigator to the Administrative Services Commander, explaining the reason for delay and the estimated time of completion. All supervisory review must be completed within 15 days of receiving the investigative file. All administrative investigation files shall be finalized within 60 days from the time the agency was made aware of the sexual abuse or sexual harassment allegation.

- 1) FCSO PREA investigators, and their supervisors, shall provide continual updates concerning the progress of these administrative investigations including the final determination to the Classification Section Supervisors. Classification Section Supervisors will use the information to ensure inmates are appropriately housed in the least restrictive manner possible during the investigation and return the inmate(s) involved to general population or other appropriate housing as soon as possible.
- f. The Sheriff's Office shall retain all written reports required by this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
- g. 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.
8. Criminal Investigations
 - a. 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.
 - b. The Sheriff's Office shall retain all written reports required by this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
 - c. When other agencies investigate sexual abuse, The Fairfax County Sheriff's Office shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
9. Evidence Protocol and Forensic Medical Exams **(PREA 115.21)**
 - a. To the extent The Fairfax County Sheriff's Office is responsible for investigating allegations of sexual abuse, it shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
 - b. The Sheriff's Office shall offer all victims of sexual abuse access to forensic medical examinations, without financial cost to the victim, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs), where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other

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qualified medical practitioners. The Sheriff's Office shall document its efforts to provide SAFE's or SANEs for this purpose.

- c. To the extent the Sheriff's Office is not responsible for investigating allegations of sexual abuse, it shall request that the investigating agency follow the requirements of this section.
10. Following an investigation into an inmate's allegation that he or she suffered sexual abuse, The Sheriff's Office shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
11. If the Sheriff's Office did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.
12. Following an inmate's allegation that a staff member committed sexual abuse against him or her, the Sheriff's Office shall subsequently inform the inmate whenever:
 - a. The staff member is no longer posted within the inmate's unit.
 - b. The staff member is no longer employed at the facility.
 - c. The Sheriff's Office learns that the staff member has been charged with or indicted on a charge related to sexual abuse within the facility; or
 - d. The Sheriff's Office learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
13. Following an inmate's allegation that he or she has been sexually abused by another inmate, the Sheriff's Office shall subsequently inform the alleged victim whenever:
 - a. The agency learns that the alleged abuser has been charged with or indicted on a charge related to sexual abuse within the facility; or
 - b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications shall be documented. The Sheriff's Office's obligation to report under this standard shall terminate if the inmate is released from the agency's custody. **(PREA 115.73)**
14. Sexual Abuse Incident Reviews **(PREA 115.86)**
 - a. The Sheriff's Office 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. The review shall ordinarily occur within 30 days of the administrative investigation file being concluded, reviewed, and placed into IAPRO.
 - 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 determinations made pursuant to this section, and any recommendations for improvement and submit the report to the facility head and the agency PREA Coordinator.

The Sheriff's Office shall implement the review team's recommendations for improvement or document its reasons for not doing so.

G. Protection from Retaliation (PREA 115.67)

1. The Sheriff's Office policy is 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.
2. The Sheriff's Office 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.
3. For at least 90 days following a report of sexual abuse, the Sheriff's Office shall monitor the conduct and treatment of inmates or staff who reported 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.
4. The Sheriff's Office shall continue such monitoring beyond 90 days if the initial monitoring indicates an ongoing need. Monitoring shall include:
 - a. Periodic in-person conversations with inmates and/or staff.
 - b. Review of disciplinary incidents involving inmates.
 - c. Review of housing or program changes; and

- d. Review of negative performance reviews or reassignments of staff.
- 5. Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the same requirements that are discussed above in Section 4.G (3) (Protective Custody).

Note: For rules regarding reporting by inmates and staff of retaliation after it has occurred, see Section V, A. (Procedures for Reporting Sexual Abuse/Sexual Harassment) above.

H. Sanctions for Individuals Found to Have Participated in Sexual Abuse or Harassment

- 1. Disciplinary Sanctions for Staff **(PREA 115.76)**
 - 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 the Sheriff's Office policies relating to sexual abuse or sexual harassment 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.
- 2. Corrective Action for Contractors and Volunteers **(PREA 115.77)**
 - 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 the agency's sexual abuse or sexual harassment policies by a contractor or volunteer.
- 3. Disciplinary Sanctions for Inmates **(PREA 115.78)**
 - 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.

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- c. The disciplinary process shall consider whether an inmate's mental disability or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- d. FCSO does not offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the sexual abuse, the agency may consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.
- e. The Sheriff's Office may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

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, even if an investigation does not establish evidence sufficient to substantiate the allegation

- I. Notifying Other Confinement Agencies (PREA 115.63)
 - 1. Upon the Fairfax County Sheriff's Office receiving an allegation that an inmate was sexually abused while confined at another facility, the Commander of the Confinement Division or in his/her absence will designate a deputy in the rank of Branch Chief or above to notify the head of the facility or agency where the alleged abuse occurred.
 - 2. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The Sheriff's Office shall document that it has provided such notification.

VI. STAFF TRAINING AND INMATE EDUCATION

The Fairfax County Sheriff's Office is committed to communicating to the inmates at its jail, to its employees, and to contractors and volunteers the following information through the training, education and orientation programs described in this section; The agency's zero tolerance policy; the agency's policies to prevent, detect, and respond to sexual abuse and sexual harassment; and other rights and obligations under this policy.

- A. Employee Training (PREA 115.31)
 - 1. The Sheriff's Office shall train all employees who may have contact with inmates on:
 - a. Its zero-tolerance policy for sexual abuse, sexual harassment, and retaliation.
 - b. How to fulfill their responsibilities regarding prevention, detection, reporting, and response to sexual abuse and sexual harassment.
 - c. Inmates' right 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.

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- 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 lesbian, 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. Security staff employees shall be trained in how to conduct cross-gender pat-down searches, and how to conduct searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.
 - 3. 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. However, the Fairfax County Sheriff's Office ADC houses both male and female inmates.
 - 4. All current employees shall receive this training, and the Sheriff's Office 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 Sheriff's Office shall provide refresher information on current sexual abuse and sexual harassment policies.
- B. Specialized Training: Investigators (PREA 115.34)**
- 1. In addition to the general training provided to all employees, the Fairfax County Sheriff's Office shall ensure that, to the extent it conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
 - 2. 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. Specialized Training: Medical and Mental Health Professionals (PREA 115.35)**
- 1. The Fairfax County Sheriff's Office shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facility have been trained in:
 - a. How to detect and assess signs of sexual abuse and sexual harassment;
 - b. How to preserve physical evidence of sexual abuse;
 - c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and

- d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

The Sheriff's Office shall document, through employee signature or electronic verification, that employees have received and understand the training. In the case of investigators who investigate sexual abuse in the facility, it shall maintain documentation they have completed the required specialized training in sexual abuse investigations. In the case of medical and mental health practitioners, it shall maintain documentation that they have received the specialized training described in this section.

D. Inmate Orientation and Education (PREA 115.33)

1. During the intake process, inmates shall receive information explaining the Sheriff's Office zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
2. Within 30 days of intake, the Sheriff's Office 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 the agency's policies and procedures for responding to such incidents.
3. The Sheriff's Office 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.
4. The Sheriff's Office shall maintain documentation of inmate participation in these education sessions.
5. In addition to providing such education, the Fairfax County Sheriff's Office shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

E. Volunteer and Contractor Training (PREA 115.32)

1. The Sheriff's Office shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the FCSO's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
2. The level and type of training provided to volunteers and contractors shall be based on the services they provide and the level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the Sheriff's Office zero-tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents.
3. The Sheriff's Office shall maintain documentation confirming that volunteers and contractors understand the training they have received.

VII. DATA COLLECTION AND REVIEW (PREA 115.87-89)

A. Data Collection (PREA 115.87)

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1. The Sheriff's Office 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.
 2. The Sheriff's Office shall aggregate the incident-based sexual abuse data at least annually.
 3. 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.
 4. The Sheriff's Office shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
 5. The Sheriff's Office shall also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
 6. Upon request, the Sheriff's Office shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
- B. Data Review for Corrective Action** (PREA 115.88)
1. The Sheriff's Office shall review data collected and aggregated pursuant to Section VII A. (Data Collection) above in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
 - a. Identifying problem areas;
 - b. Taking corrective action on an ongoing basis; and
 - c. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
 2. 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 Sheriff's Office progress in addressing sexual abuse.
 3. The Sheriff's Office report shall be approved by the Sheriff and made readily available to the public through its website.
 4. The Sheriff's Office 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 shall indicate the nature of the material redacted.
- C. Data Storage, Publication, and Destruction** (PREA 115.89)
1. The Sheriff's Office shall ensure that data collected pursuant to Section VII. A. are securely retained.
 2. The Sheriff's Office 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.

3. Before making aggregated sexual abuse data publicly available, the Sheriff's Office shall remove all personal identifiers.
4. The Sheriff's Office shall maintain sexual abuse data collected pursuant to Section VII. A. for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

VIII. COLLECTIVE BARGAINING AGREEMENTS

(PREA 115.66)

- A. The Fairfax County Sheriff's Office located in the state of Virginia does not engage in collective bargaining agreements. The state of Virginia is a "right to work" state and is not obligated or governed by state law to unionization. Virginia's right to work law is set forth in [Virginia State Code 40.1-60](#).

IX. AUDITING AND CORRECTIVE ACTION

(PREA 115.401-405)

A. Frequency and Scope of Audits

(PREA 115.401)

1. Starting on a date to be determined by the PREA Coordinator, repeating each three-year period thereafter; the Sheriff's Office shall ensure that the ADC facility is audited by a U.S. Department of Justice certified PREA auditor.
2. The Sheriff's Office shall bear the burden of demonstrating compliance with the standards.
3. The Sheriff's Office shall permit the auditor to:
 - a. Review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for the agency.
 - b. Request and receive copies of any relevant documents (including electronically stored information).
 - c. Conduct private interviews with inmates.
4. The Sheriff's Office shall make available to the auditor, at a minimum:
 - a. A sampling of relevant documents and other records and information for the most recent one-year period.
 - b. A sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
5. The Sheriff's Office shall ensure the auditor has access to all areas of the ADC.
6. The Sheriff's Office shall cooperate with the auditor to ensure a representative sample of inmates and of staff, supervisors, and administrators can be interviewed by the auditor.
7. The Sheriff's Office shall ensure at least one way for inmates to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

B. Auditor Qualifications

(PREA 115.402)

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1. The Sheriff's Office shall ensure that audits are conducted by a qualified auditor, which includes:
 - a. A member of a correctional monitoring body that is not part of, or under the authority of, the Fairfax County Sheriff's Office.
 - b. A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or
 - c. Other outside individuals with relevant experience.
 2. All auditors shall be certified by the Department of Justice.
 3. No audit shall be conducted by an auditor who has received financial compensation from the Sheriff's Office, except for compensation received for conducting prior PREA audits, within the three years prior to the agency's retention of the auditor.
 4. The Sheriff's Office shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the agency's retention of the auditor, except for contracting for subsequent PREA audits.
- C. Audit Contents and Findings (PREA 115.403)
1. Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.
 2. Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.
 3. For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings:
 - a. Exceeds Standard (substantially exceeds requirement of standard);
 - b. Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period);
 - c. Does Not Meet Standard (requires corrective action)
 4. The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.
 5. Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility and shall include recommendations for any required corrective action.
 6. The Sheriff's Office shall ensure that the auditor's final report is published on the agency's website and made readily available to the public.
- D. Audit Corrective Action Plan (PREA 115.404)
1. A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.

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2. The auditor and the Sheriff's Office shall jointly develop a corrective action plan to achieve compliance.
 3. The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of a facility.
 4. After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.
 5. If the Sheriff's Office does not achieve compliance with each standard, it may request a subsequent audit once it believes that it has achieved compliance.
- E. Audit Appeals (PREA 115.405)
1. The Sheriff's Office may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be lodged within 90 days of the auditor's final determination.
 2. If the Department determines that the Sheriff's Office has stated good cause for a re-evaluation, the Sheriff's Office may commission a re-audit by an auditor mutually agreed upon by the Department and the agency.
 3. The Sheriff's Office shall bear the costs of this re-audit. The findings of the re-audit shall be considered final.



**STACEY A. KINCAID
SHERIFF**

**10/26/2020
DATE APPROVED**

**10/03/2022
EFFECTIVE DATE**

Revised: August 2021, March 2022, July 2022, October 2022