



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Correctional Services	Section: 503.3	
Subject: Emergency Management	Topic: Inmate Sexual Assault	
Accreditation: PREA.115.21, PREA.115.22, PREA.115.64		
	Revised: 09/22/2016	Reaffirmed:
Enacted: 02/21/2012	Last Review:	Review:

I. PURPOSE

The purpose of this General Order is to provide direction for responding to cases of alleged inmate on inmate sexual assaults while in the custody of the Corrections/Court Services Division.

II. POLICY

It shall be the policy of the Corrections/Court Services Division to respond immediately to any alleged inmate sexual assault. All staff shall be aware of the potential signs of sexual assault, as mandated by state and federal law. It shall also be the policy to reduce the opportunity for inmate sexual assaults through use of security checks, CCTV monitoring, and enhanced staff awareness. Any location of an alleged inmate sexual assault shall be handled as a crime scene to preserve the integrity of the evidence.

III. PROCEDURE

A. Inmate Sexual Assault Prevention

1. Security checks are conducted at a minimum of twice per hour, at random intervals.
2. The facilities are monitored by staff through the use of CCTV systems and direct staff contact.
3. Staff is to remain alert to their surroundings, inmate activities, and changes in inmate behavior at all times.

B. Response to Inmate Sexual Assault

1. The procedures to be followed by the deputies in the event a sexual assault is reported are:
 - a. The deputy observing or receiving a complaint regarding an alleged sexual assault will immediately notify a supervisor.

- b. Secure the area where the assault is alleged to have occurred and treat as a crime scene. Do not clean any areas associated with the allegation
 - c. Remove the alleged victim from the scene and take them to a secured location where they can be placed in protective custody with direct observation.
 - d. Remove the alleged perpetrator(s), if known, from the scene and place them in direct observation, protective custody pending investigation of the complaint. Inmates will remain separated to prevent collaboration or any type of communication.
 - e. Neither the alleged victim nor perpetrator will be allowed showers, clothing, or the brushing of their teeth prior to evidence being collected by trained personnel. The water is to be turned off in the area where these individuals are being held to prevent any type of evidence from being compromised.
 - f. Forward reports to the Division Commander, through the chain of command, and submit a copy to the Classification Supervisor for appropriate housing re-assignment and reclassification.
 - g. Any victim of a sex crime will be made available to speak with a victim advocate or rape crisis center. Staff will document efforts to provide these resources to the victim. Refer to the inmate handbook for appropriate rape crisis entities.
 - h. Pursuant to the Prison Rape Elimination Act, Standards for Prisons and Jails, Section 115.41, the following Victimization and Abusiveness Risk Re-Assessment has been conducted for all inmates through observations of each housing unit. LCSO ADC Form 55
- C. ADC Medical Staff Response:
1. Administer necessary first aid.
 2. Document the incident in the individual's medical record.
 3. Refer victim to mental health counselor for Crisis Intervention Counseling.
- D. Collection of Evidence
1. A supervisor will notify the Criminal Investigation Division's on-call Investigator and Crime Scene Investigator, at the direction of the Division Commander, to respond to the scene for collection of evidence/investigation.

Refer to Sheriff's Office General Order #411.10 for Sex Crimes Investigations.

2. Control of the alleged crime scene will be relinquished to the Criminal Investigations Division Investigator or the Crime Scene Investigator upon his/her arrival on the scene.

For additional directives refer to General Order #503.8, P.R.E.A. – Prisoner Rape Elimination Act.

PREA STANDARD

§ 115.64 Staff first responder duties.

(3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and

(4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

(b) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

§ 115.21 Evidence protocol and forensic medical examinations.

(a) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

(b) The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.

(c) The agency shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs.

(d) The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

(e) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

§ 115.22 Policies to ensure referrals of allegations for investigations.

(a) The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

(b) The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.

(c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.

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

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

This General Order becomes effective September 22, 2016, and rescinds all previous rules and regulations pertaining to the subject.