



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Correctional Services

Section: 503.9

Subject: Emergency Management

Topic: Prison Rape Elimination Act (PREA)

Accreditation: PREA.115.11, PREA.115.13, PREA.115.15, PREA.115.51, PREA.115.61, PREA.115.62, PREA.115.63, PREA.115.64, PREA.115.67, PREA.115.73, PREA.115.82, PREA.115.83, PREA.115.86, PREA.115.87, PREA.115.88, PREA.115.89

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I. PURPOSE

The purpose of this General Order is to provide directives for responding to cases of alleged sexual assault within the Loudoun County Adult Detention Center.

II. POLICY

The administration and management of the Loudoun County Adult Detention Center has a policy of zero-tolerance for all forms of sexual abuse and sexual harassment within the facility. Any alleged sexual assault of an inmate will be investigated immediately. Any staff or inmate shall be free from acts of retaliation and will be monitored by the PREA Coordinator.

Through updated staff training and reviews of this policy, it is our goal to operate this facility in compliance with the standards, policies and procedures prescribed by the Federal Prison Rape Elimination Act. The facility shall have a member of the command staff appointed by the Division Commander to act as the PREA Coordinator. This General Order shall be reviewed and documented every twelve (12) months by all staff. This review shall assess, determine and document our established staffing plan, video monitoring system, and resources available to ensure adherence to the approved staffing plan. All reports, Investigations, and data collected shall be maintained for a minimum of ten (10) years.

Staff shall report immediately to the Shift Supervisor any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred within the facility; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Apart from reporting to the Shift Supervisor, staff shall not reveal any information related to a sexual abuse investigation.

Staff are prohibited from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.

Staff shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated PREA Coordinator.

Should staff learn that an inmate is subject to a substantial risk of imminent sexual abuse, immediate action shall be taken to protect the inmate(s).

Should staff receive information that an inmate was sexually abused at another facility, the PREA Coordinator shall be made aware of the allegations; and within seventy two (72) hours the administration of the other facility shall be notified. Once notification has been made, the PREA Coordinator shall document the notification.

Should an inmate become a victim of sexual abuse, the PREA Coordinator shall monitor the treatment, disciplinary reports, housing assignments, program changes, and reassignment of staff for a period of at least ninety (90) days.

In *Framer v. Brennan*, 511 U.S. 825 (1994), the Supreme Court ruled that deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment. The Eighth Amendment rights of State and Local prisoners are protected through the Due Process Clause of the Fourteenth Amendment.

III. DEFINITION:

Abusive Sexual Contacts – Contact of any person without his or her consent, or of a person who is unable to consent or refuse; intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. Excluding incidents in which the intent of the sexual contact is to harm or debilitate rather than sexually exploit.

Contractor – Refers to a business entity (and its employees) that agrees by a written agreement to perform work or provide services which requires staff to enter and exit the facility on a daily basis, e.g., food service, clergy, or medical and mental health providers.

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

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

Intersex – A person whose sexual reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

Inmate-on-Inmate Sexual Abuse/Assault – One or more inmates touching, or other actions and/or communications by one or more inmates aimed at coercing and/or pressuring another inmate to engage in a sexual act. Sexual acts or contacts between inmates, even when no objections are raised, are prohibited acts.

Inmate-on-Inmate Sexual Harassment – Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

Medical Practitioner – A health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. Inmate health care for the facility is provided by a contractual medical health care purveyor under agreement with the Loudoun County Adult Detention Center. The contract health care purveyor furnishes professional medical and dental services to inmates incarcerated within the facility.

Mental Health Practitioner – A mental health professional that, 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.

Nonconsensual Sexual Acts – Contact of any person without his or her consent, or of a person who is unable to consent or refuse; contact between the penis and the vagina or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vagina, or anus; penetration of the anal or genital opening of another person by a hand, finger, or other object.

PREA Coordinator – A command staff member appointed by the Division Commander, with sufficient time and authority to develop, implement, and oversee the efforts to comply with the PREA standards.

Staff – Any individual, sworn or non-sworn, including contractors and volunteers, who has contact with inmates including the supervision of community work.

Staff-on-Inmate Sexual Abuse/Assault – Engaging in, or attempting to engage in a sexual act with any inmate or the intentional touching of an inmate's genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person. Sexual acts or contacts between an inmate and a staff member, even when no objections are raised, are illegal.

Staff Sexual Harassment – Repeated verbal statements or comments of a sexual nature to an inmate by an employee, volunteer, official visitor, or agency representative, including:

- Demeaning references to gender or derogatory comments about body; or
- Clothing; or
- Profane or obscene language or gestures.

Staff Sexual Misconduct – Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, official visitor, or agency representative. Romantic relationships between staff and inmates are included. Consensual or nonconsensual sexual acts include:

Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or
Completed, attempted, threatened, or requested sexual acts; or
Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.

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

Volunteer – A civilian affiliated with the Loudoun County Adult Detention Center in a part-time, non-sworn capacity without compensation.

IV. PROCEDURE

A. Prevention and Screening

1. The *PREA Intake Screening / Risk Assessment Questionnaire* must be completed on all inmates entering the Loudoun County Adult Detention Center during the booking process. The information collected during the initial screening will be used to determine the inmate's risk of victimization or abusiveness and to ensure the safety of each inmate in the facility.
2. The *PREA Intake Screening / Risk Assessment Questionnaire* shall be conducted by Contract Medical Staff and/or the Booking Deputy.
3. Staff are prohibited from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.
4. The *PREA Intake Screening / Risk Assessment* shall consider at a minimum:
 - a. Previously experienced sexual victimization
 - b. Inmates own perception of vulnerability
 - c. Prior convictions for sex offenses against an adult or child
 - d. Criminal history is exclusively nonviolent
 - e. If gay, lesbian, bisexual, transgender, intersex, or gender nonconforming
 - f. Previous incarceration
 - g. Mental, physical or developmental disability
 - h. Age of and physical build of inmate
 - i. If detained solely for immigration purposes
5. Additionally, Intake staff shall assess the inmate for risk of being sexually abused or sexually abusive by reviewing:
 - a. Prior acts of sexual abuse

- b. Prior convictions for violent offenses
 - c. History of prior institution violence or sexual abuse
6. Inmates refusing to answer, unable to answer, or not disclose complete information during the screening process may not be disciplined. Inmates refusing to disclose information during the screening process will be referred to Contract Medical Staff, for a follow-up interview. Follow-up interviews shall be completed within 72 hours of the initial intake process. Documentation of a refusal to disclose information shall be noted on the *PREA Intake Screening / Risk Assessment*.
7. Information obtained during the initial screening will be used by Classification to determine the housing assignment of each inmate as well as programs participation. Inmates identified as a high risk of being sexually victimized will be evaluated on a case-by-case basis to ensure the safety of each inmate throughout his/her incarceration.
8. The case-by-case evaluation process shall also be utilized for transgender or intersex inmates in determining housing assignment and program participation. Such placement must ensure the inmate's health and safety as well as consideration for additional management or security concerns.
9. Upon reviewing the information obtained from the *PREA Intake Screening*, inmates that are considered at a high risk for sexual victimization shall only be placed in involuntary segregation (Protective Custody) if there is no alternative housing available. Such placement should not exceed a period of 30 days; PREA Coordinator or Classification Supervisor must clearly document the need to exceed 30 days and reason for no alternative housing available.
10. If during the screening process an inmate reports having been a victim of sexual abuse or has previously perpetrated sexual abuse whether it occurred in an institutional setting or in the community, and expresses a willingness to participate in treatment, staff will refer the inmate to the PREA Coordinator and Contract Medical / Mental Health Services. Mental Health Services staff will assess the inmate's need for treatment and discuss available treatment options when appropriate. Contract Medical / Mental Health Staff will ensure the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
11. Within 30 days from an inmate's incarceration, the PREA Coordinator will reassess the inmate's risk of victimization or abusiveness based on additional relevant information that may have been received since the initial intake screening.
12. An inmate's risk level shall be reassessed when warranted due to a request, referral, or incident of sexual abuse or additional information that would affect the inmate's risk of sexual victimization or abusiveness.

B. Staff Training

1. All staff to include contract Medical and Mental Health practitioners shall be trained to:
 - a. Understand the agency's zero-tolerance for sexual abuse and sexual harassment.
 - b. Recognize the physical, behavioral, and emotional signs of sexual assault.
 - c. Understand the identification and referral process when an alleged sexual assault occurs.
 - d. Have a basic understanding of sexual assault prevention and response techniques.
 - e. Understand the responsibility of prevention, detection, reporting, and response to sexual abuse and sexual harassment.
 - f. Know that inmates have the right to be free from sexual abuse and sexual harassment.
 - g. Comply with relevant laws related to mandatory reporting of sexual abuse.
 - h. Detect and assess the signs of sexual abuse and harassment.
 - i. Preserve physical evidence of sexual abuse.
 - j. Report allegations or suspicions of sexual abuse and sexual harassment.
2. Detectives conducting these types of investigations shall receive specialized training to include:
 - a. Techniques for interviewing sexual abuse victims.
 - b. Proper use of Miranda and Garrity warnings.
 - c. Evidence collection in confinement settings.
 - d. Criteria and evidence required to substantiate a case for Administrative action or Prosecution referral.
3. The Corrections training supervisor will maintain all training documentation, to include curriculum, attendance, and any subsequent training conducted for PREA compliance purposes.

C. Inmate Education

1. During the intake/booking process, all inmates shall receive information explaining the facilities zero-tolerance policy regarding sexual abuse and sexual harassment to include:
 - a. How inmates can protect themselves from becoming victims while incarcerated.
 - b. Treatment options (counseling, programs, etc.) available to victims of sexual assault.
 - c. Methods of reporting incidents of sexual abuse/assault.

2. During the booking process, all inmates shall receive a more comprehensive education via the inmate PREA video and PREA informational brochure, on their rights to be free from sexual abuse and sexual harassment, free from retaliation for reporting such incidents, and the agency's policy for responding to such incidents.
3. Inmate education shall be provided continuously and readily available through:
 - a. Inmate Handbook.
 - b. Inmate Orientation.
 - c. Informational Posters / Pamphlets.
4. Appropriate steps will be taken to ensure that inmates with disabilities (hearing, vision or intellectually impaired) or language differences have an equal opportunity to participate in or benefit from all aspects to prevent, detect, and respond to sexual abuse and sexual harassment. Appropriate steps shall include providing access to interpreters and/or written materials.

D. Inmate Reporting

1. Inmates will be provided with multiple internal ways to privately report sexual abuse, sexual harassment, retaliation by other inmates or staff, staff neglect or violation of responsibilities that may have contributed to such incidents.
2. Staff will not rely on interpreters or other inmates except in exigent or emergency circumstances where an extended delay could compromise the inmate's safety or an investigation.
3. Staff may privately report sexual abuse and sexual harassment of inmates to their chain of command or the PREA Coordinator at any time.
4. During the orientation process, inmates will be provided with information on different methods of internal reporting, to include:
 - a. Inmate Request Forms.
 - b. Inmate Grievance.
 - c. Verbal or written notification to a Deputy, Contract Medical Staff, Clergy or Volunteer.
 - d. To a shift Supervisor during unannounced rounds (each shift)
5. Inmates will also be provided with at least one way of reporting sexual abuse or sexual harassment using an external entity (i.e. PREA VaDOC Hotline, RAINN).
6. Staff will accept reports of sexual abuse or sexual harassment regardless of the manner reported, verbally, in writing, anonymously and third party.

7. Informational posters and brochures, which provide detailed information on how to report sexual abuse and sexual harassment on behalf of an inmate, are posted throughout the facility. Additionally, the Loudoun County Adult Detention Center has an established website (<http://sheriff.loudoun.gov/>) that also provides detailed information for members of the public to report sexual abuse and sexual harassment on behalf of an inmate.
8. Emergency grievances regarding an allegation of sexual abuse, or that an inmate is subject to a substantial risk of imminent sexual abuse will be given immediate attention. Staff will ensure the inmate is safe, and will notify their supervisor immediately. Inmates submitting false PREA complaints with malicious intent shall be subject to disciplinary action and/or criminal prosecution.
9. Any staff member who knowingly or willfully fails to report (i.e. knowledge or suspicion) of any sexual abuse or sexual harassment of an inmate or who knowingly or willfully prevents another person from doing so will be subjected to disciplinary action up to and/or including termination.
10. Inmates that report allegations of sexual abuse while confined at another facility, the PREA Coordinator will notify the appropriate agency official where the alleged abuse occurred within 72 hours of receiving the allegation. Documentation of such notification must be kept on file.

E. Response to Inmate Report

1. Upon receiving information that an inmate is subject to a substantial risk of imminent sexual abuse, the Loudoun County Adult Detention Center will take immediate action to protect the inmate.
2. Staff are required to immediately report to their supervisor, any knowledge, suspicion, or information regarding an incident of:
 - a. Sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency, including third-party and anonymous reports;
 - b. Retaliation against inmates or staff who reported such an incident;
 - c. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
3. Any incidents involving staff shall be reported immediately to the Division Commander.
4. Incidents involving criminal conduct will be investigated by the Criminal Investigations Division.

5. Upon learning of an allegation that an inmate was sexually abused, the first deputy to respond will be required to:
 - a. Separate the alleged victim and abuser.
 - b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. Keep in mind that evidence may be available even days after the incident.
 - c. Request that the alleged victim and alleged abuser not take any actions that could destroy physical evidence, including as appropriate, showering, brushing teeth, changing clothes, using the bathroom, drinking or eating.
6. Inmates are provided access to outside victim advocates for emotional support services related to sexual abuse. The Loudoun County Sheriff's Office have entered into a memorandum of agreement whereas Community Services Board (Mental Health) will provide confidential services in accordance with Prison Rape Elimination Act to include providing all victims of sexual abuse access to forensic medical examinations and counseling. These forensic medical examinations are confidential and shall be performed by Sexual Assault Forensic Examiners (SAFE's) or Sexual Assault Nurse Examiners (SANE's) and are no cost to the victim.
7. All inmates and staff who report sexual abuse or sexual harassment or cooperate with investigations of such conduct will be afforded protection from retaliation by other inmates or staff. The PREA Coordinator will monitor retaliation for a minimum of 90 days following a report unless the allegation was unfounded. Instances of staff retaliation shall be reported to the Division Commander immediately.
8. Staff will follow General Order 411.10; Sex Crimes Investigations for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
9. Refer to General Order 406.19; Sex Crimes/Abuse against Children for additional information.

F. Prompt and Effective Intervention

1. Staff sensitivity toward inmates who are victims of sexual abuse/assault is critical. Staff will take seriously all statements from inmates that they have been victims of sexual assaults and respond supportively and non-judgmentally.
2. Any inmate who alleges that he or she has been sexually assaulted will be offered immediate protection from the assailant and will be referred for a medical examination as well as a clinical assessment of the potential for suicide or other related symptomatology. The inmate identified as the alleged assailant of the sexual abuse shall be removed from the housing area and secured in a protective custody housing location. The inmate identified as the alleged assailant will remain in that housing unit until the

conclusion of the investigation and/or the PREA Coordinator has conducted a review of the alleged assailant's classification status.

3. The initial medical examination and clinical assessment will be conducted by Contract Medical Staff and/or Mental Health.
4. The facility will provide services to victims of sexual abuse/assault and sexual harassment incidents and/or allegations. Services will include initial evaluation and treatment as well as follow-up treatment and if necessary continued care upon release from custody.
5. When a staff member(s) is alleged to be the perpetrator of inmate sexual abuse/assault, the Division Commander will be advised immediately. The Division Commander will refer the incident directly and in a timely manner Internal Affairs.
6. When an inmate(s) is alleged to be the perpetrator, it is the PREA Investigators responsibility to ensure that the incident is promptly investigated and if there is evidence of an actual assault, notification will be made to the Criminal Investigations Division to act as the primary investigator.

G. Supervision and Monitoring

1. The Adult Detention Center will develop, document and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse.
2. Inmates shall be able to shower, perform necessary bodily functions, and change clothing without staff members of the opposite gender viewing such actions, except in exigent circumstances (responding to an emergency) or if such viewing is incidental to routine security checks.
3. If staff is assigned to work in a housing area of the opposite gender, an announcement at the beginning of shift informing inmates that a staff member of opposite gender will be working the housing area must be made and documented on the post log.
4. Additionally, prior to a staff member entering a housing area of the opposite gender (male entering female housing area or female entering male housing are) must announce his/her presence prior to entering the housing area. Documentation of announcement shall be made on the post log.
5. Supervisors (rank of Sergeant and above) will conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. The unannounced rounds will be conducted on each shift and will be conducted without staff alerting

other staff of the occurrence. Documentation of unannounced rounds will be made on the post log.

6. The Corrections Command Staff and in consultation with the PREA Coordinator will conduct yearly reviews of the staffing plan and document whether adjustments are needed. This yearly review will be completed in conjunction with the yearly budget review. In calculating adequate staffing levels and to determine the need for video monitoring, facilities will take into consideration (not limited to) the following:
 - a. Accepted detention and correctional practices.
 - b. Any judicial findings of inadequacy.
 - c. All components of the facility's physical plant.
 - d. The composition of the inmate population.
 - e. The number and placement of supervisory staff.
 - f. Any applicable State or local laws, regulations, or standards.
 - g. The prevalence of substantiated and unsubstantiated incidents of sexual abuse

H. Investigations

1. All allegations including third party and anonymous reports will be investigated promptly, thoroughly and objectively by a trained PREA Investigator. An investigator must:
 - a. Gather all facts and preserve evidence to include direct and circumstantial evidence, physical and electronic monitoring data.
 - b. Review prior complaints / reports of sexual abuse involving the alleged perpetrator.
 - c. Interview alleged victim(s), alleged perpetrator and witnesses.
2. All administrative investigations involving staff will be conducted by Internal Affairs. Administrative investigations not involving sheriff's office shall:
 - a. Determine whether staff actions (or failure to act) contributed to abuse.
 - b. Document description of the physical and testimonial evidence.
 - c. Document reasoning behind credibility assessments.
 - d. Facts and findings of the investigation.
3. Evidentiary standard for administrative investigations shall impose no higher standard than a preponderance of the evidence. Substantiated allegations that appear to be criminal shall be referred to the Criminal Investigations Division for prosecution.
4. Upon completion of any investigation into an inmate's allegation of sexual abuse, the PREA Coordinator must notify the inmate the allegation has been:

- a. Unfounded Allegation – The complaint was not based on facts as shown by the investigation, or the reported incident did not occur.
 - b. Unsubstantiated Allegation – The allegation was supported by insufficient evidence which could not prove or disprove the allegation.
 - c. Sustained Allegation – The allegation was supported by sufficient evidence to justify disciplinary action against the member(s).
5. In addition, the PREA Coordinator will document such notification was completed.
 6. Inmates will be subject to disciplinary action pursuant to a formal disciplinary process following any administrative finding that an inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
 7. Loudoun County Sheriff's Office will ensure protection measures are offered for all inmates (victim, witnesses, or aggressor) involved in a sexual abuse/assault or sexual harassment incident. Protection measures shall include:
 - a. Housing reassignment.
 - b. Classification status.
 - c. Administrative Segregation and/or Protective Custody.
 - d. Review / monitor the conduct of inmates involved (minimum of 90 days after initial incident).
 8. Information concerning the identity of an inmate victim reporting a sexual assault, and the facts of the report itself, will be limited to those who have a need to know in order to make decisions concerning the inmate-victim's welfare and for law enforcement/investigative purposes.
 9. Staff members shall be subject to disciplinary sanctions up to and including termination for violating the agency's sexual abuse or sexual harassment policy.
 10. Contract or volunteer staff that commit a violation of the agency's sexual abuse or sexual harassment policy shall be subject to corrective action up to credentials being revoked and access denied to the Loudoun County Adult Detention Center.

I. Data Collection and Review

1. The Loudoun County Sheriff's Office will be responsible for the collection of data. To ensure this process is completed in an accurate, uniform way, a standardized PREA incident review form for every allegation of sexual abuse within the facility will be used. Data collected will be reviewed and maintained from all in-house reports, including IBR's, investigation files, and sexual abuse incident reviews.
2. An incident review shall be done within 30 days of a conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. The review committee will include, at a minimum the Division Commander, Assistant Division Commander of Confinement, Internal Affairs Investigator, Medical / Mental Health practitioners and the PREA Coordinator, who will act as the chairperson.
3. The review team shall consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse. Other factors to consider include:
 - a. Motivated by race, ethnicity, gender identity; etc.
 - b. Gang affiliation.
 - c. Examine the area where allegation occurred, noting possible physical barriers.
 - d. Adequacy of staffing levels.
 - e. Monitoring technology.
4. The review team will submit a final report of the findings including recommendations for improvement, to the PREA Coordinator for inclusion into the PREA working audit files. The Division Commander will consider the recommendations for improvement, or shall document its reasons for not doing so.
5. In order to assess and improve effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, the Loudoun County Adult Detention Center will review data collected pursuant to PREA Standard 115.87, for every allegation of sexual abuse.
6. All data collected shall be kept in a secure manner and retained for a minimum of 10 years after the date of initial collection, unless Federal, State, or local law requires otherwise. All aggregated sexual abuse data should be made available to the public annually either via the agency's website or by personal request. Prior to public release of any information related to sexual abuse, the Loudoun County Sheriff's Office will remove all personal identifiers.

J. Auditing and Corrective Action

1. A three year audit cycle shall be followed. The Loudoun County Adult Detention Center will be audited at least once during each three year audit cycle. The Department of Justice will develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.

K. PREA Standards

§ 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator.

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

§ 115.13 Supervision and monitoring.

- (a) Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by § 115.11, the agency shall assess, determine, and document whether adjustments are needed to:
 - (1) The staffing plan established pursuant to paragraph (a) of this section;
 - (2) The facility's deployment of video monitoring systems and other monitoring technologies; and
 - (3) The resources the facility has available to commit to ensure adherence to the staffing plan.

§ 115.61 Staff and agency reporting duties.

- (a) The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- (b) Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.
- (c) Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section

and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

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

§ 115.62 Agency protection duties.

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

§ 115.63 Reporting to other confinement facilities.

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

§ 115.64 Staff first responder duties.

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

§ 115.67 Agency protection against retaliation.

- (a) The agency shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation.
- (b) The agency shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- (c) For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were

reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

- (d) In the case of inmates, such monitoring shall also include periodic status checks.
- (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.
- (f) An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

§ 115.82 Access to emergency medical and mental health services.

- (a) Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- (b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to § 115.62 and shall immediately notify the appropriate medical and mental health practitioners.
- (c) Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- (d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

§ 115.86 Sexual abuse incident reviews.

- (a) The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- (b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- (c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
- (d) The review team shall:
 - (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or

- perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
- (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - (4) Assess the adequacy of staffing levels in that area during different shifts;
 - (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.
- (e) The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

§ 115.87 Data collection.

- (a) The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- (b) The agency shall aggregate the incident-based sexual abuse data at least annually.
- (c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- (d) The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- (e) The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- (f) Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

§ 115.88 Data review for corrective action.

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

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

§ 115.89 Data storage, publication, and destruction.

- (a) The agency shall ensure that data collected pursuant to § 115.87 are securely retained.
- (b) The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.
- (c) Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.
- (d) The agency shall maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

§ 115.51 Inmate reporting.

- (a) The agency shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
- (b) The agency shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.
- (c) Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
- (d) The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.

§ 115.73 Reporting to inmates.

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

- (2) The staff member is no longer employed at the facility;
- (3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- (d) Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever:
 - (1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - (2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- (e) All such notifications or attempted notifications shall be documented.
- (f) An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

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