



Williamsburg County Detention Center Policies and Procedures

Subject: Prison Rape Elimination Act (PREA)

Policy Number: 2036.12

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Approval Authority Title and Signature: Sheriff and Detention Center Administrator

Related S.C Jail Standards/Statues: 1034, 1035 / S.C. Code of Laws §44-23-1150; Public Law 108-79

Related PREA Standards: 115.11(a), 115.12(a) - (b), 115.13(a) - (d), 115.16(a), 115.16(c), 115.17(a) - (g), 115.18(a) - (b), 115.21(a) - (h), 115.22(a) - (d), 115.31(a) - (d), 115.32(a) - (c), 115.33(a) - (f), 115.34(a) - (c), 115.35(a) - (d), 115.43 (a) - (e), 115.52(a) - (g), 115.53(a) - (c), 115.54(a), 115.61 (a) - (e), 115.62(a), 115.63(a) - (c), 115.64(a) - (b), 115.65(a), 115.67(a) - (f), 115.68(a), 115.71 (a) - (j), 115.72(a), 115.73 (a) - (f), 115.76(a) - (d), 115.77 (a) - (b), 115.78(a) - (g), 115.82(a) - (d), 115.83(a) - (h), 115.115.86(a) - (e), 115.87(a) - (f), 115.88(a) - (d), 115.89(a) - (d).

Number of Pages: 17

This policy rescinds and takes the place of existing Policy 2036.12

PURPOSE: To outline guidelines and procedures for the detection, response and prevention of incidents of inmate sexual abuse and harassment and to promote the detention center's effort to comply with the standards developed by the Department of Justice to address the Prison Rape Elimination Act of 2003.

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

OTHER REFERENCES: Policy 1030.01 – *Staffing Plans*; Policy 1036.02 – *Employee Training Plan*; Policy 1043.02 – *Inmate Handbook and Orientation*; Policy 1042.00 – *Intake Screening for Risk of Sexual Victimization or Abusiveness/ Initial Housing of Transgender and Intersex Inmates*; Policy 1081.01 – *Classification and Reclassification*; Policy 1093.01 – *Administrative Separation*; Policy 2001.01 – *Inmate Discipline*; Policy 2036.01 – *Inmate Grievance Process*.

-South Carolina Commission for the Blind, (803) 898-8731

-South Carolina Association for the Deaf (SCAD), (803) 794-3175

DEFINITIONS:

1. **Employee or Staff** refers to an individual(s) who is employed or works for the Williamsburg County Detention Center or an individual who provides services on a recurring basis pursuant to a contractual agreement with the agency and who has direct contact with inmate (e.g., contract health care and food service providers, etc.). This definition is also applicable to volunteer's who have direct contact with inmates, (i.e., volunteer chaplains, counselors, etc.)
2. **Inmate** refers to any individual incarcerated in the Williamsburg County Detention Center, to include sentenced, pre-trial, inmate workers, trustees, work release, weekender and any other person incarcerated in the Williamsburg County Detention Center under a contractual arrangement with a private or public entity, if applicable.
3. **Intermediate and Upper Level Supervisory/Management Staff** refers to any staff member at the level of Sergeant or higher.
4. **PREA Coordinator** refers to a management level position that reports directly to the Detention Center Administrator tasked with overseeing the Williamsburg County Detention Center's plan to address PREA standards. The responsibilities of the PREA Coordinator are outlined in this policy.
5. **Qualified Staff Member** refers to an individual who has been screened for appropriateness to provide rape crisis intervention and related assistance such as those services outlined in 42 U.S.C. 14043g(b)(2)(C) to victims of sexual assault and who has received education concerning sexual assault, forensic examinations and related issues.
6. **Sexual Abuse** refers to any of the following, as further described below: (a) inmate-on-inmate sexual abuse, (b) inmate-on-inmate sexual harassment, (c) staff-on-inmate sexual abuse, and (d) staff-on-inmate sexual harassment.
 - A. **Inmate-on-inmate sexually abusive contact:** Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks without penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexual contact by threats of violence, or of an inmate who is unable to consent or refuse.
 - B. **Inmate-on-inmate sexually abusive penetration:** Penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexually abusive penetration by threats of violence, or of an inmate who is unable to consent or refuse. The sexual acts included are: contact between the penis and the vagina or the anus; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object.
 - C. **Inmate-on-inmate sexual harassment:** Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by one inmate directed toward another.
 - D. **Staff-on-inmate sexually abusive contact:** Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks by a staff member of an inmate with or without the latter's consent that is unrelated to official duties.
 - E. **Staff-on-inmate sexually abusive penetration:** Penetration by a staff member of an inmate with or without the latter's consent. The sexual acts included are contact between the penis and the vagina or the anus; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object.

- F. **Staff-on-inmate indecent exposure:** The display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.
- G. **Staff-on-inmate voyeurism:** An invasion of an inmate's privacy by staff for reasons unrelated to official duties or when otherwise not necessary for safety and security reasons, such as peering at an inmate who is using a toilet in his or her cell; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions and distributing or publishing them.
- H. **Staff-on-inmate sexual harassment:** Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member. Such statements include demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

9. **Zero Tolerance** means that no sexual act, contact or harassment, will be tolerated between any inmate with another inmate and/or between an inmate and an employee per South Carolina Code of Laws §44-23-1150. Staff found guilty of such violations will be subject to disciplinary action up to and including immediate termination and possible criminal prosecution. Inmates will be subject to disciplinary action consistent with the requirements of Williamsburg County Detention Center's inmate disciplinary procedures, and may be subject to criminal prosecution.

PROCEDURES:

1. **PREA Coordinator (115.11):** The Detention Center Administrator will designate an employee in an upper level, management position with sufficient time and authority to develop, implement, and oversee efforts to address the requirements contained in the PREA Standards as the agency wide PREA Coordinator. The PREA Coordinator will, at a minimum, be responsible for the following activities/duties:
 - A. Assist in the development, review and necessary revision of detention center policies and procedures to identify, monitor, assess and keep account of sexual misconduct incidents reported at the detention center;
 - B. Collect, maintain and report statistics and information related to PREA incidents, programs, and activities, to include documentation and data related to corrective action plans as required under the PREA Standards 115.87(a) - (f) and 115.88(a) - (d) and 115.89(a) -(d);
 - C. Conduct periodic reviews of compliance with detention center policies and procedures, and make recommendations to the Sheriff and the Detention Center Administrator regarding needed funding or equipment to promote PREA compliance efforts;
 - D. Assist in the development of PREA reporting forms and mechanisms to be used by inmates, staff and third parties to report PREA incidents. Ensure that reporting methods are communicated to staff, inmates, volunteers, contractors and third parties in written literature and/or via training;
 - E. Collect and maintain uniform data for every allegation of sexual abuse at the Williamsburg County Detention Center. At a minimum, the data collected shall be sufficient to address all the questions presented in the *Survey of Sexual Violence* conducted by the Department of Justice and sent to facilities on a recurring basis. Data may be collected, reviewed and maintained from all available reports, investigations, and sexual abuse incident reviews.
 - F. Review data collected in order to assess and improve the effectiveness of the detention center's sexual abuse prevention, detection, and response plans, policies, practices, and training and prepare annual reports of all recommendations and corrective action plans

for presentation to the Sheriff and the Detention Center Administrator. In addition, upon approval of the report by the Sheriff and/or Detention Center Administrator, the Sheriff and/or Detention Center Administrator/designee will ensure a copy of the report is made readily available to the public either through the detention center's website or by other means.

- G. Maintain all collected data related to sexual abuse incidents, recommendations and corrective action plans for at least ten (10) years.
 - H. Assist in the development and/or review of all staff and inmate training programs related to PREA to ensure such plans are compliant with the requirements contained in PREA Standards 115.31, 115.32, 115.33, 115.34, and 115.35.
 - I. Assist in identifying and entering into agreements with any outside providers able to provide services to victims of sexual abuse.
 - J. Assist the Detention Center Administrator/designee in conducting an annual, formal review of the detention center's staffing plan and deployment of video monitoring devices and other monitoring devices/technologies to ensure staff/technology levels are sufficient for compliance with PREA. (Also, refer to Policy 1030.01 – *Staffing Plans*.)
 - K. Complete and deliver follow-up reports to be provided to inmate victims of sexual abuse to inform them if their allegations of sexual abuse have been substantiated, unsubstantiated or unfounded as required under Standard 115.73(a), and to provide inmate victims whose allegations are deemed substantiated with information as to the action taken against their abuser as required under Standards 115.73(c) and (d).
 - L. Other duties as deemed necessary by the Detention Center Administrator or by PREA related standards.
2. **Upgrades to Facilities and Technology**: Consistent with PREA Standards 115.18(a) - (b), when designating or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Sheriff and the Detention Center Administrator in consultation with the PREA Coordinator, will consider the effect of the design, acquisition, expansion, or modification upon the ability to protect inmates from sexual abuse. When installing or upgrading video monitoring equipment, electronic surveillance systems, or other monitoring technology, the Sheriff and the Detention Center Administrator/designee and the PREA Coordinator will consider how such technology may enhance the detention center's ability to protect inmates from sexual abuse. The PREA Coordinator will be responsible for maintaining documentation to certify that all plans were reviewed by the Detention Center Administrator and/or the Sheriff for this purpose.
3. **Contracts**: Should Williamsburg County enter into any contract for the confinement of any Williamsburg County inmates with another agency, public or private, the contract will include the contractor's obligation to adopt and comply with PREA standards and Williamsburg County's authority to monitor the contractor for compliance with PREA standards.
4. **Training**:
- A. **Staff Training**:
 - 1). All employees who may have contact with inmates (to include contract employees) will be trained on the following topics:
 - a. The Williamsburg County Detention Center's zero tolerance policy for sexual abuse;
 - b. Staff responsibilities under the detention center's zero tolerance policy and how to detect, document and report the signs or potential situations in which sexual abuse or harassment might occur;
 - c. Inmates' rights to be free from sexual abuse and harassment;

- d. The right of inmates and employees to be free from retaliation for reporting sexual abuse and harassment;
 - e. The dynamics of sexual abuse and harassment in confinement facilities;
 - f. The common reaction of sexual abuse and harassment victims;
 - g. How to detect and respond to signs of threatened and actual sexual abuse;
 - h. How to avoid inappropriate relationships with inmates;
 - i. How to communicate effectively and professionally with inmates, to include lesbian, gay, transgender, bi-sexual, intersex, or gender nonconforming inmates;
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- 2). Current employees of the detention center who have not received such training will be trained within one year of the effective date of the PREA Standards. The detention center will ensure that refresher training is provided employees every two (2) years. In the years when an employee is not scheduled for formal training, the PREA Coordinator/designee will ensure that employee's are provided training on the detention center's zero tolerance policy. All refresher training on the policy will be documented on an *Employee Acknowledgement of Review of Williamsburg County Detention Center* (see Attachment A) and will be submitted to the PREA Coordinator for record keeping and maintenance.
 - 3). New detention center employees and staff, to include contractors and volunteers with contact with inmates, will receive documented PREA training during their orientation training as described in Policy 1036.02 – *Employee Training Plan*.
 - 4). Employee training will be documented and will be maintained in the employee's training file. Training files will be made accessible to the PREA Coordinator.
 - 5). Employees, to include contractors and volunteers, will be trained to report any incident of sexual abuse or harassment, to include suspected incidents, immediately to their supervisor. Employees will be required to submit an *Incident Report* to their supervisor in these cases. Exceptions will be authorized when an employee has reason to believe supervisory staff may be involved in the incident or suspected incident/activity. In these cases, the officer may remove their supervisor from distribution and bring the matter directly to the attention of the next highest ranking official. (**NOTE:** Volunteers and contract employees will advise their supervisor of the allegation. Supervisors will complete an *Incident Report* in these cases. If the supervisor is the subject of the allegation, the volunteer/contractor can another, higher level supervisor.)

B. Inmate Training:

- 1). New inmates will receive information during the admission process explaining the Williamsburg County Detention Center's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or harassment. A brochure, entitled, *PREA: Important Information for Inmates and Detainees* will be provided to inmates upon their admission for this purpose.
- 2). Within 30 days of intake, the Williamsburg County Detention Center will provide comprehensive, documented education to inmates regarding their rights to be free from sexual abuse and harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. The receipt of this training will be documented on an acknowledgement form and will be submitted to the PREA Coordinator for documentation and record keeping purposes (see, also, Attachment B, *PREA Inmate Acknowledgement of Orientation Form*, for information.)
- 3). Inmates currently in the jail (not new admissions) who have not received PREA education will be educated within one year of the effective date of the standards. Documentation of such training will be made on a *PREA Inmate Acknowledgement of Orientation Form* (see Attachment B).

- 4). Consistent with PREA standards, the Williamsburg County Detention Center will provide inmate education in formats accessible to all inmates, in compliance with the requirements of the Americans with Disabilities Act. The detention center will not rely on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first responder duties, or the investigation of an inmate's allegations (Standard 115.16(c)). (**NOTE:** The PREA Coordinator may contact the South Carolina Commission for the Blind at (803) 898-8731 or the South Carolina Association for the Deaf (SCAD) at (803) 794-3175 for assistance in providing translation, TTD or other interpreter services for inmates deemed sight or hearing impaired.)
- 5). Documentation related to training provided to inmates, to include their receipt of any written literature, will be maintained in the inmate's confinement record and will be provided to the PREA Coordinator for record keeping and compliance monitoring purposes.
- 6). The Williamsburg County Detention Center will ensure that key information regarding PREA and the detention center's zero tolerance position is continuously and readily available or visible to inmates through posters, handbooks or other written formats (Standard 115.33(f)).

5. **Security Rounds:**

- A. Security staff and employees will be alert to their surroundings at all times and will bring to the attention of their supervisor any equipment or structural problems that may cause line-of-sight issues. Any issues will be properly reported and rectified consistent with detention center maintenance procedures.
- B. Intermediate level and upper level supervisory staff will be required to conduct and document unannounced rounds to identify and deter staff sexual abuse and harassment. Supervisory staff will conduct such rounds on both day and evening shifts. All documentation pertaining to such rounds will be maintained and will be made accessible to the PREA Coordinator for review or documentation purposes. Any noted issues identified by supervisory staff will be documented on an *Incident Report* to be immediately forwarded through the chain-of-command to the Detention Center Administrator and to the PREA Coordinator for investigation, if necessary. (115.13(d).)
- C. **To address PREA standards related to cross gender supervision, the detention center will implement a standard operating policy requiring any officer, staff member, volunteer, visitor, or contractor of the opposite sex to announce their presence when entering an inmate housing area.** There will be no exceptions to this guideline.

6. **Post-Admission Screening Tools:** Consistent with PREA Standards 115.41(a) - (i), the Williamsburg County Detention Center will assess all inmates during intake and upon their transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. Intake screening will take place within 72 hours of an inmate's admission to the facility. A screening tool will be developed by detention center personnel to be used for this purpose. (See, Policy 1042.00 – *Intake Screening for Risk of Sexual Victimization or Abusiveness/ Initial Housing of Transgender and Intersex Inmates*, for more information.)

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

- A. **Classification:** The Williamsburg County Detention Center will utilize an inmate classification system to identify, evaluate and manage inmates with special needs, including those who are sexually vulnerable and dangerous. Staff responsible for the initial classification and reclassification of inmates will use information from the post admission screening tool described Procedure #6, above, to inform housing, bed, work, and program assignments with the goal of keeping inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. (See Policy 1081.01 –

Classification and Reclassification; Policy 1042.01 – Administrative Separation and Policy 1042.00 – Intake Screening for Risk of Sexual Victimization or Abusiveness/ Initial Housing of Transgender and Intersex Inmates, for more information.)

- B. **Protective Custody:** Inmates at high risk for sexual victimization will not be placed in involuntary segregation (or protective custody) unless an assessment of all available, alternative means of housing the inmate has been made and a determination has been reached that there is no other, available alternative means of separation from likely abusers. In cases such as this, the PREA Coordinator and the Detention Center Administrator/designee will be contacted to assist in the assessment. If an assessment is unable to be conducted immediately, inmates may be placed in involuntary protective custody **for no more than 24 hours** while completing the assessment. If a decision is made to continue placement of the inmate in protective custody, the following requirements must be met:
- 1). Written documentation will be made by the PREA Coordinator and approved by the Detention Center Administrator/designee, clearly setting forth the rationale and reasons for maintaining the inmate in protective custody status;
 - 2). Written documentation made by the PREA Coordinator and approved by the Detention Center Administrator/designee, that clearly sets forth the reasons why no alternative means of separation can be made, to include any attempts made to seek transfer of the inmate to another PREA compliant facility;
 - 3). The inmate must have access to programs, privileges, education, and work opportunities. If the facility restricts access to programs, privileges, or work opportunities, the facility must document the opportunities that have been limited, the duration of the limitation, and the reason for the limitation. All documentation will be maintained in the inmate's confinement record.
 - 4). The inmate must be reviewed **every 30 days** to determine whether there is a continued need for separation from the general population. Reviews will be conducted every 30 days by the PREA Coordinator/designee and will be filed in the inmate's confinement record. A copy of the review will be forwarded to the Detention Center Administrator for review.

8. **Hiring and Promotions:**

- A. The Williamsburg County Detention Center will implement a hiring policy to assist in the prevention of sexual abuse. The detention center will not hire or promote anyone who may have contact or enlist the services of any contractor or volunteer who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lock-up or other correctional confinement facility; has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, of if the victim did not consent or was unable to consent or refuse; and/or has been civilly or administratively adjudicated to have engaged in any of the aforementioned activities.
- B. In addition, the Williamsburg County Detention Center will consider any incident of sexual harassment in determining whether to hire or promote anyone or to contract with anyone who may have contact with inmates.
- C. Before hiring new employees, the Williamsburg County Detention Center will perform a criminal background records check and will, consistent with applicable laws, contact prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. Those responsible for hiring or promoting an individual will maintain documentation that required background checks and investigations have been completed.
- D. Williamsburg County employees responsible for enlisting the services of any contract employee will be responsible for ensuring a criminal background check has been completed on any potential contractor who may have contact with inmates. Documentation related to the background check will be maintained in the contract

employee's personnel file and will be made accessible to the PREA Coordinator. (**NOTE:** All employees will have a background check conducted at least once every five (5) years.)

- E. The Williamsburg County Detention Center reserves the right to ask all applicants and employees who may have contact with inmates directly about previous conduct described in Specific Procedure #8.A., above, in written applications or interviews for hiring or promotion or in any interviews or written self-evaluations conducted as part of an employee's or contractor's annual review. Should any employee, applicant or contractor provide false information or omit information regarding their involvement in any conduct described in Specific Procedure #8.A., above, they will be subject to disciplinary action up to and including immediate termination. Those responsible for hiring, promoting or reviewing employees, contractors or applicants will ensure documentation is maintained regarding any disciplinary action taken in these cases.

9. **Reporting PREA Incidents:**

- A. **Inmate Reporting:** Inmates may report sexual abuse or harassment in any of the following manners:

- 1). Inmates may report incidents of sexual abuse or harassment verbally to any staff member without fear of retaliation. Notified staff members will be required to immediately complete an *Incident Report* describing the inmate's complaint for submission to their supervisor and then to the Detention Center Administrator and the PREA Coordinator. Once notified, the Detention Center Administrator and/or PREA Coordinator will immediately initiate a formal investigation into the matter consistent with procedures outlined in #10, below. (**NOTE:** Should an employee's supervisor be the subject of the complaint, the employee may submit the report to the next, higher level supervisor in his/her chain-of-command.)
- 2). Inmates may also submit grievances consistent with the procedures outlined in Policy 2036.01 – *Inmate Grievances Process* or may also submit a *Request to Staff Member* directly to the PREA Coordinator or the Detention Center Administrator.
- 3). Using any inmate phone, an inmate may report an incident directly to the PREA Coordinator. Instructions on how to contact the PREA Coordinator will be posted for inmates on or near all inmate telephones. Upon receipt of an allegation of a PREA violation, the PREA Coordinator will immediately initiate a formal investigation as described in Procedure #10, below.
- 4). Inmates may also opt to contact an outside party not affiliated with the detention center to report incidents of sexual abuse or harassment. Inmates will be provided information on how to contact the outside provider both in written literature and during orientation training. Upon receipt an allegation to an outside provider, the PREA Coordinator will be contacted, as will appropriate investigative authorities. The procedures outlined in Procedure #10 will then be initiated. Inmates do have the right to report allegations to the outside provider anonymously. In these cases, should an inmate report anonymously on behalf of another inmate, the detention center PREA Coordinator will require as a condition of investigating the allegation whether the victim agrees to have the allegation investigated on his/her behalf. The inmate's response will be documented by the PREA Coordinator.
- 5). Inmates may also notify their family members, friends, or other outside party (i.e., chaplain, etc.) of a PREA violation. (See Procedure #9.C., below for information regarding the steps to be taken in these instances.)

- B. **Staff, Contractor and Volunteer Reporting:**

- 1). Any employee, contractor, or volunteer who receives information concerning an allegation of sexual abuse or harassment; has reasonable suspicion of such activity; or who has knowledge of any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or harassment or retaliation, will be required to immediately report the information or incident to

their supervisor. Employee will immediately complete an *Incident Report* for submission to their supervisor in these cases. The supervisor will contact the Detention Center Administrator and the PREA Coordinator who will be responsible for initiating an investigation into the allegations consistent with the procedures outlined in Procedure #10, below. If the supervisor is a subject of the complaint or allegation, the employee, contractor or volunteer may notify the next, higher-level supervisor in their chain-of-command. (**NOTE:** Volunteers and contract employees will notify their supervisor and the supervisor will complete the *Incident Report*. Should a supervisor be the subject of the allegation, the volunteer/contractor may report to a higher level supervisor.)

- 2). Apart from reporting to designated supervisors or officials, correctional staff will not reveal any information related to a sexual abuse report to anyone other than necessary to make treatment, investigation, and other security and management decisions.
- 3). Should an inmate enter the detention center due to a transfer from another facility and report an allegation of sexual abuse, the inmate will be referred to the health care provider to be assessed and evaluated. The intake officer receiving the inmate will complete an *Incident Report* for dissemination to the Detention Center Administrator and PREA Coordinator. The PREA Coordinator or designee will be responsible for contacting the administrator of the transferring facility to advise him/her of the allegation. All notifications will be documented and maintained by the PREA Coordinator. Notifications to the transferring agency head should be provided as soon as possible, but no more than 72 hours after receiving the allegation.

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

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

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

- 1). **Inmates:** Substantiated, deliberately malicious or false reports by inmates will result in disciplinary action and/or criminal charges consistent with the procedures outlined in Policy 2001.01 – *Inmate Discipline*. A report of sexual abuse made in good faith based upon a reasonable belief by the inmate or staff member that the alleged conduct occurred will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- 2). **Others:** Any employee, contractor, volunteer, or staff member who fails to report an allegation or who coerces or threatens another person to submit inaccurate, incomplete, or untruthful information with the intent to alter a report, may face disciplinary action, up to and including immediate termination or termination of their volunteer status or contract. A report of sexual abuse made in good faith based upon a reasonable belief by the inmate or staff member that the alleged conduct occurred will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

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

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

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

- A. A staff member who receives a report of inmate-on-inmate or staff-on-inmate sexual abuse or misconduct will report this information directly to their immediate supervisor, as described above. If the employee, contractor or volunteer's supervisor is the subject of the allegation, the employee, contractor or volunteer may submit their allegation to the next, higher level supervisor.
- B. The supervisor will immediately contact and forward the *Incident Report* to Detention Center Administrator and the PREA Coordinator so that an administrative or criminal investigation can be initiated. All allegations (to include suspected incidents) of sexual abuse and harassment will be investigated promptly and objectively, generally by the end of the shift in which the incident occurred.
- C. The release or transfer of the alleged victim(s) or perpetrator(s), or the termination, suspension or voluntary departure of an employee(s) involved in the incident, will not be grounds to terminate any investigation. The Williamsburg County Detention Center will uphold a policy that no staff member lessen to any degree the credibility of any victim, witness or suspect because of the person's status as an inmate or detainee. No member of the detention center staff will boost the credibility of any witness or suspect because the individual is a staff member.
- E. To uphold Williamsburg County's zero tolerance against sexual abuse, the detention center will be committed to criminally prosecuting any substantiated allegations of inmate-on-inmate or staff-on-inmate abuse or misconduct. As per PREA standards, the

detention center will institute no standard higher than the preponderance of the evidence when determining whether an allegation of sexual abuse or harassment is substantiated.

- F. Upon notification of an alleged incident of sexual abuse, the supervisor will:
- 1). Immediately separate the victim from the alleged assailant to protect the victim and prevent further violence. The responding supervisor and/or the PREA Coordinator will determine the best possible housing assignments for the victim and his/her assailant, consistent with classification guidelines.
 - 2). Once separated, the supervisor will ensure enough staff is deployed to assist in maintaining control of the area where the alleged incident was reported to have occurred and will order the scene to be secured to preserve any evidence. The supervisor will also be responsible for contacting the health care provider to assist the victimized inmate.
 - 2). The PREA Coordinator will be responsible for determining whether the alleged incident constitutes an administrative or criminal investigation. Administrative investigations will be handled and processed by the PREA Coordinator; criminal investigations will be conducted by Williamsburg County Sheriff's Office investigators or by SLED investigators, depending upon the severity of the incident. At a minimum, investigators assigned to conduct PREA investigations will receive specialized training in the following areas. All training will be documented and will be made accessible to the PREA Coordinator, as needed.
 - a. Interviewing sexual abuse victims and perpetrators in confinement settings;
 - b. Proper use of Miranda and Garrity warnings during such investigations;
 - c. Sexual abuse evidence collection in confinement settings, to include the criteria and evidence required to substantiate a case for administrative action and/or criminal prosecution.
 - 3). Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; will interview alleged victims, suspected perpetrators, and witnesses; and will review prior complaints and report of sexual abuse involving the suspected perpetrator, if any.
 - 4). When the quality of evidence appears to support criminal prosecution, investigators may conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
 - 5). All criminal investigations will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence. Copies of all documentary evidence will be attached, when available. All written reports will be maintained for as long as the alleged perpetrator is incarcerated at the facility or employed by the facility, plus five (5) years. The departure of the alleged perpetrator or victim from the employment or control of the facility will not be used as a basis for terminating an investigation.
 - 6). Health care providers at the facility will assess the medical and mental health care needs of the victimized inmate. If the incident involved sexual abuse or assault that occurred within a 72 hour period, the health care provider will instruct corrections staff that the inmate is to be transported to an outside medical facility so a sexual assault medical examination of the inmate can be conducted by medical personnel trained to conduct such examinations. The health care provider will ensure that any outside medical facility contracted to conduct sexual examinations utilizes Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). (The health care provider will ensure that documentation related to SAFE and SANE certification is provided to the PREA Coordinator for record keeping and reporting purposes.)
 - 7). The health care provider will either conduct or arrange to be conducted a mental health evaluation of any known inmate-on-inmate abuser within 60 days of learning of their abuse history. Appropriate treatment will be arranged for such inmates as deemed appropriate by the mental health care provider conducting the evaluation.

- 8). The health care provider will assess the victimized inmate to determine if he/she may be at risk for suicide and will arrange for an evaluation by a qualified mental health care professional for crisis intervention counseling and follow-up care. All such efforts and evaluations will be documented by the health care provider and included in the inmate's medical file.
- 9). Every effort will be made by the detention center to provide inmates with access to outside victim advocates for emotional support services related to sexual abuse. (See Procedure #11, below.)
- 10). All responding officers and staff members will be required to complete an *Incident Report* detailing their involvement and role in the investigation or aftercare for dissemination to the PREA Coordinator and the Detention Center Administrator by the end of their shift.
- 11). For investigations that are administrative in nature, an effort will be made to determine whether staff actions, failures to act, or failure of staff to follow policies and procedures contributed to the incident so that corrective action and, if needed, staff re-training can be initiated. All administrative investigations will be documented in writing and will include investigative findings and facts based on physical evidence, testimonial evidence, and an objective assessment of the same.
- 12). To comply with PREA Standards, the Detention Center Administrator/designee will ensure that investigative protocols for allegations of sexual abuse and harassment are included on their website or are made known to the public by other means. Minimally, the website will specify that either the Williamsburg County Detention Center, Williamsburg County Sheriff's Office and/or SLED investigators will be responsible for conducting PREA investigations depending and will describe the responsibilities of both the detention center and outside investigative authorities. In addition, the Detention Center Administrator/designee will advise the Sheriff of the need for the Sheriff's Office to have a separate policy in place that addresses investigations related to PREA violations at the detention center. This policy will include provisions for following uniform evidence protocols for sexual assaults. At a minimum, evidence protocols included in policy will be developmentally appropriate for youth (under 18) and should be based on protocols developed after 2011.

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

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

All treatment services will be provided without cost to the victim, regardless of whether the victim names the perpetrator or cooperates with an investigation into the alleged sexual abuse. To the extent possible, all services provided will be consistent with the community level of care.
- C. A victimized inmate may at any time request a victim advocate or other qualified agency staff member or contracted organization to accompany him/her through the forensic medical examination process or investigatory interview process. Victim advocates, qualified staff members or approved organizations may also be requested by the inmate

to provide emotional support, crisis intervention, information and referrals. Inmates desiring such support will make a confidential, written request to the facility PREA Coordinator who will meet with the inmate to discuss and to arrange for such services. To the extent possible consistent with security and safety requirements, the detention center will provide inmates with confidential access to such services and will provide the inmate access to such individuals and/or organizations via mail, telephone or telephone hotline services. The facility will inform inmates prior to giving them access to such services, numbers and addresses, the extent to which the facility may monitor communications in accordance with mandatory reporting laws. (**NOTE:** The detention center will maintain or attempt to enter into agreement or contracts with community service providers able to provide inmates with confidential emotional support services and victim advocacy services related to sexual abuse. All agreements and efforts to enter into any agreement will be documented.)

- D. The detention center will offer medical and mental health evaluations and, as appropriate, treatment to all inmates who have been victimized by sexual abuse while incarcerated in the Williamsburg County Detention Center. The evaluation and treatment will, as appropriate, include the following services: follow-up services, treatment plans and, when necessary, referrals for continued care following their release from the detention center or transfer to or placement in other facilities.
- E. Should an inmate be a victim of sexually abusive vaginal penetration while incarcerated, he/she will be offered pregnancy testing by the health care provider. Should pregnancy result from victimization, the victimized inmate will receive timely and comprehensive information about and timely access to all lawful pregnancy related medical services.
- F. Should a victimized inmate refuse medical or mental health attention following a sexual abuse incident, health care staff will document the inmate's refusal on a *Medical Treatment Refusal Form* consistent with the health care provider's medical protocol. All *Refusal Forms* will be maintained in the inmate's medical record for documentation and record keeping purposes.

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

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

- 2). The abuser has been convicted on a charge related to sexual abuse within the facility.

All notifications to the inmate will be made in writing and will be maintained by the PREA Coordinator for documentation and record keeping purposes.

- D. The PREA Coordinator's obligation to provide reports to inmates will be terminated when the inmate is released from the custody of the detention center.

13. **Disciplinary Sanctions:**

A. **For Staff:**

- 1). Staff will be subject to disciplinary action up to and including immediate termination for violating any detention center sexual abuse or harassment policies. Termination will be mandatory for staff determine to have engaged in substantiated claims of sexual abuse.
- 2). Disciplinary sanctions for violations of agency policies relating to sexual abuse and harassment (other than actually engaging in sexual abuse) will be commensurate with the nature and circumstances of the acts committed; the staff member's disciplinary history; and the sanctions imposed for comparable offenses by other staff with similar histories.
- 3). All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to the Williamsburg County Sheriff's Office and other relevant law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies (for individuals who may have specialized licenses). In these cases, the PREA Coordinator will be responsible for making such notifications, in writing, and for maintaining copies of all written notifications for documentation and record keeping purposes.

B. **For Contractor and Volunteers:**

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

- C. **For Inmates:** Inmates will be subject to disciplinary action pursuant to the procedures outlined in Policy 2001.01 – *Inmate Discipline* following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. Inmates may, depending on the nature of the incident, also be criminally prosecuted.

14. **Sexual Abuse Incident Review Team:**

- A. Consistent with the requirements contained in PREA Standards 115.86(a) - (e), the Detention Center Administrator will ensure that a *Sexual Abuse Incident Review Team* is established to review all substantiated and unsubstantiated allegations of sexual abuse or harassment. Allegations deemed unfounded upon investigation will not required to be reviewed by the team. The team will be required to review incidents within 30 days of the conclusion of the investigation and prepare a report of its findings and any

recommendations for improvement for submission to the Detention Center Administrator and the PREA Coordinator.

- B. The team will include upper-management level staff, with input from shift supervisors, investigators, and medical or mental health care professionals.
- C. The team will be responsible for:
 - 1). Considering whether the allegation or investigation indicates a need to change policies and practices to better prevent, detect, or respond to sexual abuse;
 - 2). Consider whether the incident or allegation was motivated by race; ethnicity; gender identity, lesbian, gay, bisexual, or intersex identification status or perceived status; gang affiliation; or by other factors or group dynamics at the facility;
 - 3). Examine the area of the facility where the incident allegedly occurred to determine if any physical barriers existed which may have enabled the abuse;
 - 4). Assess the adequacy of staffing levels the that areas during different shifts;
 - 5). Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- C. To the extent possible, the Detention Center Administrator and the PREA Coordinator will implement the recommendations of the team. Should the Detention Center Administrator and/or the PREA Coordinator be unable to implement the recommendations of the team, they will document the reasons for not doing so. All documentation will be maintained by the PREA Coordinator for record keeping and reporting purposes. (Documentation may include requests for funding made for new equipment, staff or renovations that were disapproved by funding authorities, or other requests for outside assistance that were denied.)

S/ _____ Date: ____/____/20____
Sheriff, Williamsburg County

S/ _____ Date: ____/____/20____
Detention Center Administrator

The contents of this policy and procedure were developed solely and exclusively for the Williamsburg County Detention Center and reflect the Williamsburg County Detention Center's organizational structure, mission, operational procedures, facility design, inmate classification, and management systems known at the time this document was developed. Moseley Architects does not condone, authorize, or approve the distribution of this document and its contents in any manner, to anyone other than Williamsburg County Detention Center employees or agents approved by the Williamsburg County Detention Center Detention Center Administrator or Sheriff; otherwise, there may be serious risk implications.

Any revisions, amendments, or supplemental information made to this document and its content from anyone other than Moseley Architects shall be the sole responsibility of the person(s), entity(s), or party(s) making such revisions, amendments, or supplemental changes. Any revisions, amendments, or supplemental information made to this document or its content shall include documentation as to the author of the revision, amendments, or supplemental information, and shall be approved by Williamsburg County Detention Center's legal counsel and approved by the Sheriff or other governing authorities prior to its implementation.

ATTACHMENT A

WILLIAMSBURG COUNTY DETENTION CENTER

EMPLOYEE ACKNOWLEDGEMENT OF REVIEW AND UNDERSTANDING OF WCDC POLICY 2036.12 - *PRISON RAPE ELIMINATION ACT (PREA)*

Supervisor Instructions: This form must be completed by all employees on alternate years in which formal PREA training is not provided. It is important that all employees be provided this form and that they sign and date the form as indicated below. Once all employees under your supervision have completed this form, please return the completed forms to the PREA Coordinator.

I, _____, by my signature below, (Print Name Legibly)	
acknowledge that I have reviewed the WCDC Policy 2036.12 - <i>Prison Rape Elimination Act (PREA)</i> on the date indicated below and that I understand the same. I further acknowledge that I was provided an opportunity to ask questions and receive acceptable answers to any questions I may have had regarding this policy.	
Employee Signature:	Date:
Supervisor Signature (Witnesss):	Date:

cc: Employee Training File

Attachment B
Williamsburg County Detention Center
PREA Inmate Orientation Acknowledgement Form

The Williamsburg County Detention Center is committed to making every effort to comply with the standards issued by the Department of Justice to address the Prison Rape Elimination Act of 2003 (PREA). As such, **the Williamsburg County Detention Center has a zero tolerance policy against any incidence of inmate-on-inmate or staff-on-inmate rape, sexual abuse, sexual misconduct or sexual harassment.**

By signing this statement, you are acknowledging that you have received both written and video information on the detention center's zero tolerance policy, reporting requirements, and the programs and services available to prevent, investigate, and respond to incidents of sexual abuse and/or harassment. You also acknowledge that you understood this information. Lastly, you were advised that if you had any additional questions regarding PREA or the PREA processes implemented at the Williamsburg County Detention Center, you may ask any staff member for assistance.

Inmate Name (Printed):	
Inmate Signature:	Date:
Officer Name (Printed)	
Officer Signature:	Date:

cc: Inmate File
PREA Coordinator