**Liberty County Sheriff’s Office**

**Jail Operations**

**Policies and Procedures**

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| **Policy:** Personnel **Subject:** PREA |
| **Policy Number:** **Issue Date:**  |
| **Approval Authority****Tittle and Signature:** |

1. POLICY:

The Liberty County Sheriff’s Office Jail (LCSOJ) is charged with the safety and security of all inmates. LCSOJ management will ensure that the guidelines and procedures for processing requests from inmates alleging increased risk of harm from others are followed. Protective measures will be implemented when an inmate expresses fear for his/her own safety.

II. OVERVIEW:

LCSOJ’s program for Sexual Abuse Prevention and Intervention includes, at a minimum:

* A zero-tolerance policy for all forms of sexual abuse and outlining the facility’s approach to preventing, detecting, and responding to such conduct.
* LCSOJ will designate a Prevention of Sexual Assault Compliance Manager (PSA Compliance Manager) who will serve as the facility point of contact. The Coordinator will oversee facility efforts to comply with all standards.
* Measures taken to prevent sexual abuse or assault, including the LCSOJ Training Administrator who is responsible for staff training and the LCSOJ Medical and Mental Health who is responsible for inmate education;
* Procedure for immediate reporting of any allegation of sexual abuse or assault through the facility’s chain-of-command procedure
* Measures taken for prompt and effective intervention to address the safety and medical/mental health treatment needs of inmate victims, and to preserve and collect evidence;
* Procedure for referral of incidents to appropriate investigative agencies (including law enforcement agencies), and coordination with such entities;
* sanctions for staff, up to and including termination when staff has violated agency sexual abuse policies; and
* Data collection and reporting.
1. BACKGROUND INFORMATION:

The Prison Rape Elimination Act of 2003 (PREA) set a zero tolerance standard regarding rape and sexual assault in “any confinement facility of a Federal, state, or local government, whether administered by such government or by a private organization.”

LCSOJ has developed a policy consistent with the U.S. Department of Homeland Security (DHS) regulations titled “Standards to Prevent, Detect and Respond to Sexual Abuse and Assault in Confinement Facilities, “79 Fed. Reg. 13100 for the purpose of minimizing the number of sexual assaults by inmates or staff on other inmates. It includes components such as the education of correctional staff and inmates about risks and prevention of sexual assaults; the use of an inmate’s assault history and likelihood of victimization in making housing unit assignments; the use of surveillance cameras (where available); prompt and effective intervention to address the safety and treatment needs of inmate victims if an assault occurs; investigation, discipline and prosecution of assailants; and, other procedures contained in this directive. Sexual conduct between staff and inmates, volunteers or contract personnel and inmates, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions.

IV. DEFINITIONS

For the purposes of this policy, the following definitions apply:

1. **General Definitions (§115.5):**

1. Contractor means a person who provides services on a recurring basis pursuant to a

 Contractual agreement with the Agency or Facility.

2. Exigent Circumstances mean 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 or a threat to the safety or security of any person.

3. Gender Nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.

4. Intersex means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

5. LGBTI means individuals who have identified themselves as lesbian, gay, bisexual, Transgender or Intersex.

6. Transgender means persons whose gender identity (i.e. internal sense of feeling male or female) is different from the person’s assigned sex at birth.

7. Medical Practitioner means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “Qualified Medical Practitioner” refers to such a professional who has also successfully completed training for treating Sexual Abuse victims.

8. Unfounded Allegation means an allegation that was investigated and determined not to have occurred.

9. Unsubstantiated means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

1. Volunteer means an individual, who is not an employee, who donates time and effort on a recurring basis to enhance the activities and programs of LCSOJ.
2. **Definitions Related to Sexual Abuse and Assault:**

1. Sexual abuse includes:

(a) Sexual abuse and assault of a inmate by another inmate; and

(b) Sexual abuse and assault of an inmate by a staff member, contractor, or volunteer.

2 Sexual Abuse by another Inmate includes any of the following acts by one or more inmates of the facility in which the inmate is housed who, by force, coercion, or intimidation, or if the victim did not consent or was unable to consent or refuse, engages in or attempt to engage in:

1. Contact between the penis and the vulva or the penis and the anus, including

 penetration, however slight;

1. Contact between the mouth and the penis, vulva, or anus;
2. Penetration, however slight, of the anal or genital opening of another person by a hand or finger, or by any object;
3. Touching, of the genitalia, anus, groin, breast, inner thigh, or buttocks either directly or through the clothing, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person, or,
4. Threats, intimidation, or other actions or communications by one or more inmate(s) aimed at coercing or pressuring another inmate to engage in sexual acts.

 3. Sexual Abuse of an Inmate by an Employee, Contractor, or Volunteer includes any of the following acts, if engaged in by one or more Employees, Contractors or Volunteers who, with or without the consent of the inmate, engages in or attempts to engage in:

* 1. Contact between the penis and the vulva or the anus and, for purposes of this paragraph; contact involving the penis upon penetration, however slight;
	2. Contact between the mouth and the penis, vulva, or anus;
	3. Contact between the mouth and any body part where the Employee, Contractor, or Volunteer has the intent to abuse, arouse, or gratify sexual desire;
	4. Penetration, however slight, of the anal or genital opening of another person by a hand, finger or by any object that is unrelated to official duties or where the Employee, Contractor, or Volunteer has the intent to abuse, arouse, or gratify sexual desire;
	5. Intentional touching of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, either directly or through the clothing, that is unrelated to official duties or where the Employee, Contractor, or Volunteer has the intent to abuse, arouse, or gratify sexual desire;
	6. Threats, intimidation, harassment, indecent, profane or abusive language, or other actions or communications, aimed at coercing or pressuring a inmate to engage in a sexual act;
	7. Repeated verbal statements or comments of a sexual nature to a inmate. Note: "Repeated,” in the context of this provision, means more than one incident. The seriousness of the conduct shall be taken into account in determining the appropriate commensurate response by the facility and serious misconduct along these lines, even if committed once, shall still be addressed.
	8. Any display of his or her uncovered genitalia, buttocks, or breast in the presence of a inmate; or
	9. Voyeurism which is defined as the inappropriate visual surveillance of a inmate for reasons unrelated to official duties. Where not conducted for reasons relating to official duties, the following are examples of Voyeurism: staring at a inmate who is using a toilet in his or her suite to perform bodily functions; requiring a inmate to expose his or her buttock, genitals, or breasts; or taking images of all or part of a inmate’s naked body or of a inmate performing bodily functions.

Note: Sexual acts or contact between an Inmate and an Employee, Contractor or

Volunteer, even when no objections are raised by either party, are always forbidden and

illegal. Accordingly, except in cases where the Employee, Contractor or Volunteer is

clearly the victim of Inmate Sexually Abusive Behavior, sexual behavior between an

Employee, Contractor or Volunteer and Inmates is always the Employee’s, Contractor’s

or Volunteer’s responsibility. Sexual Abuse and/or Assault is never an acceptable consequence of detention.

1. **Additional Definitions**
2. Sexual Activity: Physical contact between two or more inmates of the same or opposite sex for the purpose of sexual arousal or gratification where all involved inmates independently express or imply consent. Such contact includes the following: active or passive contact or fondling of genitals, hands, mouth, buttocks, anus, or breast.

Note: Sexual Activity between two or more inmates is prohibited. Good practice can reduce, prevent and detect Sexual Activity. Avoiding a sexually charged atmosphere, conducting random cell or housing area checks, observing the behavior of inmates, taking extra precautions to protect inmates identified as high risk, and ensuring that inmates are in correct suite assignments can reduce risk.

1. Sexually Abusive Behavior: The term used in this policy to describe Sexual Abuse and Sexual Harassment as defined in this section.
2. GUIDELINES:
3. **Policy Statements**
	1. **Zero Tolerance (§115.11)**
		1. LCSOJ mandates zero tolerance towards all forms of Sexual Abuse and Assault and outlining LCSOJ’s approach to preventing, detecting, and responding to such conduct
	2. **Policies to Ensure Referrals of Allegations for Investigation (§115.22)**
		1. All allegations of Sexual Abuse are referred for investigation to a law enforcement Agency with legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. Facilities shall document all referrals.
		2. When an inmate of the facility in which an alleged inmate victim is housed is alleged to be the perpetrator of inmate sexual abuse. The incident will be documented.
		3. When an Employee, Contractor or Volunteer is alleged to be the perpetrator of Inmate Sexual Abuse, LCSOJ will ensure the incident is promptly reported to the Warden. If the allegation is potentially criminal, also referred to an appropriate law enforcement agency having jurisdiction for investigation.
		4. The PREA Coordinator shall also be notified of all Inmate Sexual Abuse allegations.
	3. **Ability to Protect Inmates from Contact with Abusers (§115.66)**
4. Employees, Contractors and Volunteers suspected of perpetrating Sexual Abuse shall be removed from all duties requiring inmate contact pending the outcome of an investigation. Separation orders requiring “no contact” shall be documented by facility management via email or memorandum within 24 hours of the reported allegation. The email or memorandum shall be printed and maintained as part of the related investigation file.
5. LCSOJ shall not enter into or renew any collective bargaining agreement or other agreement that limits a facility’s ability to remove alleged Employee sexual abusers from contact with any inmate pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
	1. **Coordinated Response (§115.65) and Reporting to Inmates (§115.73)**

LCSOJ shall develop written Facility plans to coordinate the actions taken by staff first responders, Medical and Mental Health Practitioners, investigators, and Facility leadership in response to incidents of Sexual Abuse.

LCSOJ will use a coordinated, multidisciplinary team approach to responding to Sexual Abuse. PREA Coordinator may be consulted as part of this coordinated response.

1. If the victim of Sexual Abuse is transferred between DHS Immigration Detention Facilities, the sending Facility shall, as permitted by law, inform the receiving Facility of the incident and the victim’s potential need for medical or social services.
2. If the victim of Sexual Abuse is transferred to a non-DHS Facility, the sending Facility shall, as permitted by law, inform the receiving Facility of the incident and the victim’s potential need for medical or social services, unless the victim requests otherwise.
3. The facility documents all notifications to an inmate alleging sexual abuse following an investigation as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded..

5. **Contracting With Other Entities/Individuals (§115.12)**

a. LCSOJ shall adhere to all contracts with other entities for the confinement of inmates that require its obligation to adopt and comply with the PREA standards.

b. Contractors providing services who have direct contact with inmate shall be obligated to comply with applicable PREA standards. Contractors shall be monitored to ensure compliance with these PREA standards.

**LCSOJ PREA Personnel, Physical Plant and Supervision**

1. **Prevention of Sexual Abuse (PSA) Coordinator (§115.11)**

LCSOJ shall designate or employ an Agency-wide PSA Coordinator, with sufficient time and authority to develop, implement, and oversee the Agency’s efforts to comply with the PREA standards.

1. **Prevention of Sexual Abuse (PSA) Compliance Manager**

LCSOJ has a designated PSA Compliance Manager who shall serve as the facility point of contact.

1. PSA Compliance Manager duties include:
2. Gathering of facility statistics and reports on incidents of Sexual Activity, Sexual Abuse and Assault;
3. Assist with development/revision of any site specific policies;
4. Review facility practices to ensure the required levels of confidentiality are maintained.
5. Assist with SAAPI training initiatives;
6. Assist with PREA Facility assessments;
7. Prepare an annual report on findings and corrective actions for the Facility; and,
8. Monitoring for retaliation in accordance

3. The PSA Compliance Manager at the direction of the Warden shall submit the local policy and procedures document to the client if requested.

1. Specifies procedures for offering immediate protection to any inmate who alleges that he or she has been sexually assaulted. The inmate will be referred for a medical examination and/or a clinical assessment of the potential for negative symptoms;
2. Specifies local response procedures (including referral procedures to appropriate law enforcement agencies) to be followed when a sexual assault occurs;
3. Establishes procedures to involve outside agency (Liberty County Sherriff’s Office) in sexual abuse or assault prevention and intervention programs;
4. Designates specific staff (psychologist, appropriate medical staff, etc.) to be responsible for staff training activities;
5. Specifies how the safety needs of a victim will be protected over time;
6. Specifies the senior manager responsible for insuring that staff are appropriately trained and respond in a coordinated fashion when an inmate reports an incident of sexual abuse or assault;
7. Designated a specific staff member to be responsible for inmate education regarding issues pertaining to sexual assault; and
8. Specifies how medical staff will be trained or certified in procedures for examining and treating victims of sexual assault in institutions where medical staff will be assigned these activities.

4. **Inmate Supervision and Monitoring (§115.13)**

a. LCSOJ will ensure that it maintains sufficient supervision of inmates, including through appropriate staffing levels and video monitoring, to protect inmates against sexual abuse.

b. LCSOJ has developed comprehensive inmate supervision guidelines to meet the Facility’s inmate supervision needs, and shall review those guidelines at least annually.

c. LCSOJ staff is trained during pre-service, quarterly and annually during in-service regarding inmate supervision needs, and PREA.

d. In determining adequate levels of inmate supervision and determining the need for video monitoring, LCSOJ takes into consideration:

* 1. Generally accepted detention and correctional practices;
	2. Any judicial findings of inadequacy;
	3. The physical layout of each facility;
	4. The composition of the inmate population;
	5. The prevalence of substantiated and unsubstantiated incidents of Sexual

 Abuse;

* 1. The findings and recommendations of Sexual Abuse incident review reports;
	2. Any other relevant factors, including but not limited to the length of time

 Inmates spend in facility custody

e. An Annual PREA Facility Assessment shall be completed and submitted to the Warden and the Sheriff.

f. The Warden and PREA Coordinator, shall review all facility assessments and take appropriate actions necessary to protect inmates from Sexual Abuse at its facilities. All findings and corrective actions taken shall be documented by the PREA Coordinator.

g. LCSOJ has implemented a policy and practice requiring department heads, facility management staff and supervisors to conduct and document frequent unannounced security inspections within their respective areas to identify and deter Sexual Abuse of inmates. These inspections will be documented in the park log book and must state that the inspection is unannounced. Such policy and practice shall be implemented for all shifts.

h. Staff is prohibited from alerting others that the security inspections are occurring, unless such announcement is related to legitimate operational functions of the facility.

5. **Hiring and Promotion decisions (§115.17)**

1. LCSOJ will not hire or promote anyone who may have contact with inmates, and will not enlist the services of any contractor or volunteer who may have contact with inmates, who has engaged in sexual abuse in a prison, jail, holding facility, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); who has been convicted of engaging or attempting to engage in sexual activity facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or who has been civilly or administratively adjudicated to have engaged in such activity.
2. Before hiring new staff who may have contact with inmates, LCSOJ will conduct a background investigation to determine whether the candidate for hire is suitable for employment with the facility, including a criminal background records check and central registry check.
3. LCSOJ Human Resource staff will ask all applicants who may have contact with inmates directly about previous misconduct described in paragraph (1) of this section, in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. LCSOJ shall also impose upon employees a continuing affirmative duty to disclose any such misconduct. LCSOJ will make its best efforts to contact all prior institutional employers of an applicant for employment, to obtain information on substantiated allegations of sexual abuse or any resignation during a pending investigation of alleged sexual abuse.
4. LCSOJ will also perform a background investigation before enlisting the services of any contractor who may have contact with inmates.
5. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination or withdrawal of an offer of employment, as appropriate.
6. Unless prohibited by law, Facilities shall provide information on substantiated allegations of Sexual Abuse involving a former Employee upon receiving a request from an institutional employer for whom such Employee has applied to work.

6. **Facility Upgrades and Technology (§115.18)**

* + 1. LCSOJ shall consider the effect any (new or upgrade) design, acquisition, substantial expansion or modification of the physical plant might have on the facility’s ability to protect inmates from Sexual Abuse.
		2. LCSOJ shall also consider the effect any (new or upgrade) video monitoring system, electronic surveillance system or other monitoring system might have on the Facility’s ability to protect inmates from Sexual Abuse.

C. Screenings

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

a. Inmates are assessed during intake within twelve (12) hours of arrival to identify those likely to be sexual aggressors or sexual abuse victims and will house inmates to prevent sexual abuse, taking necessary steps to mitigate any such danger.

b. Each new arrival will be kept separate from the general population until he/she is classified and may be housed accordingly.

c. The initial classification process and initial housing assignment should be completed within twelve hours of admission to the facility by the intake staff. Once the Initial Risk Assessment has been completed, Medical staff will communicate to Intake staff any housing concerns. Before any inmate is housed medical staff will document any “at risk” inmates on the Waiting Room Log by notating a “V” for Potential Victim or a “P” for Potential Perpetrator. The Waiting Room Log is maintained in the Intake department.

d. The following are criteria’s to access inmates for risk and sexual victimization:

* Whether the inmate has a mental, physical, or developmental disability;
* The age of the inmate;
* The physical build and appearance of the inmate;
* Whether the inmate has previously been detained;
* The nature of the inmate’s criminal history;
* Whether the inmate has any convictions for sex offenses against an adult or child;
* Whether the inmate has self-identified as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
* Whether the inmate has self-identified as having previously experienced sexual victimization; and
* The inmate own concerns about his or her physical safety.

e. Screening staff shall consider prior acts of sexual abuse, prior convictions of violent offenses, and history of prior institutional violence or sexual abuse, as known to the facility in accessing inmates for risk of being sexually -abusive. Inmates with a history of sexual assault shall be identified, monitored, and counseled.  Inmates identified as ’high risk’ for committing sexual assault shall be assessed by a mental health or other qualified professional and treated as appropriate.

f. The medical/mental health staff will reassess each inmate’s risk of victimization or abusiveness between 60 and 90 days from the date of initial assessment under the guidance of the PSA Compliance Manager, and at any other time when warranted based upon the receipt of additional, relevant information or following an incident of abuse or victimization.

g. At any point after the initial intake screening, an inmate shall be reassessed for risk of victimization or abusiveness when warranted based upon the receipt of additional, relevant information or following an incident or abuse or victimization.

h. Inmates shall not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked.

i. LCSOJ shall implement appropriate controls on dissemination of responses to questions asked related to sexual victimization or abusiveness in order to ensure that sensitive information is not exploited by Employees or other inmates.

j. Sensitive information shall be limited to need-to-know Employees only for the purpose of treatment, programming, housing and security and management decisions.

2. **Medical and Mental Health Screenings; History of Sexual Abuse (§115.81)**

* 1. A PREA Risk Assessment is to be completed on all inmates. If it is found that during this process an inmate is identified as having had prior sexual victimization or perpetrated sexual abuse, Intake staff shall, as appropriate, ensure that the inmate is immediately referred to a qualified medical or mental health practitioner for medical and/or mental health follow-up as appropriate.
	2. When a referral for medical follow-up is initiated, the inmate shall receive a health evaluation no later than two working days from the date of assessment from a qualified medical/mental health staff member.
	3. If an inmate has a history of prior victimization or a positive PREA Assessment the medical staff member will refer the inmate to mental health staff. When an inmate is referred to mental health staff for a follow up evaluation, the inmate shall receive the evaluation from the Mental Health Case Worker within 72 hours of the referral being initiated. The Mental Health Case Worker will then determine if the inmate requires follow up therapy from a Licensed Mental Health Practitioner.
	4. Information related to sexual victimization or abusiveness in an institutional setting is limited only to Medical and Mental Health Practitioners and other Employees as necessary to inform treatment plans, security and management decisions or otherwise required by Federal, State or local law.

1. **Use of Screening Information (§115.42)**
2. The facility shall use the information from the risk assessment to determine assignment of an inmate to housing, recreation and other activities, and voluntary work in order to keep potential victims away from potential abusers. The PSA Compliance Manager or designee will have an “at risk log” of potential victims and potential abusers determined from the Initial Risk Screening Assessment. The “at risk log” will be maintained in the mental health department and kept current with housing locations. The PSA Compliance Manager will also maintain a tracking log of individuals who self-identify as LGBTI with housing locations. Note: Following a reported allegation of sexual abuse, the PREA Compliance Manager will ensure victims are placed on the “at risk” log as soon as possible and tracked as a potential victim and housed separate from potential abusers pending the outcome of the investigation. If the investigation is determined “unfounded”, the victim may be removed from the “at risk” log.
3. PSA Compliance Managers will also maintain a tracking log of those individuals who self-identify as LGBTI with their housing location.
4. When making assessments and housing decisions for Transgender and Intersex inmates, the facility shall consider the inmate’s gender self-identification and an assessment of the effects of placement on the inmates’ health and safety.
5. A Medical or Mental Health Practitioner shall be consulted as soon as practicable on these assessment and placement decisions which shall not be based solely on the identity documents or physical anatomy of the inmate.
6. Unless client written mandates differ, the following guidelines will be adhered to:
	* + 1. If for security reasons general population housing is not assigned after intake processing, and involuntary observation is used, the guidelines in section Protective Custody of this policy must be followed. Serious consideration shall be given to the individual’s own views with respect to his/her own safety.
			2. Transgender and Intersex inmates may be housed in medical for up to 72 hours (excluding weekends, holidays and emergencies) until the appropriate housing determination is made. The PREA Coordinator may also be consulted.
			3. Placement into administrative observation due to an inmate’s identification as Transgender or Intersex should be used only as a last resort and when no other viable housing options exist.
			4. The following shall at a minimum consider:

i) The inmate’s documented criminal history and past/present behavior;

ii) The inmate’s physical, mental, medical and special needs;

iii) The inmate’s self-assessment of his/her safety needs (do they feel threatened or at risk of harm);

iv) Privacy issues, including showers, available beds and or housing;

v) All records and prior assessments of the effects of any housing placement on the inmates’ health and safety that has been conducted by a medical or mental health professional; and

vi) Inmate’s with a diagnosis of Gender Dysphoria through mental health shall afforded feminine hygiene products and a sports bra as determined by the committee.

5. LCSOJ will attempt to reach consensus on all decisions. Summary notes shall be documented to include persons attending and conclusions reached. A copy of the notes shall be retained in the inmate’s institutional file and a copy forwarded to the PREA Coordinator upon completion.

1. The inmate’s self-identification of his/her gender and self-assessment of safety needs shall always be taken into consideration as well.
2. Housing and programming assignments for each Transgender and Intersex inmate shall be reassessed at least twice each year to determine any threats to safety experienced by the inmate. Serious consideration shall be given to the individual’s own views with respect to his/her own safety.
3. When operationally feasible, Transgender and Intersex inmates shall be given an opportunity to shower separately from other inmates.
4. Escort Procedures
5. For inmates assigned to transgender status a female officer will escort the inmates to and from any location on the facility.
6. The escorting officer will accompany the inmate at all times until the inmate is returned to the respective housing assignment.

D. **Inmate Orientation and Education**

1. Accommodating inmates with disabilities and inmates who are limited English proficient (§115.16)

a. LCSOJ shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have an equal opportunity to participate in or benefit from all aspects of the agency’s and facility’s efforts to prevent, detect, and respond to sexual abuse. Such steps shall include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to in-person, telephonic, or video interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary.

b. In addition, LCSOJ shall ensure that any written materials related to sexual abuse are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

c. LCSOJ shall take steps to ensure meaningful access to all aspects of the facilities efforts to prevent, detect, and respond to sexual abuse for inmates who are limited English proficient, including steps to provide in-person or telephonic interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary.

d. In matters relating to allegations of sexual abuse, LCSOJ shall provide in person or telephonic interpretation services that enable effective, accurate, and impartial interpretation, by someone other than another inmate, unless the inmate expresses a preference for another inmate to provide interpretation, and the agency determines that such interpretation is appropriate and consistent with DHS policy. Any use of these interpreters under these type circumstances shall be justified and fully documented in the written investigative report.

e. The provision of interpreter services by minors, alleged abusers, inmates who witnessed the alleged abuse and inmates who have a significant relationship with the alleged abuser is not appropriate in matters relating to allegations of sexual abuse.

2. **Inmate Education (§115.33)**

a. During the intake process, LCSOJ shall ensure that the inmate orientation program notifies and informs inmates about LCSOJ’s zero tolerance policy regarding all forms of Sexual Abuse and Assault and includes instruction on:

Prevention and intervention strategies;

Definitions and examples of Inmate-on-Inmate Sexual Abuse, Employee-on Inmate Sexual Abuse and Coercive Sexual Activity;

Explanation of methods for reporting Sexual Abuse, including to any Employee, Mental Health staff, the DHS Office of Inspector General,

Information about self-protection and indicators of Sexual Abuse;

Prohibition against retaliation, including an explanation that reporting Sexual Abuse shall not negatively impact the inmate’s immigration proceedings; and,

The right of an inmate who has been subjected to Sexual Abuse to receive treatment and counseling.

1. LCSOJ Staff shall ensure that inmates are provided notification, orientation, and instruction in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired or other disabled, as well as to inmates who have limited reading skills which is required. The education/orientation is given orally and in writing, in a language clearly understood by the inmate, upon arrival at the facility and again within seven (7) days of arrival.
2. LCSOJ maintain documentation of inmate participation in the intake process orientation which shall be retained in their individual immaterial files.
3. The following notices are posted in all housing areas:

1) The DHS-prescribed sexual assault awareness notice;

2) The name of the PSA Compliance Manager; and,

3) The name of local organizations that can assist inmates who have been victims of Sexual Abuse.

1. The DHS-prescribed “Sexual Assault Awareness Information” pamphlets are available during initial intake and also in all common area dayrooms.
2. Information about reporting sexual abuse shall be included in the Inmate Handbook made available to all inmates housed in the facility.

E. **Training**

1. **Employee Training (§115.31)**

a. Training on the –LCSOJ’s Sexual Abuse and Assault Prevention and Intervention Program shall be included in initial and annual refresher training for employees, volunteers, and contract personnel, and address all training topics required by the Immaterial Standard. The facility maintains written documentation verifying employee, volunteer, and contractor training.

b. Training shall include:

* 1. Definitions and examples of prohibited and illegal sexual behavior;
	2. LCSOJ’s zero-tolerance policies for all forms of sexual abuse;
	3. How to fulfill their responsibilities under agency Sexual Abuse and Assault prevention, detection, reporting and response policies and Procedures, to include procedures for reporting knowledge or suspicions of Sexual Abuse;
	4. The right of inmates and staff to be free from sexual abuse, and from retaliation for reporting sexual abuse;
	5. An understanding that sexual abuse or assault is never an acceptable consequence of detention;
	6. Recognition of situations where sexual abuse or assault may occur;
	7. Recognition of the physical, behavioral, and emotional signs of sexual abuse or assault and methods to prevent and respond to such occurrences;
	8. How to detect and respond to signs of threatened and actual Sexual Abuse;
	9. The requirement to limit reporting of sexual abuse and assault to personnel with a need-to-know in order to make decisions concerning the inmate-victim’s welfare, and for law enforcement/investigative purposes;
	10. The investigation process and how to ensure that evidence is not destroyed;
	11. Prevention, recognition, and appropriate response to allegations or suspicions of sexual assault involving inmates with mental or physical disabilities;
	12. Understanding of how to report knowledge or suspicion of sexual abuse
	or assault and make intervention referrals to the facility’s program;
	13. Understanding of documentation and referral procedures of all allegations or suspicion of sexual assault.
	14. How to avoid inappropriate relationships with inmates; and
	15. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates.
1. SAAPI refresher training shall be conducted each year thereafter for all Employees. Refresher training shall include updates to Sexual Abuse and Assault policies.
2. Employees shall document through signature that they understand the training they have received. This shall be documented during Annual In-Service SAAPI Training.

2. **Specialized Training: Medical and Mental Health Practitioners (§115.35)**

a. LCSOJ trains all full-time and part-time Medical and Mental Health Care

 Practitioners who work regularly in its facilities on certain topic areas, including detecting signs of Sexual Abuse and Assault, preserving physical evidence of Sexual Abuse, responding professionally to victims of Sexual Abuse and proper reporting of allegations or suspicions of Sexual Abuse and Assault.

1. Medical and Mental Health Care Practitioners shall receive this specialized training in addition to the general training mandated for Employees depending upon their status at the Facility.
2. Facility medical staff shall not participate in sexual assault forensic medical examinations or evidence gathering. Forensic examinations shall be performed by a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE). LCSOJ has a Memorandum of Understanding (MOU) with Methodist Safe and Sane who will perform a SAFE or SANE examination.
3. Facilities shall maintain documentation of this specialized training.

**Victim Services (§115.53)**

The facility shall maintain or attempt to enter into a Memorandum of Understanding (MOU) or other agreements with community service providers. The facility has obtained an MOU the St. Elizabeth’s Hospital (Beaumont, Texas).

The facility shall make available to inmates information about local organizations that can assist inmates who have been victims of sexual abuse, including mailing addresses and telephone numbers. If no such local organizations exist, the facility shall make available in the same information about national organizations. The facility shall enable reasonable communications between inmates and these organizations and agencies in as confidential a manner as possible. Each facility shall inform inmates, prior to giving them access to outside resources, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

3. **Specialized Training: Investigators (§115.34)**

a. Investigators who conduct investigations into allegations of Sexual Abuse at LCSOJ. Facility investigators shall be trained in conducting investigations on Sexual Abuse and effective cross-agency coordination. All investigations into alleged Sexual Abuse must be conducted by qualified investigators.

1. **Volunteers**
	1. **Volunteer Training (§115.32)**
		1. All Employees, Contractors and Volunteers shall receive training on LCSOJ’s Sexually Abusive Behavior Prevention and Intervention Program.
		2. All volunteers who have contact with inmates are trained on their responsibilities under LCSOJ’s Sexual Abuse and Assault prevention, detection, and response policies and procedures.
		3. The level and type of training provided to volunteers shall be based on the services they provide and the level of contact they have with inmates, but all volunteers who have contact with inmates shall be notified of LCSOJ’s and the facility’s zero-tolerance policies regarding Sexual Abuse and informed how to report such incidents.
		4. Volunteers who have contact with inmates shall receive annual refresher training.
		5. Volunteers shall document through signature that they understand the training they have received.
	2. **Volunteer Reporting Duties (§115.61)**
2. Volunteers are required to immediately report any of the following:
	1. Knowledge, suspicion, or information regarding an incident of Sexual Abuse or Assault that occurred in a Facility whether or not it is a LCSOJ Facility;
	2. Retaliation against Inmates or Employees who reported such an incident; and
	3. Any Employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.
3. Apart from reporting to designated supervisors or officials; volunteers shall not reveal any information related to a Sexual Abuse report to anyone.
4. **Contractors**
	1. **Contractor Training (§115.32)**
		1. All employees, contractors and volunteers will receive training on LCSOJ’s Sexually Abusive Behavior Prevention and Intervention Program.
		2. All contractors who have contact with inmates are trained on their responsibilities under LCSOJ’s Sexual Abuse and Assault prevention, detection, and response policies and procedures.
		3. The level and type of training provided to contractors shall be based on the services they provide and the level of contact they have with inmates, but all contractors who have contact with inmates shall be notified of LCSOJ’s and the facility’s zero-tolerance policies regarding Sexual Abuse and informed how to report such incidents.
		4. Contractors who have contact with inmates shall receive annual SAAPI refresher training.
		5. Medical and Mental Healthcare Contractors shall receive the specialized training
		6. Contractors shall document through signature that they understand the training they have received. This form shall be used to document Annual In-Service SAAPI Training.
	2. **Contractor Reporting Duties (§115.61)**

a. Contractors are required to immediately report any of the following:

1. Knowledge, suspicion, or information regarding an incident of Sexual Abuse or Assault that occurred in a Facility whether or not it is Liberty County Jail Facility;
2. Retaliation against inmates or employees who reported such an incident; and,
3. Any employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.
4. Apart from reporting to designated supervisors or officials; contractors shall not reveal any information related to a Sexual Abuse report to anyone.
5. **Hiring Contractors (§115.17)**
	* 1. LCSOJ prohibits from contracting with anyone (who will have direct contact with inmates) who has engaged in, been convicted of, or been civilly or administratively adjudicated for engaging in Sexual Abuse in confinement settings or in the community.
		2. LCSOJ conducts a background investigation, including a criminal background check and make its best efforts to contact prior institutional employers to obtain information on substantiated allegations of Sexual Abuse or any resignation pending investigation of an allegation of Sexual Abuse, prior to enlisting the services of any contractor. Background investigations, including criminal background checks shall be repeated for all contractors every five years.

c. Upon request, LCSOJ will submit written documentation showing the detailed elements of the Facility’s background check for each contractor and the Facility’s conclusions.

I. **Searches and Observations (§115.15)**

 Searches may be necessary to ensure the safety of staff, civilians, and inmates; to detect and secure evidence of criminal activity; and to promote security, safety, and related interest at LCSOJ. Searches shall be performed in the following manner:

1. Cross-gender pat-down searches of male inmates shall not be conducted unless, after reasonable diligence, staff of the same gender is not available at the time the pat-down search is required or in exigent circumstances.
2. LCSOJ does not permit cross-gender pat-down searches of female inmates, absent exigent circumstances.
3. All cross-gender pat-down searches shall be documented in the Cross Gender Pat Search Log.
4. Cross-gender strip searches or cross-gender visual body cavity searches shall not be conducted except in Exigent Circumstances, including consideration of staff safety, or when performed by Medical Practitioners.
5. LCSOJ shall not conduct visual body cavity searches of Juveniles.
6. Employees of the opposite gender shall announce their presence when entering the suite areas or any areas where inmates are likely to be showering, performing bodily functions, or changing clothes. Inmates shall be allowed to shower, perform bodily functions and change clothes without being viewed by staff, except in exigent circumstances or when such viewing is incidental to routine suite checks or is otherwise appropriate in connection with a medical examination or monitored bowel movement.
7. Inmates who are placed on constant observation status by Mental Health Providers shall be provided visual supervision by a Security Staff member of the same gender.
8. All security staff shall be trained in proper procedures for cross-gender pat-down searches and searches of transgender and intersex inmates. All pat searches shall be conducted in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs and agency policy, including consideration of officer safety.
9. The facility shall not search or physically examine an inmate for the sole purposes of determining the inmate’s genital characteristics. If the inmate’s gender is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, learning that information as part of a standard medical examination that all inmates must undergo as part of intake or other processing procedure conducted in private, by a medical practitioner.
10. Cross-gender strip searches shall not be conducted except in exigent circumstances

J. **Transgender and Intersex Identification at Intake and Searches (§115.15)**

1. Staff shall seek to identify inmates who are Transgender or Intersex upon arrival during intake processing, based on available information from the inmate (including the inmate’s stated gender identity, if any), and as developed by staff.

2. When staff identifies an inmate as Transgender or Intersex during intake processing, staff shall place the inmate in a waiting room or area to provide for the inmate’s safety and to provide the inmate with a measure of privacy pending further review.

3. LCSOJ shall not search or physically examine a Transgender or Intersex inmate solely to determine their genital status. If the genital status is unknown, it may be determined during private conversations with the inmate, by reviewing medical records, or by learning that information as part of a standard medical examination that all inmates must undergo as part of intake or other processing procedure conducted in private by a Medical Practitioner.

4. Unless written mandates dictate otherwise, Searches of Transgender and Intersex inmates shall be performed in one of three ways:

a. Searches only conducted by medical staff;

b. Searches conducted only by female staff; or

c. Asking the inmate to identify the gender of staff with which they would feel most comfortable conducting the search. Note: If this option is utilized, the preferred option will be documented on a Statement of Search Preference form.

5. Using two inmate advisors, one male searching the bottom half and one female searching the top half of the Transgender inmate is strictly prohibited.

6. If staff has not determined that an inmate presents as Transgender or Intersex, and security staff discover during the conduct of the search that the inmate is Transgender or Intersex, security staff will cease the search and one of the three options in section J(4) above will be followed.

K. **Investigations (§115.71)**

1. Administrative or criminal investigations will be completed for all allegations of sexual abuse and sexual harassment.

* 1. General

i. Investigations shall be done promptly, thoroughly, and objectively for

 all allegations, including third party and anonymous reports.

ii. An initial inquiry by the shift supervisor shall be done to ensure

 immediate protection was provided, preserve any evidence, and to make proper notifications.

* + 1. In matters relating to Sexual Abuse, LCSOJ shall provide in-person or telephonic interpretation services that enable effective, accurate and impartial interpretation, by someone other than another inmate, unless the inmate expresses a preference for an inmate interpreter and the facility determines that such interpretation is appropriate. Any use of these interpreters under these type circumstances shall be justified and fully documented in the written investigative report.
1. **Evidentiary Standard for Administrative Investigations (§115.72)**

The LSCOJ will impose no standard higher than a preponderance of the evidence in determining whether allegations of Sexual Abuse or Harassment are substantiated.

1. **Content of the Investigation**

a. After the initial inquiry a team may be formed to conduct the thorough and objective investigation. As conditions warrant, this team may include the Chief of Security and the PREA Investigator. Individuals conducting PREA investigations shall be trained in conducting sexual abuse investigations.

i. An interview with the alleged victim or inmate requesting protection for the purpose of establishing the reasons for and the circumstances surrounding the allegation.

ii. An interview with the suspected perpetrator(s) for the purpose establishing the circumstances surrounding the allegation.

iii. Interviews with other inmate or staff, if appropriate and necessary, to identify additional factors or validate any information.

iv. Review prior complaints and or reports of sexual abuse involving either alleged victim or perpetrator.

v. Assess inmate’s physical size, effeminacy, gender status or perceived status, vulnerable character, alleged threats, enemies, gang affiliations and other similar characteristics that may support the allegation.

vii Determine whether staff actions or failures contributed to the abuse.

viii. Document in written reports a description of the physical and testimonial evidence, the reasoning behind credibility assessments and investigative facts and findings.

ix.. The facility shall impose no higher standard than preponderance of the evidence in determining whether the allegations are substantiated.

b. The Chief Security Officer will review and be the final signature authority for the investigations. Once he/she determines the information contained in the report is adequate and complete, he/she will provide it to the Warden. The case will then be scheduled for the Management Review Committee (MRC).

3. **Criminal Investigations**

a. Criminal investigations will be referred to local law enforcement agencies who have trained personnel and policy to handle such a request.

1. Once the criminal investigation has concluded and outside law enforcement agencies determine that no criminal charges will be pursued then the administrative investigation will commence. Written procedures establish the coordination and sequencing of administrative and criminal investigations to ensure that the latter is not compromised by the former, including the process for conducting internal administrative investigations only after consultation with the assigned criminal investigative entity or after a criminal investigation has concluded.

LCSOJ procedures for administrative investigations include:

* Preservation of direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data;
* Interviewing alleged victims, suspected perpetrators, and witnesses;
* Reviewing prior complaints and reports of sexual abuse involving the suspected perpetrator;
* Assessment of the credibility of an alleged victim, suspect, or witness, without regard to the individual’s status as inmate, staff, or employee, and without requiring any inmate who alleges sexual abuse to submit to a polygraph;
* An effort to determine whether actions or failures to act at the facility contributed to the abuse;
* Documentation of each investigation by written report, which shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings; and
* Retention of such reports for as long as the alleged abuser is detained or employed by the agency or facility, plus five years.

L. **Notifications and Referrals (§115.22)**

Designated staff shall provide services to victims and shall conduct investigations of sexual abuse or assault incidents only after consultation with the assigned criminal investigative entity or after a criminal investigation has concluded.  Once the criminal investigation has concluded and outside law enforcement agencies determine that no criminal charges will be pursued then the administrative investigation will commence.

Information concerning the identity of an inmate victim reporting a sexual assault, and the facts of the report itself, shall be limited to those who have a need to know in order to make decisions concerning the inmate-victim’s welfare for responding law enforcement/investigative purposes. The timely reporting of all incidents and allegations is of paramount importance.

Alleged Inmate Perpetrator - When an inmate(s) is alleged to be the perpetrator, it is the Program Director’s responsibility to ensure that the incident is promptly referred to the appropriate law enforcement agency having jurisdiction for investigation.

### Alleged Staff Perpetrator - When an employee, contractor, or volunteer is alleged to be the perpetrator of inmate sexual abuse or assault, the following shall be notified immediately:

* The PREA Manager,
* The Warden
* The Chief Security Officer
* The Sheriff

Staff suspected of perpetrating sexual abuse or assaults are removed from all duties requiring inmate contact pending the outcome of an investigation.

Inmates shall be encouraged to promptly report acts of harassment of a sexual nature, abuse or signs of abuse observed, and shall not be punished for reporting.

The Warden or Chief Security Officer shall also refer the matter to the Liberty County Sheriff’s Department

M. **Youthful Inmates (§115.14)**

a. Youthful inmates shall be placed in housing units that have sight, sound, and physical contact separation from adult inmates

b. In area’s other than housing units, sight and sound separation shall be maintained between Youthful Inmates and Adult Inmates in the area.

c. LCSOJ shall not use isolation or denial of exercise, or other program opportunities in order to comply with these requirements.

d. LCSOJ does not house youthful inmates; however, if a youthful inmate is received in error, LCSOJ will notify the sending agency to ensure immediate transport of the youthful inmate.

 **N. Housing and Youthful Inmate (§115.43)**

1. Protective Custody

Involuntary segregation housing may be used only after an assessment of all available housing alternatives has shown that there are no other means of protecting an inmate.

1. If the assessment cannot be conducted immediately, the inmate may be placed in involuntary segregated housing for no more than 24 hours while completing the assessment.
2. Care is taken to place a victimized inmate in a supportive environment that represents the least restrictive housing option available (e.g. protective custody), but victims are not held for longer than five days in any type of administrative segregation except in highly unusual circumstances or at the request of the inmate.
3. If restricted housing is used, the inmate shall have all possible access to programs and services for which he/she is otherwise eligible, and the LCSOJ shall document and justify any restrictions imposed.
4. Involuntary restricted housing shall ordinarily exceed a period of 30 days.
5. In cases where involuntary housing is needed for longer than the initial 30 days, the LCSOJ shall review the status every 30 days to determine if ongoing involuntary restricted housing is needed.

P. **Reporting of Sexual Abuse**

1. **Inmate Reporting (§115.51)**

a. LCSOJ provide multiple ways for inmates to privately report Sexual Abuse and Assault, retaliation for reporting Sexual Abuse, or staff neglect or violations of responsibilities that may have contributed to such incidents.

b. LCSOJ provides contact information to inmates for relevant to report incidents, if desired, anonymously reports these incidents. These contact numbers are posted on the unit housing board and are located in the inmate handbook.

c. LCSOJ provides inmates contact information on how to report Sexual Abuse or Assault to a public or private entity or office and that is able to receive and immediately forward inmate reports of Sexual Abuse to Liberty County officials, allowing the inmate to remain anonymous upon request. These contact numbers are posted in all suite areas.

d. LCSOJ provides inmates contact information on how to report Sexual Abuse or Assault to the PSA Compliance Manager.

e. Employees shall accept reports made verbally, in writing, anonymously and from third parties and shall promptly document any verbal reports.

f. Employees reporting Sexual Abuse shall be afforded the opportunity to report such information to the Chief Security Officer or upper level executive privately if requested.

1. **Grievances (§115.52) (Exhaustion of administrative remedies)**
	1. Inmates may also file an Emergency Inmate Grievance at any time during, after, or in lieu lodging an informal grievance or complaint.
	2. There is no time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. To prepare a grievance, an inmate may obtain assistance from another inmate, facility staff member, family members, or legal representatives.
	3. LCSOJ identifies and hands time-sensitive grievances that involve an immediate threat to inmate health, safety, or welfare related to Sexual Abuse. Staff shall take reasonable steps to expedite requests for assistance from these other parties. All medical emergencies will be given immediately attention for further assessment.
	4. To prepare a grievance, an inmate may obtain assistance from another inmate, their assigned inmate advisor or other facility staff, family members, or legal representatives. Staff shall take reasonable steps to expedite requests for assistance from these other parties.
	5. All grievance decision will be responded to within five days of receipt and all appeals will be responded to within 30 days.
	6. The PREA Coordinator shall receive copies of all grievances related to Sexual Abuse or Sexual Activity for monitoring purposes.

3. **Third-Party Reporting (§115.54)**

LCSOJ’s third-party reporting procedures are posted throughout the facility. In addition, LCSOJ shall post on its public website its methods of receiving third-party reports of Sexual Abuse or Assault on behalf of inmates.

4. **Employee Reporting Duties (§115.61)**

Employees are required to immediately report any of the following:

* Knowledge, suspicion, or information regarding an incident of Sexual Abuse or Assault that occurred in a Facility whether or not it is at the LCSOJ Facility;
* Retaliation against inmates or employees who reported such an incident or participated in an investigation about such incident; and
* Any employee neglect or violation of responsibilities that may have contributed to an incident or retaliation.

a. Apart from reporting to designated supervisors or officials, employees shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to help protect the safety of the victim or prevent further victimization of other inmates or staff in the Facility, or to make medical treatment, investigation, law enforcement, or other security and management decisions.

b. Employees reporting Sexual Abuse shall be afforded the opportunity to report such information to the Chief Security Officer or upper level executive privately if requested or contact the PREA Coordinator directly to privately report these type incidents.

c. Allegations of Sexual Abuse in which the alleged victim is under the age of 18 or considered a vulnerable adult under State or local vulnerable person’s statute, the Facility shall report to designated State or local services Agencies under applicable mandatory reporting laws.

Q. Actions Required After Report of Sexual Abuse

1. **Facility Protection Duties (§115.62)**

a. When an Employee or Facility staff member has reasonable belief that an inmate is subject to substantial risk of imminent Sexual Abuse, he or she shall take immediate action to protect the inmate.

b. Employees shall report and respond to all allegations of Sexually Abusive Behavior. Employees should assume that all reports of sexual victimization, regardless of the source of the report (i.e. “third party”) are credible and respond accordingly.

c. Only designated Employees specified by policy should be informed of the incident, as it is important to respect the victim’s security, identity and privacy.

d. All allegations of Sexual Abuse shall be handled in a confidential manner throughout the investigation.

e. All conversations and contact with the victim should be sensitive, supportive and non-judgmental.

2. **Staff First Responder Duties (§115.64)**

Upon learning of an allegation that an inmate was Sexually Abused, or if the Employee sees abuse, the first Security Staff member to respond to the report shall:

a. Separate the alleged victim and abuser;

b. Immediately notify the on duty security supervisor and remain on the scene until relieved by responding personnel;

c. Preserve and protect, to the greatest extent possible, any crime scene until appropriate steps can be taken to collect any evidence;

d. If the Sexual Abuse occurred within 96 hours, ensure that the alleged victim and abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating;

e. The alleged victim and abuser should be placed (separately) in an area, where they cannot perform the following: washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating; until the forensic examination can be performed.

f. A Security Staff member of the same sex shall be placed outside the cell or area for direct observation to ensure these actions are not performed.

g. If the first responder is not a Security Staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence; remain with the alleged victim and notify Security Staff.

h. Apart from reporting to designated supervisors, Employees shall not reveal any information related to the incident to anyone other than to staff involved with investigating the alleged incident.

1. Following a reported allegation of sexual abuse, the PREA Compliance Manager will ensure victims are placed on the “at risk” log as soon as possible and tracked as a potential victim and housed separate from potential abusers pending the outcome of the investigation. If the investigation is determined “unfounded”, the victim may be removed from the “at risk” log.
2. **Evidence Protocol and Forensic Medical Examinations (§115.21)**

**Responsibilities When Sexual Abuse is Alleged**

In cases where there is an allegation that an Inmate was Sexually Abused, responding supervisory staff shall:

a. Ensure that the alleged victim and abuser are properly separated. They should not be allowed to communicate and should be held out of sight and sound of each other. If an Employee, Contractor or Volunteer is the alleged abuser, the individual will be removed from all duties requiring inmate contact pending the outcome of the investigation.

b. Ensure the potential crime scene area is preserved until appropriate steps can be taken to collect any evidence by trained persons.

c. A brief inquiry will be made to the victim (only) separately and apart from the alleged abuser to ascertain if the sexual contact was consensual or nonconsensual. The alleged victim may be in shock, embarrassed to discuss the incident in detail, and even unable to give very much detail. If this is the case, it is important to be understanding and responsive. Opportunities to secure more details will occur later.

d. If the alleged Sexual Abuse is reported or discovered within 96 hours of the incident, and if determined appropriate by the medical provider and/or investigator, the alleged victim shall be either be transported to the St Elizabeth’s Hospital, Beaumont, Texas for the collection of forensic evidence and medical treatment.

e. No attempt will be made by facility medical staff to clean or treat the victim unless the injuries are such that not treating them would cause deterioration of the victim’s medical condition; however, visible injuries shall be documented both photographically and in writing, and placed in the victim’s medical record.

f. All refusals of medical services shall be documented.

g. Ensure that the Warden, PREA Compliance Manager, facility investigator, Chief Security Officer, and other designated individuals are notified within two (2) hours of the occurrence.

h. If the incident is “potentially criminal,” and involves coercion, force, threats or intimidation, the facility should promptly contact the local law enforcement having jurisdiction for investigation.

i. If outside law enforcement declines to investigate, a full investigation shall be conducted by a facility staff member that has received the PREA Specialized Investigations Training.

j. Ensure that all persons who played an active role in the response document their actions, providing as much detail as possible, and ensure that they remain on duty until properly debriefed and relieved as appropriate. Incidents shall be documented in accordance with facility incident reporting procedures.

k. Facility investigators may be responsible for collecting information or evidence in accordance with facility policy, contract requirements and coordination with the agency to which the case may be referred.

l. The Warden shall implement the written facility plan in accordance with this policy, to coordinate the necessary actions required in response to incidents of Sexual Abuse which include at a minimum:

1. Ensuring that both alleged victim and abuser are referred to medical for further assessment and treatment as deemed necessary by the Healthcare Provider;

2. Ensuring that the alleged victim is promptly referred to Mental Health (or on-call Mental Health personnel during non-business hours) for assessment of vulnerability and treatment needs.

3. Determining an appropriate method of safeguarding the alleged victim. Victims should not be housed in the same suite/area as the alleged abuser.

Victims should be housed in the least restrictive environment possible and allowed to retain personal property that does not present a legitimate security concern.

4. Coordinating other services that must be provided in accordance with this policy that meets both security and therapeutic needs.

5. After the sexual assault exam has been completed (or refused), the victim should be given access to a shower, food and drink. Telephone calls to family, visits from clergy, community victim services, etc., should be allowed whenever possible.

4**. Responsibilities When Consensual Sexual Activity is Alleged**

 **Sexual Activity**: Not all reports or allegations require a full response protocol.

Consensual sexual conduct between inmates does not constitute sexual abuse or assault although it is prohibited and subject to disciplinary sanctions. Staff should be sensitive to the possibility that seemingly consensual behavior may have involved coercion by either person involved. In these cases, Sexual Abuse protocols shall be implemented.

For reports or allegations of Sexual Activity where the involved inmates independently report a non-coercive consensual sexual encounter, responding supervisory staff shall:

* + - 1. Ensure that the involved individuals are separated.
			2. A brief inquiry will be made to each individual independently to ascertain if the sexual contact was consensual or nonconsensual.
			3. Notify the Warden, PSA Compliance Manager, Chief Security Officer, facility investigator, and other designated individuals.
			4. If the facility Warden and/or PSA Compliance Manager determine the behavior is in fact Sexual Activity, the involved inmates shall be referred for administrative disciplinary sanctions. Incidents of this sort shall be fully documented in accordance with facility incident reporting procedures.
			5. The involved inmates shall be re-assessed to determine if any issues need to be addressed. Staff shall remind the involved individual’s inmates of LCSOJ’s zero tolerance policy on Sexual Activity and that continued violations may result in housing that is more restrictive, return to custody or discharge from the program, as applicable.
1. In other cases, there may be insufficient reason to proceed (i.e., the alleged victim credibly recanted, or the alleged abuser was not in the facility on the date of the allegation) and the response protocol may be terminated. Incidents of this sort shall still be reported and fully documented in accordance with facility incident reporting procedures.
	1. **Reporting to Other Confinement Facilities (§115.63)**
2. In the event that an inmate alleges that Sexual Abuse occurred while confined at another facility, the facility shall document those allegations and the Warden where the allegation was made shall contact the Warden or designee where the abuse is alleged to have occurred and document such notification.
3. The facility shall maintain documentation that it has provided such notification and all actions taken regarding the incident. Copies of this documentation shall be forwarded to the PSA Compliance Manager and Liberty County Sheriff’s Department Jail.
4. Any facility that receives notification of alleged abuse is required to ensure that the allegation is investigated in accordance with PREA standards and reported to the Warden .
	1. **Post-allegation Protective Custody (§115.68)**
		1. The facility shall take care to place inmate victims of sexual abuse in a supportive environment that represents the least restrictive housing option possible (e.g. protective custody)
		2. Inmate victims shall not be held for longer than five (5) days in any type of administrative observation, except in unusual circumstances or at the request of the inmate.
		3. An inmate victim who is in protective custody after having been subjected to sexual abuse shall not be returned to the general population until completion of a proper re-assessment, taking into consideration any increased vulnerability of the inmate as a result of the sexual abuse.
	2. **Access to Emergency Medical and Mental Health Services (§115.82)**
		1. Victims of sexual abuse in custody shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services as directed by medical and mental health practitioners.
		2. This access includes offering timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. All services shall be provided without financial cost to the victim and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
		3. No attempt will be made by medical staff to clean or treat the victim unless the injuries are such that not treating them would cause deterioration of the victim’s medical condition.
		4. Medical staff shall not participate in sexual assault forensic medical examinations or evidence gathering. Victims/Abusers shall either be transported to (St Elizabeth’s Hospital, Beaumont, Texas) a local community facility for examination by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) or one shall be brought into the facility to conduct the examination. All refusals of medical services shall be documented.
	3. **Access to Outside Confidential Support Services (§115.53)**
		1. LCSOJ shall utilize available community resources and services to provide valuable expertise and support in the areas of crisis intervention, counseling, investigation and the prosecution of sexual abuse perpetrators to most appropriately address victim’s needs.
		2. Information about local organizations that can assist inmates who have been victims of sexual abuse, including mailing addresses and telephone numbers (including toll-free hotline numbers where available) is posted in all living areas. If local providers are not available, the facility shall make available the same information about national organizations.
		3. LCSOJ shall enable reasonable communication between inmates and these organizations as well as inform inmates (prior to giving them access) of the extent to which LCSOJ policy governs monitoring of their communications and when reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
		4. LCSOJ has maintained or attempted to enter into agreements with community service providers to provide inmates with confidential emotional support services related to the sexual abuse while in custody, if local providers are not available, with national organizations that provide legal advocacy and confidential emotional support services for immigrant victims of crime. Copies of agreements or documentation showing unsuccessful attempts to enter into such agreements is maintained in the Emergency Plan binder under the MOU tab.

Q. **Ongoing Actions after Reports of Sexual Abuse**

1. **Ongoing Medical and Mental Health Care (§115.83)**
	1. LCSOJ offers medical and mental health evaluations (and treatment where appropriate) to all victims of sexual abuse while in LCSOJ County custody.
	2. The evaluation and treatment should include follow-up services, treatment plans, and (when necessary) referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
	3. These services shall be provided in a manner that is consistent with the level of care the individual would receive in the community.
	4. Victims of sexually abusive vaginal penetration by a male abuser while incarcerated shall be offered pregnancy tests. If pregnancy results from an instance of sexual abuse, the victim shall receive timely and comprehensive information about lawful pregnancy-related medical services.
	5. Victims shall also be offered tests for sexually transmitted infections as medically appropriate. All services shall be provided without financial cost to the victim and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
	6. LCSOJ shall attempt to conduct a mental health evaluation on all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment deemed appropriate by Mental Health Practitioners. Note: “known abusers” are those inmate abusers in which a PREA investigation determined either administratively substantiated or substantiated by outside law enforcement.
	7. All refusals for mental health services shall be documented.
2. **Protection Against Retaliation (§115.67)**
	1. Employees, contractors and volunteers, and inmates shall not retaliate against any person, including an inmate, who reports, complains about, or participates in an investigation into an allegation of sexual abuse, or for participating in sexual activity as a result of force, coercion, threats, or fear of force.
	2. The facility shall employ multiple protection measures, such as housing changes, removal of alleged staff abusers from contact with victims, and emotional support services for inmates and employees who fear retaliation for reporting sexual abuse or for cooperating with investigations.
	3. The PSA Compliance Manager or Mental Health personnel shall be responsible for monitoring inmate retaliation.
	4. Facilities shall have multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged staff or abusers from contact with victims who fear retaliation for reporting sexual abuse or for cooperating with investigations.
	5. A Mental Health staff member or the PREA Compliance Manager shall meet weekly (beginning the week following the incident) with the alleged victim in private to ensure that sensitive information is not exploited by staff or others and to see if any issues exist.
	6. Any issues discussed shall be noted on the “Protection from Retaliation Log”, to include corrective actions taken to address the issue.
	7. For at least 90 days following a report of sexual abuse, the facility shall monitor the conduct and treatment of inmates who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff and shall act promptly to remedy such retaliation.
	8. Items to be monitored for inmates include disciplinary reports and housing or program changes.
	9. For at least 90 days following a report of staff sexual misconduct (abuse or harassment) by another employee, the facility human resources staff or facility investigator shall monitor the conduct and treatment of the employee who reported the staff sexual misconduct (abuse or harassment) or employee witnesses who cooperate with these investigations to see if there are changes that may suggest possible retaliation by others, and shall act promptly to remedy such retaliation. Monitoring shall terminate if the allegation is determined unfounded.
	10. Designated staff shall meet every 30 days for 90 days with employees in private to ensure that sensitive information is not exploited by staff or others and to see if any issues exist. The Employee Assistance Program (EAP) may also be offered for emotional support services for employees who fear retaliation.
	11. Any issues discussed shall be noted on to include corrective actions taken to address the issue.
	12. Items to be monitored for employees include negative performance reviews and employee reassignments.
	13. If any other individual expresses a fear of retaliation, the facility shall take appropriate measures to protect that individual as well.
	14. Completed monitoring logs shall be retained in the investigative file of the corresponding PREA incident.
3. **Sexual Abuse Incident Reviews(§115.86)**
	1. LCSOJ conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation.
	2. Such review shall occur within 30 days of the conclusion of the investigation.
	3. The review team shall consist of upper-level management officials, the PREA Compliance Manager, Medical and Mental Health Practitioners.
	4. A DHS Sexual Abuse or Assault Incident Review” form of the team’s findings shall be completed and submitted to the local PSA Compliance Manager and PREA Coordinator no later than 10 working days after the review. The Facility shall implement the recommendations for improvement, or document its reasons for not doing so.
	5. Annually, the facility shall conduct a review of all Sexual Abuse investigations and resulting incident reviews to assess and improve sexual abuse intervention, prevention and response efforts. If the facility has not had any reports of Sexual Abuse during the annual reporting period, then the facility shall prepare a negative report. Facilities shall document the review utilizing the “DHS Annual Review of Sexual Abuse Incidents” form.
	6. The results and finding shall be provided to the Warden and PREA Coordinator upon completion.

R. **Discipline (§115.76)**

**Discipline Sanctions for Staff**

1. Staff shall be subject to disciplinary or adverse action up to and including removal from their position for substantiated allegations of sexual abuse or for violating agency or facility sexual abuse policies.

2. LCSOJ shall report all removals or resignations in lieu of removal for violations of agency or facility sexual abuse policies to appropriate law enforcement agencies, unless the activity was clearly not criminal.

4. LCSOJ shall make reasonable efforts to report removals or resignations in lieu of removal for violations of agency or facility sexual abuse policies to any relevant licensing bodies, to the extent known.

**Corrective Action for Contractors and Volunteers (§115.77)**

1. Any contractor or volunteer who has engaged in sexual abuse shall be prohibited from contact with inmates. LCSOJ shall make reasonable efforts to report to any relevant licensing body, to the extent known, incidents of substantiated sexual abuse by a contractor or volunteer. Such incidents shall also be reported to law enforcement agencies, unless the activity was clearly not criminal.

2. Contractors and volunteers suspected of perpetrating sexual abuse shall be removed from all duties requiring inmate contact pending the outcome of an investigation.

3. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates by contractors or volunteers who have not engaged in sexual abuse, but have violated other provisions within these standards.

**Disciplinary Sanctions for Inmates (§115.78)**

1. LCSOJ shall subject an inmate to disciplinary sanctions pursuant to a formal disciplinary process following an administrative or criminal finding that the inmate engaged in sexual abuse.

2. At all steps in the disciplinary process any sanctions imposed shall be commensurate with the severity of the committed prohibited act and intended to encourage the inmate to conform with rules and regulations in the future.

3. LCSOJ has an inmate disciplinary system with progressive levels of reviews, appeals, procedures, and documentation procedure.

4. The disciplinary process shall consider whether an inmate’s mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

5. LCSOJ shall not discipline an inmate for sexual contact with staff unless there is a finding that the staff member did not consent to such contact.

6. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

S. **Tracking Incidents of Sexual Abuse and Assaults**

1. All case records associated with claims of sexual abuse, including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be maintained in appropriate files in accordance with applicable policies, and retained in accordance with established schedules. Particularly applicable to the storage, confidentiality and release of case records are the Confidentiality and Release of Medical Records section in the policy of Medical Care, especially in regard to the Privacy Act of 1974.
2. Because of the very sensitive nature of information about victims and their medical condition, including infectious disease testing, staff must be particularly vigilant about maintaining confidentiality and releasing information only for legitimate need-to-know reasons to make decisions concerning the inmate-victim’s welfare, and for law enforcement/investigative purposes.
3. Monitoring and evaluation are essential for assessment of the rate of occurrence of sexual assault and agency effectiveness in reducing sexually abusive behavior.

Accordingly two types of files must be maintained:

General files include:

1. The victim(s) immaterial files and assailant(s) immaterial files,
2. Crime characteristics,
3. Detailed reporting timeline, including the name of the staff member receiving the report of sexual assault, date and time the report was received, and steps taken to communicate the report up the chain of command, and
4. Formal and or informal action taken.

Investigative files include:

1. All reports,
2. Medical forms,
3. Supporting memos and videotapes, if any, and
4. Any other evidentiary materials pertaining to the allegation.

The Warden or designee shall maintain these files chronologically in a secure location.  A listing of the names of sexual assault victims and assailants along with the dates and locations of all sexual assault incidents occurring within the facility will be maintained on the corporate computerized incident reporting system.  Such information shall be maintained on a need-to-know basis in accordance with the Immaterial Standards on Medical Care and Records Management, which includes protection of electronic files from unauthorized access.

T. **Data**

1. **Data Collection** **(§115.87)**
	1. LCSOJ will collect and retain data related to sexual abuse as directed the Sheriff
	2. LCSOJ will maintain in a (compliance office) secure area all case records associated with claims of sexual abuse, including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment, if necessary, and/or counseling in accordance with the PREA standards and applicable agency policies and established schedules.
	3. Facility PREA Coordinator shall work with the DHS PSA Coordinator on an ongoing basis to share data regarding effective response methods to sexual abuse.
	4. The PREA Coordinator shall be responsible for compiling data collected on sexual activity, and sexual abuse incidents and forwarding statistical reports to the Warden on a monthly basis.
2. **Data Review for Corrective Action (§115.88)**
	1. The LCSOJ review all data collected in order to assess and improve the effectiveness of its Sexually Abusive Behavior Prevention and Intervention Program.
	2. The PREA Coordinator shall prepare an annual report which shall include findings and corrective actions taken.
	3. All aggregated Sexual Abuse data shall be made readily available to the public upon approval, at least annually to the Liberty County Sheriff’s Office website
3. **Data Storage, Publication, and Destruction (§115.89)**

Data collected pursuant to this procedure shall be securely retained for at least 10 years or longer if required by state statute. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed.