

2-230 INMATE SEXUAL ABUSE/ HARASSMENT (PREA)**I. PURPOSE**

The purpose of this policy is to define what sexual abuse, sexual harassment, and voyeurism mean according to the **Prison Rape Elimination Act (PREA)** and how the **Norfolk Sheriff's Office (NSO)** will prevent, detect, respond, and train on such conduct. The **NSO** will achieve and maintain compliance with the Federal Standards set forth by **PREA**. The Officer in Charge of the Standards and Compliance division or designee will develop, implement and oversee these efforts, including prompt, effective intervention to address the safety and treatment needs of an inmate victim; to assist with the discipline and prosecution of those who commit such acts of sexual abuse, sexual harassment or voyeurism; and to set forth the duty of all employees to report any allegations, actual knowledge or reasonable belief concerning any incident of sexual abuse, sexual harassment or voyeurism, or the existence of an inappropriate relationship between an employee and an inmate.

II. POLICY

The NSO has a zero tolerance policy with regard to all forms of sexual abuse, sexual harassment, and voyeurism. The zero tolerance policy reflects the organization's commitment to providing an environment of life, health, safety and security to all inmates housed in our jail. All sexual conduct, including sexual contact, is prohibited. All allegations of sexual abuse, sexual harassment or voyeurism will be promptly and thoroughly investigated.

Sexual conduct by an employee, contractor, volunteer, or intern with a person committed to the custody of the **NSO**, whether it occurs inside of the **Norfolk City Jail**, during transportation outside of the **Norfolk City Jail**, or at any other time during an inmate's custody, is strictly prohibited. An employee, contractor, volunteer, or intern who engages in sexual conduct, including sexual contact with an inmate, is subject to termination as well as loss of security clearance, and access to the jail or the **NSO**.

The **NSO** further prohibits employees, contractors, volunteers, or interns from indulging in an undue familiarity with inmates or permitting undue familiarity on the part of the inmate toward themselves, regardless of marital status. Any sexual abuse of an inmate by a staff member, contractor, volunteer, or intern will result in severe disciplinary action and will be prosecuted to the fullest extent of the law. Employees, contractors, volunteers, or interns also face registration as a sex offender and may be held financially liable and not indemnified by the **City of Norfolk** or the **NSO** if sued as a result of their actions.

Additionally, inmate rules prohibit an inmate from engaging in or soliciting a sexual act with another inmate, whether voluntary or coerced. Inmates who are observed engaging in this activity will be ordered to cease their activity and violations will be imposed for both parties. Inmates who engage in sexual abuse (defined below) will be arrested and referred for disciplinary action as well as prosecution.

All employees, contractors, volunteers, or interns are responsible for being alert to signs of potential situations in which sexual abuse might occur and signs of victimization. Inmates with disabilities including deaf or hard of hearing, blind or low vision, and non-English speaking shall have the opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The agency shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first response duties under the **PREA** Standards, or the investigation of the inmate's allegations.

(SEE POLICY AND PROCEDURES SECTION ONE, CHAPTER 1-109 DEPARTMENT)

(SEE INMATE HANDBOOK)

III. DEFINITION:

- A. **Contractor-** means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.
- B. **Employee-** means a person who works directly for the agency or facility.
- C. **Gender nonconforming-** means a person whose appearance or manner does not conform to traditional societal gender expectations
- D. **Inmate-** means any person incarcerated or detained in a prison or jail.
- E. **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.
- F. **Pat-down** - means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the inmate possesses contraband and/or weapon.
- G. **Preponderance of Evidence** – means a superiority in weight, force, importance, etc. In legal terms, a preponderance of evidence means that a party has shown that its version of facts, causes, damages, or fault is more likely than not the correct version.

H. Sexual abuse

1. **Sexual abuse** of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
 - e. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.
2. **Sexual abuse** of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - e. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

- f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a)-(e) of this section;
 - g. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and Voyeurism by a staff member, contractor, or volunteer.
- I. **Voyeurism** - by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions, showering or changing clothes; 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, showering or changing clothes.
- J. **Sexual harassment includes**
- 1 Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
 - 2 Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- K. **Substantiated allegation-** means an allegation that was investigated and determined to have occurred.
- L. **Transgender-** means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
- M. **Unfounded allegation-** means an allegation that was investigated and determined not to have occurred.
- N. **Unsubstantiated allegation-** 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
- O. **Volunteer-** means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.
- P. **Youthful inmate-** means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

IV. EMPLOYEE, CONTRACTOR, VOLUNTEER, OR INTERN DUTY TO REPORT

- A. This Policy and Procedure directs all employees, contractors, volunteers, or interns to report any sexual abuse, sexual harassment, or voyeurism, or information regarding inappropriate relationships between an employee and inmate. Such duty to report will include any allegations, knowledge, or reasonable belief regarding such conduct.
- B. An employee who receives an allegation or information that an inmate is the victim of an incident of sexual abuse, sexual threats, or staff voyeurism must be aware of the sensitive nature of the situation. The inmate must be treated with due consideration for the effects of sexual abuse.
- C. No reprisals of any kind will be taken against an inmate or employee for good faith reporting of such an incident.
- D. All allegations are to be reported regardless of whether supported by medical evidence.

- E. Any employee or intern who fails to report such information may be subject to disciplinary action.

V. PROCEDURES

A. PREVENTION

The **NSO** will use multiple ways to prevent sexual abuse, sexual harassment and voyeurism, through staff, contractor, volunteer, and intern hiring, staff promotions, annually updated staffing plan for the jail, staff training, contracts with other agencies, inmate education and inmate classification (housing).

1. Staff, contractor, volunteer, and intern hiring

- a. No applicant will be employed by the **NSO** if they have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); have 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, or if the victim did not consent or was unable to consent or refuse; or have been civilly or administratively adjudicated to have engaged in the activity described in any of the above information in this paragraph.
- b. The **NSO** will consider any incidents of sexual harassment in determining whether to hire or enlist the services of any contractor who may have contact with inmates.
- c. The **NSO** will conduct a criminal background records check on all applicants, contractors, volunteers, and interns.
(SEE P&P 3-301, SELECTION AND HIRING)
- d. The **NSO** will ask all applicants and current employees who may have direct contact with inmates about previous misconduct through either written applications, interviews for hiring, interviews in general or a written self-evaluation. It is imperative that all employees continue an affirmative duty to disclose any such misconduct.
(SEE RULES OF CONDUCT)
- e. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
(SEE RULES OF CONDUCT, AND P&P 1-111 DISCIPLINARY ACTION)
- f. Once employed by the **NSO**, all employees, contractors, volunteers, and interns will have a background records check completed every five (5) years by the **NSO Human Resources Division**.
- g. Unless prohibited by law, the **NSO** will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

2. Staff Promotions

- a. No employee will be promoted to any rank if they engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); have 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, or if the victim did not consent or was unable to consent or refuse; or have been civilly or administratively adjudicated to have engaged in the activity described in any of the above information in this paragraph.
- b. The **NSO** will consider any incidents of sexual harassment in determining whether to promote any employee who may have contact with inmates

3. Staff Training
 - a. All staff who will have contact with inmates will receive, training that relates to the prevention, detection, response and investigation of staff-on-inmate and inmate-on-inmate sexual abuse during in-doc class (all new hires including civilians, contract workers and interns) with a refresher training during the academy (**Sworn only**). Once **every two (2) years during in-service**, refresher training will be conducted on the prevention, detection, response and investigation of staff-on-inmate and inmate-on-inmate sexual abuse will be conducted.
 - b. All staff with daily inmate interaction will have refresher training **every year**.
 - c. Training will include:
 1. The right of inmates to be free from sexual abuse and harassment;
 2. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 3. The dynamics of sexual abuse and sexual harassment in confinement;
 4. The common reactions of sexual abuse and sexual harassment victims;
 5. How to detect and respond to signs of threatened and actual sexual abuse;
 6. The security and disciplinary consequences of any inappropriate relationships with inmates, including sexual abuse, harassment, and voyeurism, and how to avoid such relationships;
 7. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
 8. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
 9. Proper gender neutral pat-down search techniques that can be used with inmates who identify as transgender.
 - d. Each person who completes training will be required to complete a **Norfolk Sheriff's Office PREA Training Acknowledgement form (Af # 116)**.
 - e. All medical personnel contracted to work at the **NSO** will be required to receive training in how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment, and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
 - f. All volunteers, and contractors who may have very limited supervised contact with inmates, will be required to read this policy, acknowledge that they understand the policy, and their responsibility for the prevention, detection, and response to sexual abuse, harassment, and voyeurism either inmate on inmate or staff on inmate, and how to report it properly. Each contractor and volunteer will be required to complete a **Norfolk Sheriff's Office Volunteer/ Intern/ Contractor PREA Acknowledgement Form (Af #115)**.
4. Contracts with Other Agencies
 - a. The **NSO** will include in any new contract or contract renewal with other agencies that house our inmates that they are required to comply with the **PREA** standards set by the Department of Justice.
 - b. The **NSO** will be responsible for monitoring to ensure that the contractor is complying with the **PREA** standards

- c. The **NSO** will enter cooperative aid (mutual aid) agreements with any outside agency it feels will assist in the prevention, detection, and response to sexual assault, harassment, and voyeurism.
 - d. The **NSO** will enter a cooperative aid agreement with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse.
5. Inmate Classification (Housing)
- a. All inmates will be assessed during the **booking intake** screening and upon transfer from another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. The initial intake screening will take place prior to the inmate being moved from booking to the jail. A second more comprehensive screening will take place within **seventy-two (72)** hours of arrival at the facility using our objective classification system
(SEE P&P 6-601 OBJECTIVE CLASSIFICATION)
 - b. The initial screening will consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the **NSO**, in assessing inmates for risk of being sexually abusive. No inmates will be disciplined for refusing to answer (or for not disclosing complete information related to) any questions regarding
 - o Whether or not the inmate has a mental, physical, or developmental disability;
 - o Whether or not the inmate is or is perceived to be gay, lesbian, bi-sexual, transgender, intersex, or gender non-conforming;
 - o Whether or not the inmate has previously experienced sexual victimization; and
 - o The inmate's own perception of vulnerability.
 - c. Youthful inmates will be housed in order to maintain sight and sound separation from adult inmates. Youthful inmates may not be denied daily large-muscle exercise, must receive any legally required special education services, and have access to all other programs and work opportunities. In areas outside of housing units, the inmates must be under direct supervision if in sight, sound, or physical contact range of an adult inmate.
 - d. In deciding whether to assign a transgender or intersex inmate to a male floor or the female block, the **NSO** shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems. Placement and programming assignments for each transgender or intersex inmate will be reassessed at least twice each year to review any threats to safety experienced by the inmate. A transgender or intersex inmate's own views with respect to his or her own safety will be given serious consideration when making housing and program assignments. Transgender and intersex inmates will be given the opportunity to shower separately from other inmates.
 - e. The **NSO** shall not have a housing unit solely based on an inmate's sexual preference, whether lesbian, gay, bisexual, transgender, or intersex.
 - f. The **NSO** will prohibit the placement of inmates found to be at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers.
 - g. An inmate's risk level will be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

6. Medical and Mental Health screenings history of sexual abuse
 - a. If the initial screening conducted during the booking/classification process reveals that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up appointment with our medical or mental health staff within **fourteen (14) days** of the intake screening.
 - b. If the initial screening conducted during the booking/classification process reveals that an inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up appointment with mental health within **fourteen (14) days** of the intake screening.
 - c. All information related to sexual victimization or abusiveness that occurred in an institutional setting will be strictly limited to the medical and mental health departments and other staff, as necessary, to determine treatment plans, security, and management decisions, including housing, bed, work, education and program assignments.
 - d. The **Medical and Mental Health Departments** must obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of eighteen (18).

7. Inmate Education
 - a. During the intake process in booking, inmates will receive information explaining the **NSO zero-tolerance** policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
 - b. Within **thirty (30) days** of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
 - c. All inmates will be issued the most current version of the **NSO Inmate Handbook** and will have any questions answered by staff regarding sexual abuse or sexual harassment.
 - d. The **Classification Division** will maintain a record of all inmates that go through the orientation process, and all inmates will receive this education through inmate video on sexual abuse and sexual harassment which will be documented on the video log in master control. This video will be shown at a minimum once a day.
 - e. The **NSO** will provide the inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well to inmates who have limited reading skills.

B. DETECTION & REPORTING

The **NSO** will use multiple ways to detect and report sexual abuse, sexual harassment, and voyeurism, through inmate supervision, staff supervision, and visual rounds of the jail. Inmates and staff will be given different ways to report any such behavior and no retaliation will be taken on them for good faith reporting.

1. Visual Rounds of the jail to identify and deter sexual abuse and sexual harassment.
 - a. The **Team Commanders** and **assistant team commanders** will conduct and document **unannounced** rounds at a minimum of once a shift to identify and deter sexual abuse and sexual harassment.

- b. All other jail supervisors (Lieutenants and above) are encouraged to conduct and document unannounced rounds to identify and deter sexual abuse and sexual harassment.
 - c. No staff will alert other staff members that these rounds are being conducted.
 - d. Supervision of inmates is ensured by **twenty-four (24) hour visual inspections** conducted every **thirty (30) minutes** by trained personnel at random intervals. Inmates are forbidden to supervise or exercise control over another inmate.
(SEE P&P 5-502, SUPERVISION AND POST ORDERS)
2. Reporting of Sexual Abuse, Sexual Harassment or voyeurism for staff, contractors, volunteers and inmates.
 - a. The **NSO** will provide inmates different ways to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
 - b. Staff will accept reports made verbally, in writing, anonymously, and from third parties and will document any verbal reports promptly by using an **AF #107 NSO All Incident Report** located in the **Offender Management System (OMS)**.
 - c. All staff will be able to report privately to the **Internal Affairs** division any known, suspected, or alleged sexual abuse and sexual harassment of inmates.
 - d. All inmates will have access to an outside hotline to which they may report any sexual abuse, sexual harassment, or voyeurism.
 - e. The **NSO** will accept reports of sexual abuse, sexual harassment, or voyeurism through any third party source.
 - f. Inmates may use the grievance system, to file a complaint against any employee, contractor or volunteer for sexual abuse, harassment, or voyeurism.
(SEE P&P 7-703, INMATE GRIEVANCES)
 - g. Inmates who are being detained solely for civil immigration purposes will be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.
(SEE P&P 2-208, FOREIGN NATIONALS – DIPLOMATIC IMMUNITY)

C. RESPONSE

1. Staff and agency reporting duties
 - a. The **NSO** requires all staff to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that has occurred in the jail to the **Team Commander**. The **Team Commander** will immediately notify the **Internal Affairs Division** of the **Professional Standards Department**. During off-duty hours, the **Team Commander** will call the **Officer in Charge of Corrections or designee** who will then notify the **Director of Professional Standards**. Apart from reporting to their designated supervisors, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions.
 - b. Unless otherwise precluded by Federal, State, or local laws, medical and mental health contractors shall report sexual abuse and inform inmates of their duty to report, and the limitations of confidentiality, at the initiation of services.
 - c. If at any time notification is made that an inmate is subject to substantial risk of imminent sexual abuse, immediate action must be taken to protect the inmate.

- d. If at any time an allegation is made by an inmate saying they were sexually abused while confined at another facility, the **Sheriff or designee** shall notify and document the allegation to the head of the facility or appropriate office of the facility where the alleged abuse occurred, as soon as possible, but no more than seventy-two (72) hours after receiving the allegation.
 - e. If the **NSO** receives a notification from another facility of an allegation from a past inmate of sexual abuse, sexual assault or voyeurism, it will be investigated in accordance with the **PREA** standards.
2. Staff first responder duties;
 - a. If the first staff responder is a sworn officer, he/she will request that the alleged victim not take any actions that could destroy physical evidence (shower, change clothes, use the bathroom). If the staff member is not a sworn officer, he/she will request that alleged victim not take any actions that could destroy physical evidence (shower, change clothes, use the bathroom), and then notify a sworn staff member.
 - b. Separate the alleged victim and abuser;
 - c. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - d. If the abuse occurred within a time period that still allows for the collection of physical evidence which is **seventy-two(72) hours**, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and
 - e. If the abuse occurred within a time period that still allows for the collection of physical evidence, which is **seventy-two (72) hours**, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
 3. The **NSO** will protect all inmates and staff who report sexual abuse or sexual harassment, from retaliation by other inmates or staff and will cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff.
 - a. Inmate retaliation will be monitored by the **Officer in Charge of Classification**, who will take into consideration multiple protection measures, such as housing changes, or transfers for inmate victims or abusers, removal of alleged inmate abusers from contact with victims, and emotional support services for inmates who fear retaliation.
 - b. Staff retaliation will be monitored by the **Internal Affairs Division** of the **NSO**.
 - c. For at least **ninety (90) days** following a report of sexual abuse, the **NSO** will monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. **NSO** will monitor any inmate disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff, and will continue such monitoring beyond ninety (90) days if the initial monitoring indicates a continuing need.
 - d. Inmate monitoring will also include periodic status checks.
 - e. If any other individual who cooperates with an investigation expresses a fear of retaliation, the **NSO** will take appropriate measures to protect that individual against retaliation.
 - f. If the allegation is unfounded, the **NSO** will no longer monitor for retaliation.

4. Before an inmate is returned to the housing area, the **Team Commander** will ensure that the inmate's housing status is evaluated to determine the need for transfer within the **Norfolk City Jail** or to another facility. The **Team Commander** will also ensure that the inmate is separated from the alleged perpetrator and that the perpetrator is housed appropriately. Any use of administrative segregation to protect an inmate who is alleged to have suffered sexual abuse shall only be used if there is no available alternative means of separation from the abuser.
 - a. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the any of these items are restricted, the following will be documented:
 1. The opportunities that have been limited;
 2. The duration of the limitation; and
 3. The reason for such limitations
 - b. Inmate housing assignments in administrative segregation in regards to separation from the alleged abuser should not exceed a period of thirty (30) days.
5. If it is determined, through a preliminary investigation conducted by the **Internal Affairs Division**, that a criminal offense has occurred, such as rape, sodomy or any other criminal sexual conduct or attempts, the **Professional Standards Department** will notify the **Norfolk Police Department**.
 - a. No statements will be taken from inmates or employees unless otherwise directed by the lead investigator of the **Norfolk Police Department**.
 - b. If an allegation is investigated administratively, the **Internal Affairs Division** will include an effort to determine whether staff actions or failures to act contributed to the abuse and document a description of physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings in a written report.
 - c. The **NSO** will retain all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years.
 - d. The departure of the alleged abuser or victim from the employment or control of the **NSO** will not provide a basis for terminating an investigation.
 - e. The **NSO** will cooperate and remain informed about the progress of any criminal investigation turned over to the Norfolk Police Department.
 - f. The **NSO** will impose no standard higher than a **preponderance of the evidence** in determining whether allegations of sexual abuse or sexual harassment are substantiated.

NOTE: Where the subject of the allegation is the **Team Commander**, notification will be made directly to the **Chief of Operations or designee**, if on duty, or directly to the **Internal Affairs Division**.

NOTE: All other allegations involving employee misconduct, conflict of interest or criminality will be reported directly to the **Team Commander or the Internal Affairs Division** by the employee who observed the misconduct.
6. Reporting to inmates
 - a. Following an investigation into an inmate's allegation that he or she suffered sexual abuse while housed in the **Norfolk City Jail**, the **NSO** will inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

- b. The **NSO** will request all relevant information from the **Norfolk Police Department** in order to inform the inmate of the outcome of their investigation.
 - c. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency will inform the inmate (unless allegation is unfounded) if the following occur:
 - 1. The staff member is no longer posted on that inmates floor,
 - 2. The staff member is no longer employed by the **NSO**,
 - 3. The **NSO** learns that the staff member has been indicted on a charge related to sexual abuse within the facility, or
 - 4. The **NSO** learns that the staff member has been convicted on a charge related to sexual abuse within the **Norfolk City Jail**.
 - d. Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall inform the alleged victim whenever:
 - 1. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the **Norfolk City Jail**; or
 - 2. The **NSO** learns that the alleged abuser has been convicted on a charge related to sexual abuse within the **Norfolk City Jail**.
 - e. All such notifications or attempted notifications will be documented.
 - f. The **NSO** obligation to report this information will terminate when the inmate is released from the **Norfolk City Jail**.
7. Disciplinary sanctions for staff
- a. Staff will be subject to disciplinary sanctions up to and including termination for violating this policy.
 - b. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
 - c. All terminations for violations of this policy, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies and to any relevant licensing bodies, unless the activity was clearly not criminal.
8. Corrective action for contractors and volunteers
- a. Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with inmates and will be reported to the Norfolk Police Department and to all relevant licensing bodies, unless the activity was clearly not criminal.
 - b. The **NSO** will take appropriate remedial measures, and will consider whether to prohibit further contact with inmates, in the case of any other violation of this policy by a contractor or volunteer.
9. Disciplinary Sanctions for Inmates
- a. Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
 - b. Sanctions will be commensurate with the nature and circumstances for the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

- c. The disciplinary process will 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.
 - d. All inmates will be offered counseling though mental health, to help address and correct underlying reasons or motivations for the abuse. The **NSO** will consider whether to require the inmate to participate in such counseling as a condition of access to programming or other benefits.
 - e. The **NSO** will discipline an inmate for sexual contact with staff only upon finding that the staff member did not consent to such contact.
 - f. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon 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.
 - g. The **NSO** prohibits all sexual activity between inmates and will discipline inmates for such activity.
10. Access to emergency medical and mental health services
- a. Inmate victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by the medical and mental health department according to their professional judgment.
 - b. Medical staff is available twenty-four hours a day seven days a week, and will be immediately notified if a report of abuse is made.
 - c. The medical provider will prepare a consultation and refer the inmate to a local hospital for assessment and determination whether a forensic evaluation and rape kit are required.
 - d. The **Norfolk Police Department** will coordinate the collection and preservation of this evidence.
 - e. Inmate victims of sexual abuse will be offered timely information about and timely access to emergency contraception and sexually transmitted infections, either though the **NSO Mental Health Department, a Sexual Abuse Nurse Expert (SANE)** at the hospital, or through the help of a victim advocate.
 - f. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
11. Ongoing medical and mental health care for sexual abuse victims and abusers
- a. The **NSO** will offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
 - b. The evaluation and treatment of victims will include, as appropriate, 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.
 - c. The **NSO** will provide victims with medical and mental health services consistent with the community level of care.
 - d. All inmate victims of sexually abusive vaginal penetration, while incarcerated at the **Norfolk City Jail** will be offered pregnancy tests, and if pregnancy results from sexually abusive vaginal penetration the victim shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
 - e. Inmate victims of sexual abuse will be offered tests for sexually transmitted infections as medically appropriate.

- f. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
- g. The **NSO** mental health department will attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within **sixty (60) days** of learning of such abuse history and will offer treatment when deemed appropriate

D. DATA COLLECTION AND REVIEW

- 1. Sexual Abuse incident reviews
 - h. The **NSO** will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, even if the allegation has not been substantiated, but not if the allegation has been determined to be unfounded.
 - i. Such review will ordinarily occur within **thirty (30) days** of the conclusion of the investigation.
 - j. The review will include the **the Chief of Staff, The Chief of Corrections, the Officer in Charge of Corrections, the Officer in Charge of Professional Standards, the PREA Coordinator** and any other upper-level management officials' necessary with input from line supervisors, investigators and medical/mental health providers.
 - k. The review team shall;
 - 1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - 2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation or was motivated or otherwise caused by other group dynamics with in the **Norfolk City Jail**;
 - 3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse
 - 4. Assess the adequacy of staffing levels in that area during different shifts
 - 5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff and
 - 6. Shall prepare a report of its findings including but not necessarily limited to determinations made pursuant to the above listed items, and any recommendations for improvement and submit such report to the, **Chief of Corrections, and the PREA Coordinator.**
 - l. The facility will implement the recommendations for improvement, or document its reasons for not doing so.
- 2. Data Collection
 - a. The **NSO** will collect accurate, uniform data for every allegation of sexual abuse at the **Norfolk City Jail**.
 - b. The **NSO** will aggregate the incident-based sexual abuse data at the end of each calendar year.
 - c. The incident-based data collected will include at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

- d. The **NSO** will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
 - e. The **NSO** will also obtain from any facility that we contract with for the confinement of our inmates all incident-based and aggregated data.
 - f. Upon request, the **NSO** will provide all such data from the previous calendar year to the Department of Justice no later than June 30th.
3. Data review for corrective action.
- a. The **NSO** will review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, by:
 1. Identifying problem areas,
 2. Taking corrective action on an ongoing basis, and
 3. Preparing an annual report of its findings and corrective actions for the **Norfolk City Jail** and the **NSO**.
 - b. Such report will be approved by the Sheriff or his designee and made readily available to the public through the **NSO** website.
 - c. The **NSO** may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the **Norfolk City Jail**, but must indicate the nature of the material redacted.
4. Data storage, publication, and destruction.
- a. The **NSO** will store all data collected on sexual abuse in a locked secured filing cabinet located in the **Standards and Compliance Department**.
 - b. The **NSO** will make all aggregated sexual abuse data, from the **Norfolk City Jail** and private facilities with which it contracts, readily available to the public at **least annually** through the **NSO** website.
 - c. All personal identifiers will be removed and redacted before making aggregated sexual abuse data public.
 - d. The **NSO** will maintain sexual abuse data collected for at least **ten (10) years** after the date of the initial collection.

VI. FORMS

- A. Norfolk Sheriff's Office All Incident Report Form (Af #107)
- B. Norfolk Sheriff's Office Referral of Inmates to Mental Health Services Form (Cf #016)
- C. Norfolk Sheriff's Office Inmate Medical Referral (CF #058)
- D. Norfolk Sheriff's Office PREA Training Acknowledgement Form (Af #117)
- E. Norfolk Sheriff's Office Volunteer/ Intern/ Contractor PREA Acknowledgement Form (Af #116)

JOSEPH P. BARON, SHERIFF

This policy supersedes all previous administration directives.