

RAPPAHANNOCK REGIONAL JAIL Stafford, Virginia	Policy Number 3.7.13	Page(s) 13
INSTITUTIONAL OPERATIONS Inmate Health Care	Related Virginia Standards	Related ACA Standards
Prison Rape Elimination Act	None	

I. PURPOSE

The purpose of this policy is to comply with Public Law 108-79, the Prison Rape Elimination Act established September 4, 2003, and the Department of Justice Federal Register National Standards to prevent, detect, and respond to prison rape, 28 CFR Part 115 adopted June 20, 2012. This policy will establish a zero tolerance of staff on inmate, and inmate on inmate sexual assault, sexual abuse, and sexual harassment. Employees, contractors, and volunteers are to maintain a professional relationship with all persons under the supervision of the Rappahannock Regional Jail and any relationship other than a professional relationship must be properly reported and investigated. For the Rappahannock Regional Jail, the prevention of any form of sexual misconduct is a top priority. It is our goal to protect the Eight Amendment Rights (prohibition of cruel and unusual punishment) of the inmate and increase the efficiency and effectiveness of health care, mental health care, disease prevention, and crime prevention within the Jail.

II. SCOPE

This policy applies to all Rappahannock Regional Jail employees, contractors and volunteers.

III. DEFINITIONS

A. Zero Tolerance:

Assertive and prompt action and consequences are taken when prohibited behavior occurs.

B. Carnal Knowledge:

Carnal Knowledge includes the acts of sexual intercourse, cunnilingus, fellatio, anallingus, anal intercourse and animate or inanimate object sexual penetration. An accused shall be guilty of carnal knowledge when in a position of authority over the inmate, probationer, parolee, or a pretrial or post trial offender.

C. Sexual Misconduct:

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, visitor or agency representative. This includes acts or attempts to commit such acts including but not limited to sexual assault, sexual harassment, sexual contact, conduct of a sexual nature or implication, obscenity and unreasonable invasion of privacy. Sexual misconduct also includes but is not limited to conversations or correspondence, which suggests a romantic or sexual relationship between any inmate and any party mentioned above.

D. Sexual Assault:

Takes many forms including attacks such as rape or attempted rape, as well as any unwanted sexual contact through use of force or threat of force.

E. Sexual Abuse Includes: Per PREA Standards, sexual abuse is defined as the following:

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

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:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) 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.

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:

- (1) Contact between the penis and the vulva or the penis and the anus, including 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 staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) 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;
- (5) Any other intentional contact, either directly or through the clothing with the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, excluding contact incidental to a physical altercation
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs 1-5 of this section;
- (7) 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
- (8) Voyeurism by a staff member, contractor, or volunteer. 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; 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.

F. Sexual Contact:

Includes, but is not limited to, all forms of sexual contact, intentional sexual touching or physical contact in a sexual manner, either directly or through clothing, of the genitalia, anus, groin, breasts, inner thigh, buttocks, with or without consent of the person; or any unwanted touching with intent to arouse, humiliate, harass, degrade or gratify the sexual desire of any person.

G. Sexual Harassment Includes:

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 directed toward another. This also includes repeated verbal comments or gestures of a sexual nature to an inmate/detainee 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.

H. Sexual Misconduct:

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, visitor or agency representative. This includes acts or attempts to commit such acts, including but not limited to, sexual assault, sexual harassment, sexual contact, conduct of a sexual nature or implication, obscenity and unreasonable invasion of privacy. Sexual misconduct also includes but is not limited to conversations or correspondence, which suggests a romantic or sexual relationship between any inmate/detainee and any party mentioned above.

I. SANE (Sexual Assault Nurse Examiner):

A specially trained medical professional responsible for collecting forensic evidence.

J. RCASA:

Rappahannock Council Against Sexual Assault – The community support agency responsible for education, intervention and outreach.

K. Unauthorized Relationship:

A personal or romantic relationship between any individual under the supervision of RRJ, including any employee, volunteer or contractor, and any inmate in the custody of the Jail, which exceeds the ordinary professional relationship between inmates and staff. An unauthorized relationship may include, but is not limited to conversations or correspondence, which suggests a romantic or sexual relationship between an inmate and any party mentioned above.

L. Gender Nonconforming:

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

M. Intersex:

A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

N. Transgender:

A person whose gender identity (internal sense of feeling male or female) is different from the persons assigned sex at birth.

O. Youthful Inmates:

Persons under the age of eighteen (18) in adult prisons, jails and lockups.

P. PREA Coordinator:

An upper-level, agency-wide, person with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards within the facility.

IV. PROCEDURES

A. Training

All current employees will be initially trained in the PREA standards and refresher training will be provided to employees every two (2) years thereafter.

- 1) All volunteers and contractors, who have contact with inmates, will be trained on the Rappahannock Regional Jail's (RRJ) PREA policy.
- 2) All training will be documented with the signature of the employee, volunteer, or contractor verifying they understand the training.
- 3) All security staff will be trained on the Rappahannock Regional Jail's policy for conducting proper pat down searches on Transgender/Intersex Inmates.
- 4) All inmates during intake will receive a RRJ Inmate Handbook explaining the Jail's zero-tolerance harassment policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- 5) All inmates will receive information about sexual abuse and sexual harassment through the comprehensive PREA training handbook, posters and staff.
- 6) All inmate education materials will be in formats accessible to all inmates in accordance with Title II of the Americans with Disabilities Act, 42 U.S.C. Formats include, but not limited to: TTY machines for the deaf or hard hearing, reading the material to visual impaired, and providing interpreter services for Non-English speaking inmates when available.
- 7) RRJ prohibits the use of inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay could compromise the inmate's safety, the performance of first-response duties, or the investigation of the inmate's allegations.
- 8) Information will be continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.
- 9) All sexual abuse investigators, who conduct investigations in a confinement setting will be specialized trained in the following techniques:
 - a. Interviewing sexual abuse victims.
 - b. Proper use of Miranda Warning
 - c. Proper use of the Garrity warning.
 - d. Sexual abuse evidence collection in confinement settings.
 - e. The criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- 10) The PREA coordinator will maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.
- 11) All full and part-time medical and mental health care practitioners that work regularly in the Jail will be trained in the following:
 - a. How to detect and assess signs of sexual abuse and sexual harassment.
 - b. How to preserve physical evidence of sexual abuse.
 - c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
 - d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- 12) Medical staff employed by Rappahannock Regional Jail will not conduct forensic examinations.

B. Prevention

- 1) The facility's architectural design facilitates continuous personal contact between inmates and staff in the housing units. The management of inmates is provided through direct supervision where the staff member is stationed in the housing unit with the inmates. Movement outside of the units is monitored by roving staff and cameras.
- 2) Each inmate room in general population has a slotted window in the door which allows for staff observation while providing some privacy to the inmates in the room. Specialized housing units are designed to provide regular observation by staff, taking into account necessary safety and security requirements, while providing the inmates privacy to the extent possible. Windows are not permitted to be covered by inmates.
- 3) Every classroom, work area, and program space accessible to inmates has a window and/or camera for staff observation.
- 4) Night lights are used through all housing units, providing enough light for staff to be able to see any activity during evening hours.
- 5) Shower curtains are provided for privacy. The shower is clear at the bottom so the feet to mid-calf portion of the leg of the person taking the shower may be viewed for security purposes. Administrative Segregation showers are designed in a way to cover the inmate's genitals and provide as much privacy as possible while taking into account necessary safety and security concerns. Transgender and intersex inmates will be given the opportunity to shower separately from other inmates.
- 6) Inmate rooms in general population have an intercom system connected to the Zone Control Center for emergency notification.
- 7) Inmates receive information on how to avoid sexual assault via the Inmate Handbook, posters displayed throughout the facility, and during orientation.
- 8) All inmates are screened at intake for sexual victimization or abuser tendencies.
- 9) All inmates are housed in a classification unit for approximately 24 hours prior to placement in general population. Inmate behavior is observed for any indications of victimization or abuse.
- 10) All staff, contractors and volunteers are trained on the standards of PREA and the duties and responsibilities of their role in prevention, detection and response.
- 11) Rappahannock Regional Jail written policy mandates a zero tolerance toward all forms of sexual abuse and sexual harassment.
- 12) The policy outlines the agency's approach to preventing, detecting, and responding to such conduct.
- 13) The PREA Coordinator will be employed with Rappahannock Regional Jail and designated as an upper-level position with sufficient time and authority to develop, implement, and oversee the Jail efforts to comply with PREA standards.
- 14) A public agency that contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.
 - a. Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards
- 15) Rappahannock Regional Jail will develop, document, and make the best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing to protect inmates against sexual abuse.
- 16) Supervisors will conduct unannounced supervisor rounds of the Jail daily to identify and deter staff sexual abuse and sexual harassment.
- 17) Staff is prohibited from alerting other staff members when the Supervisor is conducting their supervisor rounds. Any violations will result in disciplinary actions.

- 18) Youthful inmates will not be placed in any housing unit within sight, sound, or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area, or sleeping quarters.
- 19) Rappahannock Regional Jail will make the best efforts to avoid placing Youthful inmates in isolation.
- 20) Youthful inmates will be allowed daily large-muscle exercise and access to other programs and work opportunities to the extent possible and absent of exigent circumstances.
- 21) Employees will not conduct cross- gender strip searches or cross-gender visual body cavity searches (anal or genital opening) except in exigent circumstances or when performed by medical doctor.
- 22) All cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of female inmates will be documented.
- 23) Inmates will be allowed to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is during required security rounds.
- 24) Staff will announce “Male on the Floor” or “Female on the Floor” anytime the opposite gender enters an inmate housing unit.
- 25) Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status.
- 26) If the genital status is unknown, it may be determined during conversations with the inmate, reviewing medical records, or as part of a broader medical examination conducted in private by medical personnel.
- 27) Rappahannock Regional Jail will not hire or promote anyone or enlist the services of any contractor, who may have contact with inmates, that:
 - a. Have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution.
 - b. Have been convicted of engaging or attempting to engage in sexual activity by overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.
 - c. Have been civilly or administratively adjudicated to have engaged in sexual activity.
 - d. The Jail shall consider any incidents of sexual harassment in determining whether to hire or promote or enlist services.
- 28) A criminal background records check will be conducted before hiring new employees or enlisting services from volunteers or contractors, who may have contact with inmates.
- 29) Criminal background records checks will be conducted on all current employees, volunteers, and contractors, who may have contact with inmates at least every five (5) years.
- 30) All applicants and employees, who may have contact with inmates, will be asked directly about previous misconduct in all written applications, interviews for hiring or promotion, or during written evaluations.
- 31) Employees must disclose any such misconduct. Any material omission or false information regarding misconduct will be grounds for termination.
- 32) Rappahannock Regional Jail 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, unless prohibited by law.
- 33) Rappahannock Regional Jail will consider the Jail’s ability to protect inmates from sexual abuse during any planned expansions, modifications, or video equipment updates to the Jail.

C. Detection

- 1) Medical staff receive training designed to detect sexual abuse through the training staff at the Rappahannock Council Against Sexual Assault.
- 2) All staff receive training on the detection of sexual abuse from the facility staff, using lesson plans approved by the Department of Criminal Justice Services.
- 3) First responders, security and non-security, are trained by the facility staff on how to instruct the inmate on what to do after reporting an assault.
- 4) Security Staff provide around the clock supervision of housing units at a minimum of twice per hour at random intervals. Security staff also provides supervision of programs while in session.
- 5) Supervisors conduct unannounced rounds throughout the facility each shift to determine the general atmosphere of the inmates and staff, and to identify and deter staff sexual abuse and sexual harassment.
- 6) Officers will retain authority of inmates entrusted to their care while in the housing unit. Staff is never permitted to communicate with inmates not under their supervision, other than to the extent required by their professional duties. Staff is not permitted to communicate with inmates whether in person, by telephone, or in writing. Staff is never to relay messages between inmates, or between another staff member and an inmate, other than to the extent required by their professional duties. Staff observing such behaviors are directed to notify their supervisor immediately and place the incident in writing. Failure to do so will result in an assumption of complicity in such acts.
- 7) Inmates are encouraged to report any knowledge or suspicion of any sexual assault, sexual misconduct, or unauthorized relationship to any staff member they feel comfortable, to the medical staff, through a request or grievance, or through the RRJ or Rappahannock Council Against Sexual Assault (RCASA) hotline. These complaints may be made verbally, in writing, anonymously, or from third parties.

D. Response

- 1) The facility provides multiple internal ways for inmates and staff to privately report sexual abuse, 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 an incident of sexual abuse or sexual harassment. Staff accepts reports made verbally, in writing, anonymously, and from third parties and immediately puts into writing any verbal reports.
- 2) The facility also provides a way for inmates to report the abuse to an outside public entity not affiliated with the agency. Inmates may report sexual abuse or sexual harassment to the Rappahannock Council Against Sexual Assault (RCASA) by dialing the toll-free hotline. RCASA is able to receive and immediately forward inmate reports to the appropriate facility personnel, allowing the inmate to remain anonymous upon request.
- 3) Third party reports regarding sexual abuse or sexual harassment may be made to the Superintendent, his designee, or to the Rappahannock Regional Jail Sexual Assault Hotline 0-(320) Inmate Number-20#.
- 4) When the facility receives an allegation that an inmate was sexually abused while in another facility, the Superintendent or his designee will notify the head of the facility where the alleged abuse occurred. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The Superintendent or his designee shall document such notification; the allegation will be investigated as other incidents of sexual abuse.
- 5) The Rappahannock Regional Jail protects all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. The facility employs multiple protection measures, including housing changes or transfers

for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

- a. Management monitors the conduct and/or treatment of inmates or staff who have reported sexual abuse or were reported to have suffered sexual abuse, or cooperated with investigations, for at least 90 days following their report or cooperation to see if there are any changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. The agency discusses any changes with the appropriate inmate or staff member as part of its efforts to determine if retaliation is taking place and, when confirmed, immediately takes steps to protect the inmate or staff member.
 - b. Monitoring of inmates will include inmate discipline reports, housing or program changes and periodic status checks. Staff monitoring will include any disciplinary actions or negative performance reviews. Monitoring may continue beyond 90 days if the initial monitoring indicates a continuing need. The obligation to monitor may be terminated if the investigation determines the allegation is unfounded.
- 6) The Superintendent will ensure all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, are reported to the designated investigators.
- 7) Agency administrative investigations into allegations of sexual abuse and sexual harassment are conducted in a prompt, thorough and objective manner by investigators who have received special training in sexual abuse investigations. When the Sheriff's Office investigates sexual abuse or sexual harassment, the facility has a duty to keep abreast of the investigation and cooperate with outside investigators and remain informed about the progress of the investigations. Investigations include the following elements.
- a. Investigators will gather and preserve direct and circumstantial evidence, including physical and DNA evidence and electronic monitoring data. When available investigators will interview alleged victims, suspected perpetrators, and witnesses and review prior complaints and reports of sexual abuse involving the suspected perpetrator.
 - b. When the quality of evidence appears to support criminal prosecution, The Stafford County Sheriff's Office is contacted to determine whether compelled interviews may be an obstacle for subsequent criminal prosecution.
 - c. Investigative findings are based on an analysis of the evidence gathered and a determination of its probative value.
 - d. The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by the person's status as inmate or staff. RRJ shall not require an inmate who alleges sexual assault or sexual harassment to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation.
 - e. Investigations include an effort to determine whether staff actions or failures to act contributed to the abuse or facilitated its occurrence.
 - f. Administrative Investigations are documented by facility staff in written reports that include a description of the physical and testimonial evidence and the reasoning behind credibility assessments, and administrative facts and findings.
 - g. Criminal Investigations shall be documented by the Sheriff's Office in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attach copies of all documentary evidence where feasible.

- h. Substantiated allegations of conduct that appear to be criminal are referred for prosecution.
- 8) Following an investigation into an inmate's allegation that he or she suffered sexual abuse while at the Rappahannock Regional Jail, the jail shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- 9) RRJ shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- 10) Disciplinary action will be taken when staff or inmates make reports of false allegations. An inmate may be disciplined for filing a grievance related to alleged sexual abuse only when the investigator demonstrates the inmate filed the grievance in bad faith.

E. Classification

- 1) At classification, a PREA risk screening is conducted within 24 hours of arrival at the facility; to identify potential vulnerabilities or tendencies of acting out with sexually aggressive behavior and housing assignments are made accordingly by the classification staff within 72 hours of admission. A reassessment is conducted after 14 days of incarceration if the inmate remains in custody. Along with these, the PREA risk assessment will be conducted again due to staff referral, per inmate request, founded or unsubstantiated sexual abuse investigation and after 120 days of incarceration if the inmate remains in custody. A reassessment can also be conducted due to information that bears on the inmate's risk of sexual victimization or abuse. This is done to ensure an individualized determination on the safety of each inmate.
- 2) In deciding housing assignments of Transgender and Intersex inmates, Rappahannock Regional Jail shall consider on a case-by-case basis if the placement would ensure the inmates health and safety and if the placement would present a management or security concern.
- 3) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review threats to safety experienced by inmates
- 4) Transgender and intersex inmate's own views with respect to his or her own safety shall be given serious consideration.
- 5) A mental health referral is completed by staff, and those inmates identified to be at risk for sexual victimization are assessed and counseled by a contract psychologist or other qualified professional and routinely monitored by facility staff for signs of victimization.

F. Reporting Incidents of Rape or Threats of Sexual Assault

- 1) Any employee, contractor or volunteer who becomes aware of, or reasonably suspects that another employee, contractor or volunteer is involved in a sexual assault, sexual misconduct, or an unauthorized relationship, has an affirmative duty to immediately report any such knowledge or suspicion to the Superintendent.
- 2) Inmates must be encouraged to report any knowledge or suspicion of any sexual assault, sexual misconduct, or unauthorized relationship to any staff member they feel comfortable reporting to. This information shall immediately be communicated to the Superintendent. Staff shall take immediate action to ensure any inmate making such a report is fully protected against acts of retribution or reprisal.
- 3) Employees who withhold information or fail to report knowledge of possible sexual assault, sexual misconduct, or unauthorized relationship may be subject to disciplinary action up to and including dismissal. In the case of contractors or

- volunteers, they may be subject to suspension of their volunteer status or termination of the contract.
- 4) All the events, actions or complaints involving possible sexual assault, sexual misconduct or unauthorized relationship must be documented in written form (facility incident report). The document must include a sworn or affirmed statement to the effect that all facts stated in the complaint are true to the best of the complainant's belief, knowledge and information. False allegations by an inmate or staff member will be cause for disciplinary action under the inmate handbook and/or employee standards of conduct. (See Policy 1.3.22, Standards of Conduct).
 - 5) Confidentiality of Rape Complaint: The report of rape is to be treated as any other medical complaint and is to be kept confidential between the service providers and the inmate.
 - 6) A staff member assigned to Internal Affairs will perform investigations of inmate sexual assault.

G. Preservation of Physical and Testimonial Evidence

- 1) Any physical examination of an alleged victim of sexual assault shall include execution of a signed consent form, and collection of evidence will be conducted in accordance with a SANE (Sexual Assault Nurse Examiner) at the nearest hospital equipped to conduct such an examination, and a deputy from the Stafford County Sheriff's Office.
- 2) RRJ medical staff will conduct an initial medical examination on an alleged sexual assault victim; however, RRJ medical personnel are prohibited from participating in the collection of forensics information that may be used against an inmate in disciplinary or legal proceedings.

H. Care of victim – Physical Examination

- 1) Any inmate who alleges sexual assault will be promptly evaluated in the medical section by licensed medical personnel. A history will be taken by the health care professional that conducts the examination, to document the extent of physical injury in the inmate's chart as well as a form to be given to the SANE at the hospital the inmate is taken to. The Health Services Director will be notified immediately by the on duty health services staff member or the Watch Commander. The Health Services Director shall notify the Superintendent or designated representative and the contract physician.
- 2) After initial assessment by RRJ medical staff, the inmate/victim will be transported to the nearest hospital for a full physical examination by the ER physician. The examination and collection of evidence, to include photographs, as well as treatment, will be obtained by the SANE, after consent is given in writing.
- 3) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

I. Care of Victim – Mental Health Care

- 1) A representative from RCASA will meet with the SANE representative to provide crisis intervention at the hospital.
- 2) In order to expedite the response from RCASA, the Watch Commander will call the hotline at 540-371-1666 to request assistance at the hospital.
- 3) The RCASA representative will be allowed into the room to have full contact with the inmate.
- 4) An RRJ staff member trained by the RCASA may be notified to provide support to the inmate/victim once the inmate has been returned to the facility.

- 5) Following the physical examination, there is availability of an evaluation by a mental health professional to assess the need for crisis intervention counseling and long-term follow-up.
- 6) RRJ staff may notify RACSB after hours for emergency contact if necessary.
- 7) Mental health will do an evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

J. Referrals for Long-term Continuity of Care

- 1) Treatment will be provided as indicated for physical injury as well as for prophylaxis, and mental health services are provided to assess the need for crisis intervention counseling and long term follow-up.
- 2) The Rappahannock Council Against Sexual Assault is part of the coalition within the Commonwealth who refers victims to rape crisis centers in the participating jurisdiction. Therefore, a representative from RCASA will make referrals for assistance when returning to the community.

K. HIV Education and Medical Testing

- 1) Provision will be made by the SANE for testing of sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis and other diseases) and counseling as appropriate.
- 2) Prophylactic treatment and follow-up for sexually transmitted diseases may be ordered for all victims, as appropriate, by the SANE nurse.
- 3) Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the sexual abuse such victim(s) shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

L. Post Rape Medical Measures

A special medical notification form will be completed by the health services staff member and forwarded to the Watch Commander and Classification Counselor to notify them of the need to assure separation of the victim from his or her assailant. The accused assailant will be relocated to Administrative Segregation pending the outcome of an investigation of the sexual assault. The Classification staff will post the appropriate annotation in X-Jail to have the victim listed as an incompatible to the accused assailant without reference to sexual assault or rape.

M. Staff Training

- 1) The training section will develop and utilize standardized lesson plans for pre-service and in-service to address inappropriate staff/inmate relationships.
- 2) Each section will reinforce the importance of this policy during the orientation phase of their training for new employees, independent contractors and volunteers.
- 3) All staff will receive training using a lesson plan approved by the Department of Criminal Justice Service's every two years.
- 4) During years when formal training is not conducted, all staff will review the requirement of the Prison Rape Elimination Act (PREA) policy and any current changes.
- 5) Training will be conducted by RCASA whenever possible for security staff and specialized training for medical and counseling staff.
- 6) RCASA training will include the topics of identification, intervention crisis counseling, and conflict resolution.

N. Investigation of Staff Misconduct

- 1) The Superintendent or designee will conduct and or coordinate investigations.

- 2) Employees are to cooperate fully by providing all pertinent information during the investigation. The failure of an employee to answer any inquiry fully and to the best of their knowledge will be grounds for disciplinary actions.
- 3) The Stafford County Sheriff's Office will be notified of all instances of potential criminal sexual offenses committed by staff or inmates.
- 4) Employees who violate this policy will be investigated and disciplined consistent with the Standards of Employee Conduct. (See Policy 1.3.22, Standards of Conduct).
- 5) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to enforcement and relevant licensing bodies, where applicable. Other violations of the agency's harassment policies could result in remedial measures and prohibition of further contact with inmates when appropriate.

O. Report Mechanism

- 1) Inmates who are victims of sexual abuse have the option to report the incident to the Superintendent, medical staff, supervisory staff or other staff members they feel comfortable with reporting to.
- 2) Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:
 - a. The staff member is no longer posted within the inmate's unit;
 - b. The staff member is no longer employed at the facility;
 - c. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - d. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- 3) Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever:
 - a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- 4) All such notifications or attempted notifications shall be documented.
- 5) An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody
- 6) A report is made to the Superintendent to assure immediate separation of the victim from his or her assailant and protection of the victim from acts of retribution or reprisal.
- 7) The staff member, who has first knowledge of a sexual assault incident, will complete an incident report outlining the inmate/victim's report of assault and forward to the Watch Commander. A health services staff member will complete a supplemental report and forward to the Watch Commander.
- 8) The Health Services Director will complete a summary report of the findings and forward to the Superintendent.
- 9) All records associated with claims of sexual abuse, including incident reports, investigative report, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post release treatment and counseling are retained in accordance with the Virginia Public Records Act and regulations of the Library of Virginia.

P. Inmate Education

The facility will insure that during the new booking classification process, information is communicated orally and in writing, via the Inmate PREA comprehensive training

Handbook, in a language clearly understood by the inmate about sexual abuse/assault including:

- 1) Prevention/intervention;
- 2) self-protection;
- 3) reporting sexual abuse/assault and protection from retribution or reprisal;
- 4) And treatment and counseling.

V. CROSS REFERENCE

Policy No. 1.3.22, Standard of Conduct

**Medical Encounter Record
Sexual Assault**

Inmate Name: _____

Date: _____ **Time Incident Occurred:** _____

Chief Complaint:

T P BP R WT HT ALLERGIES DOB

Subjective:

Pain Assessment (scale 1-10)

Objective:

Assessment:

Plan: **Medical Staff Signature** _____

Date _____ **Time** _____

Once notified of incident, Security Staff is to ensure that inmate/victim is not allowed to: urinate or have a bowel movement; bathe or change clothes; drink or eat before being transported to the nearest hospital ER for examination by the SANE nurse. All clothing, bedding, etc., involved during the assault must accompany the victim to the ER. Chain of custody should be initiated.

POC at MWH, RN SANE Coordinator.
Office: (540) 741-1285.