



Cherokee Sheriff's Office

Chapter: Institutional Operations		Policy # 08-05-09	Pages: 23
Section: Inmate Rights		Effective Date: October 7, 2019	
Subject: Prison Rape Elimination Act		Approved by: <i>Frank Reynolds</i>	

A. POLICY:

Cherokee Sheriff's Office has zero-tolerance for sexual contact of any kind with inmates including sexual harassment, conduct, assault, and/or contact, by inmates, staff, service providers, volunteers, and others. The Cherokee Sheriff's Office also has zero tolerance for sexual abuse and sexual harassment of a staff member by an inmate. This agency is dedicated to providing a safe, humane, and secure environment, free from threat of all forms of sexual abuse and sexual harassment in accordance with the standards set forth in the Prison Rape Elimination Act of 2003 (PREA).

All Divisions of the Cherokee Sheriff's Office will comply with all applicable standards under the Prison Rape Elimination Act of 2003. All sworn personnel are trained to follow PREA protocol and procedures. This includes but not limited to: immediate response to allegations of sexual abuse and sexual harassment, investigation of reported incidents, pursuit of disciplinary action, and referral to the Office of Professional Standards should anyone violate the requirements set forth in this policy.

B. DEFINITIONS:

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

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

Indecent Exposure – Display by a staff member, service provider, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.

Intersex – A person whose sexual 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.

Service Providers – Includes contracted personnel, vendors, or volunteers providing services to the Cherokee Sheriff's Office. (i.e. healthcare personnel, GED services, AA volunteers, etc.)

Sexual Abuse of an Inmate by Another Inmate – Any behavior or act of a sexual nature between an inmate and another inmate 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 which may include one or more of: (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, object, or other instrument; (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.

Sexual Abuse of an Inmate by Staff, Service Provider, or Volunteer – Any behavior or act of a sexual nature (consensual or nonconsensual), or any attempt, threat or request for same, directed toward an inmate by a staff member, service provider, or volunteer which may include one or more of: (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, 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, 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. (6) Any occurrence of indecent exposure by a staff member, contractor, or volunteer to an inmate. (7) Voyeurism by a staff member, contractor, or volunteer for reasons unrelated to official duties (i.e. cell checks) or for sexual gratification. (8) Sexual relationships of a romantic nature between staff and inmates.

Sexual Abuse of Staff, Service Provider, or Volunteer by an Inmate: Any behavior or act of a sexual nature, or any attempt, threat or request for same, directed toward a staff member, service provider, or volunteer by an inmate which may include one or more of: (1) Contact between the penis and vulva or penis and the anus, including penetration, however slight. (2) Contact between the mouth and penis, vulva, or anus. (3) Penetration of the anal or genital opening of another person, however slight, by a hand, object, or other instrument. (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks, excluding contact incidental to a physical altercation. (5) Any occurrence of indecent exposure by an inmate to a staff member, service provider, or volunteer, outside of the staff member’s official duties (i.e. searches), with the inmate’s intent to harass staff or for sexual gratification.

Sexual Harassment of an Inmate by Another Inmate – (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward another inmate. (2) Demeaning references to gender. (3) Sexually suggestive or derogatory comments about body or clothing. (4) Repeated profane or obscene language or gestures.

Sexual Harassment of an Inmate by Staff, Service Provider, or Volunteer – (1) Repeated and unwelcome sexual advances, verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an employee, volunteer, or service provider toward an inmate. (2) Demeaning references to gender. (3) Sexually suggestive or derogatory comments about body or clothing. (4) Repeated profane or obscene language or gestures.

Sexual Harassment of Staff, Service Provider, or Volunteer by an Inmate – (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward a staff member, service provider, or volunteer. (2) Demeaning references to gender. (3) Sexually suggestive or derogatory comments about body or clothing. (4) Repeated profane or obscene language or gestures.

Substantiated Allegation – An allegation that was investigated and determined to have occurred; findings may also be referred to as a “sustained” allegation.

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

Unsubstantiated Allegation – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred; findings may also be referred to as a “not sustained” allegation.

Unfounded Allegation – An allegation that was investigated and the investigation determined the alleged event did not occur.

Voyeurism – An invasion of privacy of an inmate by a staff member, service provider, or volunteer 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 buttock, genitals, or breasts; or taking images of all or part of an inmate’s naked body or of any inmate performing bodily functions.

Youthful Inmate – Any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

Zero Tolerance – All forms of sexual contact, harassment, or abuse are strictly prohibited between staff and any inmate(s), and between any inmate(s) with other inmate(s). The facility does not recognize “consent” between any of the parties relative to any sexual act, conduct or harassment.

C. PROCEDURES:

1. ZERO TOLERANCE:

The Cherokee Sheriff’s Office has zero-tolerance for sexual contact of any kind with inmates including sexual harassment, conduct, assault, and/or contact, by inmates, staff, service providers, volunteers, and others. The Cherokee Sheriff’s Office also has zero tolerance for sexual abuse and sexual harassment of an employee by an inmate. Recognizing and addressing inappropriate sexual behavior furthers the objectives of PREA by increasing the overall security and safety of the facility.

Staff and inmates are informed of the procedures in place to detect and prevent sexually abusive behavior and sexual harassment in the facility. Victims of sexually abusive behavior and sexual harassment receive timely and effective responses to their physical, psychological, and security needs. Allegations of sexually abusive behavior and sexual harassment receive timely intervention upon report. The perpetrators of sexually abusive behavior and sexual harassment will be disciplined and, when appropriate, prosecuted in accordance with agency policy and state and/or federal laws.

2. ADMINISTRATIVE REQUIREMENTS:

a. A comprehensive staffing analysis is conducted annually by the Jail Administrator or designee in consultation with the PREA coordinator, to assess and document whether adjustments are needed to the number of staff or video monitoring technologies for the facility.

(1) ADC shift supervisors are required to complete an ADC Assignment Roster to document a staffing plan for their assigned shifts while on duty. This roster will ensure adequate levels of staffing are available to protect inmates from sexual abuse. Daily man-power allocation will be documented on the ADC Assignment Roster.

(a) The Jail Administrator, in collaboration with the PREA coordinator, will review the staffing plan to see whether adjustments are needed in the following areas: staffing plan, deployment of monitoring technology, and allocation of facility resources to commit to the staffing plan to ensure compliance.

- (b) In circumstances where the staffing plan is not complied with, the Jail Administrator or designee will document and justify all deviations from the plan.
- (2) Cherokee Sheriff's Office is a 24 hour per day direct supervision facility. The security and safety of the facility, staff, and inmates is maintained at all times.
- (3) When installing or updating video monitoring system, electronic surveillance system, or other monitoring technology, the facility must consider how such technology may enhance the facility's ability to protect inmates from sexual abuse.
 - (a) Continuous video monitoring is located throughout the facility in the following areas: kitchen, warehouse, laundry, intake, booking, front lobby, visitation areas, medical housing, segregation housing, common areas of every housing unit, sally ports, exterior perimeter of the facility, and main facility hallways and elevators.
- (4) The Jail Administrator will require intermediate-level and higher-level staff to conduct random unannounced supervisory rounds to identify and deter employee or service provider sexual abuse and sexual harassment. These supervisory rounds must be documented in a log as unannounced and cover all shifts and all areas of the facility.
- b. Any new contract or contract renewal for the confinement of Cherokee County inmates in another facility for any particular purpose (i.e. protective custody, co-defendant) will include the contract entity's obligation to adopt and comply with the PREA standards and a provision for the ADC to monitor the contract to ensure the outside facility is complying with PREA standards.

3. PREA COORDINATOR DUTIES:

- a. The Jail Administrator, or designee, will appoint a PREA Coordinator or compliance manager designated with sufficient time and authority to develop, implement, and oversee agency efforts to comply with PREA standards. The PREA Coordinator is responsible for the following:
 - (1) Coordinating and developing policies and procedures to identify, monitor, and track sexual abuse and sexual harassment.
 - (2) Collect, review, and securely retain data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
 - (a) All sexual abuse data collected will be maintained for at least ten (10) years after the date of initial collection, unless federal, state, or local law requires otherwise.
 - (3) Ensuring facility compliance with agency policy, applicable state and federal laws, and PREA standards.
 - (a) Every three years, beginning August 14, 2014, the Cherokee Sheriff's Office will be audited for PREA compliance.
 - (b) The auditor will review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
 - (c) The auditor's final report will be made readily available for the public to view by being published on the Cherokee Sheriff's Office website.

- (4) Collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions. The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice annually. All such data, from the previous calendar year, will be furnished upon request, to the Department of Justice no later than June 30.
 - (a) The data collected and aggregated will be assessed in order to improve the effectiveness of the agency's sexual abuse prevention, detection, and response policies, practices, and training. Identifying any problem areas and taking corrective action on an on-going basis, if any.
- (5) Prepare an annual report of all findings (inmate and staff related incidents) for the past year. The annual report will include a comparison of the current year's data and corrective actions with those from prior years.
 - (a) The annual report will provide an assessment of the progress in addressing sexual abuse. If no actions were taken, the reasons for not doing so will be clearly documented in the report.
 - (b) Specific material may be redacted from the report, if publication presents a clear and specific threat(s) to the facility. All personal identifiers will be removed before making the report available to the public.
 - (c) The annual report will be available for the public to view by being published on the Cherokee Sheriff's Office website.

4. HIRING AND PROMOTIONS:

The Cherokee Sheriff's Office takes a proactive approach to prevent sexual abuse, harassment, and misconduct from occurring within the facility. The steps to identify the signs, taking appropriate measures, and training personnel are just a few of the ways identified in the prevention planning process.

- a. Cherokee Sheriff's Office 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:
 - (1) 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).
 - (2) Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercions, or if the victim did not consent or was unable to consent or refuse.
 - (3) Been civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, overt or implied threats of force, or coercions, or if the victim did not consent or was unable to consent or refuse.
- b. Applicants and employees, who may have contact with inmates, will be asked about previous misconduct regarding sexual abuse in a confinement facility or institution in written applications, interviews, hiring, promotions, or any written self-evaluation conducted as part of current employee reviews.

- (1) All employees have a continuing affirmative duty to disclose any such misconduct. Any material omission(s) regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
 - (2) When determining whether to hire or promote anyone, or to enlist the services of any service provider or volunteer who may have contact with inmates, incidents of sexual harassment will be taken into consideration.
 - (3) Unless otherwise prohibited by law, all information will be provided on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon request from an institutional employer, for whom such employee has applied to work.
- c. A criminal background records check will be conducted on all new hire employees, service providers, and volunteers. Efforts will be made to contact all prior institutional employers for information on substantiated allegations of sexual abuse, or any resignation during a pending investigation of such.
- (1) Criminal background records checks will be conducted by the Office of Professional Standards on all current employees and contracted employees, working in the ADC, every five (5) years.

5. EMPLOYEES, SERVICE PROVIDERS, AND VOLUNTEER TRAINING:

Proper training of employees, service providers, and volunteers is essential to prevent sexual abuse and sexual harassment in correctional facilities.

- a. Prior to working with inmates, all Sheriff's Office employees, service providers, and volunteers with direct and incidental contact with inmates must receive documented PREA training. This training will be conducted initially during a 1-hour block of instruction at new hire orientation or volunteer orientation.
 - (1) If anyone is unable to attend comprehensive PREA classroom training prior to contact with inmates, they must receive pre-service training in the form of reviewing the PREA policy and signing a PREA training acknowledgement form. The individual must attend the next available classroom training.
 - (2) Annual refresher training is provided either in a classroom setting and/or using the agency's electronic policy database for employees, service providers, and volunteers during a two hour block of instruction thereafter. (ACA 7B-08)
- b. The PREA training curriculum shall include, but is not limited to:
 - (1) The agency's zero-tolerance policy for sexual abuse and sexual harassment.
 - (2) How to fulfill employee responsibilities under the agency's policies and procedures for prevention, detection, response, and reporting of sexual abuse and sexual harassment.
 - (3) The right of inmates and employees to be free from sexual abuse and sexual harassment.
 - (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
 - (5) The dynamics of sexual abuse and sexual harassment in confinement.
 - (6) The common reactions of sexual abuse and sexual harassment victims.

- (7) How to detect and respond to signs of threatened and actual sexual abuse.
 - (8) How to avoid inappropriate relationships with inmates.
 - (9) Understanding linguistic, ethnic, or cultural differences and cultural awareness.
 - (10) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender-nonconforming inmates.
- c. The PREA coordinator maintains a record showing all employees, service providers, and volunteers understand and acknowledge the PREA training they have received either by written or electronic signature format.

6. SPECIALIZED TRAINING - INVESTIGATORS:

- a. Investigators are trained in conducting investigations in a confinement setting. This training will include: techniques for interviewing sexual abuse victims; proper use of Miranda and Garrity warnings; evidence collection after sexual abuse incidents; and establishing the criteria and evidence needed to substantiate a case for administrative action or prosecution. Only investigators who have completed this training will investigate sexual abuse allegations reported in the ADC.
 - (1) This specialized training may be completed by logging onto the National Institute of Corrections website, <https://nic.learn.com/learncenter.asp>, creating a personal account, and completing the Investigating Sexual Abuse in a Confinement Setting course.
 - (2) After completing the course, the Certificate of Completion will be forwarded to the PREA coordinator where it will be maintained for audit purposes. This training will be required every two (2) years.

7. SPECIALIZED TRAINING - MEDICAL AND MENTAL HEALTH CARE:

- a. Medical staff does not conduct forensic exams. Inmates who are in need of a forensics examination will be transported to Kennestone Hospital's Emergency Department for a sexual assault forensic exam to be conducted by a SANE or SAFE (*sexual assault nurse/forensic examiner*).
- b. Medical and mental health care staff/practitioners will receive training about: how to detect and assess signs of sexual abuse and sexual harassment; whom to report allegations or suspicions of sexual abuse and sexual harassment; how to respond effectively and professionally; and how to preserve physical evidence of sexual abuse.
- c. This specialized training will be completed by logging onto the National Institute of Corrections website, <https://nic.learn.com/learncenter.asp>, creating a personal account, and completing the Medical Health Care for Sexual Assault Victims in a Confinement Setting course.
- d. After completing the course, the Certificate of Completion will be forwarded to the PREA coordinator where it will be maintained for audit purposes. This training will be completed annually by all contracted medical and mental health staff.

8. INMATE EDUCATION:

Verbal and written information shall be provided to inmates and will address the following: how to protect themselves from becoming victims while incarcerated, methods of reporting incidents of sexual assault, and treatments and counseling options available to victims of sexual assault.

- a. All inmates, during intake, will be given the PREA acknowledgement form explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Staff will read over the form with the inmate. Staff will sign, as a witness, that the inmate signed the form and understands the information provided.
- b. Inmates are provided information regarding PREA in the following ways:
 - (1) A PREA educational video plays continuously in the booking area, in both English and Spanish, for incoming inmates to view before being populated, bonding out, or picked up by another agency.
 - (2) Sexual Assault Awareness posters and reporting information are located in designated locations throughout the facility. (i.e. all housing units, medical clinic, inmate work areas, intake, etc.)
 - (3) The Inmate Handbook is available in electronic format through the inmate KIOSK, (written in English and Spanish); located in all housing units. Inmates are prompted to read and then acknowledge they have read the PREA statement before using the KIOSK for other purposes.
 - (4) Inmate Crisis Manuals are available in all housing units including the clinical waiting area for inmates to reference and seek resources for assistance.

9. SCREENING FOR INMATE RISK OF VICTIMIZATION OR PREDATORY BEHAVIOR:

Inmates with a history of sexual predatory behavior or the potential for victimization are identified, monitored, and counseled throughout their incarceration at this facility.

- a. All inmates are screened during the booking process using the [Sexual Predator Victimization Form](#) to assess their risk of sexual victimization or potential for predatory behavior towards other inmates.
- b. The screening will consider, at a minimum, the following criteria for risk of sexual victimization:
 - (1) Whether the inmate has a mental, physical, or development disability.
 - (2) The age of the inmate.
 - (3) The physical build of the inmate.
 - (4) Whether the inmate has previously been incarcerated.
 - (5) Whether the inmate has prior convictions for sex offenses against a child or adult.
 - (6) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
 - (7) Whether the inmate has previously experienced sexual victimization.
 - (8) The inmate's own perception of vulnerability.
- c. The screening will consider, at a minimum, the following criteria for potential predatory behavior towards other inmates:
 - (1) Whether the inmate has a history of sexual abuse or violence in an institutional setting.
 - (2) Whether the inmate has previous disciplinary conviction for sexual predatory or abusive behavior.

- (3) The inmate's current offense.
 - (4) The inmate's criminal history.
 - (5) Whether the inmate has any prior convictions of violent or sexual offenses.
 - (6) Whether the inmate is currently a state registered sex offender.
- d. Information from the screening will be used to determine housing, bed, work, education, and program assignments to prevent inmates with high risk of being sexually victimized from those at high risk of being sexual predators.
- (1) The Classification Manager or designee will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received since the intake screening no later than 30 days from the inmate's arrival.
 - (2) An inmate's risk level shall 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.
- e. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked during the risk screening.
- f. Victims of sexual abuse and inmates at high risk for sexual victimization will not be placed in segregated housing for protective purposes unless an assessment of all available alternatives has been made and a determination is made that there is no alternative means of separation from likely abusers.
- (1) If staff cannot conduct such an assessment immediately, staff may hold the inmate in involuntary segregated housing for less than twenty-four (24) hours while completing the assessment.
 - (2) The ADC shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of thirty (30) days.
 - (3) If segregation becomes necessary, classification personnel will clearly document in a Jail Incident Report the basis for the ADC's concern for the inmate's safety and the reason no alternative means of separation could be arranged.
 - (a) If an alternative means of separation from likely abusers is sought or the need for protective custody no longer exists, then the inmate will be considered for reclassification and relocation to another housing location.
 - (4) The Classification Manager or designee will review any inmate placed in segregated housing for protective purposes weekly for the first two (2) months and at least thirty (30) days thereafter. Special Needs Meetings consisting of both corrections, medical, and mental health personnel are held weekly to discuss and review the status of inmates assigned to segregating housing as well.
- g. If an inmate is alleged to have suffered sexual abuse after an allegation has been made while in custody, ADC staff will follow PREA protocol and standards. The inmate will be placed in segregated housing for their protection and the requirements for protective housing will be adhered to.

- h. All inmates who have disclosed any prior sexual victimization, while in an institutional setting or in the community, during a screening are offered a follow-up meeting within 14 days with a medical or mental health practitioner. Medical and mental health staff will document information to maintain compliance with this standard (i.e. form, log).
 - (1) Information related to sexual victimization or abusiveness that occurred in an institutional setting is limited to medical and mental health practitioners, and other staff as necessary.
 - (2) Information that is shared with other staff is strictly limited to inform treatment plans and security and management decisions or as otherwise required by federal, state or local law, including:
 - (a) Housing
 - (b) Bed
 - (c) Work
 - (d) Education
 - (e) Program Assignments

10. ON-GOING MEDICAL & MENTAL HEALTH CARE FOR VICTIMS AND PREDATORS:

- a. Medical and mental health evaluation treatment will be offered to all inmates, as appropriate, who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. These inmates will be referred to meet with a mental health provider within fourteen (14) working days of their initial health assessment. These services will be consistent with the community level of care.
- b. Evaluation and treatment of victims will include, as appropriate:
 - (1) Follow-up services.
 - (2) Treatment plans.
 - (3) Referrals for continued care following their transfer to another facility or release from custody.
- c. Female victims of sexual abuse, while incarcerated, are offered pregnancy tests. If pregnancy results from sexual abuse while incarcerated, victims will receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services. Tests for sexually transmitted infections as, medically appropriate, will be offered.
- d. Treatment services are 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.
- e. A mental health evaluation is conducted of all inmate-on-inmate predators within 60 days of learning of such abuse history and offered treatment when deemed appropriate by mental health practitioners.
- f. Medical and mental health practitioners must report sexual abuse, and as soon as they start dealing with an inmate, they must tell him or her:
 - (1) That it is their duty to report.
 - (2) About the limitations of confidentiality.

- (a) The Jail Administrator or designee, will be notified by the contracted medical or mental health service provider should an inmate report an incident of sexual abuse or sexual harassment under their care.

11. **TRANSGENDER AND OTHER SPECIAL NEEDS INMATES:**

Although acknowledging an inmate's sexual orientation or gender identity must be known for purposes of making placement and other decisions, staff must recognize the sensitive nature of the topic and possible repercussion for the inmates. Appropriate staff sharing will be conducted privately and professionally. Sharing this information with other inmates is inappropriate and prohibited.

- a. ADC employees, service providers, and volunteers are expected to treat all inmates with respect; however, as with all inmates, staff shall be mindful ensuring the use of respectful words and avoidance of demeaning language including common slurs.
- b. ADC personnel will identify, assess, and manage offenders with special needs, including those who are potentially vulnerable or dangerous, to provide safe housing, adequate protection, and programmatic resources to meet their needs.
- c. Housing and program assignments for transgender or intersex inmates are made on a case-by-case basis.
 - (1) Transgender and intersex inmates' own views, with respect to his or her own safety, will be considered.
 - (2) Classification staff reassess placement and programming assignments at least twice per year to review any threats to safety experienced by inmates.
 - (3) The ADC will not place lesbian, gay, bisexual, or transgender inmates in dedicated housing units solely on the basis of such identification or status. When making housing and programming assignments, classification personnel and jail administration will determine placement on a case-by-case basis, and whether the placement would present management or security problems. The inmate's health and safety is taken into consideration as well.
- d. Transgender and intersex inmates in segregated status are provided the same meal service, bedding and supplies, hygiene opportunities; exercise, commissary privileges, telephone access, personal visitation, mail privileges, medical access, access to education, work, and program opportunities as General Population does to the extent possible.
 - (1) Transgender and Intersex inmates will be given the opportunity to shower separately from other inmates either through physical separation by separate shower stalls, or by time-phasing or scheduling of showers.
 - (2) Although transgender inmates in segregated status are afforded the same basic privileges as inmates in General population, the safety, security, and orderly operations of the ADC must be maintained. When any privileges are suspended or restrictions placed, the following reasons must be documented in a Jail Incident Report and a copy forwarded the Jail Administrator or designee:
 - (a) The opportunities that have been limited.
 - (b) The duration of the limitation.
 - (c) The reasons for such limitations.

12. **CROSS-GENDER VIEWING AND INMATE SEARCHES:**

- a. Strip searches and visual body cavity searches of the anal or genital opening done by male staff to female inmates, or by female staff to male inmates (i.e. cross-gender) are not allowed; except in unusual (i.e. exigent) circumstances or when performed by medical practitioners.
- b. ADC personnel will not exhibit any bias, nor will they pre-judge, or discriminate against any inmate based on their actual or perceived sexual orientation, gender identity, or gender expression. Staff will treat all inmates with courtesy and dignity, which is inherently due to every person.
- c. ADC personnel are trained how to conduct cross-gender pat down searches, and searches of transgender and intersex inmates. They are conducted in a professional, respectful, and in the least intrusive method possible consistent with security and safety needs of the facility and inmates.
 - (1) Transgender and intersex inmates will not be searched or physically examined for the sole purpose of determining their genital status. If the inmate's genital status is unknown, it may be determined by:
 - (a) Conversations with the inmate.
 - (b) Reviewing available medical records.
 - (c) Reviewing arrest history and available databases.
 - (d) Medical examination conducted by a medical practitioner in private.
 - (2) When a pat down search of a transgender or intersex inmate is conducted, the inmate shall be allowed to choose the gender of the deputy performing the search. If a cross-gender pat-down search of a transgender or intersex inmate is conducted because of gender preference, a supervisor will be present and a Jail Incident Report will be completed.
- d. All inmates are subject to being strip searched before they are placed in general population, charged with certain offenses (i.e. drugs, weapons, murder), serving a sentence, or transported from another facility (i.e. court, hospital, prison).
 - (1) Should a strip search for a transgender or intersex inmate become necessary, the gender of the deputies chosen to conduct or participate in the search shall be determined based on the predominant sexual characteristics of the genitalia of the transgender inmate. The strip search will be overseen by a supervisor and conducted with the utmost dignity and professional manner. A Jail Incident Report will be completed and forwarded to the Jail Administrator and PREA Coordinator.
 - (2) Strip searches will never be performed as a punitive measure.
- e. Male and Female inmates will be allowed to shower, perform bodily functions, and change clothing, without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks (this includes viewing via video camera). All inmates will only shower, perform bodily functions, and change clothing in designated areas, (i.e. pod showers, toilets, and assigned cells).
 - (1) Inmates are advised of the requirement to remain appropriately clothed in all common areas of the facility. Inmates are also notified of the presence of cross-gender staff in general population. The following notice is posted on inmate bulletin boards and signs within the facility, including segregated housing areas: "NOTICE TO INMATES: Male and female staff routinely work and visit inmate housing areas."

- (2) Housing Unit Officers will announce, (male or female), when any ADC staff, service providers, or volunteers of the opposite gender enter their housing unit. This announcement will be documented in the pod logbook each time it is made. Staff are not required to make an announcement when responding to temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of the ADC. Staff are also not required to make an announcement when incidental to routine cell checks, to include circumstances such as responding to alarms, contraband detection, or detecting behavior that would constitute an inmate prohibited act, for example. Nothing in this section should preclude opposite gender staff from viewing live or recorded video, or observing an inmate special observation / suicide watch.

13. YOUTHFUL OFFENDERS:

- a. Youthful offenders will not be placed in a housing unit or court holding facility cell in which the youthful offender will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.
- b. In areas outside of the housing unit, to include intake, deputies will maintain sight and sound separation between youthful offenders and adult inmates, or provide direct staff supervision when such offenders are within sight or sound of one another. Best efforts will be made to avoid placing youthful offenders in isolation to comply with this standard.
- c. Youthful offenders will not be denied daily large-muscle exercise and any legally required special education services, absent exigent circumstances. Such offenders will also have access to other programs and work opportunities, to the extent possible.

14. INMATES WITH DISABILITIES AND LIMITED PROFICIENCY:

- a. Staff will ensure the appropriate resources are made available to inmates with disabilities, or inmates who are limited English proficient. The following resources are available to accommodate such inmates:
 - (1) A TTY, Teletypewriter, phone and Video Relay System is available for inmates who are deaf or hearing impaired.
 - (2) Interpreter service for language translation: Language Line 1- 800 -752- 6096 for those inmates who do not read, speak, write, or understand English well.
 - (3) Reading of any materials, by ADC staff, to inmates with intellectual disabilities or limited reading skills.
 - (4) Publishing companies are available to supply materials in large print or Braille for those inmates with low vision or who are blind.
 - (5) Speech-Language Pathologists and Audiologists can be sought through a referral from the contracted Medical Services Provider should an inmate with speech disabilities require one.
 - (6) Crisis Intervention Team Certified officers and a 24/7 contracted Medical Services Provider and On-Call Mental Health Clinician is available to assist any inmate with psychiatric disabilities.
 - (7) Bilingual ADC staff are available to translate and communicate to limited English proficient inmates in various languages (i.e. Spanish, Portuguese, Creole, etc.).

- b. Inmate interpreters, readers or other types of inmate assistance will not be used, except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first responders, or the investigation of the inmate's allegations.

15. INMATE REPORTING OF ABUSE:

- a. Inmates may make a report of sexual abuse or sexual harassment; retaliation from other inmates or staff for reporting sexual abuse or sexual harassment; or cases where sexual abuse, harassment, or retaliation might have happened because staff were neglectful or failed in their responsibilities.

- b. Inmates can make these private reports in the following internal ways:

- (1) Inmate KIOSK (i.e. PREA/Grievance/Supervisor sections).

- (a) When an alleged PREA incident is reported using the inmate KIOSK, an automatic email notification is sent to Jail Administration and the PREA Coordinator. Upon receiving this message, a shift supervisor is notified so he/she can speak with the inmate reporting the incident and proper steps for separation, investigation and medical/mental health treatment can begin.

- (2) Telling an ADC staff member, service provider, or volunteer in writing by any means.

- (3) Immediately report the incident verbally to any ADC staff member, service provider, or volunteer.

- (4) Submitted anonymously.

- (5) Calling the Toll-Free Sexual Abuse Hotline reporting phone number posted in all housing units.
LiveSAFE Resources 48 Henderson St SW Marietta, GA 30064
Hotline Phone: 770-427-3390 (toll-free, non-recorded line)

- (6) Submitted through a Third Party (i.e. someone who is not the victim).

- (a) Information on how to report sexual abuse and sexual harassment on behalf of inmates is provided to the public through a printed brochure.

- (b) Methods of third party reporting are explained on the Cherokee Sheriff's Office website.

- (c) Postings are available in all housing units including the ADC entrance regarding PREA awareness.

16. ADC STAFF AND OUTSIDE AGENCY REPORTING DUTIES:

- a. Staff (i.e. ADC, UPD, service providers, volunteers) must accept reports of sexual assault and sexual harassment made verbally, in writing, anonymously, and from third parties. Staff can privately report sexual abuse and sexual harassment of inmates to their supervisor or any other ADC supervisor. All reports will be made immediately and documented using the agency's records management system for Criminal Incident Reports.

- b. Staff will not disclose any information about a sexual abuse report, including the names of the alleged victim or abuser, other than to the extent necessary, to make treatment, investigation, and other security and management decisions.

- (1) Anyone who needs details about a sexual abuse report will get only that information necessary to make decisions about treatment, investigation, and other security and management matters – and nothing more.

- (2) The identity and dignity of the victim will be protected to the fullest extent possible and will be kept anonymous.
- c. Staff who witness incidents of sexual abuse or sexual harassment of an inmate, or who learn of rumors or allegations of such conduct, are required to report the information immediately to a supervisor and document the report using the agency's records management system and complete a Criminal Incident Report.
- d. Staff are required to immediately report any retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment.
- e. Staff must immediately notify an ADC supervisor in cases where an incident or retaliation occurred because a staff member(s) neglected and/or failed in their responsibilities.
- f. Detection requires an awareness of facility and housing unit climate by staff through actively paying attention to the following:
 - (1) Inmate communications and interactions.
 - (2) Comments to staff.
 - (3) Changes in inmate behavior (eating, sleeping, hygiene, work habits, etc.).
 - (4) Isolated or "hot" areas of the facility.

By observing factors such as these, staff are able to better detect sexually abusive behavior, and possibly deter problems before they occur, or before they escalate.
- g. All reports of sexual abuse and sexual harassment, including third party reports, will be forwarded to the Office of Professional Standards Investigators or the Criminal Investigations Division so an investigation of the reported incident can begin.
- h. When staff learns that an inmate is subject to a substantial risk of imminent sexual abuse, immediate action will be taken to protect the inmate. Appropriate protective measures will be taken without unreasonable delay. (i.e. safe housing, restricted job assignments, etc.)
- i. In cases where there is an allegation that sexually abusive behavior occurred at another facility/agency the Jail Administrator, or designee, will notify the head of the facility or appropriate office of where the incident was alleged to have occurred as soon as possible, but no later than 72 hours after receiving the information. Such a notification will be documented.
- j. All notifications of sexually abusive behavior received from other facilities/agencies will be investigated in accordance with these standards.
- k. If the alleged victim is under the age of 18, the alleged incident will be reported to Department of Family and Children Services, Child Protective Services section.

17. INMATE ACCESS TO OUTSIDE CONFIDENTIAL SUPPORT SERVICES:

- a. Inmates are provided with access to outside victim advocates for emotional support services related to sexual abuse.

- (1) Reasonable communication between inmates and outside support services will be enabled in as confidential a manner as possible. There is a toll-free hotline and non-recorded line for inmates to call, and posted in every housing unit - LiveSAFE 770-427-3390.
 - (2) An Inmate Crisis Manual is available in every housing unit providing all inmates access to victim advocates and emotional support services related to sexual abuse by providing telephone numbers and mailing addresses of local, state, or national victim advocacy or rape crisis organizations. The Inmate Crisis Manual also provides training curricula and brochures regarding sexual abuse and domestic abuse, sexual abuse awareness, response to sexual abuse, and guidelines to creating safe boundaries while in custody to prevent abuse.
- b. Inmates will be informed, prior to giving them access to outside support services, 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.
 - c. Cherokee Sheriff's Office has a Memorandum of Understanding, with LiveSAFE Resources INC. A copy of the agreement is maintained in the PREA coordinator's office.

18. RETALIATION MONITORING:

The Cherokee Sheriff's Office will not tolerate retaliation against inmates, employees, or other parties for reporting sexual abuse or sexual harassment or cooperating with an investigation. Individuals that retaliate against any inmate or witness are subject to disciplinary action.

- a. The ADC will employ the following protective measures:
 - (1) Inmate housing changes.
 - (2) Removal of alleged staff or inmate abuser from contact with victim.
 - (3) Emotional support services for inmates or staff who fear retaliation for reporting or cooperating with investigations.
- b. For at least 90 days, following a report of sexual abuse, the conduct and treatment of inmates or staff who reported the sexual abuse will be monitored. Monitoring will go beyond 90 days, if the initial monitoring indicates a continuing need. The obligation to monitor will be terminated if the investigation determines the allegation is unfounded.
 - (1) The Classification Manager or designee will complete the PREA Retaliation Monitoring Form for both inmates and/or staff members evaluating these specific areas: Inmate reports, status checks, housing, program changes, and negative performance reviews or staff reassignments.

19. STAFF RESPONSE TO AN INCIDENT OF SEXUAL ABUSE:

Cherokee Sheriff's Office has a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership. Staff response upon learning of an allegation that an inmate was sexually abused will be timely and handled in a respectful manner. Staff must safeguard reports, investigations, and confidentiality of victims and informants. The following first responder procedures will be taken:

- a. Separate the alleged victim and abuser and secure both inmates in separate housing units.

- b. Notify an ADC supervisor immediately. In the event either inmate requires emergency medical care, a nurse will be asked to assess the inmate to determine whether the inmate (s) must be transported to a hospital for further evaluation or can be treated within the facility.
- c. Preserve and protect any potential crime scene, if any, until appropriate steps can be taken to collect any evidence and await further instructions from the Shift Commander or designee.
- d. If the abuse occurred within a 120-hour time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence; including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating.
 - (1) The first responder must ensure the alleged abuser not take actions, previously stated, that could destroy physical evidence either.
 - (2) If the first staff responder is not an ADC staff member, that responder will immediately notify security staff and request the alleged victim/abuser not take any actions that could destroy evidence.
- e. The ADC supervisor will contact the Office of Professional Standards and the Criminal Investigations Division. The alleged victim/abuser and any possible witnesses will be interviewed.
- f. Staff members with knowledge of the incident including the first responder will clearly document a detailed report using the agency's reporting system for Criminal Incident Reports. All staff must fully cooperate with any investigation into alleged sexual abuse or harassment.
- g. If the incident involves a staff member as the abuser, the shift supervisor will write an AIC and forward it to the Jail Administrator who will then forward the AIC to the Office of Professional Standards.
 - (1) Cherokee Sheriff's Office has the ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation.
 - (2) Decisions regarding employee discipline and to what extent, will only be made after the outcome of the investigation.

20. **ACCESS TO EMERGENCY MEDICAL AND MENTAL HEALTH SERVICES:**

Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

- a. Upon notification of an alleged incident of sexual abuse, medical staff shall render first aid as needed, document all exams and treatment of injuries, any refusals of treatment.
- b. A request to transfer an inmate to a hospital for immediate care will be made if serious physical injury is involved.
- c. Intervention treatments will be provided in a timely manner for access to emergency contraception and sexually transmitted infection prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

- d. Treatment services shall be provided to the victim without financial cost regardless of whether the victim names the abuser or cooperates any investigation arising out of the incident.
- e. Crisis Intervention counseling and behavioral health service referrals will be provided to a victim upon notification of an alleged incident of sexual abuse. Mental health staff shall:
 - (1) Evaluate the inmate as soon as inmate's physical evaluation and treatment by medical staff allows and determine if a suicide or special observation watch is necessary.
 - (2) Continue to provide mental health follow-up consistent with the inmate's needs and services provided for individuals who are victims of sexual assault.
- f. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim and will notify the appropriate medical and mental health practitioners.
- g. In the case of inmate-on-staff sexual abuse, community medical/mental health resources and services will be made available to the staff member immediately.

21. INVESTIGATIONS OF INCIDENTS OF SEXUAL ABUSE:

Allegations of sexual abuse and sexual harassment must receive a prompt, thorough, and objective investigation.

- a. An administrative or criminal investigation will be completed for allegations of sexual abuse and sexual harassment. All allegations that involve potential criminal behavior will be referred to the Criminal Investigations Division.
- b. Allegations of sexual abuse shall be investigated by investigators who have received specialized training in sexual abuse investigations in a confinement setting.
- c. Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence, and any available electronic monitoring data; will interview alleged victims, suspected abusers, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected abuser.
 - (1) A uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution shall be followed. Investigators will adhere to SOP's #04-03-01, #04-01-05, and the ADC Sexual Assault Checklist, while conducting an investigation into a sexual abuse allegation at the Adult Detention Center.
 - (2) An inmate who alleges sexual abuse will not be required to submit to a polygraph examination to proceed with an investigation.
 - (3) The departure of the alleged abuser or victim from the ADC, or staff member from employment with the Cherokee Sheriff's Office, does not provide a basis for terminating an investigation.
 - (4) The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as inmate or staff.
 - (5) The standard of proof for making a determination as to whether allegations of sexual harassment or sexual abuse are substantiated shall be a preponderance of the evidence.

- d. All victims of sexual abuse are offered access to forensic medical examinations. Such examinations will be conducted at Kennestone Hospital's Emergency Department by a Sexual Assault Forensics Examiner (SAFE) or Sexual Assault Nurse examiner (SANE).
 - (1) The examination must take place within 120 hours of the assault.
 - (2) If requested by the victim, a victim advocate, qualified agency staff member, or qualified community-based organization staff member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information, and referrals.
 - (3) A shift supervisor will contact LiveSAFE Resources if an inmate is transported to Kennestone Hospital for a forensics examination. After being notified, LiveSAFE Resources will send a sexual assault victims advocate and also a SAFE or SANE to Kennestone Hospital to conduct a forensics examination of the inmate. The contact information for LiveSAFE Resources is: 24-hour hotline number: 770-427-3390 at address 48 Henderson Street Marietta, GA 30064.
- e. When an investigation shows there is probable cause to believe sexual abuse occurred, the criminal investigator may add additional charges or arrest the alleged abuser and forward all criminal and/or incident reports to the District Attorney's Office for evaluation of the investigation and criminal prosecution.
- f. If an outside agency investigates sexual abuse, the ADC shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
- g. Administrative investigations will include an effort to determine whether staff actions or failure to act contributed to the incident of sexual abuse
- h. The ADC shall retain all written reports pertaining to administrative or criminal investigations of sexual abuse or sexual harassment will be kept for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years.
- i. If an investigation reveals that an inmate has made false allegations or made a material statement which he/she, in good faith, could not have believed to be true, will result in disciplinary action.
- j. Allegations of sexual abuse or sexual harassment shall result in one of the following findings:
 - (1) Substantiated allegation – allegation was investigated and determined to have occurred.
 - (2) Unsubstantiated allegation – allegation was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
 - (3) Unfounded allegation – allegation was investigated and determined not to have occurred.

22. REPORTING FINDINGS TO INMATES:

- a. Any inmate who makes an allegation that he or she suffered sexual abuse while in a confinement facility, shall be informed, either verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation. The obligation to report will terminate if the inmate is released from custody.

- b. If there has been a substantiated or unsubstantiated complaint (i.e. not unfounded) of sexual abuse committed by a staff member against an inmate, the inmate will be informed whenever:
 - (1) The staff member is no longer assigned within the inmate's unit.
 - (2) The staff member is no longer employed at the facility.
 - (3) The staff member was indicted on a charge related to sexual abuse within the facility.
 - (4) The staff member was convicted on a charge related to sexual abuse within the facility.
- c. Following an inmate's allegation of sexual abuse by another inmate within the facility, the alleged victim will be informed whenever:
 - (1) The alleged abuser has been indicted on a charge related to sexual abuse within the facility.
 - (2) The alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- d. Following a substantiated complaint of sexual abuse committed by an inmate within the facility against a staff member, the employee will be informed whenever:
 - (1) The inmate is no longer in custody (i.e. time released, transferred to another facility).
 - (2) The inmate was indicted on a charge related to sexual abuse within the facility.
 - (3) The inmate was convicted on a charge related to sexual abuse within the facility.
- e. All notifications to inmates will be documented in a Jail Incident Report.
- f. The ADC does not have to report to inmates who have been released from its custody.

23. INMATE GRIEVANCES AND ADMINISTRATIVE REMEDIES:

Inmates will be allowed a full and fair opportunity to file grievances regarding sexual abuse so as to preserve their ability to seek judicial redress after exhausting administrative remedies.

- a. Inmate grievances are filed electronically using the inmate KIOSK located in all housing units, and sent directly to ADC supervisors. If a supervisor receives such a grievance, it will be reported immediately to the Watch Commander. The Watch Commander or Shift Supervisor will perform an investigation of the incident.
- b. A time limit will not be imposed when an inmate is reporting an alleged incident of sexual abuse.
 - (1) A time limit may apply to any portion of a grievance that does not allege an incident of sexual abuse.
- c. An informal grievance process will not be required when an inmates files a grievance regarding sexual abuse, or otherwise resolve an alleged incident with staff.
 - (1) Inmates or staff will not submit or refer a grievance alleging sexual abuse to the staff member who is the subject of the complaint.

- d. A final decision on the merits of any portion of a grievance alleging sexual abuse will be provided within 90 days of the initial filing of the grievance.
 - (1) Jail Administration may extend the response up to 70 days. The inmate will be notified in writing of any such extension and provided a date in which the decision will be made.
- e. Third parties will be permitted to assist inmates in filing requests for administrative remedies related to allegations of sexual abuse to file such requests on behalf of inmates.
 - (1) If the inmate declines to have third-party assistance, the inmate's decision will be documented in a Jail Incident Report.
- f. If an emergency grievance is filed alleging an inmate is subject to substantial risk of imminent sexual abuse, it will be forwarded to the Watch Commander for review.
 - (1) Immediate corrective action will be taken and the inmate will be provided a response within 48 hours and a final decision within five (5) calendar days.
- g. Inmates may be disciplined for filing a grievance related to alleged sexual abuse only where the facility demonstrates the inmate submitted the grievance in bad faith.
- h. A copy of the grievances and all responses shall be forwarded to the PREA coordinator after a final decision is made.

24. **DISCIPLINARY SANCTIONS FOR STAFF, SERVICE PROVIDERS, & VOLUNTEERS:**

- a. Staff will be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies and may be referred for criminal prosecution in substantiated cases. Termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- b. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
 - (1) Other types of policy violations include: failing to act to prevent sexual abuse; standing by while abuse takes place; failing to act as required after an incident; negligent supervision that leads to (or could lead to) an incident; and/or deliberately ignoring evidence that a staff member has abused an inmate.
- c. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to the Office of Professional Standards, unless the activity was clearly not criminal, so an investigation can be completed of the alleged incident.
- d. Service providers or volunteers who engage in sexual abuse will be prohibited from contact with inmates and will be reported to the Office of Professional Standards, unless the activity was clearly not criminal, so an investigation of the alleged incident can be completed.

(1) In the case of any other violation of agency sexual abuse or sexual harassment policies by a service provider or volunteer, appropriate remedial measures will be taken and further contact with inmates may be prohibited.

- e. The Cherokee Sheriff's Office will not enter into any collective bargaining agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

25. **DISCIPLINARY SANCTIONS FOR INMATES:**

The Cherokee Sheriff's Office Adult Detention Center prohibits all sexual activity between inmates. Inmates may be subject to disciplinary action for such activity. Consensual, (*non-coerced*), sexual activity between inmates does not constitute sexual abuse, but is considered a disciplinary issue.

- a. Inmates are 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 sexual harassment, inmate-on-staff sexual abuse or sexual harassment, or following a criminal finding of guilt for inmate-on-inmate sexual abuse or inmate-on-staff sexual abuse.
- b. Sanctions will be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

(1) The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to the behavior when determining what type of sanction should be imposed.

- c. The Cherokee Sheriff's Office does not offer therapy, counseling, or other interventions designed to address underlying reasons or motivations for abuse.
- d. An inmate can be disciplined for sexual contact with staff if there is an investigative finding that the staff member did not consent.
- e. A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

26. **SEXUAL ABUSE INCIDENT REVIEWS:**

- a. The Cherokee Sheriff's Office will 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. Such reviews will occur within thirty (30) days.
- b. The Incident Review Board will include upper-level management officials, the PREA coordinator, shift supervisors, investigators, qualified medical and mental health staff, and other employees with direct involvement.

- c. The Incident Review Board will:

(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, gang affiliation or was motivated or otherwise caused by other group dynamics.
 - (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 the area on each shift.
 - (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- d. The PREA Coordinator will prepare a report of the findings, including but not limited to, determinations regarding all of the above, and any recommendations for improvement, and submit the report to the Jail Administrator.
 - e. Consideration for staff affected by the incident is necessary. Efforts to mitigate potential stress associated with these events will be offered to affected staff, such as offering Employee Assistance Program information.

D. POLICY REVIEW:

This policy and procedure will be reviewed annually and updated as needed.