

Roanoke Sheriff's Office
Sheriff's Operating Instructions



Timothy A. Allen, Sheriff

Effective Date: 01/02/14

Revised Date: 07/23/14

Title: 3.33 – Prison Rape Elimination Act (PREA)

Chapter: Chapter 3 - Jail - General

Related Standards

MSLJ – N/A

ACA - 4-ALDF-2A-29, 4D-22-1, 4D-22-2, 4D-22-3, 4D-22-4, 4D-22-5, 4D-22-6, 4D-22-7, 4D-22-8, 7B-10

NCCHC – J-B-04, J-B-05

VLEPSC – N/A

PREA – 115.11, 115.21, 115.22, 115.34, 115.35, 115.41, 115.42, 115.51, 115.54, 115.61, 115.62, 115.63, 115.64, 115.65, 115.67, 115.68, 115.71, 115.72, 115.73, 115.76, 11.78, 115.81, 115.82, 115.83, 115.121, 115.122, 115.34, 115.51, 115.121, 115.151, 115.154, 115.161, 115.162, 115.163, 115.164, 115.165, 115.67, 115.171, 115.172, 115.176

PURPOSE: To establish policy and procedure to help prevent sexual assaults and abuse of inmates while in custody of the Roanoke City Sheriff's Office. Establish procedures to follow in the event of a sexual assault on an inmate and guidelines to follow for investigation and prosecution.

RESPONSIBILITIES: The Sheriff is responsible for establishing policy and procedures to ensure the safety and well-being of all inmates in custody of the Roanoke City Sheriff's Office. All sworn personnel of the Sheriff's Office are responsible for compliance with the policy and procedures established herein and supervisors are responsible to ensure compliance with the same by subordinates.

POLICY & PROCEDURE: It is the policy of the Roanoke City Sheriff's Office to provide humane conditions of confinement for inmates in the Roanoke City Jail to include a program of sexual abuse prevention and intervention. The procedures set forth herein establish that the Sheriff's Office mandates a zero tolerance policy towards any type of sexual misconduct, sexual contact, sexual abuse and sexual harassment toward any inmate(s). This Office will investigate any allegations and suspicions of sexual abuse and sexual harassment, up to and including prosecution under Virginia Code 18.2-67.4 (1999 revised).

Definitions:

Staff – For the purpose of the Roanoke City Sheriff's office zero tolerance policy towards sexual abuse, the term **staff** shall include, but not limited to staff (civilian staff included), contractors, and volunteers.

Inmate – For the purpose of the Roanoke City Sheriff's Office, the term **inmate** shall include, but is not limited to, inmate, detainee, or resident.

Sexual Misconduct – Includes but is not limited to, all sexual behavior directed toward an inmate in the custody of the Roanoke City Sheriff's Office. Sexual misconduct includes acts or attempts to commit acts of sexual contact, sexual abuse, and sexual harassment. Furthermore, sexual misconduct includes conversations or correspondence which demonstrates or suggests a romantic or intimate relationship between an inmate and a Sheriff's Office employee or contractual employee, volunteer or any other individual in a position of authority over an inmate. All sexual contact between these persons is defined as sexual misconduct regardless of consent.

Allegations – Events which are said to have happened, but which have not been verified.

Substantiated allegation – means an allegation that was investigated and determined to have occurred

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

Unfounded allegation – means an allegation that was investigated and determined not to have occurred

Sexual Contact - Shall include, but is not limited to; all forms of sexual contact as well as the intentional touching, either directly or through clothing; genitalia, anus, groin, breast, inner thigh, lips, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, arouse or gratify the sexual desire of any person.

Sexual Abuse - Includes but is not limited to –

- (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

Sexual Abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following if coerced into such act by overt 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 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 contacting incidental to a physical altercation.

Sexual Abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, **with or without** coercion 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 intention 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 attempt, threat, or request by a staff member, contractor, or volunteer to engage in activities described in paragraphs (1)-(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his/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 a staff member for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his/her cell to perform bodily functions; requiring an inmate to expose his/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.

Sexual Harassment – includes, but is not limited to –

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

INTERACTION WITH INMATES

1. Employee contacts with inmates and/or ex-offenders are conducted in a professional manner.
2. Employees will not violate the rights of persons held in custody, either by arrest or incarceration.
3. Employees will not verbally abuse or use unnecessary force against any person.
4. Employees shall not infringe on inmates rights to 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. All staff of opposite gender of inmates must announce their presence when entering an inmate housing unit.
5. Employees will not direct malicious persecution, willful mistreatment, or inhumane treatment to any person held in custody.
6. Employees shall not knowingly give or receive compensation, gifts or favors to or from inmates/former inmates or from the immediate family, representatives or associates of inmates. Staff shall provide a written report documenting any attempt to offer such compensation, gifts or favors. Staff is forbidden from directing inmates to perform duties or provide services which are not designated by the department as official work assignments.
7. Any employee who has lost, damaged, or destroyed property belonging to a person in custody or that has come into possession of said employee by reason of this office, may be required to make restitution if the loss or damage is the result of willful negligence on the part of the employee.
8. Staff shall not discuss Departmental operations with any inmate or within hearing range of the inmate population, nor shall they permit access to departmental reports, policies, orders, etc., unless such information is necessary in order for the inmates to understand what is expected of him/her or is deemed appropriate by the Chief Correctional Officer for distribution to the inmate population.

9. Employees will not recommend or suggest to inmates or persons in custody, the employment or name of any person, firm, or corporation, as attorney, counsel, or bondsman, except that nothing herein will be construed as restricting the rights of employees of the office in connection with administration of their private affairs.
10. Any employee who by birth or marriage is related to, or personal friend of, or has a personal association with an individual incarcerated in the Roanoke City Jail will submit a written report to the Sheriff and appropriate Division Commander stating their relationship with the inmate.
11. Physical, verbal, or written contact between employees of the Sheriff's Office and persons with outstanding warrants or in the custody of the Sheriff's Office, or visitors of such persons while on duty, is prohibited except in a routine, official working situation.
12. Verbal, written or physical contact with individuals incarcerated in other correctional facilities is prohibited except in a routine, official working situation, unless prior approval is granted by the Sheriff or his / her designee.
13. Telephone contact with inmates, on or off duty, is prohibited. If an employee receives collect or other calls from an inmate, the calls are reported immediately in writing to the Chief Correctional Officer.
14. Developing or participating in relationships with inmates other than those necessary in the normal conduct of business is prohibited. Employees will not use their position to become emotionally or romantically involved with those in custody of the Sheriff's Office. Virginia Code 18.2-67.4 (1999 Revised) makes it a crime if an employee sexually abuses an inmate.
15. Conveying or allowing to be conveyed any unauthorized items, substances or materials to or from inmates is prohibited.
16. Conveying or allowing to be conveyed any authorized items, substances or materials to or from inmates in a manner other than that permitted by Departmental policy, directive or post orders is prohibited.
17. Any correspondence that could be construed as an attempt by an inmate to become emotionally or romantically involved with an employee must be reported immediately to the Sheriff for review. Under special circumstances, as determined only by the Sheriff, correspondence of this nature may be continued.
18. Employees will report, in writing to the Sheriff, any personal, business or other outside relationship with any individual on probation/parole by the State of Virginia or any other State or jurisdiction.
19. Any employee with knowledge of an employee in violation of this policy must report this knowledge in writing to the Sheriff.
20. Employees shall not make or write any recommendations or letters of reference for any inmate to any court, agency, or employer.
21. Failure to comply with this policy is a violation of security and may be cause for dismissal.

A. Booking Procedure:

1. During the booking process, all inmates will be informed of the Sheriff's Office, zero-tolerance policy regarding inmate sexual abuse, sexual harassment and non coercive sexual contact between inmates.
2. During the booking process, deputies will identify and monitor arrestees who are at risk for sexually assaultive behavior and those who have been identified as being at risk of sexual victimization.
3. Any arrestee identified during the booking process as being at risk for sexually assaultive behavior and/or sexual victimization will be housed individually while awaiting classification into the jail.

B. Classification Procedure:

1. During the classification process all inmates will be provided with an inmate handbook, which includes information regarding the prevention and intervention of sexual abuse and sexual harassment, suggestions for self-protection from sexual abuse and sexual harassment, procedures for reporting sexual abuse and sexual harassment, and provisions for medical treatment and counseling of victims of sexual abuse and sexual harassment.
 - a) All inmates identified as being high risk for sexually assaultive behavior or being high risk for sexual victimization will be referred to the medical section for a Mental Health Assessment.
 - b) When making housing assignments for inmates, Classification Deputies will take into consideration the results of the intake sexual abuse and sexual harassment screening process.
 - (1) Classification Deputies will identify and monitor inmates who are at risk for sexually assaultive behavior and those inmates who have been identified as being at risk of sexual victimization by using a Risk Assessment Tool. Classification Deputies will review the housing and disciplinary history of the identified inmates at a minimum of every 30 days.
 - (2) Inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse and sexual harassment, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
 - (3) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked pursuant to the Risk Assessment Tool.

C. Medical Procedure:

1. Any inmate who is referred to the medical section because they are identified as being at high risk for sexually assaultive behavior or being at high risk for sexual victimization will be immediately referred for a Mental Health Assessment by the Jail Psychiatrist or other qualified mental health professional.
2. Any inmate (prison or jail) who indicates that they have experienced prior victimization or previously perpetrated sexual abuse, whether it occurred in an

institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner.

3. Such inmates will be assessed within 14 days of the referral.
4. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
5. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

INITIAL NOTIFICATION BY INMATE

1. The Roanoke City Sheriff's Office mandates a zero tolerance policy and does not condone nor tolerate any type of sexual misconduct, sexual contact, sexual abuse and sexual harassment toward any inmate(s). This Office will investigate any allegations and suspicions of sexual sexual abuse and sexual harassment, up to and including prosecution under Virginia Code 18.2-67.4 (1999 revised).
2. Inmates and staff may confidentially disclose incidents of sexual misconduct, sexual contact, sexual abuse and sexual harassment to any Sheriff's Office employee, either verbally or in writing. All incidents of sexual misconduct, sexual contact, sexual abuse, and sexual harassment that are reported, either in writing or verbal, must be documented. This process allows for confidential reporting by inmates 24 hours per day, 7 days per week. Such reports will be handled immediately by the Chief Correctional Officer or Shift Commander during non-business hours. Inmates can also dial "7732" from the phones, during normal phone hours, located in the pods to report to an outside agency an allegation of sexual misconduct, sexual contact, sexual abuse, and sexual harassment. This service is answered by Roanoke City Police Department's Crime Line operators. The operator is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates may also have a third party report an allegation of sexual misconduct, sexual contact, sexual abuse, and sexual harassment through the Roanoke City Sheriff's Office's website. However, if an inmate declines a third party's request processed on his or her behalf, it shall be documented that this was the inmate's decision.

Any inmate or staff who reports an incident of sexual misconduct, sexual contact, sexual abuse or sexual harassment may request and be treated as an anonymous informant. Inmates and staff also have the same right to privately or anonymously report retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incident.

3. Upon housing assignment, all inmates will be provided an Inmate Handbook which will include a written summary of jail policy and procedure and information pertaining to sexual misconduct and confidential reporting.

4. As soon as an incident of sexual contact, sexual abuse or sexual harassment comes to the attention of a staff member or any individual in a position of authority over an inmate (including third-party and anonymous reports), whether or not the incident occurred within this facility, the staff member or contract employee who receives the information shall immediately inform the designated department investigator, Chief Correctional Officer, or Shift Commander. Staff who received the information must also report any retaliation against inmates or staff who reported such an incident. Failure to do so may result in disciplinary action, up to and including dismissal. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
5. If any of the parties involved in a sexual assault allegation are being housed in this facility for another state or federal agency, the agency shall be notified of the allegation as soon as possible.

US Marshal Service: (540) 857-2230
ICE: (202) 528-5571
BOP: (919) 575-2072

RESPONDING TO AN ALLEGATION

1. Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond shall be required to:
 - a. Separate the alleged victim and abuser;
 - b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any action that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
 - d. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
2. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security and appropriate medical/mental health staff.
3. All allegations, including third-party and anonymous reports, of sexual misconduct, sexual contact, sexual abuse and sexual harassment are promptly reported to the Sheriff or Chief Deputy.
4. As soon as a staff member learns that an inmate is subject to a substantial risk of imminent sexual abuse, they shall take immediate action to protect the inmate.
5. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State of local vulnerable persons statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

6. All credible allegations of forcible sexual assault will be reported to the Sex Offenses Unit of the Roanoke City Police Department as soon as possible in order to preserve physical evidence. All allegations referred to the Roanoke City Police Department will be thoroughly and promptly investigated per the RPD Operational Directive for Sexual Assault Investigations.
 7. Any inmate who has become a victim of sexual assault or harassment 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.

If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners.
 8. The evaluations and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
 9. Medical and mental health services should be consistent with the community level of care.
 10. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the sexually abusive vaginal penetration, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
 11. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate. 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.
 12. An attempt to conduct a mental health 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.
- Note:** Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse and sexual harassment that occurred in a facility and to inform inmates of practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
13. Any accused employee may be placed on suspension or be subject to other alternatives as indicated by the investigation, such as temporary transfer to another assignment, pending the outcome of the investigation.
 14. When the quality of evidence appears to support criminal prosecution, compelled interviews shall be conducted only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
 15. The investigator will conduct thorough and prompt interviews with the complainant, the witnesses, the accused, the alleged victim(s) and any other individuals who may have information about the alleged incident (s).

16. A polygraph examination may be used as an investigative tool. It will not be required of an inmate who alleges sexual abuse to submit to a polygraph examination or other truth telling devices as a condition for proceeding with the investigation of such an allegation.
17. The investigation, including all interviews, videos, polygraph documents, witness statements, supporting documents, and other evidence will be treated as confidential. Secrecy orders will be executed when appropriate. The name of the complainant and/or alleged victim and the identity of witnesses shall be confidential. It is imperative that confidentiality regarding the identity of any individual involved in the investigation be maintained to the greatest extent possible within the Roanoke City Jail or within any facility to which the inmate may be transferred. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in policy, to make treatment, investigation, and other security and management decisions.
18. Except for those individuals responsible for conducting the investigation, all other individuals alerted to the allegation, including Sheriff's Office staff, are prohibited from conducting independent investigations or inquiries into the circumstances related to the alleged incident(s). Breach of confidentiality may result in disciplinary action, up to and including dismissal. However, the pending investigation shall in no way limit an inmate's right to access legal counsel.
19. The confidentiality provisions above shall in no way limit the investigator or Sheriff's Office staff from cooperating with or appearing or testifying before a grand jury, court, or local, state or federal investigatory agency.
20. All interviews will be conducted thoroughly in a professional, non-abusive and non-threatening manner. Staff will make no predetermined judgment regarding whether the reported incident occurred or not based on the status of an alleged victim, suspect, or witness, but will proceed with notifying the appropriate individuals based on the nature of the report. If appropriate, a sexual misconduct complainant may be offered the opportunity to speak to a same gender deputy regarding facts of complaint.

As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. A qualified agency or community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assaults and forensic examinations.
21. All staff members will cooperate fully with the investigation into all allegations, and will protect and preserve all evidence. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
22. Sheriff's Office employees, any individual in a position of authority over an inmate, or any inmate, detainee, or resident shall not retaliate against the alleged victim, complainant, inmate and/or any witness for making allegations of sexual misconduct, sexual contact, sexual abuse or sexual harassment. Such retaliation may include, but is

not limited to, threats regarding parole, bail or probation, denial of privileges, subjection to disciplinary or adverse administrative action, negative comments or recommendations to any parties or organizations, unjustified transfers or unjustified changes in work assignment. No Sheriff's Office employee shall lead the complainant, victim, or witness to believe that such retaliatory actions can or will be taken to induce statements or other cooperation. This in no way shall limit the Roanoke City Sheriff's Office's ability to take appropriate disciplinary or prosecutorial action where inmates make untruthful allegations.

If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual against retaliation. The Roanoke City Sheriff's Office will provide multiple protection measures, such as 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 that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

For a minimum of 90 days following a report of sexual abuse, the conduct and treatment of inmates or staff who reported the sexual abuse and the inmates who were reported to have suffered the sexual abuse shall be monitored by the Professional Standards Unit Lieutenant, or designee (e.g., inmate disciplinary reports, housing, or program changes by inmates, or negative performance reviews or reassignments by staff, etc.) to see if there are changes that may suggest possible retaliation by inmates or staff, and Sheriff's Office personnel shall act promptly to remedy any such retaliation. In the case of inmates, this monitoring shall also include periodic status checks. This obligation to monitor shall terminate if the allegation is unfounded. Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of SOI 5.03 – Classification of Inmates.

23. Investigations of sexual misconduct, sexual contact, sexual abuse, and sexual harassment shall be conducted by an investigator who has experience and training in sexual abuse investigations and appropriate and effective interview techniques. These techniques include interviewing for sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
24. If the victim or complainant refuses to cooperate with the investigator, the investigator must follow-up with any persons identified as having knowledge of the incident(s) before the investigation is closed. If no such persons are identified, and if the victim or complainant had previously been cooperative, the investigator must determine whether the victim or complainant has been threatened or coerced, and whether the investigation should proceed without her cooperation.
25. An initial and final investigation report shall be created promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. Factual findings may be based on a range of evidence, including physical and documentary evidence, witnesses' accounts, and circumstantial evidence. Prisoner witnesses and complainants credibility shall be evaluated in an unbiased manner in accordance with established investigation methods. The final investigation shall include at a minimum, a narrative of the allegations, a comprehensive listing of factual findings, details of the interviews with all parties and witnesses, and conclusions and recommendations. The final report should conclude with the investigators final determination of the allegation.

For the purpose of PREA related investigations there are three possible types of allegation findings, substantiated, unsubstantiated, and unfounded (see definitions of allegations above). A final disciplinary determination shall be made by the Sheriff or designee.

26. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
27. The investigator shall continue the investigation to conclusion, regardless of whether another local, state, or federal agency conducts its own investigation, subject to limitations or restrictions imposed by that agency or the courts. The agency shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
28. Allegations which are substantiated and found to violate Virginia Code 18.2 – 67.4 (1999 Revised, Sexual Conduct Prohibited with Persons Confined), shall be reported to the Commonwealth Attorney's office and may be subject to criminal prosecution.
29. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse, and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
30. All written reports of sexual abuse allegations that resulted in criminal investigations shall be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus 5 years. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
31. The Sheriff's Office will maintain a separate file for all case records relating to incidents of sexual assault investigations. The records will be maintained by the department Investigator.
32. Staff shall be subject to disciplinary sanctions up to and including termination for agency sexual abuse or sexual harassment policies. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse. If other disciplinary sanctions are used for violations of agency policies regarding sexual abuse or sexual harassment (other than actually engaging in sexual abuse), they shall be appropriate with the nature and circumstances of the acts committed, the staff's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. 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, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. There will be no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
33. Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse. Any sexual activity that occurs between inmates is prohibited and shall result in discipline. Sanctions shall be appropriate 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.

34. The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. Consideration of therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse may lead to the requirement of the offending inmate to participate in interventions as a condition of access to programming or other benefits.
35. The inmate may be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
36. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

REFERRAL COUNSELING/MEDICAL TREATMENT

1. Upon receipt of a complaint of forcible sexual assault for which there may be physical evidence, all victims of sexual abuse shall be offered and may be transported to a hospital where a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) is available to conduct a physical examination/forensic examination, without financial cost in cooperation with the Roanoke City Police Department or as necessary to preserve physical evidence, where evidentiary and medically appropriate. If a SAFE/SANE cannot be made available, the examination can be performed by other qualified medical practitioners. All efforts to provide SAFE/SANE shall be documented.
2. Inmates making allegations of sexual misconduct, sexual contact, sexual abuse or sexual harassment may be provided appropriate counseling or medical treatment if warranted. Counseling will be arranged by the Chief Correctional Officer or his/her designee. Incidents which may result in the injury, pregnancy, transmission of a disease, or other health consequences shall result in a medical evaluation with the consent of the patient.

Note: To the extent the agency itself is responsible for investigation allegations of sexual abuse, the agency shall request that investigating agency, State entity outside of the agency, or Department of Justice component responsible for investigating allegations of sexual abuse follows the same requirements set forth by SOI 3.33 and pursuant to PREA Standards.

REPORTING TO INMATES

1. Following an investigation into an inmate's allegation that he or she suffered sexual abuse, the victim shall be informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
2. If another agency conducts the investigation, the Sheriff's Office shall request relevant information from the investigative agency in order to inform the inmate/victim.

3. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the inmate shall be subsequently informed (unless the agency has determined 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. If it is learned that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - d. If it is learned that the staff member has been convicted on a charge related to sexual abuse within the facility.
4. 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. If it is learned that the alleged abuser has been indicted on a charge related to sexual abuse within a facility; or
 - b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
 1. all such notifications or attempted notifications shall be documented.
 2. The obligation to report under this standard shall terminate if the inmate is released from the agency's custody.
5. All notifications and attempts at notifications must be **documented**.

SEXUAL ABUSE INCIDENT REVIEW TEAM

1. Within 30 days of the conclusion of any substantiated or unsubstantiated sexual abuse investigation, a sexual abuse incident review shall be conducted.
2. The review team shall include, but are not limited to the Chief Deputy (or designee), Chief Correctional Officer (or designee), Chief Support Services Officer (or designee), an Investigator, medical representative, PREA Coordinator (or designee) and an outside official from another facility. These members are suggested for the Incident Review Team. It may also include any party that the Sheriff deems necessary.
3. The purpose of the Incident Review Team will be to:
 - a. Consider whether the allegation/investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - b. Consider what motivated the allegation/incident, whether it was race, ethnicity, gender identity, sexual preference, group dynamics, etc.
 - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - d. Assess the adequacy of staffing levels in that area during different shifts;
 - e. Assess whether monitoring technology should be deployed or augmented to supplement supervisions by staff; and
 - f. Prepare a report of findings and any recommendations for improvement.
4. The recommendations for improvement, if any were found, shall be implemented or document the reasons for not doing so.

APPEALS

1. The victim of the sexual misconduct, sexual contact, sexual abuse or sexual harassment will be informed in writing of the outcome of the investigation and the resolution by the assigned investigator of the outcome.

2. An inmate who is dissatisfied with the investigation or resolution of an allegation of sexual misconduct, sexual contact, sexual abuse or sexual harassment may appeal by letter to the Sheriff within seven days of receiving the written outcome of the investigation. The Sheriff or his/her designee shall give a written response to the inmate within a reasonable period of time.

REPORTING TO OTHER CONFINEMENT FACILITIES

1. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
2. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
3. All notifications shall be documented.
4. The superior officer of the department that receives the notification shall ensure that the allegation is investigated in accordance with these standards.
5. If a victim is transferred from a lockup, or jail, to another jail, prison, or medical facility, the receiving facility shall be informed of the incident and the victim's potential need for medical or social services, unless the victim requests otherwise.

STAFF TRAINING PROCEDURE

1. All deputies will review the policy regarding sexual assault prevention on a yearly basis.
2. All full- and part-time medical and mental health care practitioners who work regularly in the facility 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 professional to victims of sexual abuse and sexual harassment; and
 - d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

DATA COLLECTION

1. Accurate, uniform data for every allegation of sexual misconduct at the facility shall be collected using a standardized instrument and set of definitions (see definitions above). The incident-based sexual misconduct data shall be aggregated annually. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
2. All data shall be maintained, reviewed, and collected as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. All such data, **upon request**, from the previous calendar year shall be provided to the Department of Justice, no later than June 30.

3. The data that is collected and aggregated shall be reviewed in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. This includes identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings from its data review and corrective actions for the agency. Such report shall include a comparison of the current year's data and corrective action with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
4. The approved (by agency head) annual report will be readily available to the public annually through its website. All personal identifiers will be removed before making sexual misconduct data publicly available.
5. The agency ensures that the incident-based and aggregate data are securely retained. The sexual misconduct data collected is maintained for at least 10 years after the date of the initial collection, unless federal, state, or local law requires otherwise.