

 <p style="text-align: center;">Cherokee Sheriff's Office</p>		
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Subject: Prison Rape Elimination Act	Approved by: <i>Roger Hancock</i>	

The Cherokee County Sheriff's Office is dedicated to providing a safe, humane, and appropriately secure environment, free from threat of sexual abuse and harassment for all persons in custody, by maintaining a program of prevention, detection, response, investigation, and tracking of all alleged and substantiated sexual assault and sexual misconduct claims.

The Cherokee County Sheriff's Office is dedicated to establish a zero tolerance for any incidence of sexual assault or sexual misconduct between agency employees and persons in custody.

The Cherokee County Sheriff's Office is dedicated to discourage and prevent employee/persons in custody sexual misconduct by providing clear definitions of prohibited conduct, establishing uniform methods for the prompt reporting and investigation of misconduct, and prescribing sanctions for both substantiated misconduct and false allegations.

I. Prevention Planning

A. §115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

1. The Cherokee County Sheriff's Office has a zero tolerance toward all forms of sexual abuse and sexual harassment in this facility. [115.11 (a)-1]
2. This policy will outline how the Cherokee County Sheriff's Office will implement the agency's zero tolerance approach to preventing, detecting, and responding to sexual abuse and sexual harassment. [115.11 (a)-2]
3. Definitions of prohibited behaviors regarding sexual assault and sexual harassment [115.11 (a)-3]:

- a) **Sexual Assault** - nonconsensual oral, anal, or vaginal penetration by or union with, the sexual organ of another or by any other object; or the touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, buttocks, or mouth) for the purpose of sexual gratification
- b) **Sexual Misconduct** - Any behavior or act of a sexual nature, directed toward anyone by another person. Sexual misconduct includes, but is not limited to: acts, threats, requests for sexual acts, or attempts to commit acts such as sexual harassment, sexual contact, obscenity, behavior of a sexual nature or implication of the same, inappropriate sexual comments, taking or soliciting photographs/pictures of a person's nude breasts, genitalia or buttocks, indecent exposure, invasion of privacy for sexual gratification, sexually harassing comments or language, inappropriate touching or incidents of intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks or other body parts with the intent of abuse, arouse, or gratify sexual desire or incidents of indecent exposure of breasts, genital areas, or other body parts, even with consent in a penal institution.
- c) **Inmate to Inmate Non- Sexual Acts Non- Consensual** - Contact of any person without his or her consent, or of a person who is unable to consent or refuse such as contact between the penis and the vagina or the penis and the anus including penetration, however slight; Contact between the mouth and the penis, vagina, or anus; Penetration of the anal or genital opening of another person by hand, finger or other object.
- d) **Inmate to Inmate Sexual Assault**-One or more inmates engaging in, attempting to engage in, or having completed a sexual act with another inmate through the use of threats, intimidation, force or other actions and/or communications reasonably calculated to cause submission of another inmate to engage in a sexual act against that inmate's will.
- e) **Sexual Abuse**-Abuse by another inmate or a staff member, contractor, or volunteer when the victim does not consent and is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse.

f) **Sexual Abuse by another inmate includes:**

- i. Contact between the penis and the vulva or the penis and the anus, including penetrations, however slight.
- ii. Contact between the month and penis, vulva, or anus.
- iii. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
- iv. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

g) Sexual Abuse by a staff member, contractor, or volunteer includes:

- i. Contact between the penis and the vulva or the penis and the anus, including penetrations, however slight.
- ii. Contact between the mouth and penis, vulva, or anus.
- iii. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
- iv. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

h) Sexual touching by a staff member, contractor, or volunteer which includes:

- i. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with the intent to abuse, arouse, or gratify sexual desire.
- ii. Any attempted, threatened, or requested sexual touching by a staff member, contractor, or volunteer.

i) Indecent exposure by a staff member, contractor, or volunteer which includes:

- i. Displays by a staff member, contractor, or volunteer of their uncovered genitalia, buttocks, or breast in the presence of an inmate.

j) Voyeurism by a staff member, contractor, or volunteer that involves an invasion of an inmate's privacy by staff for reasons unrelated to official duties such as:

- i. Peering at an inmate who is using a toilet in their cell to perform bodily functions.
- ii. Requiring an inmate to expose their buttocks, genitals or breast or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions, regardless of what the staff member does with the images afterwards.

k) Sexual Battery– means oral, anal or vaginal penetration by, or union with the sexual organ of another or the anal or vaginal penetration by any other object, however, sexual battery does not include an act done for a bona fide medical purpose.

l) Sexual Violence–Any instance of non-consensual sexual acts or abusive sexual contact.

m) **Sexual Harassment**-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 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.

n) **Sexual Battery**– means oral, anal or vaginal penetration by, or union with the sexual organ of another or the anal or vaginal penetration by any other object, however, sexual battery does not include an act done for a bona fide medical purpose.

4. Disciplinary Sanctions-for those found to have participated in prohibited behaviors [115.11 (a)-4]:

- a) Cherokee County Sheriff's Office employees will be subjected to disciplinary sanctions up to and including termination for violating the sexual abuse and sexual harassment policies.
- b) Staff that has engaged in sexual abuse can be terminated and may also be subject to criminal charges in substantiated cases.
- c) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff that would have been terminated if not for their resignation, are reported to Internal Investigations Unit and to any relevant licensing bodies.
- d) Other disciplinary sanctions for violating the sexual abuse or sexual harassment policy that does not include actually engaging in sexual abuse will be based on the following:
 - i. The nature and circumstances of the acts committed.
 - ii. The staff member's disciplinary history
 - iii. The sanctions imposed for similar offenses by other staff with similar histories.
- e) Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with inmates and will be subject to criminal charges and termination.
- f) Inmates will be subject to criminal charges, as well as disciplinary sanctions through a formal disciplinary process following:
 - i. An administrative finding that the inmate engaged in Inmate-on-Inmate sexual abuse.
 - ii. Following a criminal finding of guilt for Inmate-on-Inmate sexual abuse.

5. Inmates will be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
6. An inmates' report of sexual abuse made in good faith and based on reasonable belief will not be disciplined for falsely reporting an incident or lying, even if the investigation does not establish evidence sufficient to substantiate the allegation.
7. This policy includes a description of agency strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates. [115.11 (a)-5]
8. The Cherokee County Sheriff's Office employs a PREA Coordinator. The PREA Coordinator is an upper-level, agency-wide person with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards within the facility. [115.11 (b)-1]
9. The PREA Coordinator will be an upper-level position with sufficient time and authority to develop, implement, and oversee the jail efforts to comply with PREA standards. The PREA Coordinator is tasked with auditing, collecting and maintaining information on each instance of alleged inmate-on inmate sexual acts or abusive sexual contact, and each instance of staff-on-inmate sexual misconduct or sexual harassment. A designee may be assigned in periods of Coordinators absence. [115.11 (b)-2]
10. The PREA Coordinator is in the agency's organizational structure. [15.11 (b)-3]

B. § 115.12 Contracting with other entities for the confinement of inmates

1. Any contract entered into for the confinement of inmates after August 20, 2012, or since the last PREA audit, whichever is later, require:
 - a) All of the contractors to adopt and comply with PREA standards. [115.12 (a)-1]
 - b) All contracts require the agency to monitor the contractor's compliance with PREA standards. [115.12 (a)-2]

C. § 115.13 Supervision and Monitoring

1. The Cherokee County Sheriff's Office will develop, document, and make the best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing, and where applicable, video monitoring to protect inmates against sexual abuse. [115.13 (a)-1]
2. Each time the staffing plan is not complied with, the facility documents and justifies all deviations from the staffing plan. [115.13 (b)-1]
3. At least once every year the Assistant Jail Administrator, in collaboration with the PREA Coordinator, reviews the staffing plan to see whether adjustments are needed in:
[115.13(c)-1]

- a) The staffing plan
- b) The deployment of monitoring technology
- c) The allocation of agency/facility resources to commit to the staffing plan to ensure compliance

4. Supervisors will conduct unannounced supervisor rounds of the jail daily to identify and deter staff sexual abuse and sexual harassment. [115.13 (d)-1]

- a) The unannounced supervisor rounds are to be conducted daily and will cover all areas of the facility. [115.13 (d)-3]
- b) Staff is prohibited from alerting other staff members when the supervisor is conducting these unannounced rounds. [115.13 (d)-4]
- c) These unannounced rounds will be documented.

D. § 115.15 Limits to cross-gender viewing and searches

1. Cherokee County Sheriff's Office employees will not conduct cross-gender strip searches or cross-gender visual body cavity searches [115.15 (a)-1].

2. The facility does not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. [115.15 (b)-1]

3. The facility will not restrict female inmates' access to regularly available programs or other out of cell opportunities based on the inability to perform cross-gender pat-down searches. [115.15 (b)-2]

4. All cross-gender pat-down searches of female inmates shall be documented. [115.15 (c)-2]

5. 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). [115.15 (d)-1]

6. Staff will announce "Male on the Floor" or "Female on the Floor" when a staff member or visitor of the opposite gender enters an inmate's housing unit [115.15 (d)-2].

7. Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. [115.15 (e)-1]

- a) If the inmate's genital status is unknown, it may be determined through conversation with the inmate.
- b) The inmate will be asked whether they consider themselves male or female.

- c) The inmate will be asked which gender of staff they would feel more comfortable with performing the pat/strip search
- d) The gender of staff stated, as the preference by the inmate, will perform the pat/strip search with a second staff member and/or supervisor present
- e) An incident report will be completed, fully documenting the incident.
- f) The inmates housing location will be decided on a case by case basis after speaking to the inmate and with the Classification officer.

F. § 115.16 Inmate with disabilities and inmates who are limited English proficient

1. The following procedures have been established to provide disabled inmates equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. All inmate education materials will be in formats accessible to all inmates in accordance with Title II of the Americans with Disabilities Act, 42 U.S.C. Formats include, but not limited to: [115.16 (a)-1] [115.16 (b)-1]

- a) Interpreter services for the deaf or hard of hearing inmates
- b) Interpreter services for Non-English speaking inmates
- c) Reading of the material, by staff, to inmates

2. The agency will not rely on inmate interpreters, inmate readers or other types of inmate assistants except in limited circumstances, and must be fully documented, where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations. [115.16 (c)-1] [115.16 (c)-2]

G. § 115.17 Hiring and Promotion decisions

1. Cherokee County Sheriff's Office policy prohibits hiring or promoting anyone who may have contact with inmates and prohibits enlisting the services of any contractor who may have contact with inmates who: [115.17 (a)-1]

- a) Has 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)
- b) Has 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
- c) Has been civilly or administratively adjudicated to have engaged in the activity described in any paragraph in this section.

2. The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone or to enlist the services of any contractor, who may have contact with inmates. [115.17 (b)-1]
3. Before this agency hires any new employees who may have contact with inmates, it: [115.17 (c)-1]
 - a) Conducts criminal background record checks
 - b) Consistent with federal, state, and local law, makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
4. This agency requires that a criminal background record check be completed before enlisting the services of any contractor who may have contact with inmates. [115.17 (d)-1]
5. Criminal background records checks will be conducted by Internal Affairs on all current employees, at least every five (5) years. [115.17 (e)-1]
6. Employees must disclose any such misconduct. Any material omission(s) regarding such misconduct, or the provision of materially false information, shall be grounds for termination. [115.17 (g)-1]

H. § 115.18 Upgrades to facilities and technology

1. The Cherokee County Sheriff's Office will consider the effect of the design, acquisition, expansion or modification in reference to the Jail's ability to protect inmates from sexual abuse during any planned expansions, modifications, or video equipment updates to the facility. [115.18 (a)-1]
2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse. [115.18 (b)-1]

II. RESPONSIVE PLANNING

A. § 115.21 Evidence protocol and forensic medical examinations

1. The Cherokee County Sheriff's Office is responsible for conducting administrative or criminal sexual abuse investigations (including inmate-on-inmate sexual abuse or staff sexual misconduct.) [115.21 (a)-1]
2. When conducting a sexual abuse investigation, the agency investigators follow a uniform evidence protocol. [115.21 (a)-3]

3. All victims of sexual abuse will be offered access to forensic medical examinations. Such examinations will be offered without financial cost to the victim. Forensic Examinations will be conducted at a local hospital or facility. [115.21 (c)-1] [115.21 (c)-2]

- a) Examinations are conducted by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) [115.21 (c)-3]
- b) When SANEs or SAFEs are not available, a qualified medical practitioner performs forensic medical examinations. [115.21 (c)-4]
- c) The facility will document efforts to provide SANEs or SAFEs. [115.21(c)-5]

4. The facility attempts to make available to the victim a victim advocate from a rape crisis center, in person or by other means. All of these efforts are fully documented. [115.21 (d)-1] [115.21 (d)-2]

5. 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. [115.21 (e)-1]

B. § 115.22 Policies to ensure referrals of allegations for investigations

1. The Cherokee County Sheriff's Office ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment (including inmate-on-inmate sexual abuse or staff sexual misconduct). [115.22 (a)-1]

2. This policy and any other regarding the referral of allegations of sexual abuse or sexual harassment for a criminal investigation is published on the agency website or made publicly available via other means. [115.22 (b)-2]

3. All referrals of allegations of sexual abuse or sexual harassment for criminal investigations must be documented. [115.22 (b)-3]

4. All referrals of allegations of sexual abuse or sexual harassment for criminal investigations must be documented. [115.22 (b)-3]

III. TRAINING AND EDUCATION

A. § 115.31 Employee Training

1. The agency trains all employees who have contact with inmates on the following matters: [15.31 (a)-1]

- a) Agency's zero-tolerance policy for sexual abuse and sexual harassment.

- b) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
- c) The right of inmates to be free from sexual abuse and sexual harassment.
- d) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
- e) The dynamics of sexual abuse and sexual harassment in confinement.
- f) The common reactions of sexual abuse and sexual harassment victims.
- g) How to detect and respond to signs of threatened and actual sexual abuse.
- h) How to avoid inappropriate relationships with inmates.
- i) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender-nonconforming inmates.
- j) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

2. The agency will follow a strict training plan for all agency employees. See attached training plan at the end of this policy.

3. Training is tailored to the gender of the inmates in the facility. [15.31 (b)-1]

a) Pat Search – Strip Search/ Transgender – Intersex inmates:

- i. The officer performing the pat search should be of the same sex as identified by the transgender/intersex inmate. The inmate can also choose to have a male or female officer pat search different areas based on the anatomy of the inmate, if the inmate would prefer.
- ii. When a strip search is required for a transgender/intersex inmate, the search will be conducted by an officer and overseen by a supervisor of the chosen sex. An incident report will be written documenting the incident.
- iii. Strip searches will never be performed as a punitive measure – ZERO TOLERANCE.
- iv. Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.
- v. If the genital status is unknown, it may be determined during conversations with the inmate, reviewing medical records, or as part of a broader medical examination conducted in private by medical personnel requiring approval of Detention Administration.

vi. The Intake Deputy and Health Services provider must attempt to communicate with the inmate for the cooperation in determining gender for the purpose of housing and additional inmate services without resorting to a physical examination. If the inmate refuses to cooperate, the inmate will be housed in a single cell by themselves until the review team communicates and attempts to receive confirmation.

b) Deputies will conduct these searches in a professional and respectful manner. The searches will be conducted in the least intrusive manner possible consistent with security needs, and only if a search needs to occur based exigent circumstances. All transgender/intersex searches will be documented in an incident report.

c) The security of the facility, staff and inmate's safety must be maintained at all times.

4. Between training sessions, employees are provided with information about current policies regarding sexual abuse and harassment. [115.31 (c)-3]

5. The agency documents that employees understand the training they have received through employee signature or electronic verification. [115.31 (d)-1]

B. § 115.32 Volunteer and contractor training

1. All volunteers and contractors, who have contact with inmates, will be trained on their responsibilities under the agency's Prison Rape Elimination Act (PREA) policy. The type and level of training is based on the services they provide and level of contact they have with inmates. [115.32 (a)-1] [115.32 (b)-1]

2. All volunteers and contractors who have contact with inmates have, at the very least, been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. [115.32 (b)-2]

3. Documentation confirming that the volunteers/contractors understand the training they receive is kept on file with the agency. [115.32 (c)-1]

C. § 115.33 Inmate Education

1. All inmates, during intake, will receive orientation explaining the facility zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. [115.33 (a)-1]

a) Posters containing sexual assault awareness and reporting information are posted in the intake area and the medical office for inmates who make bond prior to being moved to population.

2. The agency ensures that key information about the agency's PREA policies is continuously and readily available or visible through posters, PREA educational video, inmate handbooks, or other written formats. [115.33 (f)-1]

D. § 115.34 Specialized training: Investigations

1. Investigators who investigate allegations of sexual abuse are trained in conducting sexual abuse investigations in confinement settings. [115.34 (a)-1]
2. The agency maintains documentation showing that investigators have completed the required training. [115.34 (c)-1]

E. § 115.35 Specialized training: Medical and Mental Health care

1. Agency medical staff does not conduct forensic exams. Forensic exams will be conducted at a local hospital. [115.35 (b)-1]

IV. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

A. § 115.41 Screening for risk of victimization and abusiveness

1. All inmates will be screened during intake using an objective screening instrument for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. [115.41 (a) -1]
2. The intake screening will take place within 72 hours of arrival at the facility and will be reassessed by Classification no later than 30 days from the inmate's arrival based upon any additional, relevant information received by the facility since the intake screening. [115.41 (b)-1]
3. The intake screening will consider at the minimum the following: [115.41 ©-1]
 - a) Whether the inmate has a mental, physical, or developmental disability.
 - b) Age of the inmate
 - c) Physical build of the inmate
 - d) If the inmate has previously been incarcerated
 - e) If the inmate's criminal history
 - f) If inmate has prior convictions for sex offenses against an adult or child.
 - g) If the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
 - h) If the inmate has previously experienced sexual victimization

i) The inmate's own perception of vulnerability.

4. An inmate's risk level shall be reassessed at any time and 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. [115.41 (g)-1]

5. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked during the risk screening [115.41 (h)-1]

B. § 115.42 Use of screening information

1. Information from the risk screening will be used to determine housing, bed, work, education, and program assignments to prevent inmates with the high risk of being sexually victimized from those at the risk of being sexually abusive. [115.42 (a)-1]

2. The agency makes individualized determinations about how to ensure the safety of each inmate.

3. The agency makes housing and program assignments for transgender or intersex inmates in the facility on a case-by-case basis. [115.42 (c)-1]

C. § 115.43 Protective Custody

1. Inmates at high risk for sexual victimization will not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. [115.43 (a)-1]

2. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document: [115.43 (b)-1]

a. The opportunities that have been limited

b. The duration of the limitation

c. The reasons for such limitations

d. Inmates in involuntary segregated housing will be reviewed at least every 30 days by Classification and the PREA Coordinator to determine whether there is a continuing need for separation from the general population.[115.43 (e)-1]

V. REPORTING

A. § 115.51 Inmate reporting

1. The Cherokee County Sheriff's Office allows for internal reporting, by inmates, to report privately to agency officials about: [115.51 (a)-1]

a. Sexual abuse or sexual harassment

b. Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment; and

c. Staff neglect or violation of responsibilities that may have contributed to such incidents, in the following ways:

i) Verbal Reporting

ii) Inmate kiosk

iii) Request Forms

iv) Grievance Forms

v) YWCA of NW Georgia (toll-free, non-recorded line) 48 Henderson St SW Marietta, GA 30064 Hotline Phone: 770-427-3390 Business Phone: 770-427-2902

vi) National Sexual Abuse Hotline- 1-800-656-4673 (toll free, non-recorded line)

5. The agency provides ways for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency by: [115.51 (b)-1]

a) National Sexual Abuse Hotline- 1-800-656-4673 (toll free, non-recorded line)

b) Memorandum of Understanding (MOU) - YWCA

6. Inmates detained solely for civil immigration purposes must be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security. [115.51 (b)-2]

7. Staff must accept reports of sexual assault and sexual harassment made verbally, in writing, anonymously, and from third parties. [115.51 (c)-1]

8. Staff is required to immediately document verbal reports. [115.51 (c)-2]

9. Cherokee County Sheriff's Office staff can privately report sexual abuse and sexual harassment of inmates to their Supervisor or any other facility Supervisor. [115.51 (d)-1]

10. Staff is informed of these procedures in the following ways: [115.51 (d)-2]

a) Classroom training

- c) Roll Call training
- d) Power DMS training
- e) Policies

B. § 115.52 Exhaustion of administrative remedies

1. The agency has an administrative procedure for dealing with inmate grievances regarding sexual abuse. [115.52 (a)-1]
2. Agency policy allows an inmate to submit a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred. [115.52 (b)-1]
3. Inmates are not required to use an informal grievance process, or otherwise to attempt to resolve with staff, an alleged incident of sexual abuse. [115.52 (b)-2]
4. Inmates may submit a grievance alleging sexual abuse without submitting said grievance to the staff member who is the subject of the complaint. [115.52 (c)-1]
5. Any inmate grievance alleging sexual abuse shall not be referred to the staff member who is the subject of the complaint. [115.52 (c)-2]
6. The Cherokee County Sheriff's Office Administration will issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. [115.52 (d)-1]
7. Jail Administration may claim an extension of time to respond up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. [115.52 (d)-5]
8. If an extension is needed, the inmate will be notified in writing. The notification will also include a date by which a decision will be made. [115.52 (d)-6]
9. Agency policy and procedure permits third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of inmates. [115.52 (e)-1]
10. If the inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, the agency documents the inmate's decision to decline. [115.52 (e)-2]
11. After an agency decision is made, a copy of the grievance and all responses shall be forwarded to the PREA Coordinator.

12. The agency shall only discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith. [115.52 (g)-1]

C. § 115.53 Inmate access to outside confidential support services

1. Inmates are provided with access to outside victim advocates for emotional support services related to sexual abuse by: [115.53 (a)-1]

- a) Giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available, for local, state, or national victim advocacy or rape crisis organizations.
- b) Giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes.
- c) Enabling reasonable communication between inmates and these organizations in as confidential a manner as possible.

2. The facility informs inmates, prior to giving them access to outside support services, the extent to which such communications will be monitored. [115.53 (b)-1]

3. The facility informs inmates, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law. [115.53 (b)-2]

4. The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers. [115.53 (c)-1] 115.53 (c)-3]

5. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements. [115.53 (c)-2] 115.53 (c)-4]

D. § 115.54 Third-party reporting

1. The agency provides a method to receive third-party reports of inmate sexual abuse or sexual harassment. [115.54 (a)-1]

2. The agency publicly distributes information on how to report inmate sexual abuse or sexual harassment on behalf of inmates through signs in our facility and the agency website. [115.54 (a)-2]

VI. OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

A. § 115.61 Staff and agency reporting duties

1. All staff is required to report immediately any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, even if that facility is not Cherokee County Sheriff's Office Adult Detention Center. [115.61 (a)-1]
2. All staff is required to immediately report any retaliation against inmates or staff who reports such incident. [115.61 (a)-2]
3. All staff is required to immediately report any staff neglect of responsibilities that may have contributed to an incident or retaliation. [115.61 (a)-3]
4. Apart from reporting to the designated supervisors or officials and designated state or local services agencies, staff is prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decision. [115.61 (b)-1]

B. § 115.62 Agency protection duties

1. When the agency or facility learns that an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the inmate (i.e. it takes some action to assess appropriate protective measures without unreasonable delay.) [115.62 (a)-1]

C. § 115.63 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 must notify the head of the facility or appropriate office of the agency/facility where sexual abuse is alleged to have occurred. [115.63 (a)-1]
2. The facility head will provide such notification as soon as possible, but no later than 72 hours after receiving the allegation. [115.63 (b)-1]
3. The Cherokee County Sheriff's Office will fully document that it provided such notification within 72 hours of receiving the allegation. [115.63 (c)-1]
4. The Cherokee County Sheriff's Office is required to fully investigate allegations received from other facilities/agencies. [115.63 (d)-2]

D. § 115.64 Staff first responder duties

1. First responder procedures for allegations of sexual abuse: [115.64 (a)-1]
 - 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, staff will request that the alleged victim will be requested not to take any action that could destroy physical evidence; including washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating

2. If the first staff responder is not a security staff member, that responder shall be required to: [115.64 (b)-1]

a) Request that the alleged victim not take any actions that could destroy evidence

b) Immediately notify security staff

3. Pod deputy response:

a) Ensure alleged inmate victim and alleged inmate aggressor are separated; if housed together

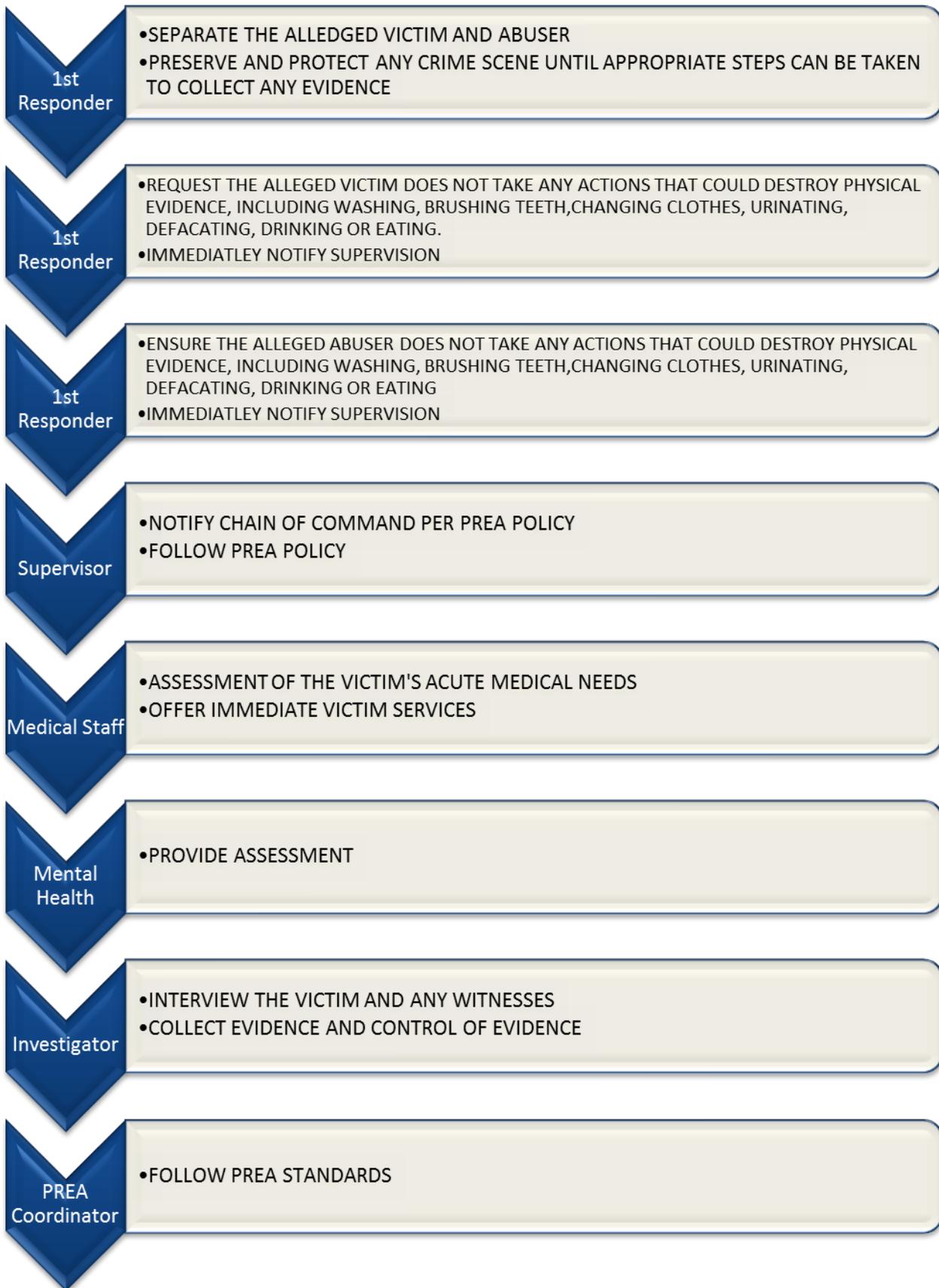
b) Ensure alleged inmate victim is evaluated by Medical

c) Ensure alleged inmate aggressor is seen and evaluated by Medical.

d) Notify the shift commander, and the PREA Coordinator.

E. § 115.65 Coordinated response

1. The facility 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. [115.65 (a)-1] See response plan below



F. § 115.67 Agency protection against retaliation

1. The agency protects all inmates and staff who report sexual abuse or sexual harassment or those who cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. [115.67 (a)-1]
2. The PREA Coordinator is designated with monitoring for possible retaliation. [115.67 (a)-2]

G. § 115.68 Post-allegation protective custody

1. Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse is subject to the requirements of § 115.43. [115.68 (a)]

VII. INVESTIGATIONS

A. § 115.71 Criminal and administrative agency investigations

1. All investigations into allegations of sexual abuse and sexual harassment will be done promptly, thoroughly, and objectively, including third-party and anonymous reports. [115.71 (a)-1]
2. The Cherokee County Sheriff's Office Detention Division shall use investigators who have received special training pursuant to § 115.34. [115.71 (b)-1]
3. 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. [115.71 (c)-1]
4. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. [115.71 (e)-1]
5. Administrative investigations: [115.71 (f)-1]
 - a) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse;
 - b) 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.
6. All substantial allegations of conduct that appear to be criminal will be referred for prosecution. [115.71 (h)-1]

7. The agency retains all written reports pertaining to administrative or criminal investigations of alleged sexual assault or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. [115.71 (i)-1]

B. § 115.72 Evidentiary standards for administrative investigations

1. The agency imposes a standard of a preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated. [115.72 (a)-1]

C. § 115.73 Reporting to inmates

1. The agency requires that any inmate who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency. [115.73 (a)-1]

2. 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 agency must subsequently inform the inmate whenever: [115.73 (c)-1] [115.73 (c)-2]

a) The staff member was no longer posted within the inmate's unit

b) The staff member was no longer employed at the facility

c) The agency learned that the staff member was indicted on a charge related to sexual abuse within the facility

d) The agency learned that the staff member was convicted on a charge related to sexual abuse within the facility

3. Following an inmate's allegation that he or she has been sexually abused by another inmate in an agency facility, the agency subsequently informs the alleged victim whenever: [115.73 (d)-1]

a) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse.

b) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

4. All notifications to inmates described under this standard must be documented. [115.73 (e)-1]

VIII. DISCIPLINE

A. § 115.76 Disciplinary sanctions for staff

1. Staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. [115.76 (a)-1]
2. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are 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. [115.76 (c)-1]
3. 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, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. [115.76 (d)-1]

B. § 115.77 Corrective action for contractors and volunteers

1. The agency requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. [115.77 (a)-1]
2. Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates. [115.77 (a)-2]
3. The facility will take remedial measures and prohibit further contact with inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. [115.77 (b)-1]

C. § 115.78 Disciplinary sanctions for inmates

1. 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. [115.78 (a)-1]
2. Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. [115.78 (a)-2]
3. The facility does not offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for abuse. [115.78 (d)-1]
4. The agency disciplines inmates for sexual conduct with staff only upon finding that the staff member did not consent to such contact. [115.78 (e)-1]
5. The agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation. [115.78 (f)-1]

6. The Cherokee County Sheriff's Office prohibits all sexual activity between inmates. [115.78 (g)-1]

7. Although all sexual activity is prohibited between inmates, the agency will only deem such activity to constitute sexual abuse if it determines that the activity is coerced. [115.78 (g)-2]

IX. MEDICAL AND MENTAL HEALTH CARE

A. § 115.81 Medical and mental health screening; history of sexual abuse

1. All inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to § 115.41 are offered a follow-up meeting within 14 days with a medical or mental health practitioner. [115.81 (a)/(c)-1] [115.81 (a)/(c)-2]

2. Medical and mental health staff maintain secondary materials (e.g. form, log) documenting compliance with the above standard. [115.81 (a)/(c)-4]

3. Information related to sexual victimization or abusiveness that occurred in an institutional setting is not limited to medical and mental health practitioners. The information shared with other staff is strictly limited to informing security and management decisions, including treatment plans, housing, bed, work, education, and program assignments, or as otherwise required by federal, state or local law.

B. § 115.82 Access to emergency medical and mental health services

1. Medical and mental health staff maintain secondary materials (e.g. form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis. [115.82 (a)-1]

2. Treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. [115.82 (d)-1]

C. § 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

1. The facility offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. [115.83 (a)-1]

2. Female victims of sexual abuse while incarcerated are offered pregnancy tests. [115.83 (d)-1]

3. If pregnancy results from sexual abuse while incarcerated, victims receive timely and comprehensive information about and timely access to, all lawful pregnancy-related medical services. [115.83 (e)-1]
4. Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. [115.83 (f)-1]
5. 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. [115.83 (g)-1]
6. The facility will maintain that a mental health evaluation is conducted of all inmate-on-inmate abusers within 60 days of learning of such abuse history and offers treatment when deemed appropriate by mental health practitioners. [115.83 (h)-1]

D. § 115.83 Sexual abuse incident reviews

1. The facility conducts a sexual abuse incident review at the conclusion of every sexual abuse incident review at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. [115.86 (a)-1] (SRCJ 13-038)
2. Sexual abuse incident reviews will be conducted within 30 days of concluding the investigation. [115.86 (b)-1]
3. The sexual abuse incident review team will include upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health staff. [115.86 (c)-1]
4. The facility prepares a report of its findings from sexual abuse incident reviews, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submits such report to the facility head and PREA Compliance Manager. [115.86 (d)-1]
5. The facility will implement the recommendations or will document the reason for not doing so. [115.86 (e)-1]

E. § 115.87 Data collection

1. The agency collects accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions. [115.87 (a)/(c)-1]
2. 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. [115.87 (a)/(c)-2]
3. The agency aggregates the incident based data at least annually. [115.87 (b)-1]

4. The agency maintains reviews and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. [115.87 (d)-1]

5. Upon request, the agency will provide all such data from the previous calendar year to the Department of Justice no later than June 30. [115.87 (f)-1]

F. § 115.88 Data review for corrective action

1. The agency reviews data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, and training, including: [115.88 (a)-1]

a) Identifying problem areas

b) Taking corrective action on an ongoing basis

c) Preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole.

2. The annual report will include a comparison of the current year's data and corrective actions with those from prior years. [115.88 (b)-1]

3. The annual report will provide an assessment of the agency's progress in addressing sexual abuse. [115.88 (b)-2]

4. The agency will make its annual report readily available to the public at least annually through its website. [115.88 (c)-1]

5. The annual reports are approved by the agency head. [115.88 (c)-3]

6. When the agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility. [115.88 (d)-1]

7. The agency will indicate the nature of the redaction. [115.88 (d)-2]

G. § 115.89 Date storage, publication, and destruction

1. The agency ensures that the incident-based and aggregate data are securely retained. [115.89 (a)-1]

2. Aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website. [115.89 (b)-1]

3. Before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers. [115.89 (c)-1]

4. The agency maintains sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of initial collection, unless federal, state, or local law requires otherwise. [115.89 (c)-2]

DEFINITIONS

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

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

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

Sexual Predator - An inmate who has been convicted in a criminal proceeding or an administrative proceeding for an act of sexual assault/abuse.

Investigative Outcome- When an investigation is concluded, it will be labeled one of the following:

- a. Substantiated-The event was investigated and determined to have occurred;
- b. Unsubstantiated- The evidence was insufficient to make a final determination that the event occurred.
- c. Unfounded The event was determined NOT to have occurred.

Medical Confidentiality - The ethical principle or legal right that a physician or other health professional will hold secret all information relating to a patient. This does not apply if an inmate reports that they have engaged in consensual sexual activity, sexually abusive contact, sexually abusive penetration, sexual harassment, and/or any incident of staff-on-inmate sexual abuse.

Need-to-Know - A criterion for limiting access of certain sensitive information to individuals who require the information to make decisions or take action with regard to an offender/inmate's safety or treatment, or to the investigative process.

Exigent Circumstances- means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Offender-Any person convicted of a crime or offense under the laws of this state, the United States government, or the laws of another state, who is under the supervision of the Detention Division.

Perpetrator - An individual committing any form of sexual abuse.

False Allegation- Through the investigative process, evidence proves that an assertion of sexual abuse is not true.

Zero Tolerance—This term shall mean that no sexual act, contact or harassment will be tolerated between Facility staff and any inmate, nor between any inmate(s) with another inmate(s). The facility will not recognize “consent” between any of the parties relative to any sexual act, conduct or harassment.

Employee, Civilian and Volunteer Training Plan

Cherokee County Sheriff's Office

Sworn ADC and Court Staff Employees

- New hire one hour orientation
- Minimum of a four hour block of instruction annually
- Roll Call refresher training annually

Civilian ADC Employees

- New hire one hour orientation
- Minimum of a two hour block of instruction annually (instructed by Sheriff's office employee)
- Roll Call refresher training annually

ADC Volunteers

- New Hire one hour orientation
- Minimum of a two hour block of instruction annually (instructed by Sheriff's office employee)

ADC Contract Employees

- New hire one hour orientation
- Minimum of a two hour block of instruction (powerpoint to be approved by training and PREA Coordinator)
- Medical and Mental Health Specialized Training (through the NIC) annually

Criminal Investigations Division

- Specialized training for investigators (through the NIC) annually
- Roll Call Refresher training

All Other Agency Personnel Sworn and Civilian

- New hire one hour orientation
- Roll Call training annually