

## PAMUNKEY REGIONAL JAIL

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**9A-01**  
**115.5:**

**GENERAL DEFINITIONS**

- Agency** means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.
- Agency head** means the principal official of an agency.
- Community** confinement facility means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.
- Contractor** means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.
- Detainee** means any person detained in a lockup, regardless of adjudication status.
- Direct staff** supervision means that security staff is in the same room with, and within reasonable hearing distance of, the resident or inmate.
- Employee** means a person who works directly for the agency or facility.
- Exigent circumstances** mean 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.
- Facility** means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.
- Facility head** means the principal official of a facility.
- Full compliance** means compliance with all material requirements of each standard except for de minimis violations, or discrete and temporary violations during otherwise sustained periods of compliance.
- Gender** nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.
- Inmate** means any person incarcerated or detained in a prison or jail.
- Intersex** means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- Jail** means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.
- Juvenile** means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
- Juvenile facility** means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

<b><u>Law enforcement staff</u></b>	means employees responsible for the supervision and control of detainees in lockups.
<b><u>Lockup</u></b>	means a facility that contains holding cells, cell blocks, or other secure enclosures that are: <ol style="list-style-type: none"> <li>1. Under the control of a law enforcement, court, or custodial officer; and</li> <li>2. Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.</li> </ol>
<b><u>Medical practitioner</u></b>	means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
<b><u>Mental health practitioner</u></b>	means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified mental health practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.
<b><u>Pat-down search</u></b>	means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.
<b><u>Observational search</u></b>	means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.
<b><u>Prison</u></b>	means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.
<b><u>Resident</u></b>	means any person confined or detained in a juvenile facility or in a community confinement facility.
<b><u>Secure juvenile facility</u></b>	means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows resident's access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.
<b><u>Security staff</u></b>	means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.
<b><u>Staff</u></b>	means employees.
<b><u>Transgender</u></b>	means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
<b><u>Substantiated allegation</u></b>	means an allegation that was investigated and determined to have occurred.
<b><u>Unfounded allegation</u></b>	means an allegation that was investigated and determined not to have occurred.
<b><u>Unsubstantiated allegation</u></b>	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.

**Volunteer**

means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

**Youthful inmate**

means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

**Youthful detainee**

means any person under the age of 18 who is under adult court supervision and detained in a lockup.

**9A-02**

**115.6: DEFINITIONS RELATED TO SEXUAL ABUSE**

Sexual abuse includes;

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 acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, 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 the activities described in paragraphs (1)-(5) of this section;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
8. Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes;

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and

2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**9A-03**

**115.11: ZERO TOLERANCE OF SEXUAL ABUSE and SEXUAL HARASSMENT; PREA COORDINATOR**

**Policy**

- A. An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.
- B. An agency shall employ or designate an upper-level, agency-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its lockups.
- C. Where an agency operates more than one facility, each facility shall designate a PREA Compliance Manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

**Procedures**

Pamunkey Regional Jail mandates a zero tolerance towards all forms of sexual abuse and sexual harassment. The following procedure outlines the department's approach to preventing, detecting, and responding to such conduct. There is a zero tolerance of staff on inmate, inmate on staff, staff on staff, and inmate on inmate sexual abuse and sexual harassment. The goal is to create an environment and culture of mutual respect. For the purposes of this policy, contractors and volunteers will be treated the same as staff.

**A. Prevention**

1. The facility's architectural design facilitates continuous personal contact between inmates and staff in the housing units. The management of inmates is provided through direct supervision 24/7. Movements outside of the units are monitored by the Central Control Operator and roving staff and cameras.
2. Each inmate cell has a window in the door which allows for staff observation while providing some privacy to the inmates in the cell. Windows are not permitted to be covered.
3. All units provide enough light for staff to be able to see any activity during evening hours.
4. Shower curtains are provided for privacy. The shower curtain does not go to the bottom of the shower they are mid-calf portion of the leg as for the person taking the shower may be viewed.
5. Electrical rooms and chase ways are only accessible by Maintenance staff that is scheduled to work during the day hours.
6. Inmates receive information on how to possibly avoid a sexual assault via the PREA Booking Form, posters and during orientation.
7. All inmates are screened at Intake for sexual victimization or abuser tendencies.
8. All staff is trained on the standards of PREA and the duties and responsibilities of their role in prevention, detection and response.

**B. Detection**

1. Security staff provides around the clock supervision of housing units at a minimum of twice per hour at random intervals. Security staff also provides supervision of programs while in session.
2. Supervisors conduct unannounced rounds throughout the facility to determine the general atmosphere of the inmates and staff and to identify and deter staff sexual abuse and sexual harassment. Staff is prohibited from alerting other staff members when the Supervisor is conducting their supervisor rounds. Any violations will result in disciplinary actions.
3. Security Officers will retain authority of inmates entrusted to their care while in the housing areas. Officers will not relinquish the care and custody of an inmate to another staff member except as ordered by a supervisor or as a routine operation of the facility such as visitation, recreation,

programs, work crew, etc. Security Officers will never relinquish custody of an inmate to another staff member because the other staff member wants to have a talk with the inmate or "tell him something," etc.

4. Security Officer observations of perceived aggressive nature will be recorded on an Incident Report submitted for review by the Chain of Command. Supervisor's actions will be recorded on the same report.
5. Staff is not permitted to leave their post and "visit" an adjacent housing unit. Staff is never permitted to "visit" with inmates not under their supervision. Staff is never to relay messages between inmates. Staff observing such behavior is directed to notify their supervisor immediately and place the incident in writing. Failure to do so risks the perception of complicity in such acts.
6. Inmates are encouraged to report any knowledge or suspicion of any sexual assault, sexual misconduct, or unauthorized relationship to any staff member the feel comfortable, to the Medical staff, through a grievance. These complaints may be made verbally, in writing, anonymously, or from third parties.
7. Third parties may report sexual misconduct to the Hanover County Sheriff's Office.

C. Response

1. The facility provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or harassment. The facility also provides at least one way for inmates to report the abuse to an outside public entity or office not affiliated with the agency that has agreed to receive reports and forward them to the facility head, except when an inmate requests confidentiality. Staff accepts reports made verbally, in writing, anonymously, and from third parties and immediately puts into writing any verbal reports.

Inmates may report incidents as described above by:

- a. Request Forms
  - b. Grievance Forms
  - c. Verbal Reporting
  - d. Sexual Abuse Hotline (Option #8 on the Inmate Telephone System)
  - e. Third Party Reporting
2. Third party reports regarding sexual abuse or sexual harassment may be made to the Hanover County Sheriff's Office.
  3. When the facility receives an allegation an inmate was sexually abused while confined at another facility, the Superintendent notifies the Superintendent of the facility where the alleged abuse occurred. Such notification shall be provided as soon as possible, but no later than seventy-two (72) hours after receiving the allegation.  
The Superintendent shall document such notification; the allegation will be investigated as other incidents of sexual abuse.
  4. Pamunkey Regional Jail protects all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff as monitored by the Shift Commanders as to their employees assigned to them. Pamunkey Regional Jail employs multiple protection measures, including housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
    - a. Management monitors the conduct and/or treatment of inmates or staff who have reported sexual abuse and of inmates who were reported to have suffered sexual abuse, or cooperated with investigations for at least ninety (90) days following their report or cooperation to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. The agency discusses any changes with the appropriate inmate or staff

member as part of its efforts to determine if retaliation is taking place and, when confirmed, immediately takes steps to protect the inmate or staff member.

- b. Other items to be monitored include inmate discipline reports, housing or programs changes, or negative performance reviews. The Managers shall continue monitoring beyond ninety (90) days if the initial monitoring indicates a continuing need. In reference to inmates, such monitoring shall also include periodic status checks. If any other individual who cooperates with an investigation expresses a fear of retaliation, the Manager shall take appropriate measures to protect that individual against retaliation. Pamunkey Regional Jail obligation to monitor shall terminate if the investigation determines the allegation is unfounded.
5. The Superintendent will ensure all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, are reported to the designated investigators.
6. Agency administrative investigations into allegations of sexual abuse and sexual harassment are prompt, thorough, objective, including third party and anonymous reports, and conducted by investigators who have received special training in sexual abuse investigations. When the Sheriff's Office investigates sexual abuse or sexual harassment, the facility has a duty to keep abreast of the investigation and cooperate with outside investigators, and remain informed about the progress of the investigation. Investigations include the following elements:
  - a. Investigators will gather and preserve direct and circumstantial evidence, including physical and DNA evidence and electronic monitoring data, when available; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator.
  - b. When the quality of evidence appears to support criminal prosecution, the Hanover County Commonwealth's Attorney Office is contacted to determine whether compelled interviews may be an obstacle for subsequent criminal prosecution.
  - c. Investigative findings are based on an analysis of the evidence gathered and a determination of its probative value.
  - d. The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by the person's status as inmate or staff. Pamunkey Regional Jail shall not require an inmate who alleges sexual assault or sexual harassment to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation.
  - e. Investigations include an effort to determine whether staff actions or failures to act contributed to the abuse to occur.

#### Administrative Investigations

- f. Administrative investigations are documented by facility staff in written reports that include a description of the physical and testimonial evidence and the reasoning behind credibility assessments, and administrative facts and findings.

#### Criminal Investigations

- g. Criminal investigations shall be documented by the Sheriff's Office in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
- h. Substantiated allegations of conduct that appears to be criminal are referred for prosecution.
7. Following an investigation into an inmate's allegation that he or she suffered sexual abuse while at Pamunkey Regional Jail, Pamunkey Regional Jail shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
8. Pamunkey Regional Jail shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
9. Disciplinary action may be taken when staff or inmates make reports of false allegations. The Grievance Officer may discipline an inmate for filing a grievance related to alleged sexual abuse only when the investigator demonstrates the inmate filed the grievance in bad faith.

D. PREA Coordinator

1. The PREA Coordinator will be employed with Pamunkey Regional Jail and designated as an upper-level position with sufficient time and authority to develop, implement, and oversee the jail efforts to comply with PREA standards.
2. 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 the Coordinators absence.

E. PREA Compliance Manager

The PREA Compliance Manager shall have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

The PREA Coordinator and Compliance Manager are in the agency's organizational structure.

**9A-03**

**115.12 CONTRACTING WITH OTHER ENTITIES FOR THE CONFINEMENT OF INMATES**

**Policy**

- A. A public agency that contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.
- B. Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.

**Procedure**

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

**9A-03**

**115.13 SUPERVISION AND MONITORING**

**Policy**

The agency shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:

1. Generally accepted detention and correctional practices;
2. Any judicial findings of inadequacy;
3. Any findings of inadequacy from Federal investigative agencies;
4. Any findings of inadequacy from internal or external oversight bodies;
5. All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
6. The composition of the inmate population;
7. The number and placement of supervisory staff;
8. Institution programs occurring on a particular shift;
9. Any applicable State or local laws, regulations, or standards;
10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
11. Any other relevant factors.

In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.

Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by § 115.11, the agency shall assess, determine, and document whether adjustments are needed to:

- (1) The staffing plan established pursuant to paragraph (a) of this section;
- (2) The facility's deployment of video monitoring systems and other monitoring technologies; and
- (3) The resources the facility has available to commit to ensure adherence to the staffing plan.

Each agency operating a facility shall implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night shifts as well as day shifts. Each agency shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

### **Procedures**

#### **1. Elements Affecting the Staffing Plan**

The Pamunkey Regional Jail will develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels, and determining the need for video monitoring, the following shall be taken into consideration:

- a. Generally accepted detention and correctional practices;
  - b. Any judicial findings of inadequacy;
  - c. Any findings of inadequacy from Federal investigative agencies;
  - d. Any findings of inadequacy from internal or external oversight bodies;
  - e. All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
  - f. The composition of the inmate population;
  - g. The number and placement of supervisory staff;
  - h. Institution programs occurring on a particular shift;
  - i. Any applicable State or local laws, regulations, or standards;
  - j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
  - k. Any other relevant factors.
2. In circumstances where the staffing plan is not complied with, the Superintendent shall document and justify all deviations from the plan.
3. Each year at the time of budget presentation, the Superintendent, in conjunction with the PREA Coordinator, shall assess, determine, and document whether adjustments are needed in the staffing plan, the facility's video monitoring systems.

### **9A-03**

#### **115.14 JUVENILES AND YOUTHFUL DETAINEES**

##### **Policy**

Juveniles and youthful detainees shall be held separately from adult detainees.

A youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters. In areas outside of housing units, agencies shall either:

1. Maintain sight and sound separation between youthful inmates and adult inmates, or
2. Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.

Agencies shall make best efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, agencies shall not deny youthful inmates daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible.

### **Procedure**

Confinement of juveniles under the age of 18 is prohibited unless a court finds that it is in the best interest of justice and public safety that a juvenile awaiting trial or other legal process be treated as an adult for the purposes of prosecution, or unless convicted as an adult and required by statute to be confined in an adult facility.

1. The Pamunkey Regional Jail has an agreement with the Rappahannock Regional Jail to hold our youthful offenders (juveniles).
2. These offenders (juveniles) are taken to Rappahannock Regional Jail from the courts by the Transportation section.
3. If a juvenile is convicted as an adult by the sentencing court, regular classification and housing procedures will be followed.

### **9A-03**

#### **115.15 LIMITS TO CROSS-GENDER VIEWING AND SEARCHES**

### **Policy**

1. The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
2. As of August 20, 2015, or August 20, 2017 for a facility whose rated capacity does not exceed 50 inmates, the facility shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. Facilities shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
3. The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates.
4. The facility shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit.
5. The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

### **Procedure**

1. Pamunkey Regional Jail employees will not conduct cross-gender strip searches or cross-gender visual body cavity searches (anal or genital opening) except in exigent circumstances or when performed by Medical staff only.
2. All cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of female inmates will be documented.
3. 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 during required security rounds.
4. Staff will announce "Male on the Floor" or "Female on the Floor" anytime the opposite gender enters an inmate housing unit. This announcement will be documented in the unit log book.
5. Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.

6. 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.

**9A-03**

**115.16     DETAINEEES WITH DISABILITIES AND DETAINEEES WHO ARE LIMITED ENGLISH PROFICIENT**

**Policy**

- A. The agency shall take appropriate steps to ensure that detainees with disabilities (including, for example, Detainees who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an 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. Such steps shall include, when necessary to ensure effective communication with detainees who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with detainees with disabilities, including detainees who have intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.
- B. The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to detainees who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- C. The agency shall not rely on detainee interpreters, detainee readers, or other types of detainee assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the detainee's safety, the performance of first-response duties under § 115.164, or the investigation of the detainee's allegations.

**Procedures**

- A. Pamunkey Regional Jail prohibits discrimination of inmates on the basis of disability in the provision of services, programs, and activities administered for program beneficiaries and participants.
- B. Sworn staff will be provided training in the area of assisting the needs of disabled inmates. Appropriate Medical Staff is also available to provide specialized assistance for inmates that, due to their disability, cannot be housed in general population.
  1. Inmates requiring specialized care for basic life functions will be housed in Medical.
  2. Trained Medical Personnel will assist them as needed/required.
  3. Classification will work with Medical Personnel to determine proper housing, which would provide the most appropriate accommodations.
  4. Programs will coordinate with Volunteers to provide individual attention on a case by case basis.
- C. Pamunkey Regional Jail shall not utilize inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety or the performance of the first-responder duties.

**9A-03**

**115.17 HIRING AND PROMOTION DECISIONS**

**Policy**

- A. The agency shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who—
  - 1. 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);
  - 2. 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 coercion, or if the victim did not consent or was unable to consent or refuse; or
  - 3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.
- B. 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.
- C. Before hiring new employees who may have contact with inmates, the agency shall:
  - 1. Perform a criminal background records check; and (2) Consistent with Federal, State, and local law, make 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.
- D. The agency shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.
- E. The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.
- F. The agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- G. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- H. Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

**Procedure**

- 1. Pamunkey Regional Jail will not hire or promote anyone or enlist the services of any contractor or volunteer who may have contact with inmates, that:
  - a. Have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution.
  - b. Have been convicted of engaging or attempting to engage in sexual activity by overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.
  - c. Have been civilly or administratively adjudicated to have engaged in sexual activity.
  - d. The Pamunkey Regional Jail shall consider any incidents of sexual harassment in determining whether to hire or promote or enlist services.
- 2. A criminal background records check will be conducted before hiring new employees or enlisting services from volunteers or contractors, who may have contact with inmates.
- 3. Consistent with federal, state, and local law, Pamunkey Regional Jail 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. Criminal background records checks will be conducted on all current employees, volunteers, and contractors, at least every five (5) years.
5. All applicants and employees, who may have contact with inmates, will be directly about previous misconduct in all written applications, interviews for hiring or promotion, or during written evaluations. Employees must disclose any such misconduct. Any material omission or false information regarding misconduct will be grounds for termination.

#### **9A-03**

#### **115.18 UPGRADES TO FACILITIES AND TECHNOLOGIES**

##### **Policy**

- A. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse.
- B. 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.

##### **Procedures**

1. The facility has a CCTV system, which monitors security vestibules, entry doors, sally ports, designated medical cells and hallways in the facility. Central Control monitors this system.
2. Pamunkey Regional Jail will consider the Jail's ability to protect inmates from sexual abuse during any planned expansions, modifications, or video equipment updates to the Jail.
3. 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.

#### **9A-04**

#### **115.21 EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMINATIONS**

##### **Policy**

- A. To the extent the agency is responsible for investigating allegations of sexual abuse; the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- B. The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
- C. The agency shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs.
- D. The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization, or a qualified

agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g (b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

- E. 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.
- F. To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.
- G. The requirements of paragraphs (a) through (f) of this section shall also apply to:
  - 1. Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and
  - 2. Any Department of Justice Component that is responsible for investigating allegations of sexual abuse in prisons or jails.
- H. For the purposes of this section, a qualified agency staff member or a qualified 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 assault and forensic examination issues in general.

#### **Procedures**

- 1. Pamunkey Regional Jail follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. As part of Pamunkey Regional Jail's evidence collection protocol, all victims of inmate-on-inmate sexually abusive penetration or staff-on-inmate sexually abusive penetration are provided access to forensic medical exams performed by a Sexual Assault Nurse Examiner at Memorial Regional Medical Center (MRMC). Forensic medical exams are provided free of charge to the victim. The Hanover Safe House makes available a victim advocate to accompany the victim through the forensic medical exam process, investigatory interviews and shall provide emotional support, crisis intervention, information and referrals.
- 2. The Hanover County Sheriff's Department will be notified by the Superintendent or designee of all instances of potential criminal sexual offenses committed by staff or inmates for prosecution and/or investigative purposes. The Hanover County Sheriff's Investigator will accompany the Sexual Assault Nurse Examiner during the collection of forensic evidence and receive a statement from the inmate. The Hanover County Sheriff's Office will contact the Commonwealth's Attorney's Office for prosecution.
- 3. Inmates reporting assault occurring within ninety-six (96) hours will be sent, under appropriate security provisions Memorial Regional Medical Center (MRMC) for treatment and gathering of forensic evidence by a qualified medical provider.

#### **9A-04**

#### **115.22 POLICIES TO ENSURE REFERRALS OF ALLEGATIONS FOR INVESTIGATIONS**

#### **Policy**

- A. The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

- B. The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.
- C. If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.
- D. Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.
- E. Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

**Procedures**

- 1. The Superintendent or designee will coordinate such investigations to ensure the investigations are conducted promptly.
- 2. The Hanover County Sheriff's Department will be notified by the Superintendent or designee of all instances of potential criminal sexual offenses committed by staff or inmates for prosecution and/or investigative purposes. The Hanover County Sheriff's Office will contact the Commonwealth's Attorney's Office for prosecution.

**9A-05**

**115.31 EMPLOYEE AND VOLUNTEER TRAINING**

**Policy**

- A. The agency shall train all employees who may have contact with inmates on:
  - 1. Its zero-tolerance policy for sexual abuse and sexual harassment;
  - 2. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
  - 3. Inmates' right to be free from sexual abuse and sexual harassment;
  - 4. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  - 5. The dynamics of sexual abuse and sexual harassment in confinement;
  - 6. The common reactions of sexual abuse and sexual harassment victims;
  - 7. How to detect and respond to signs of threatened and actual sexual abuse;
  - 8. How to avoid inappropriate relationships with inmates;
  - 9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
  - 10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- B. Such training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa.
- C. All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

- D. The agency shall document, through employee signature or electronic verification that employees understand the training they have received.

**Procedures**

1. The Pamunkey Regional Jail trains all employees who may have contact with inmates to comply with the PREA standards. Current employees are educated within one year following the adoption of the PREA standards. Pamunkey Regional Jail will provide refresher information to all employees every year to ensure they know the department's most current sexual abuse policies and procedures. Training shall be tailored to male and female inmates. Pamunkey Regional Jail maintains written documentation showing employee signatures verifying employees understand the training they received.
2. All Pamunkey Regional Jail employees, who have contact with inmates, will be trained on the following:
  1. The Jail's zero-tolerance policy for sexual abuse and sexual harassment.
  2. The employee's responsibilities under the Jails' sexual abuse, sexual harassment, prevention, detection, reporting and response policy.
  3. Inmates' rights to be free from sexual abuse and sexual harassment.
  4. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment.
  5. The dynamics of sexual abuse and sexual harassment in a Jail setting such as: creating substitute families, power domination through aggression, and a young or GLBTI inmate being at risk for violent assault.
  6. The common reactions of sexual abuse and sexual harassment victims such as: hostility, withdrawn, denial, afraid of sexual transmitted diseases, and fear of staff.
  7. How to detect and respond to signs of threatened and actual sexual abuse such as: ensure safety, stabilize the situation, securing the scene, separate the ones involved, ask questions, and report incident to a Supervisor.
  8. How to avoid inappropriate relationships with inmates.
  9. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or other nonconforming inmates.
  10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
3. All sworn staff will be trained on the Pamunkey Regional Jail's policy for conducting proper pat down searches on inmates to include cross-gender searches.

**9A-05**

**115.32     DETAINEE, CONTRACTOR, AND INMATE WORKER NOTIFICATION OF THE AGENCY'S ZERO-TOLERANCE POLICY**

**Policy**

- A. The agency shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
- B. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
- C. The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.

**Procedures**

1. The Pamunkey Regional Jail ensures all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the department's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

2. The level and type of training provided the volunteers and contractors is based on the services they provide and the level of contact they have with inmates, but all volunteers and contractors who have contact with inmates must be notified of the department's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
3. Pamunkey Regional Jail maintains written documentation showing the volunteers and contractor's signature verifying they understand the training and materials they have received.

**9A-05**

**115.33 INMATE EDUCATION**

**Policy**

- A. During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- B. Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
- C. Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.
- D. The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.
- E. The agency shall maintain documentation of inmate participation in these education sessions.
- F. In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

**Procedures**

1. All inmates during Intake will receive a copy of the PREA information sheet explaining the Jail's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
2. Within thirty (30) days of the intake process, Pamunkey Regional Jail provides comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents and regarding agency policies and procedures for responding to such incidents, the dynamics of sexual abuse in confinement, the common reactions of sexual abuse as soon as possible following the department's adoption of the PREA standards and Pamunkey Regional Jail provides periodic refresher information to all inmates to ensure they know Pamunkey Regional Jail's most current sexual abuse policies and procedures.
3. Pamunkey Regional Jail provides inmate education in formats accessible to all inmates, including those who are limited English proficient, hearing or visually impaired, or otherwise disabled as well as inmates who have limited reading skills.
4. Pamunkey Regional Jail maintains written documentation of inmate participation in these education sessions.
5. Key information will continually be made readily available and/or visible to inmates through posters or other written formats.

**9A-05**

**115.34 SPECIALIZED TRAINING: INVESTIGATIONS**

**Policy**

- A. In addition to the general training provided to all employees pursuant to § 115.31, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
- B. Specialized training shall include techniques for interviewing 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.
- C. The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.
- D. Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.

**Procedures**

- 1. In addition to the general training provided to all employees, Pamunkey Regional Jail ensures its investigators conducting sexual assault investigations have received training in conducting such investigations in confinement settings. Specialized training must include:
  - a. Interviewing sexual abuse victims.
  - b. Proper use of Miranda Warning
  - c. Proper use of the Garrity warning.
  - d. Sexual abuse evidence collection in confinement settings.
  - e. The criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- 2. Pamunkey Regional Jail maintains written documentation that investigators have completed the required specialized training in conducting sexual abuse investigating.

**9A-05**

**115.35 SPECIALIZED TRAINING: MEDICAL AND MENTAL HEALTH**

**Policy**

- A. The agency shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in:
  - 1. How to detect and assess signs of sexual abuse and sexual harassment;
  - 2. How to preserve physical evidence of sexual abuse;
  - 3. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
  - 4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- B. If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.
- C. The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.
- D. Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.31 or for contractors and volunteers under § 115.32, depending upon the practitioner's status at the agency.

**Procedures**

- 1. Pamunkey Regional Jail ensures all full and part-time medical and mental health care practitioners who work regularly in the facility have been trained in:
  - a. How to detect and access signs of sexual abuse and sexual harassment.

- b. How to reserve physical evidence of sexual abuse.
  - c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
  - d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
2. Pamunkey Regional Jail maintains documentation that medical and mental health practitioners have received this specialized training. Medical staff shall receive the same training as all other institutional staff.
  3. Medical staff employed by Pamunkey Regional Jail will not conduct forensic examinations.

**9A-06**

**115.41 SCREENING FOR RISK OF VICTIMIZATION AND ABUSIVENESS**

**Policy**

- A. All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
- B. Intake screening shall ordinarily take place within 72 hours of arrival at the facility.
- C. Such assessments shall be conducted using an objective screening instrument.
- D. The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:
  1. Whether the inmate has a mental, physical, or developmental disability;
  2. The age of the inmate;
  3. The physical build of the inmate;
  4. Whether the inmate has previously been incarcerated;
  5. Whether the inmate's criminal history is exclusively nonviolent;
  6. Whether the inmate has prior convictions for sex offenses against an adult or child;
  7. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
  8. Whether the inmate has previously experienced sexual victimization;
  9. The inmate's own perception of vulnerability; and
  10. Whether the inmate is detained solely for civil immigration purposes.
- E. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.
- F. Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.
- G. An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
- H. Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section.
- I. The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

**Procedures**

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.
2. The Intake Screening will take place within seventy-two (72) hours of arrival at the facility and with a reassess of the inmate no later than fourteen (14) days from the inmate's arrival.

3. Within thirty (30) days of intake an inmate's risk level will be reassessed 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.
4. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to the risk screening.
5. Management shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to victimization or abusiveness in order to ensure sensitive information is not exploited to the inmate's detriment by staff or other inmates.
6. Responses to questions or other information will only be disseminated on a need to know basis and only through the Superintendent or his designee or Health Services Administrator to ensure sensitive information is not exploited to the inmate's detriment by staff or other inmates.
7. The Intake Screening will consider at the minimum the following:
  - 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 is exclusively non-violent.
  - f. If the 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.
  - j. If the inmate is detained solely for civil immigration purposes.

**9A-06**

**115.42 USE OF SCREENING INFORMATION**

**Policy**

- A. The agency shall use information from the risk screening required by § 115.241 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive.
- B. The agency shall make individualized determinations about how to ensure the safety of each resident.
- C. In deciding whether to assign a transgender or intersex resident to a facility for male or female residents, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the residents health and safety, and whether the placement would present management or security problems.
- D. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
- E. A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.
- F. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
- G. The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

## **Procedures**

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.
2. Individualized determinations will be used to ensure the safety of each inmate.
3. Transgender and intersex inmates will be assigned to male or female blocks on a case by case basis and based on the health and safety of the inmate and the security needs of the Jail.
4. A transgender and intersex inmate's own views with respect to their own safety will be given serious consideration.
5. Transgender and intersex inmate placements will be reassessed at least ever two (2) years to review any threats to the safety of the inmate.
6. Transgender and intersex inmates will be given the opportunity to shower separately from other inmates.
7. Lesbian, gay, bisexual, transgender, or intersex inmates will not be placed in dedicated units based solely on their identification or status unless in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmate.

## **9A-06**

### **115.43: SCREENING FOR RISK OF VICTIMIZATION AND ABUSIVENESS PROTECTIVE CUSTODY**

#### **Policy**

- A. Inmates at high risk for sexual victimization shall 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. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.
- B. 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:
  1. The opportunities that have been limited;
  2. The duration of the limitation; and
  3. The reasons for such limitations.
- C. The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.
- D. If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document:
  1. The basis for the facility's concern for the inmate's safety; and
  2. The reason why no alternative means of separation can be arranged.
- E. Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing needs for separation from the general population.

#### **Procedure**

1. Inmates at high risk for sexual victimization will not be placed involuntarily in segregated housing unless other alternatives are not available. Pamunkey Regional Jail shall provide special management/protective custody housing for those inmates who are unable to be housed in general population. Inmates assigned to Special Management/Protective Custody, the Classification Officer will refer the information to the Institutional Classification Committee (ICC) for the proper reviews.

2. Inmates placed involuntarily in segregated housing will have access to programs, privileges, education, and work opportunities to the extent possible.
3. Inmates placed involuntarily in segregated housing will be reviewed at least every thirty (30) days to determine whether there is a continuing need for separation from the general population.

**9A-06**

**115.51     DETAINEE REPORTING**

**Policy**

- A. The agency shall provide multiple ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
- B. The agency shall also inform inmates of at least one way to report abuse or harassment to a public or private entity or office that is not part of the agency, and that 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.
- C. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and promptly document any verbal reports.
- D. The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.

**Procedure**

1. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
2. The facility provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment.
3. The facility also provides at least one way for inmates to report the abuse to an outside public entity or office not affiliated with the agency that has agreed to receive reports and forward them to the facility head, except when an inmate requests confidentiality.
4. Staff accepts reports made verbally, in writing, anonymously, and from third parties and immediately puts into writing any verbal reports.
5. Pamunkey Regional Jail inmates can privately report sexual abuse, sexual harassment, retaliation by other inmates or staff, and staff neglect by using the following:
  - a. Request Forms
  - b. Grievance Forms
  - c. Verbal Reporting
  - d. Sexual Abuse Hotline
  - e. Third-Party Reporting
6. All staff is required to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment, retaliation against inmates or staff, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation that occurs in Pamunkey Regional Jail or any other facility to their Supervisor and/or any other Supervisor up to and including: Captains, Deputy Superintendent, and Superintendent.
7. Staff will not reveal any information related to a sexual abuse report to anyone except designated supervisors, officials who are responsible for treatment, investigation, and other security and management decisions.

8. Medical and Mental Health staff is required to report sexual abuse and required to inform inmates of staff's duty to report, and the limitations of confidentiality.
9. Information reported by a third-party concerning an alleged sexual abuse or sexual harassment will be forward to the Shift Commander or their designee to investigate.
10. Pamunkey Regional Jail staff can privately report sexual abuse and sexual harassment of inmates to their Supervisor or any other facility Supervisor or by using the Sexual Abuse Hotline.
11. Any verbal reports will be immediately documented by the staff member receiving the information and forwarded to a Supervisor.
12. If Pamunkey Regional Jail receives an allegation, that an inmate was sexually abused, while confined at another facility, the Superintendent will notify the facility head where the alleged abuse occurred within seventy-two (72) hours. The notification will be documented.
13. Staff or inmates who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations will not be subject to retaliation by other staff or inmates.
14. After the report of sexual abuse, the Superintendent or their designee will monitor the conduct and treatment of inmates or staff who reported the sexual abuse or inmates who experience the sexual abuse for at least ninety (90) days for possible retaliation.

**9A-06**

**115.52 EXHAUSTION OF ADMINISTRATIVE REMEDIES**

**Policy**

- A. An agency shall be exempt from this standard if it does not have administrative procedures to address resident grievances regarding sexual abuse.
- B.
  1. The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
  2. The agency may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
  3. The agency shall not require a inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
  4. Nothing in this section shall restrict the agency's ability to defend against a lawsuit filed by a inmate on the ground that the applicable statute of limitations has expired.
- C. The agency shall ensure that-
  1. A resident inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
  2. Such grievance is not referred to a staff member who is the subject of the complaint.
- D.
  1. The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
  2. Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.
  3. The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.
  4. At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level.
- E.
  1. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.

2. If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
  3. If the resident inmate declines to have the request processed on his or her behalf, the agency shall document the inmates' decision.
- F.
1. The agency shall establish procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.
  2. After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
- G. The agency may 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.

**Procedures**

1. The Jail will not impose a time limit on when an inmate can submit a grievance regarding an allegation of sexual abuse.
2. The Jail will not require the inmate to use any informal grievance process or attempt to resolve with staff, an alleged incident of sexual abuse.
3. The Jail will not require the inmate to submit a grievance to a staff member who is the subject of the complaint.
4. The Jail will not refer a grievance to a staff member who is the subject of the complaint.
5. If an inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, the Jail will document the inmate's decision to decline.
6. No inmate will be disciplined for filing a grievance alleging sexual abuse unless the facility demonstrates the inmate filed the grievance in bad faith.
7. The Jail will issue a final decision on the merits of any portion of a grievance alleging sexual abuse within ninety (90) days of the initial filing of the grievance.
8. The Jail may claim an extension of time to respond up to seventy (70) days, if the normal time period for response is insufficient to make an appropriate decision.
9. The Jail will notify the inmate in writing of any extension and provide a date by which a decision will be made.
10. Fellow inmates, staff members, family members, attorneys, and outside advocates will be permitted to assist inmates in filing requests for administrative remedies relating to sexual abuse allegations and to file such requests on behalf of the inmate.
11. All emergency grievances alleging an inmate is subject to a risk of imminent sexual abuse will be forwarded immediately to the Shift Commander or their designee.
12. For all emergency grievances, initial responses will be within forty-eight (48) hours and a final Jail decision within five (5) calendar days.
13. After an agency decision is made, a copy of emergency grievance and all responses shall be forwarded to the PREA Coordinator.

**9A-06**

**115.53 INMATE ACCESS TO OUTSIDE CONFIDENTIAL SUPPORT SERVICES**

**Policy**

- A. The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.
- B. The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
- C. The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing to enter into such agreements.

**Procedures**

1. In addition to providing on-site Mental Health Care Services, Pamunkey Regional Jail provides inmates with access to outside victim advocates for emotional support services related to sexual abuse. The facility provides such access by giving inmates the current mailing addresses and telephone numbers, including toll-free hotline numbers, rape crisis organizations and enabling reasonable communication between inmates and these organizations. The facility ensures that communications with such advocates are private, confidential, and privileged, to the extent allowable by Federal, State, and local law. The facility informs inmates, prior to giving them access, of the extent to which such communications will be private, confidential, and/or privileged.
2. The Hanover Safe House provides support, advocacy and education for inmates/victims who are affected by domestic violence, sexual violence and stalking. A representative from the Hanover Safe House will make referrals for assistance when returning to the community.

**9A-06**

**115.54 THIRD-PARTY REPORTING**

**Policy**

The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.

**Procedure**

1. Third party reports regarding sexual abuse or sexual harassment may be made to the Hanover County Sheriff's Office at (804) 365-6140.
2. Pamunkey Regional Jail's PREA policy will be posted on the Jail's website.

**9A-07**

**115.61 STAFF AND AGENCY REPORTING DUTIES**

**Policy**

- A. The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- B. 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 agency policy, to make treatment, investigation, and other security and management decisions.
- C. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
- D. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.
- E. The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators.

**Procedure**

- 1. Pamunkey Regional Jail shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility, whether or not it is part of Pamunkey Regional Jail; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- 2. 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 Pamunkey Regional Jail policy, to make treatment, investigation, and other security and management decisions.
- 3. Unless otherwise precluded by Federal, State, or local law, Medical and Mental Health practitioners shall be required to report sexual abuse pursuant to Section 1 of this section and to inform of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
- 4. The Pamunkey Regional Jail does not house anyone who is under the age of 18. The Jail has a Memorandum Agreement Youthful Offenders with Rappahannock Regional Jail.

**9A-07**

**115.62 AGENCY PROTECTION DUTIES**

**Policy**

When an agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

**Procedure**

- 1. The Superintendent or designee can order immediate segregation when it is necessary to protect the inmate or others. The action is reviewed within seventy-two (72) hours by the appropriate authority.

**9A-07**

**115.63 REPORTING TO OTHER CONFINEMENT FACILITIES**

**Policy**

- A. 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.
- B. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- C. The agency shall document that it has provided such notification.
- D. The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

**Procedure**

- 1. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Superintendent that received the allegation shall notify the Superintendent 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 seventy-two (72) hours after receiving the allegation.
- 3. Pamunkey Regional Jail shall document that it has provided such notification.
- 4. The Superintendent or designee that receives such notification shall ensure that the allegation is investigated in accordance with Pamunkey Regional Jail policy and procedures.

**9A-07**

**115.64 STAFF FIRST RESPONDER DUTIES**

**Policy**

- A. Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:
  - 1. Separate the alleged victim and abuser;
  - 2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
  - 3. 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 actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
  - 4. 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.
- B. 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 staff.

**Procedure**

- 1. Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report 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 actions 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 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 member 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 staff.

**9A-07**

**115.65 COORDINATED RESPONSE**

**Policy**

The facility shall develop 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.

**Procedure**

1. It is the policy of the Pamunkey Regional Jail to implement a Coordinated Response Plan to provide directions on documenting sexual abuse/ assault incidents.

**Staff First Responders**

1. The Officer receiving the report from the assaulted inmate, will notify his/her Shift Commander/Supervisor
2. Complete an Incident Report of the violation

**Shift Commander/Supervisor**

1. Review all written reports to ensure completeness
2. Conduct a brief investigation of the matter to gain additional information
3. Review all Incident Reports involved and report all findings to the Internal Affairs Division
4. A report is made to the facility or program administrator or designee to assure separation of the victim from his or her assailant

**Medical and Mental Health Staff**

1. Examination assaulted inmate to determine the extent of physical injury
2. Determine if STD testing and other infectious disease testing is necessary
3. Determine if an outside referral is necessary
4. The inmate will be referred to Mental Health for counseling and follow up
5. Document findings in the inmate's medical record file
6. Complete an Incident Report of the examination

**Investigative Staff**

1. Review all incident reports, review inmates classification file and pull unit footage is available
2. Interview assaulted inmate for additional information
3. Record information on an Incident Report
4. Interview accused inmate for additional information
5. Record information on an Incident Report
6. Forward all incident reports and investigation reports to the Superintendent or designee

**9A-07**

**115.66 PRESERVATION OF ABILITY TO PROTECT DETAINEES FROM CONTACT WITH ABUSERS**

**Policy**

- A. Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
- B. Nothing in this standard shall restrict the entering into or renewal of agreements that govern:
  - 1. The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.172 and 115.176; or
  - 2. Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

**Procedure**

- 1. Neither Pamunkey Regional Jail nor any other governmental entity responsible for collective bargaining on the Pamunkey Regional Jail's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits Pamunkey Regional Jail's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
- 2. Nothing in this standard shall restrict the entering into or renewal of agreements that govern:
  - a. The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of 9A-08 and 9A-09; or
  - b. Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

**9A-07**

**115.67 AGENCY PROTECTION AGAINST RETALIATION**

**Policy**

- A. The agency shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation.
- B. The agency shall employ 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 who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- C. For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
- D. In the case of inmates, such monitoring shall also include periodic status checks.

- E. If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.
- F. An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

**Procedure**

1. Pamunkey Regional Jail has a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation.
2. Pamunkey Regional Jail shall employ 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.
3. For at least ninety (90) days following a report of sexual abuse, Pamunkey Regional Jail shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation.
4. Items that Pamunkey Regional Jail should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The facility shall continue such monitoring beyond ninety (90) days if the initial monitoring indicates a continuing need.
5. In the case of inmates, such monitoring shall also include periodic status checks.
6. If any other individual who cooperates with an investigation expresses fear retaliation. Pamunkey Regional Jail shall take appropriate measures to protect that individual against retaliation.
7. Pamunkey Regional Jail obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

**9A-07**

**115.68 POST-ALLEGATION PROTECTIVE CUSTODY**

**Policy**

Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.43.

**Procedure**

1. Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of policy 115.41 Screening for risk of victimization and abusiveness.

**9A-08**

**115.71 CRIMINAL AND ADMINISTRATIVE AGENCY INVESTIGATIONS**

**Policy**

- A. When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- B. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.134.

- C. 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.
- D. 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.
- E. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as detainee or staff. No agency shall require a detainee who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- F. Administrative investigations:
  - 1. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
  - 2. 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.
- G. 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.
- H. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- I. The agency shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
- J. The departure of the alleged abuser or victim from the employment or control of the lockup or agency shall not provide a basis for terminating an investigation.
- K. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
- L. When outside agencies investigate sexual abuse, the agency shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

**Procedure**

- 1. All investigations into allegations of sexual abuse and sexual harassment will be done promptly, thoroughly, and objectively.
- 2. Investigators with special training in sexual abuse investigations will be used when sexual abuse is alleged.
- 3. Investigators will be responsible to gather and preserve direct and circumstantial evidence, available physical and DNA evidence, and available electronic monitoring data.
- 4. Investigators will interview alleged victims, suspected perpetrators, and witnesses and will review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- 5. No compelled interviews will be conducted by the Jail until consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- 6. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as an inmate or staff.
- 7. The Jail will not require an inmate, who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of alleged allegation.
- 8. Administrative investigations will include an effort to determine whether staff actions or failures to act contributed to the abuse.
- 9. All Administrative investigations will be documented in written reports that include:
  - a. Description of the physical and testimonial evidence.

- b. The reasoning behind credibility assessments.
  - c. Investigative facts and findings.
10. All criminal investigations will be documented in written reports to include:
    - a. Thorough description of physical, testimonial and documentary evidence and attach copies of all documentary evidence if applicable.
  11. Any substantiated allegations of conduct that appears criminal will be referred for prosecution.
  12. All written reports of administrative and criminal investigations will be retained by the Jail for as long as the alleged abuser is incarcerated or is employed by the agency, plus five (5) years.
  13. An investigation will not be terminated just because the alleged abuser or victim departs from employment or control of the Jail.
  14. Pamunkey Regional Jail will cooperate with outside investigators and will remain informed about the progress of the investigation.

**9A-08**

**115.72 EVIDENTIARY STANDARD FOR ADMINISTRATIVE INVESTIGATIONS**

**Policy**

The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

**Procedure**

1. The Jail will not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

**9A-08**

**115.73 REPORTING TO INMATES**

**Policy**

- A. Following an investigation into an inmate's allegation of sexual abuse suffered in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- B. If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.
- C. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:
  1. The staff member is no longer posted within the inmate's unit;
  2. The staff member is no longer employed at the facility;
  3. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
  4. The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- D. Following an inmate's allegation that he or she has been sexually abused by another resident, the agency shall subsequently inform the alleged victim whenever:
  1. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
  2. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- E. All such notifications or attempted notifications shall be documented.

- F. An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

**Procedure**

1. Following an investigation into allegations of sexual abuse or sexual harassment, the inmate will be informed whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
2. Following an inmate's allegation that a staff member committed sexual abuse against the inmate, the Jail will inform the inmate (unless the Jail has determined the allegation is unfounded) whenever:
  - a. The staff member is no longer posted within the inmate's housing unit.
  - b. The staff member is no longer employed at the Jail.
  - c. The Jail learns that the staff member has been indicted on a charge related to sexual abuse within the Jail.
  - d. The Jail learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
3. Following an inmate's allegation that another inmate has sexually abused them, the Jail will inform the alleged victim whenever:
  - a. The Jail learns that the alleged abuser has been indicted on a charge related to sexual abuse within the Jail.
  - b. The Jail learns that the alleged abuser has been convicted on a charge related to sexual abuse within the Jail.
4. All notifications and attempted notifications will be documented.
5. The Jail's obligation to report shall terminate upon the inmate's release from the Jail's custody.

**9A-09**

**115.76 DISCIPLINARY SANCTIONS FOR STAFF**

**Policy**

- A. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
- B. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.
- C. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- D. 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.

**Procedure**

1. Pamunkey Regional Jail staff will be subject to disciplinary sanctions up to and including termination for violating the sexual abuse and sexual harassment policies.
2. Staff that has engaged in sexual abuse will be terminated from the Pamunkey Regional Jail.
3. 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:
  - a. The nature and circumstances of the acts committed.
  - b. The staff member's disciplinary history.
  - c. The sanctions imposed for similar offenses by other staff with similar histories.
4. All terminations or resignations for violations of the Jail's sexual abuse or sexual harassment policy will be reported to the Hanover County Sheriff's Department and relevant licensing bodies unless the activity was not criminal.

**9A-09**

**115.77 CORRECTIVE ACTION FOR CONTRACTORS AND VOLUNTEERS**

**Policy**

- A. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
- B. The facility shall take appropriate remedial measures, and shall consider whether to 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.

**Procedure**

- 1. Any contractor or volunteer who engages in sexual abuse will be prohibited from contact with inmates and will be reported to Hanover County Sheriff's Department and licensing bodies unless the activity was not criminal.
- 2. In case of any other violation of agency sexual abuse or sexual harassment policy by a contractor or volunteer, the Jail will consider whether to prohibit further contact with inmates.

**9A-09**

**115.78 REFERRALS FOR PROSECUTION FOR DETAINEE-ON-DETINEE SEXUAL ABUSE**

**Policy**

- A. Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
- B. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- C. The disciplinary process shall consider whether a inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- D. If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.
- E. The agency may discipline a inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- F. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- G. An agency may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

**Procedure**

- 1. Inmates will be subject to disciplinary sanctions through a formal disciplinary process following:
  - a. An administrative finding that the inmate engaged in inmate-on-inmate sexual abuse.
  - b. Following a criminal finding of guilt for inmate-on-inmate sexual abuse.
- 2. Inmate disciplinary sanctions will take in consideration the following:
  - a. The nature and circumstances of the abuse committed.
  - b. The inmate's disciplinary history.

- c. The sanctions imposed for similar offenses by other inmates with similar histories.
  - d. Inmates' mental disabilities or mental illness.
3. The Jail will discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
  4. 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.
  5. Pamunkey Regional Jail prohibits all sexual activity between inmates and will discipline inmates for any such activities.
  6. Pamunkey Regional Jail will not deem the activity as sexual abuse if it was not coerced.

**9A-10**

**115.81: MEDICAL & MENTAL CARE  
MEDICAL & MENTAL HEALTH CREEINGS; HISTORY OF SEXUAL ABUSE**

**Policy**

- A. If the screening pursuant to 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of intake screening.
- B. If the screening pursuant to 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of intake screening.
- C. If the screening pursuant to 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of intake screening.
- D. 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.
- E. 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.

**Procedure**

1. If the intake screening indicates that a Jail inmate has experienced prior sexual victimization in an institutional setting or in the community, the inmate will be offered a follow-up meeting with Medical or Mental Health within fourteen (14) days.
2. All information related to sexual victimization and abusiveness that occurred in an institutional setting shall be strictly limited to Medical, Mental health, and any other staff on a need to know basis.
3. Medical and Mental Health personnel will obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.
4. The Pamunkey Regional Jail does not house inmates under the age of eighteen (18).

**9A-10**

**115.82: ACCESSTO EMERGENCY MEDICAL & MENTAL HEALTH SERVICES**

**Policy**

- A. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by Medical and Mental Health practitioners according to their professional judgment.
- B. If no qualified Medical or Mental Health practitioners are on duty at the time a report of recent abuse is made, Security staff First Responders shall take preliminary steps to protect the victim pursuant to § 115.262 and shall immediately notify the appropriate Medical and Mental Health practitioners.
- C. Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- D. 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.

**Procedures**

- 1. All inmate victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services.
- 2. All inmate victims of sexual abuse while in the Jail will be offered information and access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care, where medically appropriate.
- 3. If the Health Authority deems it necessary, the inmate will be transported immediately to the hospital for further care. The inmate will be transported by rescue squad.

Services related to sexual abuse or sexual assaults are provided to the inmate at no cost.

**9A-10**

**115.83: MEDICAL & MENTAL CARE  
ONGOING MEDICAL & MENTAL HEALTH CARE FOR SEXUAL ABUSE VICTIMS &  
ABUSERS**

**Policy**

- A. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
- B. The evaluation 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.
- C. The facility shall provide such victims with medical and mental health services consistent with the community level of care.
- D. Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
- E. If pregnancy results from conduct specified in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
- F. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
- G. 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.

H. The facility shall 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.

**Procedures**

1. The Jail will offer medical and mental health evaluation and treatment to all inmates who have been victimized by sexual abuse in any prison or jail facility.
2. The evaluation and treatment of such victims will include:
  - a. Follow-up services.
  - b. Treatment plans.
  - c. Referrals for continued care following their transfer or release.
3. Hanover County Sheriff's Department Investigative Unit will follow a uniform evidence protocol for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
4. Evidence protocol will be based on the most recent edition of the U. S. Department of Justice's Office on Violence against Women publications or A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents.
5. The forensic examination will be performed by Sexual Assault Forensic Examiners (SAFE's) or Sexual Assault Nurse Examiners (SANE) at Memorial Regional Medical Center (MRMC) without a financial cost to the victim.
6. The Jail will attempt to make available to the victim an advocate from a rape crisis center to accompany and support the victim through the forensic medical examination process, investigatory interviews and for emotional support, crisis intervention information, and referrals.
7. Inmate victims of sexual abusive vaginal penetration while in the Jail will be offered pregnancy tests.
8. Inmate victims who become pregnant while in the Jail will receive comprehensive information about all lawful pregnancy-related medical services.
9. Inmate victims of sexual abuse while in the Jail will be offered tests for sexually transmitted infections.
10. All treatment services for sexual abuse will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
11. Inmates will be provided access to an outside advocacy group through the use of a mailing address and hotline number for outside emotional support services related to sexual abuse.
12. The Jail will allow reasonable communication between inmates and an outside advocacy group in a confidential manner as possible.
13. The Jail will inform the inmates that communication with outside advocacy groups will be monitored and reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

**9A-11**

**115.86: DATA COLLECTION & REVIEW  
SEXUAL ABUSE INCIDENT REVIEWS**

**Policy**

- A. The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- B. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- C. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
- D. The review team shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
  3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  4. Assess the adequacy of staffing levels in that area during different shifts;
  5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d) (1)-(d) (5) of this section, and any recommendations for improvement, and submit such report to the facility head and PREA compliance manager.
- E. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

**Procedure**

1. A Sexual abuse incident review will be conducted within thirty (30) days after the conclusion of every sexual abuse investigation unless the allegation has been determined to be unfounded.
2. The review team will consist of upper-level management officials, Supervisors, Investigators, and Medical/Mental Health personnel.
3. The review team will consider the following:
  - a. A need to change policy or practice to better prevent, detect, or responds to sexual abuse.
  - b. If the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex, identification, status, perceived status, gang affiliation or other group dynamics.
  - c. The area in the Jail where the alleged incident occurred to assess whether physical barriers in the area may permit abuse.
  - d. The adequacy of staffing levels in that area during different shifts.
  - e. Whether monitoring technology should be deployed or augmented to supplement supervision by staff.
  - f. The review team will prepare a report of the findings, determinations, and any recommendations for improvement and submit the report to the Superintendent and the PRE Coordinator.
  - g. The Jail will implement the review team's recommendations for improvements, or will document the reasons for not doing so.

**9A-11**

**115.87: DATA COLLECTION & REVIEW  
DATA COLLECTION**

**Policy**

- A. The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- B. The agency shall aggregate the incident-based sexual abuse data at least annually.
- C. The incident-based 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.
- D. The agency shall maintain, review, and collect data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews.
- E. The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents.

F. Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

**Procedure**

1. The Jail will collect annually accurate, uniform data for every allegation of sexual abuse necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
2. Upon request, the Jail will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

**9A-11**

**115.88: DATA COLLECTION & REVIEW  
DATA REVIEW FOR CORRECTIVE ACTION**

**Policy**

- A. The agency shall review data collected and aggregated pursuant to § 115.287 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:
  1. Identifying problem areas;
  2. Taking corrective action on an ongoing basis; and
- B. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
- C. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
- D. The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.
- E. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

**Procedure**

1. Pamunkey Regional Jail shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
  - a. Identifying problem areas
  - b. Taking corrective action on an ongoing basis
  - c. Preparing an annual report of its findings and corrective action
2. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.
3. Pamunkey Regional Jail's report shall be approved by the Jail Board Authority and made readily available to the public through its website.
4. Pamunkey Regional Jail may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

**9A-11**

**115.89: DATA COLLECTION & REVIEW  
DATA STORAGE, PUBLICATION, AND DESTRUCTION**

**Policy**

- A. The agency shall ensure that data collected pursuant to § 115.287 are securely retained.

- B. The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.
- C. Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.
- D. The agency shall maintain sexual abuse data collected pursuant to § 115.287 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

**Procedure**

- 1. The report will be made readily available to the public through the Jail's website excluding all personal identifiers after final approval by the Superintendent.
- 2. The Jail will ensure all data collected is securely retained for at least ten (10) years after the date of the initial collection unless Federal, State, or local law requires otherwise.

**9A-12 Responding to an Incident of Sexual Abuse/Assault/Harassment**

**Procedures**

**A. Volunteer/Contractor**

- 1. If the first person to receive a report of sexual abuse, assault or harassment is a volunteer or contractor, he or she will report the incident to the nearest security staff.
- 2. The volunteer/contractor will make an attempt to identify or assist the security staff in separating the victim from the aggressor.
- 3. The volunteer/contractor will advise the inmate:
  - a. Not to shower or clean themselves in any way
  - b. Not to use the restroom
  - c. Not to eat or drink anything
  - d. Not to brush their teeth
  - e. Not to change clothes
  - f. Not to do anything which may destroy evidence of the assault
- 4. The volunteer/contractor will write a report on any information provided to them verbally.

**B. Support Staff**

- 1. Any support staff receiving information regarding an incident of sexual abuse, assault or harassment will report the incident to the Shift Commander and their supervisor immediately.
- 2. The support staff will make an attempt to identify or assist the security staff in separating the victim from the aggressor.
- 3. The support staff will advise the inmate:
  - a. Not to shower or clean themselves in any way
  - b. Not to use the restroom
  - c. Not to eat or drink anything
  - d. Not to brush their teeth
  - e. Not to change clothes
  - f. Not to do anything which may destroy evidence of the assault
- 4. The support staff will write a report on any information provided to them verbally.

**C. Security Staff**

- 1. Any security staff receiving information regarding an incident of sexual abuse, assault or harassment will immediately notify their supervisor.
- 2. Security staff will attempt to identify the aggressor and separate the victim from the aggressor and place in a secure area.

3. If the abuse occurred within a time period which still allows for the collection of physical evidence, **request the alleged victim** not take any actions which could destroy physical evidence, including, as appropriate:
  - a. Not to shower or clean themselves in any way
  - b. Not to brush their teeth
  - c. Not to change clothes
  - d. Not to use the restroom
  - e. Not to eat or drink anything
  - f. Not to do anything which may destroy evidence of the assault
4. If the abuse occurred within a time period which still allows for the collection of physical evidence, **ensure the alleged abuser** not take any actions which could destroy physical evidence, including, as appropriate:
  - a. Not to shower or clean themselves in any way
  - b. Not to brush their teeth
  - c. Not to change clothes
  - d. Not to use the restroom
  - e. Not to eat or drink anything
  - f. Not to do anything which may destroy evidence of the assault
- D. Shift Commander/Shift Supervisor
  1. If the incident is recent (where the physical evidence is still available), the Shift Commander/Supervisor will escort the inmate to the medical section and prepare for a transport to Virginia Commonwealth University (VCU).
  2. If the incident is not recent (where the physical evidence is no longer available), the Shift Commander/Supervisor will collect information regarding the incident, provide original copies of the incident reports to the Captain of Security and provide copies of the reports to the Deputy Superintendent and Superintendent.
  3. The Shift Commander/Supervisor will contact the Captain of Security and follow instructions regarding notification of the Hanover County Sheriff's Office.
- E. Major of Operation & Support Services (PREA Coordinator)
  1. The PREA Coordinator will review the reports and make an assessment regarding revisions/updates/technology/etc. which may eliminate such incidents again.
- F. Staff First Responders
  1. After separating the victim and aggressor, advising the inmate of not destroying any evidence, and notification of the Shift Commander, the security staff member is responsible for preserving any physical evidence which might be available.
  2. The focus is on the safety and well-being of the inmate and providing subsequent medical care.
- G. Medical and Mental Health Practitioner
  1. Any physical examination of an alleged victim of sexual assault shall include execution of a signed consent form, and collection of evidence will be conducted in accordance with a SANE (Sexual Assault Nurse Examiner) representative at Virginia Commonwealth University (VCU) and an officer from the Hanover County Sheriff's Office.
  2. Pamunkey Regional Jail health services staff are prohibited from participating in the collection of forensics information that may be used against an inmate in disciplinary or legal proceedings. Such action on health services staff part undermines their credibility with the inmates.
  3. The physical examination should include at a minimum the following elements:
    - a. Documentation of extent in injury (tearing, bruising, bleeding, etc.) to include photographs.
    - b. All examinations and treatment will be documented in the inmate's health record.
    - c. The inmate will be transported to Virginia Commonwealth University (VCU) to conduct an examination to document the extent of any physical injury and to determine if referral to

another medical facility is indicated.

4. An advocate may be notified to provide support to the inmate/victim once the inmate has been returned to the facility.
5. Following the physical examination, there is availability of an evaluation by a mental health professional to assess the need for crisis intervention counseling and long-term follow-up.
6. Treatment will be provided, as indicated for physical injury as well as for prophylaxis, and mental health services are provided to assess the need for crisis intervention counseling and long-term follow-up.
7. The Hanover Safe House provides support, advocacy and education for inmates/ victims who are affected by domestic violence, sexual violence and stalking. A representative from The James House will make referrals for assistance when returning to the community.
8. Provision will be made for testing for sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis and other diseases) and counseling as appropriate.
9. Prophylactic treatment and follow-up for sexually transmitted diseases will be offered to all victims, as appropriate.

#### H. Investigators

1. The facility investigates all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, and notifies victims and/or other complainants in writing of investigation outcomes and any disciplinary or criminal sanctions, regardless of the source of the allegation. All investigations are carried through to completion, regardless of whether the alleged abuser or victim remains at the facility.
2. Agency administrative investigations into allegations of sexual abuse and sexual harassment are prompt, thorough, objective, including third party and anonymous reports, and conducted by investigators who have received special training in sexual abuse investigations. When the Sheriff's Office investigates sexual abuse or sexual harassment, the facility has a duty to keep abreast of the investigation and cooperate with outside investigators, and remain informed about the progress of the investigation. Investigations include the following elements:
3. Investigators will gather and preserve direct and circumstantial evidence, including physical and DNA evidence and electronic monitoring data, when available; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator.
4. When the quality of evidence appears to support criminal prosecution, The Hanover County Sheriff's Office will determine whether compelled interviews may be an obstacle for subsequent criminal prosecution.
5. Investigative findings are based on an analysis of the evidence gathered and a determination of its probative value.
6. The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by person's status as inmate or staff. Hanover County Sheriff's Office shall not require an inmate who alleges sexual assault or sexual harassment to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation.
7. Investigations include an effort to determine whether staff actions or failures to act contributed to the abuse to occur.
8. Administrative investigations are documented by facility staff in written reports that include a description of the physical and testimonial evidence and the reasoning behind credibility assessments, and administrative facts and findings.

9. Criminal investigations shall be documented by the Hanover County Sheriff's Office in a written report that contains a thorough description of physical, Testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
10. Substantiated allegations of conduct that appears to be criminal are referred for prosecution.

I. Facility Leadership

1. Pamunkey Regional Jail protects all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff as monitored by the Shift Commanders/Supervisors as to their employees assigned to them. Pamunkey Regional Jail employs multiple protection measures, including housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
2. Following an investigation into an inmate's allegation that he or she suffered sexual abuse while at Pamunkey Regional Jail, Pamunkey Regional Jail shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
3. The department shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The department shall aggregate the incident-based sexual abuse data at least annually. The incident-based 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.
4. The department's report shall be approved by the Superintendent and made readily available to the public through its website.
5. The report of rape is to be treated as any other medical complaint and is to be kept confidential between the service providers and the inmate. All staff are responsible for the protection of the victim from acts of retribution or reprisal.