
OPERATIONAL GUIDELINES

Chapter: Security and Supervision

Policy Number: 466

Policy Title: Sexual Misconduct and PREA

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POLICY

To establish rules for all Detention Center personnel on sexual misconduct and the Prison Rape Elimination Act (PREA). Detention Center personnel will be defined as detention officers, civilian employees, contractors, volunteers, vendors, or anyone who supervises inmates for purposes of this policy.

PENOLOGICAL INTEREST

It shall be the policy of the Brunswick County Detention Center to have a zero tolerance standard on sexual assault/abuse against persons in our custody. The Brunswick County Detention Center observes the standards established in the Prison Rape Elimination Act (PREA). Every effort will be made to prevent sexual misconduct incidents and each incident will be thoroughly investigated and documented.

Sexual contact and displays of affection of any kind between two inmates is prohibited by Brunswick County Detention Center rules regardless of consent between the two participants.

This policy is applicable to staff-on-inmate, contractor-on-inmate, volunteer-on-inmate, and inmate-on-inmate sexual conduct, sexual harassment and sexual misconduct only. It does not apply to staff-on-staff conduct.

DEFINITIONS

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

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

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

Sexual Conduct: Any sex crimes, sexual acts, sexual proposals, incident exposure, sexual harassment or displays of affection; such as, but not limited to, hand holding, hugging, kissing, etc. regardless of consent by both parties.

The following definitions are based on PREA guidelines:

Sexual Misconduct: The act of perpetrating Sexual Abuse, Sexual Harassment, or Voyeurism against an individual by an inmate, detention officer, civilian employee, contractor, volunteer, vendor, or anyone who supervises inmates.

Sexual Abuse: When used in this policy the term 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:

Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

Contact between the mouth and the penis, vulva, or anus;
Contact between the mouth and any body part where the individual has the intent to abuse, arouse, or gratify sexual desire;

Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument;

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, pat down search;

Any attempt, threat, or request by a detention officer, civilian employee, contractor, volunteer, vendor, or anyone who supervises inmates to engage in the activities described in this definition;

Any display by a detention officer, civilian employee, contractor, volunteer, vendor, or anyone who supervises inmates of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate or detainee, and

Voyeurism by a detention officer, civilian employee, contractor, volunteer, vendor, or anyone who supervises inmates.

By definition Sexual Abuse does not apply to:

Pat down searches, strip searches, and body cavity inspections as necessary and conducted by Correctional and Medical professionals in accordance with their duties.

Security or medical personnel gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating sexual abuse, and in the course of providing other medical care;

The use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment related to sexual abuse;

The use of a health care provider's hands or fingers and/or the use of instruments to perform body cavity searches in order to maintain the security and safety within the Brunswick County Detention Center, provided that the search is conducted in a manner consistent with constitutional requirements.

Voyeurism: The invasion of the privacy of an inmate by an individual for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his/her cell to perform bodily functions; requiring an inmate to expose his/her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual Harassment: 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 directed toward another; or by a staff member/contractor or volunteer to an inmate.

This includes demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Note: Inmate-on-staff sexual harassment or misconduct does not fall under PREA; however, it will be taken seriously and investigated as part of the in-house disciplinary process or criminal investigations aspect, whichever is applicable.

Exigent Circumstances: Any set of temporary and unforeseen circumstances.

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

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

PROCEDURE

- A. North Carolina General Statute 14-27.7 states that consensual sexual conduct is illegal between detention center personnel and an inmate. Also, detention center personnel who have knowledge of consensual sexual conduct between other detention center personnel and an inmate, and does not report it is also in violation of the above statute.
- B. Sexual contact and displays of affection of any kind between two inmates is prohibited by the Brunswick County Detention Center rules regardless of consent between the two participants.
- C. Although PREA does not include the reporting of **consensual** sexual conduct between inmates, all incidents of sexual conduct must be reported to the PREA Coordinator.
- D. All inmates will be screened by the booking officer using a screening checklist before they are put in general population.
- E. Informational posters containing reporting mechanisms will be displayed in public areas advising members of the public how to report suspected abuse.
- F. Inmates will be educated and encouraged to report abuse during the Intake and Orientation process and through the use of informational posters in each housing unit.
- G. The PREA Coordinator will be employed with the Brunswick County Detention Center 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.
- H. Supervisors will conduct unannounced supervisor rounds of the jail daily to identify and deter staff sexual abuse and harassment.
- I. Staff is prohibited from alerting other staff members then the supervisor is conducting rounds. Any violations will result in disciplinary actions.
- J. All strip-searches, visual body cavity searches, and pat-down searches should be done by staff of the same sex. Only during exigent circumstances should a search be done by staff of the opposite sex. These searches will be documented.
- K. Inmates will be allowed to shower, perform bodily functions, and change clothes without nonmedical staff of the opposite gender viewing their, breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is during required security rounds.
- L. Staff will announce "Male on the Floor" or "Female on the Floor" anytime the opposite gender enters an inmate housing unit. The announcements will be documented.
- M. Staff will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.
- N. If the genital status is unknown, it may be determined through conversation with the inmate, reviewing medical records, or as part of a broader medical examination conducted in private by medical personnel.
- O. All allegations of alleged sexual misconduct will be investigated. Based on the actual allegation, this may include criminal investigations and administrative investigations.

- P. The Brunswick County Detention Center will provide sexual misconduct victims with medical and mental health services consistent with the community level of care.

Policy Application

- A. This policy does not apply to allegations of sexual misconduct that occur while out-of-custody (e. g. Work Release Programs). These allegations should be reported to, and investigated by, the appropriate law enforcement agency.
- B. This policy is applicable to staff-on-inmate and inmate-on-inmate sexual conduct, sexual harassment, and sexual misconduct only.
- C. This policy does not apply to staff-on-staff conduct.
- D. This policy does not apply to inmate-on-staff sexual harassment or misconduct. Such conduct does not fall under PREA. However, it will be taken seriously and investigated as part of the in-house disciplinary process or criminal investigations aspect, whichever is applicable.
- E. PREA guidelines and standards do not apply to allegations or observed consensual inmate/inmate sexual misconduct.

466.1 PREA Training Requirements

PREA Training Requirements for Officers:

- A. The Brunswick County Detention Center will provide initial training on PREA to all Detention Center Officers within one year of initial hiring.
- B. All Detention Center Officers will receive refresher training and PREA updates annually.
- C. PREA training criteria at a minimum will include:
 - 1. The Detention Center's zero tolerance policy on sexual misconduct;
 - 2. The right for inmates and staff to be free from sexual misconduct;
 - 3. The various processes used to report sexual misconduct;
 - 4. How to fulfill their responsibilities under the Detention Center sexual misconduct prevention, detection, reporting, and response policies and procedures;
 - 5. The right for inmates and staff to be free from retaliation for reporting sexual misconduct or assisting in the investigation of an alleged sexual misconduct violation;
 - 6. The dynamics of sexual misconduct in confinement;
 - 7. The common reactions of sexual misconduct victims;
 - 8. How to detect and respond to signs of threatened and actual sexual misconduct;
 - 9. How to avoid inappropriate relationships with inmates;
 - 10. How to communicate effectively and professionally with inmates, including homosexual, bisexual, transgender, intersex, or gender nonconforming inmates;
 - 11. How to comply with relevant laws related to mandatory reporting of sexual misconduct to outside authorities.

PREA Training for Investigators:

- A. Investigators conducting sexual abuse incidents in the Detention Center will have training in the following:
 - 1. Investigations in confinement settings
 - 2. Techniques for interviewing sexual abuse victims
 - 3. Proper use of Miranda and Garrity warnings
 - 4. Sexual abuse evidence collection in in confinement settings
 - 5. The criteria and evidence required to substantiate a case for administrative or prosecution referral.

PREA Training Requirements for Volunteers, Contractors, and other Persons Providing Services to Inmates:

- A. Volunteers, contractors, and any other person providing services to inmates shall receive training initially and annually on:
 - 1. The Detention Center's zero tolerance policy on sexual misconduct
 - 2. Staff Sexual Misconduct
 - 3. The Red Flags of engaging in sexual misconduct
 - 4. How to maintain appropriate boundaries
 - 5. Their Duty to Report

PREA Training for Medical Staff

- A. Full and part-time medical staff that work regularly in the jail will be trained in the following:
 - 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.
 - 4. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment

466.2 Inmate Education on PREA

- A. All inmates shall receive information during booking, verbally and in writing, about sexual abuse/harassment, which addresses:
 - 1. The Detention Center's zero tolerance policy
 - 2. How to report sexual abuse/harassment
- B. Within 30 days of intake inmates will receive more in-depth training by video and in-person which addresses:
 - 1. The right to be free from sexual abuse and retaliation
 - 2. Prevention and self-protection
 - 3. Reporting sexual abuse
 - 4. Treatment and counseling for victims
 - 5. Appropriate staff-inmate relationships
- C. Appropriate provisions shall be made as necessary for inmates not fluent in English, persons with disabilities and those with low literacy levels.
 - 1. An inmate handbook will be provided during booking in English and Spanish
 - 2. A pamphlet will be provided during booking about the PREA standard and reporting in English and Spanish
 - 3. During orientation a video will be provided to educate about PREA
 - 4. Posters will be posted in the booking area, releasing area, and all housing units in English and Spanish with information on PREA and how to report abuse/harassment
 - 5. A phone system is set up for AOC translation

466.3 PREA Coordinator Responsibilities

- A. The PREA Coordinator will develop, implement, and oversee the Detention Center's efforts to comply with the PREA standards.
- B. Once a year, the PREA Coordinator shall assess, determine, and document whether adjustments are needed to:
 - 1. The established staffing plan;
 - 2. The Detention Center's deployment of video monitoring systems and other monitoring technologies;
 - 3. The resources the Detention Center has available to commit to ensure adherence to the staffing plan.
- C. The PREA Coordinator will retain any and all Incident reports regarding sexual misconduct for future litigation and reporting to the Department of Justice, as required. Any original Incident Report copies will be placed in the appropriate inmate Classification File.
- D. The PREA Coordinator will act as the point of contact for any investigating agency.
- E. Maintain documentation that investigators have completed the required specialized training.

- F. Maintain documentation that

466.4 Reporting Sexual Misconduct

A. Staff Members Reporting Sexual Misconduct

1. Any Detention Center personnel who is aware of an alleged incident or complaint regarding inmate-on-inmate or staff-on-inmate sexual misconduct, retaliation by other inmates or staff for reporting sexual misconduct, or staff neglect/violations of responsibilities which may contribute to sexual misconduct shall report the information to the on-duty Shift Supervisor immediately.
2. If Detention Center Personnel learns that an inmate was sexually abused while at another facility they will immediately notify the Chief Administrator. The Chief Administrator will then notify the head of the facility where the alleged abuse occurred as soon as possible but within 72 hours. The agency that receives the notification shall ensure that the allegation will be investigated in accordance with PREA standards. The notification will be documented and filed with the victim's complaint.
3. Detention Center personnel reporting such incidents will maintain the confidentiality of the information and shall not reveal any information related to a sexual misconduct incident to anyone other than to the extent necessary to begin treatment, investigation, and other security and management decisions.
 - a. The on-duty Shift Supervisor will call the PREA Coordinator and the Chief Administrator. The PREA Coordinator will contact the appropriate investigator.
 - b. To preserve confidentiality, the integrity of the complaint, and the investigative information, group emails should not be sent. Information will be disseminated on a need to know basis.
4. Upon the discovery or report of an alleged sexual misconduct incident, Detention Center personnel shall complete a detailed Incident Report of the alleged incident and forward the information to the Shift Supervisor.

B. Inmates Reporting Sexual Misconduct

1. No time limit will be set on when an inmate may report sexual misconduct. If a staff member is the subject of complaint the inmate does not have to submit a grievance to that staff member.
2. If an inmate feels that he or she is subject to substantial risk of imminent sexual abuse it should be reported through one of the below means that will be immediate. Initial response and corrective action will began immediately and a final agency decision will be reached within 5 days.
3. Inmates may report sexual misconduct, retaliation by other inmates or staff for reporting sexual misconduct, and staff neglect or violations of responsibilities which may contribute to sexual misconduct by any of the following means:
 - a. Medical Request (may not be immediate)
 - b. An Inmate Request (will not be immediate)
 - c. Verbally to any Detention Center personnel (will be immediate)
 - d. Through outside agencies (may not be immediate)
 - e. Through a letter to BCSO Internal Affairs (will not be immediate)
 - f. Through the PREA Section on the kiosk (will be immediate)
4. Inmates who report sexual misconduct, or assist in the investigation of an alleged sexual misconduct violation, will be protected against retaliation from other inmates and personnel by any of the following means:
 - a. Housing change or transfers for inmate victims/abusers;
 - b. Removal of alleged staff or inmate abuser from contact with victim.

- c. Segregation may be utilized if there are no other means to ensure the safety of the victim.

C. Inmates Reporting Sexual Misconduct on Behalf of another Inmate

1. Inmates who report sexual misconduct, or assist in the investigation of an alleged sexual misconduct violation, will be protected against retaliation from other inmates and personnel by any of the above means:

466.5 Access to Reporting Mechanisms and Policies

A. Reporting Mechanisms for Inmates

1. Equal access to various reporting mechanisms will be available to all inmates.
2. Inmates will be allowed to report sexual misconduct or alleged sexual misconduct in writing, verbally to personnel, on the kiosk, or by calling another agency that will be listed on the posters.
3. Inmates requiring interpretation services due to limited English proficiency, speech or hearing impairments will be provided access to these services as part of the complaint and investigative process.
 - a. Written prevention and reporting information will be provided in both English and Spanish to the public and the inmates.
 - b. Detention Center personnel will not rely on inmate interpreters, inmate readers, or other types of inmate assistants.

B. Inmate's ability to Access Information

1. Information on reporting sexual misconduct will also be included in the Inmate Handbook.
2. Copies of the entire Sexual Misconduct policy will be provided to inmates upon individual request.
3. Annual PREA statistics will be made available to inmates upon individual request.

C. Reporting Mechanisms for the Public

1. The Detention Center will display informational posters in the lobby area that will be used to inform the public of the Detention Center's zero tolerance policy regarding sexual misconduct.
2. Detention Center will accept third party and anonymous complaints from the public on behalf of the inmates in the custody of the Detention Center. Complaints may be filed through the Brunswick County Sheriff's Office website, by filling out a complaint by paper and turning it in to the Sheriff's Office, or by calling the number that will be listed on the poster.
3. Any inmate who declines to have third-party assistance in filing a grievance alleging sexual abuse will sign a waiver refusing the help.

D. Public Access to Information

1. The Detention Center policy regarding sexual misconduct will be posted on the Brunswick County Sheriff's Office website.
2. Annual Statistics regarding sexual misconduct at the Detention Center will be posted on the Sheriff's Office website as required.

D-466.6 Initial Response and Investigation

- A. All Detention Center personnel, regardless of rank, responding to a sexual misconduct incident will thoroughly document all actions taken and any allegations they may receive.
- B. All investigations will be conducted by a properly trained PREA investigator. The investigation shall be complete and decided upon (approved) by the Jail Director within 60

days of the initial PREA report. An extension of an additional 60 days may be given by the Jail Director in instances where the investigation requires additional time for the collection of evidence or determination of validity. If an extension is requested the inmate will be notified in writing.

C. Staff-On-Inmate Misconduct

1. The Chief Administrator and PREA Coordinator will be advised immediately of any allegation of sexual abuse or misconduct involving Detention Center personnel, prior to any investigative action being taken.
 - a. The person taking the complaint shall not interview the Detention Center member or request any written statements from the Detention Center member regarding the allegation. Doing so may compromise any future criminal charges and is a violation of PREA.
 - b. The Detention Center member will be immediately removed from having any further contact with any inmates until the investigation is complete.
 - c. The inmate making the allegations may be asked only the basic questions by the Detention Center member (who, what, when, and where).
 - i. Internal Affairs will do an initial investigation and if appropriate it will be turned over to the SBI.
2. Once the investigation is complete, The PREA Coordinator will document the findings of the investigation as substantiated, unsubstantiated, or unfounded.
3. A PREA file will be maintained by the PREA Coordinator on all such allegations. This file will include all documentation and actions taken.

D. Inmate-On-Inmate Misconduct

1. All sexual misconduct will be investigated by specially trained investigators with the Brunswick County Sheriff's Office investigative unit.

Detention Center Personnel First Responders Duties

2. Upon learning of an allegation that an inmate has been a victim of sexual misconduct, or upon witnessing a sexual misconduct incident, the first Detention Center member on scene shall:
 - a. Immediately take appropriate means to stop the sexual misconduct if it is still taking place, ensuring to maintain personal safety and the security and safety of the inmates.
 - b. Ensure the inmates involved are separated to prevent further misconduct.
 - c. Secure, preserve, and protect the location of the incident as a crime scene until appropriate steps can be taken to collect any evidence.
 - d. Secure any and all contents involved in the sexual misconduct incident area as evidence.
 - e. Notify the Shift Supervisor.
 - f. Immediately notify the appropriate Medical Unit Staff.
3. The first responder or Detention Center member shall request that the alleged victim NOT take any actions that could destroy physical evidence; and ensure the alleged abuser DOES NOT take any actions to destroy physical evidence. This includes (as appropriate):
 - a. Showering or otherwise cleaning him/herself;
 - b. Removing or discarding any clothing items;
 - c. Brushing his/her teeth if the misconduct was oral;
 - d. Urinating, defecating, drinking, or eating.
4. Advise the alleged victim that medical examination and evidence collection will be directed by the investigator(s). This includes rape kits, swabs, victim and alleged perpetrator blood sample collection, etc. or any other necessary tests.

First Responders that are not Security Staff

- a. If a contractor, volunteer, or anyone else who is not security staff is the first responder they must request that the victim not do anything that could destroy evidence and then immediately notify the shift supervisor.

E. Shift Supervisors Responsibilities

1. The Shift Supervisor Shall notify the PREA Coordinator and the Chief Administrator.
2. The on-scene Shift Supervisor will also complete the following tasks:
 - a. Ensure the inmates involved are kept separate to prevent further interaction and sexual misconduct.
 - b. Ensure that the victim is in a safe and secure location pending the initial interview with the criminal investigator. If necessary, the inmate may be reclassified to more appropriate housing.
 - c. If the alleged perpetrator is a Detention Center member, remove the member from any inmate contact/areas and place the individual in a no-inmate contact duty post pending the initial investigation by the Investigative Unit/Internal Affairs and review by the Detention Center Director and the Sheriff or his designee.
 - d. Ensure the investigator(s) receive assistance as needed (e.g. transport the victim to the appropriate medical examination facility, facilitate access to the crime scene, coordinate access to other inmates, etc.).
 - e. Ensure copies of all documentation are provided to the investigator(s). The Classification Officer will be responsible for providing any original video footage located on the surveillance camera(s) to the investigator(s).
3. After the investigator(s) interview the victim, collect the appropriate evidence, and release the victim, the Shift Supervisor shall:
 - a. Ensure the victim is afforded the opportunity to take care of hygiene issues. If necessary hygiene supplies, clean clothing, and bedding will be provided.
 - b. Ensure the Medical Unit evaluates the victim for follow-up care and mental health services.
 - c. Ensure all incident reports are complete.
 - d. Ensure the alleged perpetrator is served with an Inmate Notification of Disciplinary Actions if appropriate.
 - e. Ensure all necessary reports are forwarded to the following individuals:
 - i. The PREA Coordinator for review and inquiry (if necessary);
 - ii. The Administrative Lieutenant for review
 - iii. The Chief Administrator for review

F. Investigators Responsibilities

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 for gathering, and preserving direct and circumstantial evidence, available physical and DNA, and available electronic monitoring data.
4. Investigators will interview alleged victims, suspected perpetrators, and witnesses and will review any prior complaints and reports of sexual abuse involving the suspected perpetrator.
5. 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.
6. The inmate who alleges sexual abuse will not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of the alleged allegation.
7. Administrative investigations will include an effort to determine whether staff actions or failures to act contributed to the abuse.

8. All administrative and criminal investigations will be documented in reports to include:
 - a. Description of the physical and testimonial evidence
 - b. The reasoning behind credibility assessments
 - c. Investigative facts and findings
9. Any substantiated allegations of conduct that appears to be criminal will be referred for prosecution.
10. All reports of administrative and criminal investigations will be retained by the detention center for as long as the alleged abuser is incarcerated or is employed by the agency, plus five years.
11. An investigation will not be terminated just because the alleged abuser or victim departs from employment or control of the detention center.
12. The detention center will not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

G. After Action Follow-Up with Victims

1. Following an investigation into an inmate's allegation that he/she is a victim of a sexual misconduct incident, the PREA Coordinator shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
2. Follow-up is not required on unfounded reports.
3. For substantiated claims against a Detention Center member, the inmate shall be notified of the following actions:
 - a. When the Detention Center member is no longer posted within the inmate's unit;
 - b. When the Detention Center member is no longer employed at the facility;
 - c. When the Brunswick County Detention Center learns that the Detention Center member has been charged and/or convicted on a charge related to sexual misconduct within the facility;
 - d. When the Detention Center member has been released from custody.
4. For substantiated claims against another inmate, the inmate should be notified of the following actions:
 - a. When the Brunswick County Detention Center learns that the alleged abuser has been charged and/or convicted on a charge related to sexual misconduct within the facility;
 - b. When the alleged abuser has been released from custody.
5. All such notifications or attempted notifications will be documented.
6. Reporting and follow-up requirements are not required if the victim inmate has been released from Detention Center custody.

H. Protection Against Retaliation

1. For at least 90 days following a report of sexual misconduct, the Detention Center shall monitor the conduct and treatment of inmates/staff who have reported sexual misconduct, and of inmates who claim to be a victim sexual misconduct, to see if there are changes that may suggest possible retaliation by inmates/staff. The Detention Center shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
2. The Detention Center shall act promptly to remedy any form of retaliation against inmates or staff.
3. If an individual who cooperates with an investigation expresses a fear of retaliation, the Detention Center shall take appropriate measures to protect that individual against retaliation.

D-466.7 Victim Treatment Services

A. Confidentiality

1. Any information related to sexual victimization or abusiveness that occurred in an institutional setting will be strictly limited to Medical and Mental Health practitioners and other staff, as necessary, to form treatment plans and make security and management decisions.
 - a. The initial complaint through the kiosk or website will be emailed. Any other email should be avoided.
2. 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.

B. Victim Treatment Services

1. Inmate victims of sexual misconduct will receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which will be determined by the Medical Unit practitioners according to their professional judgment.
2. If the assault is reported within 72 hours of when it accrued the victim will be transported to Brunswick Hospital for a forensic medical examination.
3. Inmate victims will not be charged for provided treatment services for sexual misconduct that occurs within the Brunswick County Detention Center.
4. The evaluation and treatment of sexual misconduct victims will 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.
5. While incarcerated, inmate victims of sexual misconduct will be offered timely access to information about emergency contraception and sexually transmitted infection prophylaxis and testing, in accordance with professionally accepted standards of care, where medically appropriate.
 - a. Female inmate victims of sexually abusive vaginal penetration will be offered pregnancy tests.
 - b. If pregnancy results from a sexual misconduct incident, the victim will receive timely and comprehensive information about, and timely access to all lawful pregnancy-related medical services.

C. Outside Victim Support Services

1. The Detention Center shall provide inmates with access to outside victim advocates for emotional support services related to sexual misconduct.
2. The Detention Center shall enable reasonable communications between inmates and outside victim advocacy organizations and agencies, in as confidential a manner as possible.
3. Upon the victims request the victim advocate may accompany the victim during the forensic examination and during investigatory interviews.
4. The victim advocate shall provide emotional support, crisis intervention, information, and referrals.

D-466.8 Data Collection and Review

A. Screening Inmates for Risk of Victimization or Abusiveness

1. All inmates will be screened during intake using an objective object screening instrument for their risk of being sexually abused by other inmates or for risk of being sexually abusive towards other inmates.
2. The intake screening will take place within 72 hours of arrival at the facility and the inmate will be reassessed within 30 days after their arrival based upon any additional information received since the intake screening.

3. 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. The intake screening will consist at a 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 nonviolent
 - 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
5. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to the risk screening.
6. Information from the risk screening will be used to determine housing, bed, work, education, and program assignments to prevent inmates with high risk of being sexually victimized from being with those at the risk of being sexually abusive.
7. 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 detention center.
8. A transgender and intersex inmate's own views with respect to their own safety will be given serious consideration.
9. Transgender and intersex inmate placements will be reassessed at least twice a year to review any threats to the safety of the inmate.
10. Transgender and intersex inmates will be given the opportunity to shower separately from other inmates.
11. Lesbian, gay, bisexual, transgender, or intersex inmates will not be placed in dedicated blocks 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.
12. Inmates at high risk for sexual victimization will not be placed in segregated housing unless other alternatives are not available.
13. Inmates placed in segregated housing will have access to programs, privileges, education, and work opportunities to the extent possible.
14. Inmates in segregated housing will be reviewed at least every 30 days to determine whether there is a continuing need for separation from the general population.

B. Sexual Misconduct Incident Reviews

1. The PREA Coordinator shall conduct a sexual misconduct incident review at the conclusion of every sexual misconduct investigation, excluding unfounded complaints.
2. Sexual misconduct incident reviews will occur within 30 days of the conclusion of the investigation barring exigent circumstances. Exigent circumstances must be documented for the time extension to be valid.
3. Sexual misconduct incident reviews will be conducted by a designated review team. The review team will consist of the PREA Coordinator, Internal Affairs, the detention Lieutenant, detention First Sergeants, and the detention Captain. The review team shall:
 - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual misconduct incidents.
 - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; homosexual, bisexual, transgender, or intersex identification,

- status, or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- d. Assess the adequacy of staffing levels in that area during different shifts.
- e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- f. Prepare a report of the team's findings, including, but not necessarily limited to:
 - i. Any determinations made concerning policy, abuser motivation, or staffing levels;
 - ii. Any recommendations for improvement to the facilities structure or technology.
- g. The review team shall submit their report and recommendations to the Detention Center Director.
- 4. The Detention Center shall implement the recommendations for improvement, or shall document its reasons for not doing so.

C. Data Collection, Storage, Publication and Archiving

1. The Detention Center shall collect accurate, uniform data for every allegation of sexual misconduct using a standardized instrument and set of definitions. This data will be reported annually.
2. The Detention Center shall provide all such data from the previous calendar year to the Department of Justice, upon request, no later than June 30.
3. Annual PREA statistics (as reported to the Department of Justice) shall be posted on the Brunswick County Sheriff's Office website.
4. The Detention Center shall maintain collected sexual misconduct data for at least 10 years after the date of the initial collection.

D-466.9 Corrective and Disciplinary Actions

A. Detention Center Personnel

1. Staff shall be subject to disciplinary sanctions up to and including termination for violating Detention Center sexual misconduct policies.
2. Any contractor or volunteer who engages in sexual misconduct will be prohibited from contact with inmates.
3. Any contractor or volunteer who engages in such conduct will be reported to the Investigative Unit, and to any relevant licensing bodies, unless the activity was clearly not criminal.

B. Disciplinary Sanctions for Inmates

1. Inmates will be subject to major disciplinary sanctions following an administrative finding that the inmate engaged in inmate-on-inmate sexual misconduct, or following a criminal finding of guilt for inmate-on-inmate sexual misconduct.
2. Inmates will not be disciplined for sexual contact with staff unless the staff member did not consent to such contact.

C. Retaliation

1. Retaliation against staff or inmates making an allegation of sexual abuse is prohibited. Management is responsible for monitoring and ensuring that retaliation is not taken by either staff or inmates.

D. False Reporting

1. Inmates will be held accountable for knowingly making false reports of unfounded incidents of sexual abuse against staff or another inmate. If it is clearly established

that a false accusation has been made, the inmate may be subject to disciplinary action.

E. Prosecutions

1. The investigator shall work with the district attorney's office to ensure appropriate criminal prosecution of cases of sexual abuse. Every care is taken to ensure that evidence is not contaminated, and that the crime scene is preserved.