
 <b>Harford County Sheriff's Office</b>  <b>MANUAL OF OPERATIONS</b> <b>GENERAL ORDER</b>  <b>L. JESSE BANE, SHERIFF</b>	HCSO POLICY NO: MAN6400
	TITLE: <b>Prison Rape Elimination Act (PREA)</b>
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	AUTHORIZED BY:  <b>L. JESSE BANE, SHERIFF</b>

**I. Purpose:**

To establish guidelines for the Agency to ensure Agency means of confinement meet the 2003 Prison Rape Elimination Act (PREA) standards. The Prison Rape Elimination Act (PREA) was signed into law (P.L.108-79) on September 4, 2003. The goal of PREA is to eradicate sexual assaults in all correctional facilities in the United States. PREA applies to “any confinement facility of a federal, state, or local government, whether administered by such government or by a private organization on behalf of such government, and includes any local jail or police lockup, community confinement facility, and any juvenile facility used for the custody or care of juvenile inmates/detainees.”

**II. Policy**

The Harford County Sheriff’s Office has a zero-tolerance policy for sexual misconduct. Sexual conduct between inmates/detainees, staff and inmates/detainees, volunteer/contractual personnel and inmates/detainees, regardless of consensual status is prohibited and will result in administrative and possible criminal sanctions.

The Harford County Sheriff’s Office is committed to the prevention of sexual misconduct by remaining alert and attentive to inmate behavior. Reports of sexual assault, intimidation, or harassment will be immediately investigated and possibly prosecuted.

Any individuals making a false report of sexual misconduct may also be prosecuted.

**II. Definitions**

**Sexual Misconduct:** Any sexual conduct between inmates/detainees, Agency members/staff and inmates/detainees, volunteers/contractual personnel and inmates/detainees regardless of consensual status. This includes sexual assault, threats of sexual assault, coercion, intimidation, or harassment.

**Prison Rape Elimination Act (PREA):** Public Law 108-79, signed in September 2003 that establishes a zero-tolerance standard against sexual assaults and rapes of incarcerated persons. PREA sets a standard that protects the Eighth Amendment rights of federal, state and local prisoners -- making the prevention of sexual assault a top priority. It also increases available data on sexual misconduct and sexual assaults, and it increases the accountability for administrators who fail to prevent, reduce, and punish sexual misconduct and sexual assaults.

## **Harford County Sheriff's Office**

### **Policy # MAN6400: Prison Rape Elimination Act (PREA)**

#### **6400.1 Assignment of Duties**

**6400.1.1** The Sheriff shall designate an Agency PREA coordinator who shall oversee all Agency efforts to comply with the PREA standards in all of its lockups and detention facilities.

**6400.1.2** The Sheriff shall designate a law enforcement liaison that shall be responsible for overseeing law enforcement efforts to comply with the PREA standards.

#### **6400.2 Prevention**

**6400.2.1** Agency members will remain alert and responsive to the potential for sexual assaults against persons in custody.

**6400.2.2** Agency members will immediately report all claims and allegations of sexual activity among individuals being held in confinement at any Agency location.

**6400.2.3** Agency members will immediately report all claims and allegations of sexual activity among individuals being held in confinement and Agency members at any Agency location.

**6400.2.4** Juveniles and youthful detainees shall be held separately from adult detainees.

**6400.2.5** No Agency member shall conduct opposite gender strip searches

**6400.2.6** Each confinement location shall enable detainees to 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.

**6400.2.7** Agency members shall not search or physically examine a transgender or intersex detainee for the sole purpose of determining the detainee's genital status.

**6400.2.7.1** If the detainee's genital status is unknown, it may be determined during conversations with the detainee, 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.

**6400.2.7.2** Agency members 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.

**6400.2.7.3** Agency members 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.

**6400.2.7.4** Agency members 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.

### **6400.3 Response**

**6400.3.1** The Agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

**6400.3.2** 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.

**6400.3.3** Information regarding sexual assault, contact, or harassment relayed to any Agency member shall be immediately reported to a Supervisor.

**6400.3.4** Personnel responding to the scene of any incident reported under this policy shall provide for the following in descending order of priority:

**6400.3.4.1** Security and control;

**6400.3.4.2** Emergency medical treatment and preservation of life;

**6400.3.4.3** Crime Scene and evidence preservation;

**6400.3.4.4** Separate victim(s) and witnesses.

**6400.3.5** Once a sexual assault is alleged to have occurred, the Supervisor shall immediately notify the respective Watch Commander/Division Commander and the Criminal Investigation Division (CID).

**6400.3.6** Agency members responding to the crime scene shall immediately take appropriate action to preserve the crime scene and all evidence.

**6400.3.7** Preservation of the crime scene and evidence is secondary to preservation of life if a life threatening condition exists.

**6400.3.8** Upon conclusion of the investigative effort by CID, the appropriate Division Commander and PREA Coordinator will be formally notified of the disposition.

**6400.3.9** Agency members shall provide multiple ways for detainees to privately report sexual abuse and sexual harassment, retaliation by other detainees or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

**6400.3.10** Agency members shall also inform detainees 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 detainee reports of sexual abuse and sexual harassment to Agency officials, allowing the detainee to remain anonymous upon request.

### **6400.4 Crime Scene and Evidence Preservation**

**6400.4.1** The crime scene shall be secured to prevent contamination, removal, or destruction of evidence.

**6400.4.2** Personnel shall ensure the area being secured is large enough to include the entire crime.

**6400.4.3** Any item which may be identified as physical evidence in the vicinity of the incident (i.e.: clothing, linen, mattress, weapon, etc.) shall not be moved, disturbed, or removed unless approved by a member of the Criminal Investigation Division.

**6400.4.4** Agency members not involved in the incident or investigation shall be prohibited from entering the crime scene area to protect evidence from destruction or alteration.

## **6400.5 Training**

**6400.5.1** Agency members shall be trained how to conduct opposite gender pat-down searches and searches of transgender and intersex detainees, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

**6400.5.2** Agency members and volunteers who may have contact with lockup detainees shall receive basic training regarding how to detect and respond to victims of sexual abuse.

**6400.5.3** This training shall include:

**6400.5.3.1** The Agency's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment;

**6400.5.3.2** The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable in lockup settings;

**6400.5.3.3** The right of detainees and employees to be free from retaliation for reporting sexual abuse or harassment;

**6400.5.3.4** How to detect and respond to signs of threatened and actual abuse;

**6400.5.3.5** How to communicate effectively and professionally with all detainees.

**6400.5.4** All current employees and volunteers who may have contact with detainees shall be trained within one year of the effective date of the PREA standards, and the Agency shall provide annual refresher information to all such employees and volunteers to ensure that they know the Agency's current sexual abuse and sexual harassment policies and procedures.

**6400.5.5** The Agency shall document, through employee signature or electronic verification, which employees understand the training they have received.

## **6400.6 Data Collection and Review**

**6400.6.1** The Agency PREA Coordinator shall conduct a sexual abuse incident review within 30 days of the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

**6400.6.2** The Agency shall collect accurate, uniform data for every allegation of sexual abuse at lockups under its direct control using a standardized instrument and set of definitions.

**6400.6.3** The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Local Jail Jurisdictions Survey of Sexual Violence conducted by the Department of Justice, or any subsequent form developed by the Department of Justice and designated for lockups.

**6400.6.4** Upon request, the Agency shall provide all such data from the previous calendar year to the Department of Justice by no later than June 30.

## **6400.7 Auditing**

**6400.7.1** During the three year period starting August 2013, and during each three year period thereafter, the Agency shall ensure that each facility operated by the Agency, or by a private organization on behalf of the Agency, is audited at least once.

Reference: CALEA – N/A