



Jeffrey R. Gahler,
Sheriff

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONAL POLICY

Prison Rape Elimination Act (PREA)

Distribution:	All Employees		Policy Number:	OPS 1403	
Responsible Unit:	Agency PREA Coordinator		Rescinds:	MAN6400 dated 8/20/13	
Original Issued Date:	08/20/13	Revision #:	1	Latest Revision Date:	05/20/23
Latest Required Review was Completed:	05/20/23		Next Review Due:	05/20/26	

1. Purpose

To establish guidelines for the Harford County Sheriff's Office (HCSO) to ensure confinement **within any HCSO lockup or** the Harford County Detention Center (HCDC) meets the 2003 Prison Rape Elimination Act (PREA) standards.

2. Policy

The HCSO has a zero-tolerance policy for sexual misconduct. Sexual conduct between employees and inmates/detainees, volunteer/contractual personnel and inmates/detainees, or inmates/detainees and other inmates/detainees regardless of consensual status is prohibited and will result in administrative and possible criminal sanctions.

3. Definitions

INTERSEX: a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

RESIDENT: any person confined or detained in a juvenile facility or in a community confinement facility.

SEXUAL ABUSE: includes sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

SEXUAL MISCONDUCT: any sexual conduct between inmates or detainees with Agency members/staff, volunteers/contractual personnel, or other inmates or detainees regardless of consensual status. This includes sexual assault, threats of sexual assault, coercion, intimidation, or harassment.

TRANSGENDER: a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

4. References

HCDC Policy [DCA 7101](#) - Inmate Protection from Abuse

HCDC Policy [DCO 6500](#) - Criminal Investigation

HCSO Policy [OPS 0305](#) - Hate/Bias Incidents

HCSO Policy [OPS 1219](#) - CID Preliminary and Follow Up Criminal Investigations

HCSO Policy [OPS 1706](#) - Agency Members Party to Legal Process

HCSO Policy [PER 0812](#) - Training Course Design and Lesson Plans

[Maryland Commission on Correctional Standards](#)

[Prison Rape Elimination Act \(PREA\): Public Law 108-79](#)

[Prison Rape Elimination Act Compliance Handbook](#)

5. Procedures

- A. This policy includes applicable aspects of the Prison Rape Elimination Act which is an extensive document. A hyperlink has been provided for the [PREA Compliance Handbook](#) that should be reviewed for additional information.
- B. Assignment of Duties
1. The Sheriff will designate an employee at the HCDC as the Agency PREA coordinator who will oversee all Agency efforts to comply with the PREA standards in all lockups and the HCDC.
 2. The Sheriff will designate a law enforcement liaison that will be responsible for overseeing law enforcement efforts to comply with the PREA standards.
- C. Training and Education
1. All deputies will 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.
 2. All HCSO employees, contractors, and volunteers who may have regular contact with inmates or lockup detainees will be trained within one year on the PREA standards to ensure that they know the current sexual abuse and sexual harassment policies and procedures.
 3. All HCSO employees, contractors, and volunteers who may have periodic contact with inmates or lockup detainees will receive basic training regarding how to detect and respond to victims of sexual abuse, to include the following:
 - a. The Agency's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment;
 - b. The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable in lockup settings;
 - c. The right of detainees and employees to be free from retaliation for reporting sexual abuse or harassment;
 - d. How to detect and respond to signs of threatened and actual abuse; and
 - e. How to communicate effectively and professionally with all detainees.
 4. HCDC contracted medical and mental health providers will comply with requirements of PREA standards and the contractor will provide the required training to ensure such compliance.
 5. All training will be approved by the Agency Training Academy and proper documentation of training received will be maintained for employees according to established policy. Training received by contractors and volunteers at the HCDC will be maintained by the PREA coordinator.
- D. HCDC Inmate Access to PREA Information
1. Upon booking, all inmates will receive a copy of the Inmate Rules and Regulations Manual (ML-04).

- a. The manual will discuss PREA, and the steps an inmate should take in reporting any incidents of sexual abuse, sexual harassment, or retaliation, including the right to be free of sexual abuse or harassment, of retaliation for reporting sexual abuse or harassment, and the methods for reporting such.
2. Inmates with disabilities including, for example those who are deaf or hard of hearing, those who are blind or have low vision or those who have intellectual, psychiatric or speech disabilities, will have an equal opportunity to participate in, or benefit from, all aspects of the HCSO's efforts to prevent, detect or respond to sexual abuse or harassment.
3. During the initial inmate classification process and upon the inmate being transferred to another jail facility, all inmates will be screened for risk or sexual abuse, victimization, or sexual abusiveness toward other inmates.

E. Inmate Housing

1. Inmates at high risk for sexual victimization will not be placed in involuntary administrative or restrictive housing unless all available alternatives have been reviewed and it is determined that no other options are available for the safety of the inmate.
 - a. The assignment to administrative or restrictive housing will last only until the Special Confinement Review Team can determine an alternate means of separation from potential abusers.
 - b. Inmates placed in involuntary administrative or restrictive housing will have access to privileges as afforded the general population to the extent possible to ensure security, or the reason for limiting those privileges will be documented.
2. Every effort will be made to house youthful offenders separately from adult detainees and inmates, unless the area housing both is under direct supervision at all times.
3. Lesbian, gay, bisexual, transgender or intersex inmates will not be placed in dedicated units solely based on such identification or status.

F. Prevention

1. Employees will remain alert and responsive to the potential for sexual assaults against persons in custody.
2. Employees will immediately report all claims and allegations of sexual activity among individuals being held in confinement at any HCSO location.
3. Employees will immediately report all claims and allegations of sexual activity among individuals being held in confinement and employees or volunteers at any HCSO location.
4. No deputy will conduct opposite gender strip searches.
5. Pat-downs will be conducted by same sex deputies except in exigent circumstances.
 - a. Should an opposite sex pat-down be necessary, it will be documented.

6. Each confinement location will 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.
7. Employees will not search or physically examine a transgender or intersex detainee for the sole purpose of determining the detainee's genital status.
 - a. 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.
8. Employees will 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.
 - a. Written materials should be provided in formats or through methods that ensure effective communication with these detainees.
9. Employees will take reasonable steps to ensure meaningful access to all 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.

G. **Allegations of Employee Misconduct**

1. An inmate or detainee may report alleged sexual harassment or sexual abuse at any time, regardless of when the incident is alleged to have occurred.
2. Inmates or detainees alleging employee sexual harassment or sexual abuse will be immediately reported to a supervisor.
3. Any indication of substantial or imminent risk of sexual abuse requires an immediate response to ensure the safety of the inmate or detainee.
4. Any inmate or detainee who reports sexual harassment or abuse will not be subject to discipline unless there is clear evidence that the inmate filed the report in bad faith.

H. Response

1. The HCSO will follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
2. Personnel responding to the scene of any incident reported under this policy will provide for the following in descending order of priority:
 - a. Security and control;
 - b. Emergency medical treatment and preservation of life;

- c. Crime Scene and evidence preservation; and
 - d. Separate victim(s) and witnesses.
3. Once a sexual assault is alleged to have occurred, the Supervisor will immediately notify the respective Watch Commander/Division Commander and the Criminal Investigations Division (CID).
 4. Agency employees responding to the crime scene will immediately take appropriate action to preserve the crime scene and all evidence.
 5. Preservation of the crime scene and evidence is secondary to preservation of life if a life-threatening condition exists.
 6. Upon conclusion of the investigative effort by CID, the appropriate Division Commander and PREA Coordinator will be formally notified of the disposition.
 - a. Access to all reports and attachments will be available through the Law Enforcement Records Management System (RMS).
 7. Agency employees will 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.
 8. Agency employees will 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.


H. Data Collection and Review

1. The HCSO PREA Coordinator will 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.
2. The HCSO will collect accurate, uniform data for every allegation of sexual abuse at lockups under its direct control using a standardized instrument and set of definitions.
3. The incident-based data collected will 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.
4. Upon request, the Agency will provide all such data from the previous calendar year to the Department of Justice by the date requested.

6. Summary of Changes

A. 5/20/23 Revision number one.

1. The policy was reformatted from the original MAN6400 dated 8/20/13 and included changes to ensure compliance with the Act to include:
 - a. Updated Definitions and References;
 - b. Updated training requirements;
 - c. Included inmate access to PREA information;
 - d. Added a section regarding inmate housing;
 - e. Added a section regarding allegations of employee misconduct; and
 - f. Added access to all reports and attachments being available in the Records Management System.

Approved

JEFFREY R. GAHLER
SHERIFF
DATE 5-22-2023