

<b>RE: INMATE SEXUAL ASSAULT (Prison Rape Elimination Act (PREA))</b>	
<b>POLICY # 839</b>	<b>EFFECTIVE DATE: 08-11-2009</b>
<b>SUPERSEDES: JAIL SOP # 673</b>	<b>NEXT ANNUAL REVIEW DATE: 08-2016</b>
<b>DISTRIBUTION: ALL PERSONNEL</b>	<b>REVISED: 11-16-09, 10-27-10, 02-02-11, 09-11-12, 08-18-14, 09-28-15</b>
<b>REFERENCES: CALEA:</b>	<b>CROSS REFERENCE:</b>
<b>ACA: 4-ALDF-2A-29, 4ALDF-4D-22-1, 4-ALDF-4D-22-2, 4-ALDF-4D-22-3, 4-ALDF-4D-22-4, 4-ALDF-4D-22-5, 4-ALDF-4D-22-6, 4-ALDF-4D-22-7, 4-ALDF-4D-22-8</b>	<b>CCS POLICY J-G-09, Prison Rape Elimination Act Department of Justice PREA Standards</b>

**839.00      PURPOSE AND POLICY**

The Shelby County Sheriff's Office (SCSO) has a zero-tolerance policy relating to sexual assault, rape and sexual misconduct. It will not hire, promote or retain anyone who has been convicted or has a substantiated accusation of sexual misconduct in a jail setting or within the community. SCSO, will fully investigate and aggressively prosecute those who are involved in such conduct. This policy applies to all employees of the SCSO that arrest, detain, transport and supervisor anyone that is in their custody.

The purpose of this policy is to ensure compliance with the Prison Rape Elimination Act of 2003 and to inform staff of their responsibility and liability as specified in the law. Further, this policy provides procedures to assist in identifying, monitoring, counseling and tracking inmates/youth that have a propensity (likelihood) for committing sexual assaults, rapes or sexual misconduct, or possible vulnerability to being a victim of sexual assault, rape or sexual misconduct. This policy outlines, procedures for prevention, prompt intervention, investigation, discipline, prosecution of assailant, training and data collection.

**ASSAULTS AGAINST MEMBERS OF THE SHELBY COUNTY SHERIFF'S OFFICE STAFF AND VENDORS WILL BE REPORTED AND THE PROCEDURES OUTLINED IN THIS POLICY WILL BE FOLLOWED. THE COMPLAINTS OR ALLEGATIONS WILL BE REPORTED THROUGH THE CHAIN OF COMMAND AND THE NOTIFICATION AND INVESTIGATIVE PROCEDURES OUTLINED IN 839.04-F.2 AND 839.04-H.1-11 WILL BE FOLLOWED**

**839.01      APPLICABILITY**

**ALL EMPLOYEES OF THE SCSO.**

**839.02      DISTRIBUTION**

This policy will be distributed to each department head, inmates and on the SCSO intranet. This policy will be reviewed annually.

**839.03      DEFINITIONS**

- A. Aggressor – an inmate or staff member who attempts to commit, or commits a sexual assault and/or coercion of an inmate that results in sexual contact.

- B. Coercion – Actual or threatened force for the purpose of compelling action by another person.
- C. Harm (harmed): Includes psychological injury or damage.
- D. Inmate – any inmate or other person currently in the custody of the Shelby County Sheriff’s Office Jail.
- E. Juvenile/Detainee: Any youth currently under the age of 18 in the custody of Juvenile Court and housed in the Detention Center.
- F. PREA - Prison Rape Elimination Act of 2003
- G. Rape - The act of forcing sexual intercourse or other sexual activity upon another person, without their consent and/or against their will.
- H. Sexual Abuse – includes sexual misconduct of an inmate/youth, or resident by another inmate, staff member, contractor or volunteer.
- I. Sexual Abuse by another inmate/youth, or resident – Any of the following acts, if the victim does not consent, is coerced into the act by overt or implied threats of violence, or is unable to consent or refuse:
  - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Oral sodomy meaning contact between the mouth and the penis, vulva or anus;
  - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
  - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person excluding contact incidental to the physical altercation or performance of one’s duty.
- J. Sexual Abuse by a Staff Member, Contractor or Volunteer includes –
  - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
  - b. Contact between the mouth and the penis, vulva or anus;
  - c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse or gratify sexual desires;
  - d. 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 desires;

- e. 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 desires;
  - f. Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above (a-e) of this section;
  - g. Any display by staff member, contractor or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee or resident; and
  - h. Voyeurism by a staff member, contractor or volunteer.
- K. Sexual Assault – any contact by the use of force, threatened use of force or coercion, between the sex organ of one person the sex organ, mouth, hand or anus of another person. The intrusion by force of any part of the body of one person, or of any object, substance, instrument or device into the sex organ, mouth or anus of another person
- L. Sexual Harassment includes –
- a. Repeated and unwelcome sexual advances request for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, resident directed toward another; and
  - b. Repeated verbal comments or gestures of a sexual nature to an inmate, youth, 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.
- M. Sexual Misconduct – any touching of an erogenous zone of another, including the thigh, genitals, buttock, pubic region or breast, for the purpose of sexual gratification.
- N. Substantiated Allegation – an allegation that was investigated and determined to have occurred.
- O. Unfounded Allegation - means an allegation that was investigated and determined not to have happened.
- P. Unsubstantiated Allegation - means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the incident occurred.
- Q. 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/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.

## 839.04 PROCEDURE

All sexual behavior is strictly prohibited inside of any Shelby County Sheriff's Office facilities or any other SCSO, area where inmates/youth are supervised, temporarily watched, externally transported (in or out of town). **Inmates, Youth, Detainees and Arrestees will not be subjected to sexual harassment by SCSO staff.** Once it is identified that an inmate/youth is subject to substantial risk of imminent sexual abuse, immediate action to protect the inmate/youth will be taken.

### A. Orientation and Education

During the Intake process while being medically screened, inmates/youth are given a brief orientation on rape avoidance (PREA facts) and shall sign that they understand the orientation. The youth housed at the **detention facility** will be orientated and shall sign an acknowledgement of receipt form that will be stored in resident's Detention Services Bureau (DSB) file. Information is also included in a Sexual Assault and Rape Avoidance provisions in the Inmate/Youth handbook in age appropriate fashion within ten (10) days of intake. **The inmates/youth will receive a handout/brochure, which contains information regarding sexual abuse/assault, prevention and intervention, self-protection, reporting sexual abuse/assault and treatment and counseling. Information will be communicated both orally and in written format in a language that the inmate/youth will understand.**

All inmates assigned to Direct Supervision units will be orientated by the pod officers to the unit rules and regulations. The inmates/youth will also be shown a PREA education video at scheduled times during the day, inside of their pods. Main Jail and Jail East have an initial logging into the facility's kiosk system and is available for future reference in the kiosk. The pod officer will include in their orientation a thorough explanation of the zero tolerance sexual behavior and rape avoidance as outlined in the inmate's handbook.

The inmates housed at Main Jail and Jail East will be made aware of their option to contact the emergency hotline (901) 222-4781 within the facility when they want to report sexual abuse and the brochure will provide outside avenues for inmates to report sexual misconduct.

Inmates will sign the Inmate Information Log indicating receipt of a copy of the rules and regulations, to ensure complete understanding and compliance.

### B. Prevention of Sexual Abuse and/or Harassment

**Inmates/Youth are screened within 24 hours of arrival at the Jail/Detention and or for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. This assessment will be conducted during the initial medical intake screening process.**

The Medical Department will conduct an assessment included in the interview process using the Medical Receiving Screening; through this process, inmates/youth classified as high risk for sexual victimization or perpetration will be referred to the facility Mental Health Staff for further assessment and follow-up classification needs.

Youth housed at **Juvenile Court** that have been identified as exhibiting sexually abusive behavior shall be identified as having a history of sexually abusive behavior, shall be classified as Class C, and will be assessed by a qualified mental health provider within 7 days. Youth housed at Juvenile Court that have been identified as exhibiting sexually victimization, shall be identified as being at risk for sexual victimization, shall be classified as Class D, and will be assessed by a qualified mental health provider within 7 days.

For Main Jail and Jail East **only**: the inmate will receive an alert for housing due to the inmate possibly being housed with another inmate. This alert does not apply to Juvenile court due to the fact that all detainees are housed separately.

The Medical staff will submit a Classification and Housing form to the Classification Department alerting the inmate's high risk for sexual victimization/perpetration's status and the Classification Department will complete the process by reviewing the inmate's history in depth, log such information in the system, and house accordingly. If an inmate does not volunteer the necessary information to the Medical Department and reaches the Classification Department and it is found that the inmate's criminal history reveals that he/she is a high risk for sexual victimization/perpetration, Classification will communicate the information to the Medical Department in order to complete the process in a timely manner.

### C. Mental Health Assessment

**Inmates/Youth identified as at risk for sexual victimization are assessed by a medical or mental health qualified professional. Inmates/Youth at risk for sexual victimization are identified, monitored, and counseled. Inmates/Youth identified as high risk with a history of sexually assaultive behavior will be assessed by a medical or mental health qualified professional. Inmates/Youth with a history of sexually assaultive behavior will be identified, monitored, and counseled.**

- a. Intake Medical Staff will assess all inmates/youth for potential sexual vulnerability or sexually aggressive behavior at the initial screening jointly with Intake Classification. Based on findings inmates/youth are referred to the facility's Mental Health Staff for further assessment.
- b. The mental health assessment will be performed by a qualified mental health professional.
- c. The assessment will include, but not be limited to, a review of any history of sexual victimization or sexually aggressive behavior.
  1. Any serious mental health needs identified through the mental health assessment will be addressed by the mental health department. Inmates /Youth who may be in need of psychiatric medications will be referred to the psychiatrist for a psychiatric evaluation.
  2. Inmates/youth will be asked whether they are or perceive themselves to be lesbian, gay, bisexual, transgender, intersex or gender nonconforming.
  3. Whether the inmate/youth has previously experienced sexual victimization.

- d. Inmates/Youth classified as high risk for sexual victimization will be placed on the Mental Health Special Needs list and will receive counseling by a mental health professional at least monthly.
- e. All inmates/youth classified as high risk for sexual aggressive behavior will be referred to the Unit Manager responsible for their housing unit. The Unit Managers will counsel the inmates regarding their high risk status and the potential consequences for acting out in sexually inappropriate ways in the facility. The Unit Manager/ will ensure that the appropriate security staff members are aware of the inmate's/youth status as a high risk perpetrator so the inmate/youth may be monitored. In addition, inmates/youth identified as high risk for sexual perpetration who have also been determined to have a serious mental illness will be placed on the Mental Health Special Needs list and will be seen at least monthly by a mental health professional.

D. **Inmate/Youth Placement**

1. All information obtained during the medical and mental health assessments will be used by the Classification staff member to assist in the initial classification and housing unit assignment. Initial housing unit placement will be made at the discretion of the Chief Jailer or designee.
2. Main Jail and Jail East **only**: If an inmate has to be placed in involuntary segregation until space becomes available, they will have the same privileges as those inmates/residents in general population.

E. **Types of Sexual Assault/Rape or Sexual Misconduct**

1. **Inmate on Inmate/Youth on Youth**

- a. When one or more inmates/youth are considered to be engaging in, attempting to engage in, or have completed a sexual act with another inmate, it is sexual misconduct and a crime.
- b. If an inmate/youth, or group of inmates/youth, through the use of threats, intimidation, force, or other actions and/or communication reasonably calculated to cause submission of another inmate/youth to engage in a sexual act against that inmate's/youth will. It is a crime and also sexual misconduct.
- c. Any sexual touching, sexual misconduct, attempted or completed act is prohibited by SCSO under the zero-tolerance policy.
- d. All cases listed above will be referred to the Shelby County Sheriff's Office GIB for investigation. The Bureau of Professional Standards and Integrity (BPSI) will assist with the investigation as required. Inmates/Youth may also be charged pursuant to the Inmate/Youth Rules of Conduct and Inmate/Youth Discipline for violation of facility rules and regulations even if no criminal charges are placed against them.

2. **Inmate/Youth on Staff**

All cases involving sexual assault/rape or sexual misconduct perpetrated by inmates against staff will be referred to the SCSO for investigation of criminal charges. The Bureau of Professional Standards and Integrity (BPSI) will assist with the investigation as required. Inmates/Youth may also be charged pursuant to the Inmate/Youth Rules of Conduct and Inmate/Youth Discipline for violation of facility rules and regulations.

3. **Staff, Contractor or Volunteer on Inmate/Youth**

**Sexual conduct between staff and youth and between volunteers or contract personnel and youth is prohibited and subject to administrative and criminal disciplinary sanctions**

Sexual assault/rape or sexual misconduct, retaliation for refusal to submit to sexual activity, or witness intimidation perpetrated by staff against inmates/youth will be investigated and submitted to the appropriate authorities for prosecution. All cases involving sexual assault/rape or sexual misconduct will be referred to the SCSO General Investigative Bureau (GIB) - Sex Crimes Unit. The Bureau of Professional Standards and Integrity (BPSI) will conduct its own investigation into allegations of SCSO policy violations.

**For the Juvenile Court Detention Center:** An Alleged Abuse or Mistreatment Report (JC-107) shall be completed and a report made to the Tennessee Department of Children's Services (TDCS) Abuse Hotline at **1-877- 237-0004**. **They may also report an incident of abuse by mail to TDCS at DCS, Cordell Hull Building, 7th Floor, and Nashville, TN 37243.**

If the investigation of staff, contractor or a volunteer's sexual misconduct proves to be criminal, SCSO will report the matter to the District Attorney for further action.

The Sheriff's Office will not allow contractors or volunteers to conduct business in its facilities that have been convicted of sexual misconduct or attempted to engage in sexual misconduct within a jail setting or within the community.

F. **Report of Sexual Assault/Rape of Sexual Misconduct**

1. **Inmate/Youth Reporting Procedures:**

**Inmates/Youth who are victims of sexual abuse have the option to report the incident to a designated staff member other than an immediate point of contact line officer.** Inmates incarcerated at the SCSO Jail, Jail East and Juvenile Court Detention Facility may report any act or threat of sexual assault/rape or sexual misconduct in writing or verbally to any staff member, contract staff member, or volunteer. Inmates/Youth present/past may also contact the SCSO via telephone numbers listed in the Inmates/Youth handbook.

2. **Staff Reporting Procedures**

Staff members, contract staff members, or volunteers who receive information, regardless of its source, concerning sexual assault/rape or sexual misconduct, or who observe an incident of sexual assault/rape or sexual misconduct, are required

to immediately report the information or incident directly to their immediate supervisor. 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 policy, to make treatment, investigation, and other security and management decisions.

- e. The supervisor will notify SCSO Communications, who will in turn notify
- (1) The Chief Jailer or designee,
  - (2) GIB Supervisor during duty hours, Sex Crimes Lieutenant or GIB CDO after hours,
  - (3) GIB Sex Crimes Detective—who will investigate the case and call for a Crime Scene Unit as needed.
  - (4) Jail General Investigative Bureau (GIB) will be called and proceed to the scene.
  - (5) Legal Advisor (leave message on work phone 901-222-2116)
  - (6) Jail/Detention Facility Medical Unit
  - (7) All such incidents will be recorded and reflected in the daily log prepared by the Communication's Unit.
  - (8) PREA Coordinator

**For the Juvenile Court Detention Center:** The SCSO reporting protocol will be followed. In addition, An Alleged Abuse or Mistreatment Report (JC-107) shall be completed and a report made to the Tennessee Department of Children's Services (TDCS) Abuse Hotline at **1-877-237-0004**. **They may also report an incident of abuse by mail to TDCS at DCS, Cordell Hull Building, 7th Floor, and Nashville, TN 37243. For Juvenile Court both calls shall be completed.**

3. Third Party Reporting

All "Third party information" assisting inmates/youth in reporting sexual misconduct will be accepted and investigated. Such information may come from but is not limited to those positions listed below:

- a. Cell mate
- b. Staff member
- c. Family member
- d. Attorney
- e. Counselor
- f. Outside agency
- g. Information anonymously mailed to staff

If the allegation is made by the third party, the inmate/youth (victim) **must** agree to have the complaint filed on his/her behalf. If the inmate/youth **declines the filing**, the staff member will document the inmate's response indicating his/her refusal to proceed with the allegation.



4. Reporting to Other Confinement Facilities

Upon receiving an allegation that a SCSO inmate/youth 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 within 72 hours after receiving the allegation. The SCSO, shall request that the other facility conduct and investigation in accordance with the PREA standard and furnish the results to the Jail Director.

5. Retaliation For Reporting

The SCSO, prohibits retaliation against anyone for reporting or to those cooperating with the investigation of sexual misconduct. The act of sexual misconduct and the retaliation for reporting will be dealt with to the full extent of disciplinary sanctions.

G. Security Procedures

Appropriate security procedures are in place to protect inmates/youth from sexual abuse to include:

1. Separating the perpetrator and the victim
2. Isolating witness(s)
3. Securing the crime scene
4. Using video monitoring devices
5. Direct Supervision

H. Investigation Procedures:

1. **An investigation is conducted and documented whenever a sexual assault or threat is reported.** All internal reports will be provided to General Investigative Bureau (GIB) Sex Crimes as soon as possible. Jail personnel will generate a report in the jail's inmate management system, documenting the referral to SCSO. GIB will complete a case file which shall include a chronological order of events in the investigation.
2. The crime scene shall be secured by the Gang Intelligence Unit and all physical evidence safeguarded and maintained at the scene until the arrival of GIB.

At the direction of GIB, Jail Transportation will take inmates from Jail East/**Juvenile Court** to the Mid-South Area Rape Crisis Center after the inmate has been cleared by Jail/**Detention** Medical Unit for travel. For male inmates housed at 201 Poplar, the Rape Crisis Center will be called to the facility for exams. **Under no circumstances** will on site medical staff gather evidence. All youth housed at **Juvenile Court** 616 Adams will be transported to Rape Crisis Center after they have been cleared for travel.

3. GIB has control of the crime scene until the investigation is concluded, but will brief Bureau of Professional Standard and Integrity (BPSI) on the case if an employee is involved.
4. Jail Gang Intelligence Unit (GIU) will pull and provide intelligence information/analysis to assist GIB, and BPSI.

5. Jail Classification/Medical will determine appropriate housing for the victim and accused assailant if it is an inmate/youth.
6. After the conclusion of the investigation completed by GIB. GIB will complete a report to include all statements, photographs, Jail surveillance video, medical information, etc.
7. GIB will submit the completed investigative report to the Shelby County District Attorney General's Office, which will review and determine any criminal charges, if applicable.
8. When GIB has concluded its investigation, BPSI will start its own investigation if an employee, contractor or volunteer has been accused or implicated.
9. If an employee has been accused of the assault, a Jail Supervisor (Lieutenant or above) or BPSI will relieve the employee of duty, with pay, pending the conclusion of internal investigation. .
10. BPSI will investigate the allegation according to its procedures. Substantiation whether an allegation of sexual abuse or sexual harassment occurred is determined by no higher than a preponderance of evidence.
11. After completion of the investigation the inmate/youth will be informed by the PREA Compliance Manager the results of their allegation, whether it has been determined to be substantiated, unsubstantiated or unfounded.
12. There will be a quarterly review of all investigations conducted and convened by GIB to include: Detectives, Bureau of Professional Standards and Integrity, Communications, Legal Advisor and Jail Personnel.

There shall be 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. This review shall be conducted within 30 days of the conclusion of the investigation. The review team shall include upper management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

**I. Treatment for Victim:**

1. Inmate/Youth or staff victims will be provided urgent/emergent medical attention by medical staff where indicated.
  - a. A history is taken by health care professionals who conduct an examination to document the extent of physical injury and to determine if referral to another medical facility is indicated. With the victim's consent, the examination includes collection of evidence from the victim, using a kit approved by the appropriate authority.
  - b. Provisions are made for testing and follow-up treatment (if needed) for sexually transmitted diseases (for example, HIV, gonorrhea, hepatitis and other diseases), or pregnancy and counseling, as appropriate.
  - c. Preventive treatment for sexually transmitted diseases and follow-up are offered to all victims, as appropriate.
  - d. Following the physical examination, mental health professional are

available to assess the need for crisis intervention counseling and long-term follow-up.

2. If an inmate/youth is transferred to another correctional facility the records pertaining to the counseling plan will be included.
  - a. Once Release Staff is informed that an inmate/victim or youth/victim, other than those already on the SCCC/State Penitentiary List, is being release/transferred to another agency, the releasing staff will notify medical staff.
  - b. Inmate/Youth who has been penetrated vaginally will be provided a test for pregnancy or sexually transmitted disease with follow up services. All follow up services will be forwarded if the inmate is transferred to another facility.
3. Inmates/Youth who have been victimized by sexual abuse shall receive a medical or mental health evaluation, and, as appropriate treatment. This evaluation and treatment 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. These medical and mental health services will be provided without cost to the inmate/youth and consistent with the community level of care.

J. **Treatment for Perpetrators**

**A mental health evaluation of all known inmate-on-inmate/youth-on-youth abusers shall be conducted within 60 days of knowledge of such abuse history and offer treatment, when deemed appropriate.**

K. **Staff Training:**

Prison Rape Elimination Act (PREA) training will be provided to all SCSO Jail staff, contract staff and volunteers during their Initial Training and annually thereafter. Training will include, but is not limited to:

1. Review of this policy, the Prison Rape Elimination Act (PREA) of 2003, and any other applicable state or federal laws.
2. The prevention, investigation and prosecution of sexual assault/rape or sexual misconduct.
3. Zero Tolerance: There is no “consensual sex” in a custodial or supervisory relationship. Any sexual assault/rape or sexual misconduct between employees (or agents), contractors, volunteers and inmates is inconsistent with the professional, ethical principals, and policies of SCSO. All allegations of sexual assault/rape or sexual misconduct will be investigated. If applicable, criminal charges will be filed and the BPSI will conduct an investigation which may result in corrective and/or disciplinary action, including termination.
4. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they will have with inmates/youth.

L. **Case Records**

**All case records associated with claims of sexual abuse, including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are retained in accordance with an established schedule (ALDF 4D-22-8).**

All case records will be maintained by SCSO Jail Division and or the investigating authority. The records will be stored for a period of five (5) years.

M. **Data Collection**

SCSO shall:

- a. Collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using the jail report card as the standardized instrument and set of definitions,
- b. Aggregate the incident-based sexual abuse data at least annually.
- c. Include incident-based data collected, 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. Maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- e. Obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- f. Provide all such data from the previous calendar year to the Department of Justice no later than June 30, upon request.

N. **Data Review for Corrective Action**

- a. SCSO shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
  1. Identifying problem areas;
  2. Taking corrective action on an ongoing basis; and
  3. Preparing an annual report of its findings and corrective actions for each facility, as well as the SCSO as a whole.
- b. 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 SCSO progress in addressing sexual abuse.

- c. The SCSO 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.
- d. The SCSO 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.

O. **Data Storage, Publication, and Destruction**

The SCSO shall:

- a. Ensure that data collected pursuant to § 115.87 are securely retained.
- b. 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.
- c. Before making aggregated sexual abuse data publicly available, remove all personal identifiers.
- d. Maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

Authority of



Bill Oldham, Sheriff