POLICY

It is the Policy of the Shelby County Sheriff's Office to provide a safe, humane, and appropriately secure environment, free from the threat of sexual misconduct for all inmates by maintaining a program of prevention, detection, response, investigation and tracking. The Shelby County Jail shall maintain a **ZERO TOLERANCE** for sexual misconduct among inmates and by staff towards inmates is strictly prohibited. All allegations of sexual misconduct and/or harassment shall be administratively and/or criminally investigated.

DEFINITIONS

ABUSER - An inmate who has been found guilty of committing, attempting to commit, or threatening to commit one or more instances of sexual abuse in an institutional setting.

Agency PREA Coordinator – The staff member designated by the Jail Administrator to oversee the agency efforts to comply with PREA standards in the jail. The Agency PREA Coordinator shall be the Operation Support Center liaison for the PREA Compliance Managers.

PREA Compliance Manager – The staff person designated by the Jail Administrator to coordinate the jail's efforts to comply with PREA standards.

Indecent Exposure – Any display by an inmate, staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of any other persons.

LGBTI – An acronym for a group of sexual minorities including lesbian, gay, bisexual, transgender, and intersex individuals.

Sexual Abuse - Any behavior or act of a sexual nature, or any attempt, threat or request for same, directed toward an inmate by an employee, contractor, or volunteer, which may include one or more of: 1) Sexual Conduct, 2) Sexual Contact, 3) Voyeurism, or, 4) Indecent Exposure; OR Any behavior or act of a sexual nature, or any attempt, threat or request for same, directed toward an inmate by another inmate which may include one or more of: (1) Sexual Conduct or (2) Sexual Contact.

Sexual Contact - Any touching of an erogenous zone of another including without limitation the thigh, genitals, buttocks, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual Conduct – Vaginal intercourse between a male and female, anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without relation to official duties, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual Harassment – (1) Repeated and unwelcome sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate toward another, OR (2) repeated verbal comments or gestures of a sexual nature to an inmate 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.

Sexual Misconduct - Any behavior or act of a sexual nature directed toward an inmate by an employee, contractor, or volunteer or other inmate which may be Sexual Harassment, Sexual Abuse or a combination of both as defined in this policy.

Substantiated Allegation – An allegation that was investigated and determined to have occurred.

Unfounded Allegation – An allegation that was investigated and determined not to have occurred.

Unsubstantiated Allegation – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Victim – An inmate who has been the victim of an attempted sexual abuse or sexual abuse in an institutional setting, which has been confirmed by disciplinary records of the Abuser and/or inmate on inmate assault records

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

ZERO TOLERANCE

1. Based on the elements of this policy the Shelby County Jail shall use the guidelines in accordance with the Shelby County Sheriff's Detective's policy outlining their procedures for preventing, detecting and responding to sexual misconduct.

2. All staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual misconduct policies. Terminations for violations of agency sexual misconduct policy, or resignations by staff that would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and also reported to any relevant licensing bodies.

3. In accordance with Policy, Recruitment, Training, and Supervision of Volunteers, Contractor Orientation, any contractor or volunteer who engages in sexual misconduct is prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and also to relevant licensing bodies. The facility shall take appropriate remedial measures and terminate the contract or volunteer arrangement with independent contractors or volunteers or shall demand that the offending employee of a contractor be excluded from providing services under the contract.

4. In accordance with Inmate Prohibited Acts, inmates shall be subject to disciplinary sanctions following an administrative and/or criminal finding that the inmate engaged in inmate-on-inmate sexual misconduct.

5. Criminal background checks shall be conducted on all employees and contractors every five years or a system shall be in place for otherwise capturing such information.

STAFFING ISSUES

1. The Shelby County Sheriff's Office shall develop, document, and make its best efforts to comply with a staffing plan that provides for adequate levels of staff and, where applicable, video monitoring, to protect inmates against sexual misconduct. In calculating staffing levels and determining the need for video monitoring, the institutions shall consider:

a. Generally accepted correctional practices;

b. Any judicial, federal investigative and internal/external oversight agency findings of inadequacy;

c. The jail's physical building including blind-spots or areas where staff or inmates may be isolated;

d. The composition of the inmate population;

e. The number and placement of jail staff;

f. The jail programs occurring on a particular shift;

g. The prevalence of substantiated and unsubstantiated incidents of sexual abuse;

h. Applicable State or local laws, regulations, standards or any other relevant factors.

2. If circumstances arise where the staffing plan is not complied with, the Shift Supervisor must document and justify all deviations on the staffing plan.

3. At least annually, the jail, in consultation with the Agency PREA Coordinator, shall assess the staffing plan, the jail's deployment of video monitoring technologies, and the jail resources to determine if adjustments are needed. This assessment must be documented on the staffing plan. A copy of any staff analysis conducted for PREA Compliance shall be forwarded to the appropriate Jail Administrator.

EMPLOYEE TRAINING

1. All new employees shall receive instruction related to the prevention, detection, response, and investigation of sexual misconduct. This training shall include, but not be limited to, the following:

a. policies that address the agency's zero-tolerance for sexual misconduct;

b. The employee's responsibilities regarding sexual misconduct prevention, detection, reporting, and response policies and procedures;

c. The inmate's right to be free from sexual misconduct;

d. The inmate's and employee's right to be free from retaliation for reporting sexual misconduct;

e. The dynamics of sexual misconduct in confinement and the common reactions of sexual misconduct victims;

f. How to avoid inappropriate relationships with inmates;

g. Effective and professional communication with inmates including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and

h. How to comply with relevant laws for mandatory reporting of sexual abuse to outside authorities.

2. The Shelby County Jail shall provide training on sexual misconduct annually during staff in-service.

3. All employees shall be trained on how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates to ensure professionalism and to utilize the least intrusive manner possible consistent with security needs.

4. All volunteers and contractors who have contact with inmates shall be notified of the Shelby County Sheriff's Office's zero-tolerance regarding sexual misconduct and how to report such incidents. All volunteers and contractors shall also be trained on their responsibilities regarding sexual misconduct prevention, detection, and response. The level and type of training shall be based on the services they provide and the level of contact they have with inmates. All training shall be documented.

5. All full and part-time medical staff shall receive specialized training to include, but not be limited to:

a. How to detect and assess signs of sexual misconduct;

b. How to preserve physical evidence of sexual abuse;

c. How to respond effectively and professionally to victims of sexual misconduct; and

d. How and to whom to report allegations or suspicions of sexual misconduct.

INMATE EDUCATION

1. Oral and written information shall be given to all inmates upon their arrival which explains the agency's zero-tolerance policy regarding sexual misconduct and must include:

a. Prevention;

b. Self-protection;

c. Reporting;

d. Treatment and counseling.

2. Within 30 calendar days of arrival, all inmates shall be provided comprehensive education either in person or through video regarding their rights to be free from sexual misconduct. This education must also include their right to be free from retaliation for reporting such incidents and must include the agency policies and procedures for responding to such incidents.

3. Documentation of inmate education of PREA shall be maintained.

4. The PREA Compliance Manager shall ensure that information is continuously and readily available using materials such as posters, handbooks, etc.

5. All materials provided to inmates on the subject of sexual misconduct shall be approved by the Agency PREA Coordinator.

6. Staff shall make appropriate provisions for inmates not fluent in English, those with low literacy levels, and those with disabilities that hinder their ability to understand the information in the manner provided. Such provisions include closed captions in the inmate PREA video and contracted interpreters.

7. An inmate interpreter, inmate reader or other inmates assistant shall not be use except in limited circumstance where an extended delay in obtaining an effective interpreter could compromise the inmates safety, the performance of the first-responder duties, or the investigation of the inmate's allegation.

PREVENTION

1. All inmates shall be screened and assessed upon admission to the Shelby County Jail for their risk of being a victim of sexual abuse or their likelihood of committing sexual abuse. As a result of these screenings, inmates shall be assigned a PREA Classification. The Booking Officer shall make appropriate housing assignments based upon PREA Classifications.

2. The Shelby County Jail must ensure that inmates are able to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia except in exigent circumstances or when such viewing is incidental to routine cell checks.

3. The Shelby County Jail PREA Compliance Manager shall compile mailing addresses and telephone numbers including toll-free hotline numbers of local, State, or national victim advocacy or rape crisis organizations. This information shall be provided to the jail staff for communication to the inmates. Inmates must be notified that telephone calls are not confidential.

4. The Agency PREA Coordinator, with the assistance of staff from the Office of Victim Services, shall attempt to identify rape crisis centers that can provide victim advocate services. All efforts to secure services from rape crisis centers shall be documented. In addition, the Agency PREA Coordinator, with the assistance from the Office of Victim Services, shall maintain or attempt to enter into memoranda of understandings or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. Calls made by the inmates to community service providers may be subject to monitoring. Community service providers shall follow mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law.

5. When designing or acquiring any new jail and in planning any substantial expansion or modification of existing jails, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse. This consideration must be documented in written form and forwarded to the Agency PREA Coordinator and Jail Administrator.

6. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse. This consideration must be documented in written form and forwarded to the Agency PREA Coordinator and Jail Administrator.

DATA COLLECTION AND MONITORING

1. The Shelby County Sheriff Office Detectives shall report allegations of sexual misconduct that they investigated on their monthly reports, along with the dispositions of same.

2. The Shelby County Sheriff Office Detectives shall ensure that all fields in the automated reporting module (when the system becomes available) or the Investigation Packet as provided by the Agency PREA Coordinator are accurately completed. This data shall be aggregated at least annually.

3. The Agency PREA Coordinator and other staff as designated by the Jail Administrator shall review the aggregated data detailed in Policy 6.1.4 section F.2. for the purposes of:

a. Identifying problem areas;

b. Taking corrective action on an ongoing basis; and

c. Preparing an annual report of the agency's findings and corrective actions for the agency as a whole.

4. The report identified in Policy 6.1.4 section F.3.c. shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual misconduct. The report shall be approved by the Jail Administrator and posted on the Sheriff's Office internet site. Any information redacted from the report due to a clear and specific threat to the safety and security of the facility must indicate the reason for redaction.

5. The PREA Coordinator/designee must ensure that all aggregated sexual misconduct data received from private facilities with which it contracts is readily available to the public at least annually through the Sheriff's Office internet site. This data must be retained in records for at a minimum of 10 years.

6. All personal identifiers must be removed from publicly available data referenced in Policy 6.1.4 section F.4.

7. All case records associated with allegations of sexual misconduct or retaliation including incident reports, investigation reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling shall be securely maintained and retained for at a minimum of 5 years.