Plymouth County
Sheriff's Office

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Sheriff

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SEXUAL ABUSE AND SEXUAL HARASSMENT OF INMATES

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I. Purpose

The purpose of this document is to make clear policy concerning all forms of sexual abuse and sexual harassment of inmates, detainees, or safe keeps, and to provide guidelines to prevent, detect, and respond to sexual abuse in the facility.

II. Policy Statement

It is the policy of the Plymouth County Sheriff's Office to have zero tolerance towards all forms of sexual abuse and sexual harassment.

III. Definitions

Agency Head: The principal Official of an agency.

Agency: The unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or safe keeps, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

Allegation: Any event that has been reported to the PCSO, an employee, contractor or volunteer of the Plymouth County Sheriff's Office, but which has not yet been verified or investigated.

Contractor: A person who provides services on a recurring basis pursuant to a contractual agreement with The Plymouth County Sheriff's Office.

Credibility Assessment: An investigator's process of conducting interviews and weighing evidence to determine the truthfulness of victim, witness and suspect statements.

PCSO: The Plymouth County Sheriff's Office.

Detainee: Any person detained in a lockup, regardless of adjudication status, or any person detained in an immigration detention facility or holding facility.

Employee: A person who works directly for the agency, PCSO or facility.

Exigent Circumstances: Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility: The Plymouth County House of Correction and Jail Complex. (The Plymouth County Correctional Facility)

Facility head: The principal Official of a facility.

Full Compliance: Compliance with all material requirements of each standard except for *de minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance.

Gender Expression: A person's expression of his/her gender identity including appearance, dress, mannerisms, speech and social interactions.

Gender Identity: A person's internal, deeply felt sense of being male or female, regardless of the person's sex at birth.

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

Immigration Detention Facility: means a confinement facility operated by or pursuant to contract with U.S. Immigration and Customs Enforcement (ICE) that routinely holds person for over 24 hours pending resolution or completion of immigration removal operations or processes, including facilities that are operated by ICE, facilities use by ICE pursuant to an Intergovernmental Service Agreement.

Immigration Holding Facility: means a facility that contains holding cells, cell blocks, or other secure enclosures that are:

1. Under the control of the agency; and

2. Primarily used for the short-term confinement of individuals who have recently been detained, or are being transferred to or from a court, jail, prison, other agency, or other unit of the facility or agency.

Inmate: Any person incarcerated or detained in a prison or jail.

Intersex: A person who's sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Intimacy: Any behavior not defined as sexual contact or sexual abuse of an inmate, to including; kissing, touching parts of the body not defined under sexual abuse or other related acts, to include but not limited to; sending / receiving personal letters / cards, gifts, or receiving telephone calls from an inmate. Intimate relationships between employees and inmates are expressly forbidden.

Jail: A confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

Law Enforcement Staff: means employees responsible for the supervision and control of detainees or agents of the agency that are responsible for the supervision and control of detainees in a holding facility.

LGBTIQ Population: Acronym for lesbian, gay, bi-sexual, trans-gender, intersex, and questioning inmates, detainees, or safe keeps.

Lockup: A facility that contains holding cells, cell blocks, or other secure enclosures.

Medical Practitioner: A health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental Health Practitioner: A mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified mental health practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Need To Know: A criterion for limiting access of certain information to individuals who require the information to make decisions or take action with regard to an inmate's safety or treatment or to the investigative process.

Pat-down Search: A running / sliding / patting of the hands over the clothed body of an inmate, detainee, or safe keep by an employee to determine whether the individual possesses contraband.

PREA: Prison Rape Elimination Act: Federal Legislation (Public Law No. 108-79) enacted in 2003 to provide for analysis of the incidence and effects of prison rape, state and local institutions and to provide information, resources recommendations and funding to protect individuals from prison rape.

Prison: An institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Rape: "The penetration, no matter how slight of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."

Retaliation: Any adverse action taken against an individual who complains about sexual misconduct with inmates or cooperates in any investigation of sexual misconduct.

Security Staff: Employees primarily responsible for the supervision and control of inmates, detainees, or safe keep in housing units, recreational areas, dining areas, and other program areas of the facility.

Sexual Abuse includes:

1. Sexual abuse and/or assault of an inmate, detainee, or safe keep by another inmate, detainee, or safe keep; and

2. Sexual abuse and/or assault of an inmate, detainee, or safe keep by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or safe keep by another inmate, detainee or safe keep includes any of the following acts, if the victim does not consent, is coerced into such act by over or implied threats of violence, or is unable to consent or refuse:

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

2. Contact between the mouth and the penis, vulva, or anus;

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

4. 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.

5. Threats, Intimidation, or other actions or communications by one or more detainees aimed a coercing or pressuring another detainee to engage in a sexual act.

Sexual abuse of an inmate, detainee, or safe keep by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or safe keep:

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

2. Contact between the mouth and the penis, vulva, or anus;

3. Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse, or gratify sexual desire;

4. 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 desire;

5. Any other intentional contract, 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 desire;

6. Any attempt, threat, or request by a staff member, contractor or volunteer to engage in the activities described in paragraph (1)-(5) above;

7. Any display by a staff member, contractor or volunteer of his or her uncovered genitalia, buttocks or breast in the presence of an inmate, detainee, or safe keep, and

8. Voyeurism by a staff member, contractor or volunteer.

9. Threats, intimidation, harassment, indecent, profane or abusive language, or other actions or communications, aimed at coercing or pressuring a detainee to engage in a sexual act.

Voyeurism by a staff member, contractor or volunteer: An invasion of privacy / inappropriate visual surveillance of an inmate, detainee, or safe keep by a staff member 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 function; 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 an inmate performing bodily functions.

Sexual harassment includes –

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive nature by one inmate, detainee, or safe keep towards another; and,

2. Repeated verbal comments or gestures of a sexual nature to an inmate, 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.

Sexual Misconduct with Inmates : Any behavior, including but not limited to, conversation, correspondence, or act of a romantic or sexual nature, or an attempt to commit such an act, directed toward an inmate by an employee, contractor, volunteer, or other PCSO representative whether on or off PCSO property.

Staff: A person who works directly for the agency, PCSO or facility, including any entity that operates within the facility.

Strip Search: A search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

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

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.

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.

Volunteer: An individual who donates time and effort on a recurring basis to enhance the activities and programs of The Plymouth County Sheriff's Office.

Voyeurism by a staff member, contractor, or volunteer: An invasion of privacy / inappropriate visual surveillance of an inmate, detainee, or safe keep by staff 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 an inmate performing bodily functions.

IV. Facility Standards

A. General Prevention Planning

1. The facility will designate a PREA Coordinator / Prevention of Sexual Assault (PSA) Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards.

    a. Conducts monthly meetings with the PREA review team

    b. Reviews investigative packets

    c. Reviews any memos, policies, or training that are related to PREA.

    d. Reports any issues or recommendations to the Superintendent and Sheriff.

2. The facility will designate a PREA Manager / Sexual Assault Compliance Manager (PSA Compliance Manager) with sufficient time and authority to coordinate compliance efforts. The PREA Manager:

a. Conducts investigations

b. Conducts rounds in the housing units

c. Interviews any inmates / detainees / safe keeps with PREA related concerns

d. Monitors for any instances of retaliation

e. Reviews PREA Risk Assessments

3. The facility will display PREA educational material and information throughout the facility as well as in inmate and staff handbooks. Staff members will also have available to them informational cards that outline the first responder requirements.

B. Contracting with Other Entities for the Confinement of Inmates

1. In accordance with Policy 132, contractual agreements for the confinement of its inmates with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.

2. Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.

C. Supervision and Monitoring

1. Pursuant to Policy 111, the facility will develop and document a staffing plan, taking into account a set of specific factors, that provide for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan. The factors are:

a. Generally accepted detention and correctional practices;

b. Any judicial findings of inadequacy;

c. Any findings of inadequacy from Federal investigative agencies;

d. Any findings of inadequacy from internal or external oversight bodies;

e. All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);

f. The composition of the inmate population;

g. The number and placement of supervisory staff;

h. Institution programs occurring on a particular shift;

i. Any applicable State or Local laws, regulations, or standards;

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

k. Length of time in ICE custody

l. Recommendations of sexual abuse incident review reports

m. Any other relevant factors.

2. The staffing plan is reviewed on a daily basis to ensure the safety of staff and offenders is maintained. This is accomplished by maintaining minimum staffing agreements and by utilizing overtime when necessary to ensure those levels are maintained. A review of these guidelines will be completed annually.

3. Pursuant to Policy 402 and Policy 421, Supervisors will conduct and document unannounced rounds to identify and deter staff from sexual abuse and sexual harassment. These rounds shall take place during both day and night shifts. These rounds are documented in the unit logs.

4. Pursuant to Policy 402 and Policy 421, staff are prohibited from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. This is communicated to staff through policy and training.

D. Limits on Cross Gender Searches and Viewing

Searches may be necessary to ensure the safety of officers, civilians, and detainees; to detect and secure evidence of criminal activity; and to promote security, safety, and related interests at immigration detention facilities.

1. Pursuant to Policy 506, the facility shall not conduct any cross-gender pat searches, strip searches or cross-gender body cavity searches absent exigent circumstances, including consideration of officer safety, or when performed by medical practitioners. All cross-gender pat searches, strip searches or body cavity searches shall be documented.

    a. Strip-searches of inmates / detainees / safe keeps are conducted in relative privacy by Correction Officers (two (2) security personnel) of the same sex as the inmate / detainee / safe keep, except in an exigent circumstance, rendering as much dignity to the process as possible. The officer conducting a strip-search will give the inmate / detainee / safe keep verbal instructions to ease and expedite the process.

2. Searches of transgender inmates shall be conducted according to PCCF 506.

    a. Transgender inmates / detainees / safe keeps shall be searched by an Officer of the same gender identity if the search requires an inmate / detainee / safe keep to remove all clothing or includes a visual inspection of the anal cavity or genitals; provided, however, that the Officer' gender identity shall be consistent with the inmates / detainees / safe keeps request; and provided further, that such search shall not be conducted for the sole purpose of determining genital status.

    b. Transgender inmates / detainees / safe keeps shall be: (i) addressed in a manner consistent with the inmates / detainees / safe keeps gender identity; (ii) provided with access to commissary items, clothing, programming, educational materials and personal property that is consistent with the inmates / detainees / safe keeps gender identity; (iii) searched by an Officer of the same gender identity if the search requires an inmate / detainee / safe keep to remove all clothing or includes a visual inspection of the anal cavity or genitals; provided, however, that the Officer's gender identity shall be consistent with the inmates / detainees / safe keeps request; and provided further, that such search shall not be conducted for the sole purpose of determining genital status; and (iv) housed in a Correctional facility with inmates / detainees / safe keeps with the same gender identity; provided that the placement shall be consistent with the inmates / detainees / safe keeps request, unless the Commissioner, the Sheriff or a designee of the Commissioner or the Sheriff certifies in writing that the particular placement would not ensure the inmates / detainees / safe keeps health or safety or that the placement would present management or security problems.

3. Pursuant to Policy 402 and Policy 421, inmates / detainees / safe keeps shall be allowed to shower, perform bodily functions, and change clothing without staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell check.

4. Pursuant to Policy 402 and Policy 421, staff of the opposite gender shall announce their presence when entering an inmate / detainee / safe keep housing unit. This announcement is documented in the unit log.

5. Pursuant to Policy 620, the facility shall not search or physically examine a transgender or intersex inmate / detainee / safe keep for the sole purpose of determining the inmate's / detainee's / safe keep's genital status. If the inmates / detainees / safe keeps genital status is unknown, it may be determined during a conversation with the inmate / detainee / safe keep, 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.

6. Pursuant to Policy 216, security staff shall be trained in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates / detainees / safe keeps, in a professional and respectful manner, and in the least intrusive manner possible consistent with security needs.

E. Prohibitions on Sexual Misconduct with Inmates / Detainees / Safe Keeps

1. The PCSO prohibits all forms of Sexual Misconduct with Inmates / Detainees / Safe Keeps as defined by the 28 CFR 115 and M.G.L. Chapter 268.

2. The PCSO also prohibits conversations, correspondence, or acts of a romantic or sexual nature, or an attempt to commit such an act, directed toward an inmate / detainee / safe keep by an employee, contractor, volunteer, or other PCSO representative whether on or off PCSO property.

F. Inmates / Detainees / Safe Keeps with Disabilities and Limited English Proficient Inmates / Detainees / Safe Keeps

1. Pursuant to Policy 109, The Plymouth County Sheriff's Office shall take appropriate steps to ensure that inmates / detainees / safe keeps with disabilities (including, for example, inmates / detainees / safe keeps who are deaf or hard of hearing, limited reading skills, 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.

2. Such steps shall include, when necessary to ensure effective communication with inmates / detainees / safe keeps who are deaf or hard of hearing, and limited reading skills, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

3. In addition, The Plymouth County Sheriff's Office shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates / detainees / safe keeps with disabilities, including inmates / detainees / safe keeps who have intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.

4. Pursuant to PCCF 482, it is the policy of the Plymouth County Sheriff's Office to provide access to Interpreter Services when a language barrier exists between inmates / detainees / safe keeps and staff. These instances will be documented in OMS.

5. Pursuant to PCCF 482, the facility will utilize bilingual staff to interview inmates / detainees / safe keeps if the situation does not lend itself to the use of telephonic interpreter service during the course of an investigation.

6. Pursuant to Policy 513, the facility will not rely on inmate / detainee / safe keep interpreters or readers except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-responder duties, or an investigation. These instances will be documented in OMS.

Note: If the alleged victim is an ICE detainee and expresses a preference for another detainee to provide interpretation, consistent with DHS Policy, another detainee may be utilized.

G. Hiring and Promotion Decisions

1. The Plymouth County Sheriff's Office shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who—

   a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);

   b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

   c. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section

2. Pursuant to Policy 201, The Plymouth County Sheriff's Office shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates / detainees / safe keeps.

3. Material omissions regarding such misconduct, or provision of materially false information, shall be grounds for termination or withdrawal of an offer of employment, as appropriate.

4. Upon hire, employees acknowledge their obligations to disclose current and past sexual abuse and misconduct. Through the application and / or interview process, employees must also confirm the statements of:

   a. have not engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution and have not been civilly or administratively adjudicated or convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to refuse.

   b. Policy and the employee rulebook governs that an applicant or employee who provides false or inaccurate information or documentation in the application process shall be grounds for termination.

5. All staff also have a duty to report any contact with law enforcement by reporting it to their direct supervisor. The information will be submitted to the internal affairs department for investigation. All staff are under an affirmative duty to report / disclose misconduct.

6. The Plymouth County Sheriff's Office shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates / detainees / safe keeps.

7. Unless prohibited by law, the agency shall provided information on substantiated allegations of sexual abuse involving a former employee upon receiving a request from an institutional employer for whom such employee had applied to work.

H. Upgrades to Facility Technologies

When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, or upgrading any video monitoring system, electronic surveillance system or other monitoring technology, the facility shall consider the effect of the design, acquisition, modification upon the facility's ability to protect inmates from sexual abuse. Camera needs are identified through investigation reviews, recommendations from staff and considerations of how to implement security supervision.

V. Evidence Protocols and Investigations

A. The facility begins investigations immediately following an allegation. Investigations are required to follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. These protocols are set out in Policy 513 and are in line with the Department of Justice's National Protocol for Sexual Assault Medical Forensic Examinations, Adults / Adolescents 2nd Edition.

B. The Plymouth County Sheriff's Office shall offer all victims of sexual abuse access to forensic medical examinations, at the local Emergency Room, without financial cost, when evidentiary or medically appropriate. Such examinations shall be performed by a Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The Plymouth County Sheriff's Office shall document its efforts to provide SAFEs or SANEs.

C. The Plymouth County Sheriff's Office shall attempt to make available a victim advocate from a rape crisis center. The facility has an MOA agreement with a certified rape crisis center. The agency will provide inmates at the facility emotional support services related to sexual abuse which includes 24/7 hotline counseling, information, referrals, and one on one counseling at the facility. The rape crisis center information is posted in the housing areas for inmate / detainee / safe keep reference providing telephone numbers for various crisis centers and hotlines.

D. When requested by the victim, the victim advocate, a qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

   1. For the purposes of this section, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

E. In the event of a conflict of interest, the facility retains the ability to refer a criminal PREA investigation to an outside agency. To the extent The Plymouth County Sheriff's Office itself is not responsible for investigating allegations of sexual abuse, The Plymouth County Sheriff's Office shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.

F. Pursuant to Policy 513 and Policy 230, the Plymouth County Sheriff's Office shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

G. Pursuant to Policy 513, following an investigation into an inmate's / detainee's / safe keep's allegation that he suffered sexual abuse in the facility, the facility shall inform the inmates / detainees / safe keeps as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

H. The investigators complete a written report with investigation findings. The report format contains the persons involved; a thorough summary of the incident including the physical, testimonial, and documentary evidence; notifications made with timeline; what action or inaction was taken; attachments from the investigation; administrative review and summary; and investigation outcome.

I. Active investigation folders will be securely maintained in the PREA Manager's office.

J. Investigative folders (containing all reports, referrals, etc.) will be retained for as long as the alleged abuser is detained or employed by the agency or facility, plus five (5) years.

K. Allegations of Sexual Abuse and/or Assault will be promptly reported to ICE / ERO. These allegations will be promptly investigated by a certified Sexual Assault Investigator qualified to conduct administrative and criminal investigations.

1. When a detainee or inmate housed at the PCCF in which an alleged detainee victim is housed is alleged to be a perpetrator of detainee sexual abuse, the facility shall ensure that the incident is promptly reported to the Joint Intake Center (JIC), the ICE Office of Professional Responsibility (OPR) or the DHS Office of Inspector General (OIG), as well as the appropriate ICE Field Office Director and if it is potentially criminal, referred to an appropriate law enforcement agency having jurisdiction for investigation.

2. When a staff member, contractor, or volunteer is alleged to be the perpetrator of detainee sexual abuse, the facility shall ensure that the incident is promptly reported to the Joint Intake Center (JIC), the ICE Office of Professional Responsibility (OPR) or the DHS Office of Inspector General (OIG), as well as the appropriate ICE Field Office Director. If the incident is potentially criminal, the facility shall ensure that it is promptly referred to an appropriate law enforcement agency having jurisdiction for investigation.

L. Following an inmate's / detainee's / safe keep's allegation that he or she has been sexually abused by another inmate / detainee / safe keep, The Plymouth County Sheriff's Office shall subsequently inform the alleged victim whenever:

1. The Plymouth County Sheriff's Office learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or

2. The Plymouth County Sheriff's Office learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility

M. Following an inmate's / detainee's / safe keep's allegation that a staff member has committed sexual abuse against the inmate / detainee / safe keep, The Plymouth County Sheriff's Office shall subsequently inform the inmate / detainee / safe keep (unless the allegation is unfounded) whenever:

1. The staff member is no longer posted within the inmate's / detainee's / safe keep's unit

2. The staff member is no longer employed at the facility

3. The Plymouth County Sheriff's Office learns that the staff member has been indicted on a charge related to sexual abuse within the facility

4. The Plymouth County Sheriff's Office learns that the staff member has been convicted on a charge related to sexual abuse within the facility

N. Pursuant to Policy 620, the facility will offer victims no-cost access to forensic medical examinations where evidentiary or medically appropriate.

O. The facility shall utilize available community resources and service to provide valuable expertise and support in the areas of crisis intervention, counseling, investigation and the prosecution of sexual abuse perpetrators to most appropriately address victims' needs.

P. Pursuant to Policy 620 and Policy 650, the facility will attempt to make available a victim advocate from a rape crisis center. The facility has an MOA agreement with a certified rape crisis center. The agency will provide inmates at the facility emotional support services related to sexual abuse which includes 24/7 hotline counseling, information, referrals, and one on one counseling at the facility. The rape crisis center information is posted in the housing areas for inmate / detainee / safe keep reference providing telephone numbers for various crisis centers and hotlines. The Rape Crisis Center Hotline number is a non-recorded number to allow inmates / detainees / safe keeps confidentiality while speaking with the counselors.

Q. Pursuant to Policy 620 and Policy 650, the facility will, if requested by the victim, make available a victim advocate, qualified agency staff person or qualified community-based organization staff member to accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

VI. Employee / Contractor / Volunteer / Specialized Training

A. Proper training is essential to combating sexual abuse in the facility. Pursuant to Policy 216, Policy 217 and Policy 485:

1. The Plymouth County Sheriff's Office shall train all employees who may have contact with inmates / detainees / safe keeps on:

   a. Its zero-tolerance policy for sexual abuse and sexual harassment;

   b. How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;

   c. How to limit reporting of sexual abuse to personnel who need to know;

   d. Inmates' / detainees' / safe keeps' right to be free from sexual abuse and sexual harassment;

   e. The right of inmates / detainees / safe keeps and employees to be free from retaliation for reporting sexual abuse and sexual harassment;

   f. The dynamics of sexual abuse and sexual harassment in confinement and how to recognize situations where sexual abuse may occur;

   g. The common reactions of sexual abuse and sexual harassment victims;

   h. How to detect and respond to signs of threatened and actual sexual abuse;

   i. How to avoid inappropriate relationships with inmates / detainees / safe keeps;

   j. How to communicate effectively and professionally with inmates / detainees / safe keeps, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates / detainees / safe keeps; and

   k. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

   l. Definitions and examples of prohibited and illegal sexual behavior.

   m. Procedures for reporting knowledge or suspicion of sexual abuse.

2. The agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

3. The agency shall document, through employee signature or electronic verification that employees understand the training they have received.

4. The agency shall ensure that all volunteers and contractors who have contact with inmates / detainees / safe keeps have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates / detainees / safe keeps, but all volunteers and contractors who have contact with inmates / detainees / safe keeps shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received

B. Staff assigned to conduct investigations involving sexual assault / harassment shall receive additional training that shall include.

1. The facility provides specialized training on sexual abuse and effective cross-agency coordination to facility investigators who conduct investigations into allegations of sexual abuse.

2. Techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings (where appropriate), sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

3. The Plymouth County Sheriff's Office shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

C. Specialized Training; Medical and Mental Health Care Staff

1. The agency shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in:

   a. How to detect and assess signs of sexual abuse and sexual harassment;

   b. How to preserve physical evidence of sexual abuse;

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

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

2. If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.

3. The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.

4. Medical and mental health care practitioners shall also receive the training mandated for employees in accordance with Policy 217 or for contractors and volunteers in accordance with Policy and PCCF 485, depending upon the practitioner's status at the agency.

VII. Inmate / Detainee / Safe Keep Education

A. Inmates / Detainees / Safe Keeps, too, must understand the facility's policies and procedures in order to know that they will be kept safe and that the facility will not tolerate their committing sexual abuse. Pursuant to Policy 404 inmates / detainees / safe keeps will be informed of the facility's zero tolerance policy regarding sexual abuse and sexual harassment and education on how to report any such incidents.

1. At intake into the facility, staff provide offenders with information through a PREA pamphlet, offender handbook (available in English, Portuguese, and Spanish) that explains the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents. During the intake process, an informational video is playing that includes PREA information. The PREA information is provided again to the offender by staff during the Inmate Orientation Program either by video or in person. The offender acknowledges the training by signing the PREA Statement Receipt which is also signed by the staff member. The training will consist of the following:

   a. Prevention and intervention strategies

   b. Definitions and examples of detainee-on-detainee sexual abuse, staff-on-detainee sexual abuse and coercive sexual activity

c. Methods for reporting sexual abuse, including to any staff member, including a staff member other than an immediate point-of-contact line officer (e.g. the compliance manager or a mental health clinician), the DHS Office of Inspector General, and the Joint Intake Center

d. Information about self-protection and indicators of sexual abuse

e. Prohibition against retaliation, including an explanation that reporting sexual abuse shall not negatively impact the detainee's immigration proceedings

f. The right of a detainee who has been subjected to a sexual abuse to receive treatment and counseling.

2. The Plymouth County Sheriff's Office shall provide inmate / detainee / safe keep education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates / detainees / safe keeps who have limited reading skills. These formats include communicating PREA information in closed captions, audio recordings and multilingual publications.

3. In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates / detainees / safe keeps through posters, inmate handbooks, or other written formats.

4. In areas where detainees may be present the following notices are provided:

   a. DHS prescribed sexual assault awareness notices

   b. Name of the Prevention of Sexual Abuse Compliance Manager

   c. Name of local organizations that can assist detainees who have been victims of sexual abuse

   d. The facility shall make available and distribute the DHS-prescribed "Sexual Assault Awareness Information" pamphlet.

VIII. Screening and Special Housing Assignments

A. Pursuant to Policy 401 and Policy 420, inmates / detainees / safe keeps will be screened at intake and incrementally thereafter, for risk of being sexually abused or sexually abusive and that screening information will be used to inform housing, bed, work, education, and program assignments.

1. The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

   a. Whether the inmate / detainee / safe keep has a mental, physical, or developmental disability;

   b. The age of the inmate / detainee / safe keep;

   c. The physical build of the inmate / detainee / safe keep;

   d. Whether the inmate / detainee / safe keep has previously been incarcerated;

   e. Whether the inmate's / detainee's / safe keep's criminal history is exclusively nonviolent;

   f. Whether the inmate / detainee / safe keep has prior convictions for sex offenses against an adult or child;

   g. Whether the inmate / detainee / safe keep is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;

h. Whether the inmate / detainee / safe keep has previously experienced sexual victimization;

i. The inmate's / detainee's / safe keep's own perception of vulnerability; and

j. Whether the inmate / detainee / safe keep is detained solely for civil immigration purposes

2. The facility shall assess all inmate / detainees / safe keeps on intake to identify those likely to be sexual aggressors or sexual abuse victims and shall house inmate / detainees / safe keeps to prevent sexual abuse, taking necessary steps to mitigate any such danger. Each new arrival shall be kept separate from the general population until he / she is classified and may be housed accordingly.

3. The initial classification process and initial housing assignment should be completed within twelve (12) hours of admission to the facility.

4. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.

5. Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. In addition to the initial intake assessment, ICE Detainees will be reassessed between 60 and 90 days from the date of the initial assessment and at any other time when warranted.

6. If the screening indicates that a prison inmate / safe keep has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate safe keep is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

7. If an ICE Detainee's risk assessment pursuant to Policy 650, indicates the detainee has experienced prior sexual victimization or perpetrated sexual abuse, staff shall, as appropriate, ensure that the detainee is immediately referred to a qualified medical and / or mental health follow-up as appropriate.

   a. When a referral for medical follow-up is initiated, the detainee shall receive a health evaluation no later than two working days from the date of assessment.

   b. When a referral for mental health follow-up is initiated, the detainee shall receive a mental health evaluation no later than 72 hours after the referral.

8. If the screening indicates that a prison inmate / detainee / safe keep has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate / detainee / safe keep is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

9. Inmates / Detainees / Safe keeps may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (4)(a), (4)(g), (4)(h), or (4)(i) of this section.

10. The Plymouth County Sheriff's Office shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this section in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

11. Use of screening information.

    a. The Plymouth County Sheriff's Office shall use information from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

b. The Plymouth County Sheriff's Office shall make individualized determinations about how to ensure the safety of each inmate. When an agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

c. In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, The Plymouth County Sheriff's Office shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

d. In deciding whether to assign a transgender or intersex detainee to a facility for male or female detainee, and in making other housing and programming assignments, The Plymouth County Sheriff's Office shall consider on a case-by-case basis whether a placement would ensure the detainee's health and safety, and whether the placement would present management or security problems.

   i. When making assessment and housing decisions for a transgender or intersex detainee, the facility shall consider the detainee's gender self-identification and an assessment of the effects of placement on the detainee's health and safety.

   ii. The facility shall consult a medical or mental health professional as soon as practicable on this assessment.

e. Placement and programming assignments for each transgender or intersex inmate / detainee shall be reassessed at least twice each year to review any threats to safety experienced by the inmate / detainee.

f. A transgender or intersex inmate's / detainee's own views with respect to his or her own safety shall be given serious consideration.

g. Transgender and intersex inmates / detainees shall be given the opportunity to shower separately from other inmates / detainees.

h. The Plymouth County Sheriff's Office shall not place lesbian, gay, bisexual, transgender, or intersex inmates / detainees in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates / detainees.

i. Transgender inmates / detainees shall be housed in a correctional facility with inmates / detainees with the same gender identity; provided, that the placement shall be consistent with the prisoner's request, unless the sheriff or a designee of the sheriff certifies in writing that the particular placement would not ensure the prisoner's health or safety or that the placement would present management or security problems.

j. When it is learned that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

12. Housing and bed assignments will be:

   a. Reviewed during the initial screening process (In accordance with PCCF 420).

   b. Assigned by the Housing Officer after a PREA assessment and a PREA designation is completed during the initial screening process.

   c. If an inmate / detainee / safe keep screens for high risk of sexual victimization or high risk of being sexually abusive an immediate referral will be made to the classification officer, housing placement officer, and security supervisor to determine housing assignment. The PREA Manager

is informed of the offender's risk level. If there is a housing placement concern, a PREA Risk Assessment Housing Conflict email is shared with all appropriate staff.

d. Housing and program assignments for transgender or intersex inmates / detainees / safe keeps in the facility are made on a case by case basis. They will be reassessed at least twice each year to review any threats of safety experienced by the offender.

7. Work, education, and program assignments will be made by utilizing classification information from the facility computer. Assignment information utilized will include, but not be limited to;

a. Classification Levels,

b. PREA designations,

c. Incarceration history (current and previous).

B. Inmates / Detainees / Safe keeps at high risk of victimization will be kept away from inmates / detainees / safe keeps at high risk of committing abuse.

C. Pursuant to Policy 420 and Policy 421, victims of sexual abuse or sexual harassment will not be kept in segregated housing against their will unless a determination is made that there is no available alternative means of separation, and even then only under specified conditions outline in Policy 420.

IX. Inmate / Detainee / Safe keep Reporting and Exhaustion of Administrative Remedies

A. Inmate / Detainee / Safe keep Reporting

1. Staff shall accept reports made verbally, in writing, anonymously and/or confidentially, and from third parties and shall promptly document any verbal reports of sexual abuse or sexual harassment.

2. The facility will establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly, information on how to report sexual abuse and sexual harassment on behalf of an inmate / detainee / safe keep. This information is provided to inmates / detainees / safe keeps in the Orientation Handbook. Third Party Reporting methods include the PREA Hotline, Plymouth PD, the PCSO website, etc.

3. The agency provides multiple ways for inmates / detainees / safekeeps 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 inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate / detainee / safekeep to remain anonymous upon request. The Plymouth Police Department, Plymouth County District Attorney and the Rape Crisis Center information are all provided to inmates / detainees / safekeeps as a method for private reporting to an outside agency. This information is provided either in the inmate handbook and/or on poster in the housing units.

a. In addition, detainees detained solely for civil immigration purposes are provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security. The agency and each facility shall also provide instructions on how detainees can contact their consular official, the DHS Office of the Inspector General or, as appropriate, another designated office. To confidentially and, if desired, anonymously, report these incidents.

B. Grievances/ Exhaustion of Administrative Remedies

1. The Plymouth County Sheriff's Office shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.

2. The Plymouth County Sheriff's Office shall permit an inmate / detainee / safe keep to file a formal grievance related to sexual abuse at any time during, after, or in lieu of lodging an informal grievance or

complaint.

3. The Plymouth County Sheriff's Office shall ensure that:

   a. An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and

   b. Such grievance is not referred to a staff member who is the subject of the complaint.

4. The Plymouth County Sheriff's Office shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.

   a. Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.

   b. The Plymouth County Sheriff's Office may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The Plymouth County Sheriff's Office shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.

   c. At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

5. Barring Extraordinary circumstances, the facility shall issue a decision on grievances filed by ICE Detainees within five (5) days and shall respond to an appeal of the grievance decision within thirty (30) days. Facilities shall send all grievances related to sexual abuse and the facility's decisions with respect to such grievances to the appropriate ICE Field Office Director at the end of the grievance process. A detainee may obtain assistance from another detainee, the unit officer, or other facility staff, family members, or legal representatives. Staff shall take reasonable steps to expedite requests for assistance from these other parties.

C. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.

   1. If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.

   2. If the inmate declines to have the request processed on his or her behalf, The Plymouth County Sheriff's Office shall document the inmate's decision.

D. The Plymouth County Sheriff's Office shall establish procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.

   1. After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, The Plymouth County Sheriff's Office shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken (grievances that involve medical emergencies to the immediate attention of proper medical personnel for further assessment), shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 working days. The initial response and final agency decision shall document The Plymouth County Sheriff's Office determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

X. Staff Reporting and PCSO Duties

A. Staff Reporting

1. All staff shall report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility, retaliation against an inmate / detainee / safe keep or staff who reported such an incident, and any staff negligence or violation of responsibilities that may have contributed to an incident or retaliation.

2. Staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

3. Medical and Mental health practitioners shall report sexual abuse pursuant to Policy 620 and Policy 650 and shall inform the inmate / detainee / safe keep of their duty to report and the limitations of confidentiality at the initiation of service. Medical and Mental health staff must report incidents that occurred in a correctional setting without consent only in the interest of treatment, security, and management issues. If the sexual assault / abuse occurred in the community setting previously, the staff may only report after the offender provides consent.

4. Staff shall be allowed to report sexual abuse and sexual harassment of inmates / detainees / safe keeps in the following ways:

   a. Calling the PREA hotline

   b. Mailing / submitting a report to the PREA Manager

   c. Notifying a supervisor

   d. When necessitated, notify an outside Law Enforcement Agency (normally the Plymouth Police Department).

5. Staff shall be allowed to privately report sexual abuse and sexual harassment of inmates / detainees / safe keeps in the following ways:

   a. Calling the PREA hotline

   b. Mailing / submitting a report to the PREA Manager

   c. Utilize the PCSO website (www.pcsdma.org/PREA)

   d. When necessitated, notify an outside Law Enforcement Agency (normally the Plymouth Police Department).

B. Responder Duties

1. Pursuant to Policy 402, upon learning of an allegation that an inmate / detainee / safe keep was sexually abused, the first security staff member to respond to the report shall be required to:

   a. Separate the alleged abuser from the alleged victim;

   b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;

   c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and,

d. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating.

e. In all instances, the alleged abuser and the alleged victim should be considered physical evidence and should be treated as such.

f. Security staff are provided with PREA Information cards outlining this process.

C. Plymouth County Sheriff's Office Protection Duties

1. When an agency learns that an inmate / detainee / safe keep is at substantial risk of sexual abuse, the PCCF will take immediate action to protect the inmate / detainee / safe keep by activating one of the following procedures:

   a. Change the inmates / detainees / safe keeps housing assignment (when necessary)

   b. Make an immediate medical referral

   c. Make a mental health referral

   d. Other referrals, as appropriate

   e. Remove the offender to segregation

2. All allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, will be reported to the facility's designated investigator.

3. If the inmate / detainee / safe keep is considered a vulnerable adult the Plymouth County Sheriff's Office will report the allegation to the appropriate state agency.

4. Upon receiving an allegation that an inmate / detainee / safe keep was sexually abused while confined at another facility:

   a. The Superintendent of the Plymouth County Correctional Facility will notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.

   b. This notification should take place as soon as possible, but no later than 72 hours after receiving notification.

   c. Such notification will be documented.

5. When an allegation is received from another agency or facility that an inmate / detainee / safe keep was sexually abused while in the custody of the Plymouth County Sheriff's Office:

   a. The employee receiving the allegation will immediately report the allegation to their immediate supervisor, verbally and in writing.

   b. The Supervisor will ensure that the PREA Team is contacted.

   c. The PREA Manager will ensure that the allegation is investigated in accordance with these standards, (When necessary utilizing IPS Officers who are trained in sexual assault investigations).

6. When an allegation is received that an ICE Detainee was sexually harassed or sexually abused while in the custody of the Plymouth County Sheriff's Office;

a. ICE / ERO will be notified as soon as practicable by email of the investigation.

i. Within this email the PCSO will request a singular contact for all notifications related to the allegations.

7. The Plymouth County Sheriff's Office shall not enter into or renew any agreement that limits its ability to remove alleged staff abusers from contact with inmates / detainees / safe keeps pending an investigation or disciplinary proceeding.

D. Staff First Responder Duties

1. Pursuant to Policy 402, upon learning of an allegation that an inmate / detainee / safe keep was sexually abused, the first security staff member to respond to the report shall be required to:

a. Separate the alleged abuser from the alleged victim;

b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;

c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and,

d. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating.

e. In all instances, the alleged abuser and the alleged victim should be considered physical evidence and should be treated as such.

f. Security staff are provided with PREA Information cards outlining this process.

2. If the first responder is not a security staff member, the first responder shall request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

E. Coordinated Response

Each facility shall use a coordinated, multidisciplinary team approach to responding to sexual abuse.

1. The facility shall maintain a written plan to coordinate actions taken among staff first responders, medical and mental health practitioners, investigators, and facility leadership in response to an incident of sexual abuse. (See attachment)

2. Pursuant to Policy 513, any allegation of sexual abuse or sexual harassment will be investigated properly, thoroughly, and objectively, and documented correspondingly, and must be deemed substantiated if supported by a preponderance of the evidence.

3. The PREA Review team meets every month to discuss and evaluate the process of investigations and response process.

4. If a victim of sexual abuse is transferred between facilities, the sending facility shall when appropriate and as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services.

a. If an ICE Detainee victim of sexual abuse is transferred between facilities covered by subpart (a) or (b) of ICE DHS standard 115.65, the sending facility shall, as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services and if the victim is transferred from a DHS immigration detention facility to a facility not covered by paragraph (c) of the standard, the sending facility shall, as permitted by law, inform the receiving facility of the incident and the victims potential need for medical or social services, unless the victim requests otherwise.

F. Protection from Contact with abusers

1. The facility shall employ multiple protection measures, such as housing changes or transfers for inmate / detainee / safe keep victims or abusers, removal of alleged staff or inmate / detainee / safe keep abusers from contact with victims, and emotional support for inmates / detainees / safe keeps or for staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

2. Staff, Contractors, and Volunteers suspected of perpetrating sexual abuse shall be removed from all duties requiring detainee contact pending the outcome of an investigation.

3. Collective Bargaining Agreements governing facility staff state that the Sheriff or his designee shall have the right to discipline or discharge an employee for just cause.

G. Protection Against Retaliation

1. Retaliation against inmates / detainees / safe keeps and staff who report sexual abuse or sexual harassment or for participating in sexual activity as a result of force, coercion, threats, or fear of force, or who cooperate with investigations is prohibited.

2. The PREA Manager shall monitor retaliation as follows:

a. For at least 90 days following a report of sexual abuse, the facility shall monitor the conduct and treatment of inmates / detainees / safe keeps or staff who reported the sexual abuse and of inmates / detainees / safe keeps who were reported to have suffered sexual abuse to see if there is any evidence that may suggest possible retaliation by inmates / detainees / safe keeps or staff, and shall act promptly to remedy any such retaliation.

b. The facility will review items such as inmate / detainee / safe keep disciplinary reports, housing, or program changes, or negative performance evaluations or reassignment of staff in monitoring for retaliation.

c. The Plymouth County Sheriff's Office shall continue such monitoring beyond the 90 days if the initial monitoring indicates a continuing need.

d. The PREA Manager shall document information on why any housing, job, or program change was made to ensure the changes were not made for retaliatory reasons.

R. Post-allegation Protective Custody

The facility shall take care to place detainee victims of sexual abuse in a supportive environment that represents the least restrictive housing option possible.

Any use of segregated housing to protect an inmates / safe keeps who is alleged to have suffered sexual abuse shall be subject to the requirements of Policy 420 and Policy 421. The facility does not utilize administrative segregation for ICE Detainees. Transfers are utilized in the event an ICE Detainee cannot be housed safely in general population.

XI. Disciplinary Sanctions Staff / Contractors / Volunteers

A. Pursuant to Policy 230, staff / contractors / volunteers will be subject to discipline for violating agency policies regarding sexual abuse, with termination the presumptive discipline for actually engaging in sexual abuse. Terminations or resignations linked to violating such policies are to be reported to law enforcement (unless conduct was clearly not criminal) and to relevant licensing bodies.

B. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's / contractor's / volunteer's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

C. The agency shall provide information on substantiated allegations or sexual abuse or sexual harassment involving a former employee / contractor or volunteer upon receiving a request from an institutional employer for whom such employee has applied to work consistent with Massachusetts General Law.

D. Pursuant to Policy 217 and Policy 485, Contractors and Volunteers who engage in sexual abuse or sexual harassment shall be prohibited from any further contact with inmates / detainees / safe keeps.

XII. Disciplinary Sanctions Inmates / Detainees / Safe Keeps

A. Pursuant to Policy 430, inmates / detainees / safe keeps will be subject to disciplinary action for committing sexual abuse. The disciplinary process includes:

1. Rules of inmate conduct and penalties for violation;
2. Placement in detention in Awaiting Action Status
3. Informal and Formal Disciplinary Procedures
4. Disciplinary Hearing Procedures
5. Sanctions;
6. Appeal Process

B. Where two inmates / detainees / safe keeps have engaged in sexual contact, they will be disciplined for violating rules against sexual contact, however, discipline for sexual abuse will only take place if a determination was made that the activity was not consensual.

C. Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate / detainee / safe keep engaged in sexual abuse or following a criminal finding of guilt for sexual abuse.

D. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate / detainee / safe keep's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

E. The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

F. The agency may discipline an inmate / detainee / safe keep for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

G. For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

XIII. Medical and Mental Health Care

A. Pursuant to Policy 620 and Policy 650, the facility will provide timely, unimpeded access to emergency medical treatment and crisis intervention services, whose nature and scope are determined by practitioners according to their professional judgment.

1. Health care services are provided twenty-four (24) hours a day, seven (7) days a week at the facility. Also emergency medical services are provided by the local hospital if needed. Medical and mental health staff are also on call as needed for emergencies.

2. All alleged victims of sexual assault who require a forensic exam are taken to Beth Israel Deaconess Hospital in Plymouth for completion of the exam and emergency medical healthcare with no cost to the offender. The hospital has a twenty-four (24) hour emergency department with a SANE nurse on call. The facility has an agreement with the hospital for SANE services.

B. Pursuant to Policy 605, inmate victims of sexual abuse while incarcerated will be offered timely information about, and timely access to sexually transmitted infections prophylaxis, where medically appropriate.

C. Pursuant to Policy 650, if the screening indicates that a prison inmate safe keep has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate / safe keep is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. If the screening indicates that a prison inmate / safe keep has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

D. If an ICE Detainee's risk assessment pursuant to Policy 650, indicates the detainee has experienced prior sexual victimization or perpetrated sexual abuse, staff shall, as appropriate, ensure that the detainee is immediately referred to a qualified medical and / or mental health follow-up as appropriate.

1. When a referral for medical follow-up is initiated, the detainee shall receive a health evaluation no later than two working days from the date of assessment.

2. When a referral for mental health follow-up is initiated, the detainee shall receive a mental health evaluation no later than 72 hours after the referral.

XIV. Incident Review, Data Collection, Annual Review, and Audits

A. Sexual Abuse Incident Review

1. The facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation regardless of outcome.

2. The PREA Coordinator holds monthly meetings with the PREA team to review investigations including those that are unfounded, review any PREA concerns / issues, identify and recommend changes that will make the facility a safer environment. The monthly PREA team meeting is documented through meeting minutes.

3. The review team shall include upper-level management Officials, with input from line Supervisors, Investigators, and Medical or Mental Health Practitioners.

4. The review team is appointed by the Superintendent.

5. For substantiated and unsubstantiated allegations a written report shall be prepared within thirty (30) days of the conclusion of the investigation recommending whether the allegation or investigation indicates that a change in policy or practice could better prevent, detect, or respond to sexual abuse.

6. The review process for substantiated and unsubstantiated allegations shall also consider:

a. A review of the circumstances of the incident; the name(s) of the person(s) involved; events leading up to and following the incident; a consideration of whether the actions taken were consistent with agency policies and procedures;

b. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

c. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;

d. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;

e. Assess the adequacy of staffing levels in that area during different shifts;

f. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

7. The PREA Coordinator prepares a report of the findings, including but not necessarily limited to determinations made pursuant to the above criteria, and any recommendations for improvement and submit such report to the Superintendent.

8. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

B. Data Collection

1. The Plymouth County Sheriff's Office shall collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions.

2. The Plymouth County Sheriff's Office shall aggregate the incident-based sexual abuse data at least annually.

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 Survey of Sexual Violence conducted by the Department of Justice.

4. The Plymouth County Sheriff's Office shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

5. The Plymouth County Sheriff's Office also shall obtain incident-based and aggregated data, in accordance with Policy 132.

6. The Plymouth County Sheriff's Office will provide all such data from the previous calendar year to the Department of Justice and /or Department of Homeland Security upon request.

C. Data Review for Corrective Action

1. The Plymouth County Sheriff's Office shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:

a. Identifying problem areas;

b. Taking corrective action on an ongoing basis; and

c. Preparing an annual report of its findings and corrective actions.

2. 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 Plymouth County Sheriff's Office's progress in addressing sexual abuse.

3. The Plymouth County Sheriff's Office's report shall be approved by the Sheriff and made readily available to the public through its website or, if it does not have one, through other means.

4. The Plymouth County Sheriff's Office 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.

D. Data Storage, Publication and Distribution

1. The Plymouth County Sheriff's Office shall ensure that data collected is securely retained.

2. All aggregated sexual abuse data shall be made readily available to the public at least annually through the Plymouth County Sheriff's Office website or, if it does not have one, through other means.

3. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed.

4. Sexual abuse data collected shall be maintained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

E. The facility shall conduct an annual review consisting of all sexual abuse investigations and resulting incident reviews, aggregate data, physical changes made to the facility (i.e. camera updates, construction projects), litigation, recommendations made by the PREA review committee. These reviews are conducted to assess and improve sexual abuse intervention, prevention, and response efforts.

a. The results and findings of the annual review shall be provided to the Superintendent, Sheriff, and any other appropriate agency / entity.

b. The annual report is posted on the Plymouth County Sheriff's Office website.

F. Audits

1. The facility will be audited once every three years for compliance with the Prison Rape Elimination Act (PREA) Standards.

2. The facility will provide this policy annually to ICE / ERO for review.

3. The facility will comply with any contractual auditing requirements.

XV. Applicability

This policy applies to all PCSO employees, contractors, visitors, vendors and inmates.

XVI. Responsible Staff

The PREA Coordinator and PREA Manager will be responsible for implementing and monitoring this policy.

XVII. Attachment List

The following attachments are included with this document.

1. Appointment to PREA Review Committee
2. PREA Statement Receipt; Orientation
3. Transfer; PREA Assessment
4. Classification; Risk Assessment
5. Booking; Risk Assessment
6. Appointment of PREA Coordinator
7. Appointment of PREA Manager
8. Cover Sheet Investigations
9. PREA Statement
10. Acknowledgement of Receipt PREA Policy
11. PREA Re-Assessment Classification
12. Appointment of PREA Retaliation Monitor
13. PREA Coordinated Response Plan
14. PREA 90 Day Monitoring Form
15. Appointment of PREA Victim Advocate(s)
16. PREA Re-Assessment Form