

**INMATE SEXUAL MISCONDUCT/SEXUAL ASSAULT**

**Definition:** Rape or Sexual Assault - (a) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person's will; (b) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person's will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or (c) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation of the fear or threat of physical violence or bodily injury.

1. The Sheriff's Office has zero tolerance for an incidence of rape, sexual assault or sexual misconduct, and makes every effort to comply with applicable components of the Prison Rape Elimination Act of 2003. (see 2-307)
2. The prevention of rape, sexual assault, or sexual misconduct is a top priority to protect the safety of the public, by releasing inmates into the community who have not been sexually assaulted while in custody, to protect public health from sexually transmitted diseases that inmates may contract while in custody, for the protection of inmate rights, conditions of confinement, and to ensure safe, secure and orderly operations of the ACDF.
3. The Sheriff's Office does not condone nor tolerate any type of inmate rape, sexual assault, sexual misconduct, consensual sexual contact, sexual abuse and sexual harassment toward any inmate(s). The ACSO aggressively pursues any criminal acts, complaints, suspicions of sexual misconduct, up to and including prosecution under Virginia Code.
4. Sheriff's Office staff are provided annual training specific to the prevention, identification, reporting, and handling of inmate sexual misconduct/sexual assault, including common indicators of misconduct.
5. Objective Jail Classification procedures are utilized to identify potentially aggressive or vulnerable inmates to sexual assault/misconduct.
6. Effective control and supervision of inmate procedures are practiced by staff for the protection of inmates and to ensure safe, secure and orderly operations of the ACDF.
7. The ACSO provides for confidential disclosure of incidents of rape, sexual assault, sexual misconduct, sexual contact, sexual abuse and sexual harassment to a Sheriff's Office employee, either verbally or in writing. Inmates may file a sexual misconduct complaint through the emergency grievance system (see 12-405). An inmate who reports an incident of rape, sexual assault, sexual misconduct, sexual contact, sexual abuse or sexual harassment may request and be treated as an anonymous informant.

8. Allegations of rape or sexual assault are reported to the Sheriff or Chief Deputy by the Director of Corrections or designee within twenty-four hours. Upon discovery of a credible allegation, staff immediately adhere to the following:
  - a. Contact and inform the Director of Corrections or designee of the incident.
  - b. Determine if the alleged victim requires placement under Protective Custody Status while maintaining constant supervision of the inmate.
  - c. Notify medical staff to respond and address any emergency, urgent, or necessary health concerns, while keeping the preservation of evidence intact, if possible.
  - d. Secure the area where the assault is alleged to have occurred as a possible crime scene.
  - e. Place the alleged perpetrator(s) in Administrative Segregation pending investigation of the complaint.
  - f. The Sheriff, Chief Deputy or Division Director ensures the Internal Affairs Investigator and the ACPD Sex Offenses Unit have been notified.
  - g. Mental Health staff is made available to provide crisis counseling to the victim and other inmates requesting services.
9. The police determine what evidence is to be collected. A deputy sheriff will escort an inmate that needs hospital care or off-site medical examination for the purpose of evidence collection.
10. The investigation, including interviews, videos, polygraph documents, witness statements, supporting documents, and other evidence is treated as confidential. Secrecy orders are executed when appropriate. The name of the complainant and/or alleged victim and the identity of witnesses are confidential. It is imperative that confidentiality regarding the identity of an individual involved in the investigation be maintained to the greatest extent possible regardless of the location of the inmate.
11. Except for individuals responsible for conducting the investigation, other individuals alerted to the allegation, including ACSO staff, are prohibited from conducting independent inquiries into the circumstances related to the alleged incident(s). Breach of confidentiality may result in disciplinary action, up to and including dismissal.
12. A pending investigation shall in no way limit an inmate's right to access legal counsel.

13. The confidentiality provisions above in no way limit the investigator or ACSO staff from cooperating with or appearing or testifying before a grand jury, court, or local, state or federal investigatory agency.
14. Interviews are conducted thoroughly and in a professional, non-abusive and non-threatening manner. Staff will not make predetermined judgments regarding whether the reported incident occurred or not, but proceed with notifying the appropriate individuals based on the nature of the report. If appropriate, the victim may be offered the opportunity to speak to a same gender deputy regarding facts of complaint.
15. Investigations of sexual assault, rape and/or sexual misconduct are conducted by an investigator who has experience and training in investigations and appropriate and effective interview techniques.
16. If the victim or complainant refuses to cooperate with the investigator, the investigator follows-up with persons identified as having knowledge of the incident(s) before the investigation is closed. If no such persons are identified and if the victim or complainant had previously been cooperative, the investigator must determine whether the victim or complainant has been threatened or coerced and whether the investigation should precede without his/her cooperation.
17. A preliminary and final investigative report is completed within a reasonable time. Factual findings may be based on a range of evidence, including physical and documentary evidence, witness accounts, and circumstantial evidence. Inmate witnesses and complainant's credibility is evaluated in an unbiased manner in accordance with established investigation methods. The final investigation includes, at a minimum, a narrative of the allegations, a comprehensive listing of factual findings, details of the interviews with all parties and witnesses, conclusions and recommendations. If warranted, a final disciplinary determination is made by the Sheriff or designee.
18. A multi-disciplinary meeting between the Sheriff's Office, Police Department, if applicable, Medical and Mental Health staff and the Internal Affairs Investigator held within thirty days of an incident and on an annual basis to determine if revisions to ACSO policies, procedures or practices are warranted. The recommended revisions are forwarded to the Chief Deputy for consideration.
19. The Internal Affairs Investigator collects data for the purposes of documenting the incidents and investigation findings of rape, sexual assault, or sexual misconduct to comply with reporting mandates of the Prison Rape Elimination Act.