



Sheriff Kristin R. Graziano

**Charleston County Sheriff's Office
Policy and Procedures Manual
18-45
Prevention, Detection and Elimination of Sexual
Incidents**

A handwritten signature in black ink, appearing to read "KRISTIN R. GRAZIANO", written over a horizontal line.

Signature

|

05/27/2023

Date

- New
- Revised
- Reviewed

ACA Standards Reference: 2A-29, 52; 4D-22-1, 22-3, 22-4, 22-5;

CALEA Standards Reference:

NCCHC Standards Reference:

SCLEA Standards Reference:

SC Minimum Standards:

PREA Standards Reference: 115.11a,b,c; 115.13c,c1-3,d; 115.14a2; 115.15d; 115.16a,b,c; 115.22a; 115.22b,d,e; 115.33a,b,d,e; 115.34a,b,c; 115.33d; 115.41a,b,c,d,e,f,g,h,i; 115.42a,c; 115.43a,b,c,d; 115.51a,b,c,d; 115.52b,g,c 1-2; 115.53a; 115.61a,b,c,d,e; 115.63-d; 115.67a,b,c-2,4,d,e,f; 115.68a; 115.76a; 115.77a,b; 115.78d,e,f,g; 115.81c,d; 115.86a-e; 115.88a,b,d

Formerly: Prevention, Detection and Elimination of Sexual Incidents 1-95 (2/11/2021)

This policy dated 05/27/2023 replaces prior policies cited above and supersedes all previously issued directives.

I. Purpose:

To establish standards for the Sheriff Al Cannon Detention Center (SACDC) to follow as defined by the Prison Rape Elimination Act of 2003 (Public Law 108-79 Sept. 04, 2003) to prevent and eliminate sexual incidents.

II. Policy:

It is the policy of the SACDC to establish guidelines and operating procedures for the facility concerning the sexual abuse of residents in accordance with national standards as required by Public Law 108-79, The Prison Rape Elimination Act (PREA) of 2003. The SACDC will enforce a "Zero Tolerance" policy on sexual harassment, sexual abuse and/or assault of residents.

(4-ALDF-7E-01, PREA 115.22d,e)

III. Definitions:

A. For purposes of this procedure, the word "deputy" applies to all agency employees with a certification classification of Class I, Class II, Class III, or Reserve Deputy, as defined by the South Carolina Criminal Justice Academy.

The following terms are used interchangeably; however, they carry guidance to specific employees based on usage of the term:

1. Deputy, deputies, deputy sheriff, detention deputy, sworn employee, uniformed sworn employee, sworn administrative employee, and
2. civilian, non-sworn employee.

B. *Employee*: When used without further clarification, the term employee is inclusive of all agency members (sworn and non-sworn).

C. *Abusive Sexual Acts*: Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. Excluding incidents in which the intent of the sexual contact is to harm or debilitate rather than sexually exploit.

D. *Direct Supervision*: A method of resident management that ensures continuing direct contact between residents and staff by posting an officer(s) without separation by any physical barriers.

- E. *Non-Assaultive Sexual Activity*: Engaging in sexual activity which produces or is intended to produce sexual stimulation or gratification, in the presence of another person and the sexual activity is conducted without violence, threat of violence, coercion, or use of a weapon.
- F. *Nonconsensual Sexual Acts*: Contact of any person without his or her consent, or of a person who is unable to consent or refuses contact between the penis and the vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object.
- G. *Ongoing Investigation*: The allegation is being investigated and a final determination has not been made at the time of data collection. The information is still being processed by the Sheriff's Office and once the investigation is completed, the case will be substantiated, unfounded, or unsubstantiated.
- H. *Prison Rape Elimination Act (PREA)*: The federal law (9/04/2003) which supports the prevention, reduction, and elimination of sexual assault and rape within corrections systems; mandates national data collection efforts; provides funding for program development and research; creates a national commission to develop standards and accountability measures; and applies to all federal, state and local prisons, jails, police lock-ups, private facilities, and community settings such as residential facilities.
- I. *PREA Coordinator*: Designated facility staff person responsible for developing, implementing, and overseeing the SACDC's plan to comply with the PREA standards. Responsible for overseeing the PREA resident orientation process, ensuring a training plan to fulfill the PREA training standards is developed and implemented; monitoring resident screening procedures, investigations, and medical and mental health treatment according to the PREA standards; ensuring facility PREA data is documented as mandated by PREA, and provide appropriate access and materials to PREA auditors. (PREA 115.11b)
- J. *PREA Investigator*: Designed facility staff person who has been trained to investigate sexual abuse allegations in confinement settings. The investigator will receive specialized training to include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. (PREA 115.34a,b,c)

- K. *Review Team*: The Review Team will consist of all Command Staff members (Chief Deputy, Majors, and Captains), PREA Investigator and the PREA Coordinator or designee. Medical and/or Mental Health will be included in the review team if deemed necessary. The Review Team will meet when any PREA Incident occurs in the SACDC and discuss how and if the situation could have been prevented. Once the meeting has concluded, if any policy or procedures need to be addressed, the Housing/Security Major will work with Accreditation to implement the changes.
(PREA 115.11a, b, c, 115.86 a, b, c, d, d1-6, e, 115.13c, 115.88a, b, c, d,)
- L. *Sexual Activity*: Sexual contact including, but not limited to, sexual intercourse, deviant sexual behavior, kissing, fondling, and/or manipulation of the genitalia, buttocks, or breasts of another person in a manner which produces or is intended to produce sexual stimulation or gratification with or without the consent of both persons.
- M. *Sexual Abuse Victim*: Any resident, who through documentation, evidence, or as result of reasonable suspicion on the part of staff, has suffered sexual coercion, sexual abuse/assault, or sexual harassment by another resident or a staff person during the immediate incarceration.
- N. *Sexually Abusive Resident*: A resident whose past behavior indicates he/she is prone to victimize other residents, especially in regard to sexual behavior.
- O. *Sexual Coercion*: Compelling or inducing another person to engage in sexual activity by deceit, threats, force or intimidation or for personal favors.
- P. *Sexual Harassment*: Unwanted verbal statements or comments of a sexual nature to an individual by officers, medical staff, mental health staff, facility maintenance, contractors, chaplaincy, civilians, volunteers or residents to include demeaning references to gender or derogatory comments about body or clothing; or profane or obscene language or gestures.
- Q. *Substantiated Allegation*: The allegation was investigated and is supported by sufficient evidence to justify a reasonable conclusion that the allegation is factual.
- R. *Unfounded Allegation*: The allegation was investigated and has been found to be false or not factual.
- S. *Unsubstantiated Allegation*: The allegation was investigated and there is insufficient evidence either to prove or disprove the allegation

- T. *Voyeurism*: An invasion of privacy of an resident by staff for reasons unrelated to official duties, such as peering at an resident who is using a toilet in his or her cell to perform bodily functions; requiring an resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an resident's naked body or of an resident performing bodily functions.
 - U. *Vulnerable Resident*: A resident who is at high risk to become a victim of sexual assault by another resident(s) due to characteristics related to age, physical stature, criminal history and/or physical or mental disabilities, or past history of being victimized.
 - V. *Zero Tolerance*: This term shall mean that no sexual act, contact or harassment will be tolerated between any resident with another resident and/or facility staff as stated in South Carolina Code of Laws 44-23-1150.
- IV. Procedure:
- A. Education:
 - 1. The Prison Rape Elimination Act (PREA) was signed into law by President G. Bush on September 4, 2003. This Act is intended to address the detection, prevention, reduction, and prosecution of all sexual assaults in all correctional facilities in the country.
 - 2. All residents will be explained the following information during their Resident Orientation during their initial classification process. (PREA 115.33a)
 - a. The SACDC has a "Zero-Tolerance" policy against sexual assault, consensual sexual contact, sexual abuse, sexual coercion, rape and/or sexual harassment by any resident towards another resident or any staff member and will not be tolerated by any resident towards another resident or any staff member.
(PREA 115.11a, 115.33a, 115.17a1-3, 115.76a, 115.52b 3, 4-ALDF-4D-22-5)
 - b. If the resident feels unsafe because of threats of sexual abuse or assault, or if the resident is being sexually abused or assaulted, or the resident feels they are at risk of being abused the resident has the option to immediately disclose incidents to SACDC staff, either verbally, in writing, calling the resident grievance hotline, or utilizing the kiosk system to file an

emergency notification. In addition, the resident may contact the facility PREA Coordinator or the outside PREA hotline.

(PREA115.51a,b,c, 115.52, 115.53a)

Note: SACDC will ensure residents with disabilities ie; hard of hearing, deaf, blind, low vision, or those with intellectual, psychiatric, or speech disabilities have an equal opportunity to understand the facilities efforts to prevent, detect, and respond to sexual abuse and/or harassment.

(PREA 115.16, 115.33d)

- c. Any information provided during the reporting of the sexual abuse will be confidential and shall be limited to those who have a need to know in order to make decisions concerning the victim's welfare and for law enforcement/investigative purposes. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse and to inform residents of their duty to report, as well as the limitation of confidentiality at the initiation of services.

(4-ALDF-2A-29, PREA 115.4ii, 115.52c 1-2,115.61b,c 115.81d)

- d. For at least ninety (90) days following a report of sexual abuse, SACDC will monitor the conduct and treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. Items that will be monitored include but are not limited to; disciplinary reports, housing or program changes, negative performance reviews or reassignment of staff. Monitoring will continue beyond ninety (90) days if the initial monitoring indicates a continuing need. This will be documented on the Sexual Abuse Retaliation Monitoring Log ((SACDC Form-539). The monitoring of residents will include periodic status checks. If any other individuals who cooperated with an investigation express a fear of retaliation, appropriate measures will be taken to protect that individual against retaliation. Monitoring of all individuals shall be terminated if it is determined the allegation is unfounded.

(PREA 115.67a, b, c-2,4,e,f)

3. If a resident does not understand the PREA information a SACDC

employee will be available to answer questions. For residents who do not speak English, interpretive services will be provided. Under no circumstances will another resident be used as an interpreter for any PREA related situations. (PREA 115.16b,c, 115.33d, 115.51c)

4. All staff are responsible for ensuring compliance with PREA. The SACDC immediately responds to all allegations of sexual abuse or sexual harassment, ensuring all complaints are documented, investigated, and possibly subject to an additional criminal charge. (PREA 115.51 c, 115.61a, 115.63-d, 115.77a,b)

Note: All staff are required to immediately report any information regarding an incident of sexual abuse/harassment or knowledge or suspicion of harassment. Retaliation against residents or staff who report an incident or any staff neglect or violations of responsibility that may have contributed to an incident. (PREA 115.61 a)

5. All residents will be required to watch the PREA orientation video in respective housing units or on their issued tablet within thirty (30) days of their initial orientation.
6. Central Control will play the PREA orientation video on Monday and Saturday evenings from 7pm – 8pm in English (with closed caption) and Tuesday and Sunday from 7pm – 8pm in Spanish (with closed caption).
7. The Housing Unit Deputy will ensure both televisions are turned on. The resident will acknowledge they have watched the PREA orientation on the tablet. (PREA 115.33b, e)

B. Processing:

1. Residents will be evaluated immediately upon incarceration, no later than seventy-two (72) hours of admission, to specifically determine their vulnerability to sexual assault or sexually aggressive behavior. (PREA 115.41b, 115.41a,b)
2. Residents will be evaluated for sexual vulnerability by the following risk factors:
 - a. age (residents within the following categories)
 - i. adult resident younger than twenty-five (25) years of

- age;
 - ii. adult resident older than fifty-five (55) years of age;
 - b. physical stature, (male resident less than one hundred-thirty pounds and/or less than five foot eight inches tall);
 - c. mental or physical disability;
 - d. known mental illness;
 - e. sex offender status, (per criminal history);
 - f. first time offender status;
 - g. prior convictions for sex offenses against an adult or child;
 - h. any history of sexual victimization in the community;
 - i. resident's own perception of vulnerability;
 - j. whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; or
(PREA 115.41c, d, e)
3. In addition to the evaluation process, residents will be asked a series of questions by the classification staff to determine if they are at risk for sexual victimization.
(PREA 115.41a, 115.43a, 4-ALDF-4D-22-1, 22-3, 22-4)
4. A resident will be identified for potential vulnerability if the points acquired to the questions above total between forty and forty-seven. The resident will be flagged in JMS as a potential sexual victim (SV).
5. Any resident identified as vulnerable will have a mental health referral completed and classification will be notified to document the resident as special management for classification purposes.
6. Residents will also be evaluated to determine whether they are prone to victimize other residents, especially in regard to sexual behavior by the following risk factors:
- a. history of sexually aggressive behavior toward other residents or staff while housed in a correctional facility;

- b. history of sexual abuse in a correctional facility;
- c. does the resident have any convictions for a violent offense in the community;
- d. does the resident have any violent offenses committed while in a correctional facility.

(PREA 115.41e,g, 115.41a, 115.43a, 4-ALDF-4D-22-1, 22-3, 22-4)

- 7. Any resident identified as prone to being a possible sexual aggressor against other residents, will have a mental health follow-up completed with a medical or mental health practitioner within fourteen (14) days of the resident screening. If the points acquired to the questions total between two hundred nineteen or higher, the resident will be flagged in JMS as a potential sexual aggressor (SA). and classification will be notified to document the resident as high risk for sexual aggression for classification purposes.

(PREA 115.43a, PREA 115.81c)

- 8. Staff will be mindful when placing residents into housing and programming assignments to ensure possible victims and aggressors are not in the same area.
- 9. Residents arriving to the facility who require a strip search will have the search conducted by two deputies of the same gender as the resident as outlined in the Searches and Contraband Prevention Policy.
- 10. The facility does not permit cross gender strip or cross gender pat searches of female residents, absent exigent circumstances. The facility will train all staff on how to conduct searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. If a cross gender strip or pat search is completed an incident report must be completed in JMS immediately following.

(PREA 115.15)

C. Classification and Housing:

- 1. Classification will interview all residents utilizing the Classification Interview Form (SACDC Form-412). During this interview deputies ask additional questions to pay particular attention to the residents housing unit assignment to ensure safety and security of all residents. Residents identified at high risk for sexual victimization or

sexual assault will be housed accordingly and not in the same area.

(PREA 115.41c, 115.42a,c, 115.43, 115.68, 115.81d)

- b. Residents who have alleged to have suffered sexual abuse or at high risk for sexual victimization may be held in involuntary segregated housing for less than twenty-four (24) hours while completing an assessment. Residents placed in segregated housing for this purpose shall have access to programs, privileges, education and work opportunities to the extent possible. If the resident is restricted from access the facility will document the opportunities that have been limited, the timeline for limitation and the reasons for the limitation. The facility will assign such residents to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of thirty (30) days. If an involuntary segregated housing assignment is made, the facility shall clearly document: the basis for the facility's concern for the resident's safety; and the reason why no alternative means of separation can be arranged. Every thirty (30) days, the facility shall afford each such resident a review to determine whether there is a continuing need for separation from the general population. (PREA 115.68a 115.43 a, b, c, d)
 - c. Offenders may be restricted from access to programming and other benefits if they choose not to comply with therapy, counseling, or other interventions designed to address and correct the underlying reason or motivations for abuse. (PREA 115.78(d) 2)
 - d. When housed with adult residents, youthful residents will be housed in such a way that sight, sound, and physical contact with any adult residents through the use of a shared showers, sleeping quarters, dayroom or other common space is prohibited. (PREA 115.14(a)2)
2. Within thirty (30) days from the arrival at the facility, all residents will be reassessed for their risk of victimization or abusiveness. Classification will utilize any additional, relevant information received since the resident screening or when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization

or abusiveness. Residents will not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked above. (PREA 11.41 f, g, h, i 115.43 e)

3. The SACDC will ensure only pertinent staff will have access to the responses to questions asked during classification to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents. (PREA 115.41 i)

C. Prevention of Sexual Activity:

1. In order to monitor residents in the SACDC the facility has established officer guidelines on conducting proper rounds in the facility. These rounds and vigilance are imperative in preventing sexual activity in the facility. Deputy presence can be a major deterrence to resident sexual abuse/assault as well as other forms of violence or criminal activity.
 - a. Security rounds should be conducted at least once every thirty minutes. (4-ALDF-2A-52)
 - b. Deputies shall be mindful of their post and surroundings at all times.
 - c. The housing unit will be properly lit at all times. Lights must be uncovered and properly maintained.
 - d. All windows will be free of clutter and not covered.
 - e. No clothing, bedding or other materials will hang over bunks, which obscure proper line-of-sight.
1. Deputies must be open and responsive to a resident's complaints of sexual abuse/assault. Residents are more likely to come forward if: (PREA 115.22a)
 - a. residents are confident that they will be believed;
 - b. residents can expect staff to protect them from retaliation;
 - c. residents have confidence that they will be afforded some remedy;
 - d. thorough and proper investigations are conducted for complaints of resident sexual abuse/assault; (PREA 115.78g,f)

- e. proper sanction including criminal charges when deemed justified, must be applied to perpetrators of resident sexual abuse/assault; and
- f. sanctions must also be applied to residents who make maliciously false claims. (PREA 115.52g)

Note: Residents may not be disciplined for refusing to answer, or for not disclosing complete information in response to any questions. (PREA 115.41h)

- 2. SACDC supervisors will conduct random unannounced security rounds throughout the facility to identify and deter possible sexual abuse and/or harassment situations. No staff member will alert other staff of when the supervisor begins their unannounced rounds, unless such announcement is related to the legitimate operational functions of the facility. If any issues are determined it will be forwarded through the supervisor's chain-of command. (PREA 115.11a, 115.13d, 115.67b, d)
- 3. At the conclusion of each incident, a review will be completed within thirty (30) days of the conclusion of the investigation. The Review Team will consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse. They will also consider whether the incident was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or motivated by other group dynamics in the facility. The team will determine if the facility needs to make adjustments to the staffing plan, monitoring equipment, and/or facility design in order to prevent sexual incidents unless the allegation has been determined to be unfounded. The PREA Coordinator will initiate a report of the findings to the Chief Deputy with any recommendations for improvement. In addition, The PREA Coordinator will document the request for classification to reassess the resident on review. The recommendations shall be implemented or it should be documented why the recommendations were not implemented. (PREA 115.13c1-3, 115.61d, 115.86a-e, 115.67b, d)
- 4. A resident's risk level for sexual victimization or abusiveness will be reassessed by classification when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that deems pertinent. Mental health will provide this information to classification during weekly mental health meetings.

D. Announcement of Visitors:

1. All officers need to announce their gender when entering a unit of the opposite gender.
2. All housing unit deputies need to announce the gender of any civilians/contractors/volunteers of the opposite sex when entering the unit.

Note: If a female enters a male housing unit and a female officer is working that unit, the gender is already established and no announcement is needed. (PREA 115.15 d)

E. Enforcement, Reporting and Investigation:

1. The SACDC strictly prohibits the sexual abuse of residents and sexual acts involving residents, regardless of consensual status. Residents are not disciplined for sexual contact with staff when the resident is the victim. (PREA 115.78 e)
2. SACDC staff will accept and report all allegations of sexual abuse, sexual harassment, retaliation, staff neglect or violation of responsibilities that may have contributed to such incidents, including third party and anonymous reports, to the PREA Coordinator who will notify the PREA Investigator. (PREA 115.51)
3. If staff learn a resident is subject to a substantial risk of imminent sexual abuse, the staff member will take immediate action to protect the resident. (PREA 115.62)
4. If the alleged victim is under the age of eighteen (18) or considered a vulnerable adult under State or local vulnerable persons statute, SACDC will report the allegation to the appropriate State and local service agencies under the mandatory reporting laws. (PREA 115.61d)
5. Staff may report in private any allegation of sexual abuse and/or sexual harassment directly to any supervisor or the PREA Coordinator. (PREA 115.51d-1)
6. When a resident reports that they have been victimized or have knowledge of another resident who has been sexually assaulted,

sexually harassed, or sexually coerced, the officer will immediately isolate the resident and the scene will be secured. In addition, deputies will follow the procedures for processing major violations as outlined in SACDC Policy Resident Disciplinary Procedures and the PREA PROTOCOL.

(PREA 115.22b, 115.54, 115.61a, e, 115.62, 115.62a, 115.64a, 115.67b, 115.71a)

7. If a volunteer or contractor has a resident report an incident or knowledge of another resident who has been victimized, the staff member would request that the victim not take any action that could destroy physical evidence and immediately report the incident to a supervisor. (PREA 115.51c-2, 115.54, 115.64a, b)
8. The immediate supervisor responding will notify medical services. If emergent medical care is required, medical staff will assess the resident. (PREA 115.65a)
9. If emergent medical care is not required, the supervisor will ensure the resident is protected and the scene is preserved until Criminal Investigation Division (CID) arrives and makes the determination if any further actions are necessary. In addition, the supervisor will ensure that enough staff is available to assist in maintaining control of the area and the Housing/Processing Lieutenant are informed of the situation. (PREA 115.22b,c, 115.64a, 115.71a,b,f-1, 115.78e, USDOJ PREA)
10. The Housing/Processing Lieutenant will contact the PREA Coordinator to request an on-call CID deputy sheriff and then notify the Command Duty Officer (CDO).
11. The CDO will notify all pertinent individuals to include but not limited to the following:
 - a. Chief Deputy;
 - b. Security/Housing Major;
 - c. Administrative Services/Processing Major;
 - d. Housing Captain;
 - e. Processing Captain;
 - f. Security Captain;

- g. Administrative Services Captain and;
(PREA 115.65a, 115.71a)
12. The South Carolina Department of Corrections (SCDC) will be notified within five (5) days as outlined in the Preservation of Evidence and Incident Reporting Policies.
(SCMin.1049, NCCHC J-B-04,4-ALDF-4D-22-2,4D-22-6,4D-22-8,PREA 115.21g)
13. As soon as possible, the deputy involved will generate a detailed Incident Report as outlined in SACDC Policy Incident Reporting.
14. If a resident who enters into the facility from another facility such as the South Carolina Department of Corrections reports an allegation of sexual abuse while confined in that facility SACDC staff will immediately begin the notification process as outlined in this section. In addition, the resident will be assessed and the information of where the assault occurred will be given to the Chief Deputy or designee. The Chief Deputy will notify the head of the facility where the alleged sexual assault occurred as soon as possible, but no later than seventy-two hours after receiving this information. This notification will be documented in the resident's notes in the Jail Management System (JMS). (PREA 115.63a,b)
15. If an agency notifies SACDC of a PREA allegation the allegation will be investigated in accordance with PREA Standards.
16. The PREA Coordinator will ensure all data is properly documented as mandated by PREA and the information is provided to the Chief Deputy and the Bureau of Justice annually.
(PREA 115.63c, 115.73e, 115.87a, b, c, d, e)
17. The PREA Coordinator will ensure the resident who was victimized will be informed by utilizing the *Resident PREA Acknowledgement Form* (SACDC-Form-519) and the *Resident Notification- Resident Allegation Form* (SACDC-Form-540) or the *Resident Notification – Staff Allegation Form* (SACDC-Form-541). The forms document if the charges against the assailant were determined to be substantiated, unsubstantiated or unfounded.
(PREA 115.73-a, 115.73-c,d, 115.73d1-2f)
18. All SACDC PREA notifications or allegations of sexual abuse are immediately converted to investigations and will be completed in a timely manner. There is no time limit on when a resident has to

submit a PREA allegation. All PREA notifications or allegations begin as an internal administrative investigation. These investigations are conducted by trained PREA Investigators at the facility level and will be concluded based on a preponderance of evidence. Once an administrative PREA investigation is completed and approved by the Chief Deputy it will be submitted to the Office of Professional Standards (OPS) for review and filing. PREA Investigations deemed criminal or potentially criminal will be investigated further and completed by the Office of Professional Standards or the Criminal Investigations Division. (PREA 115.52, 115.72a)

19. The Charleston County Sheriff's Office CID will conduct an annual review of all sexual assaults to make recommendations for facility improvement. This review will be given to the PREA Coordinator and the Chief Deputy.
(PREA 115.22a, c, 115.71l, 115.73d, 115.88a, b, 115.73c1-4f)
20. Any staff who participates in or fails to report an allegation of sexual misconduct, coerces or threatens another person to submit inaccurate, incomplete, or untruthful information with the intent to alter a report, may face disciplinary action, up to and including termination.
(PREA 115.11a, 115.17g, 115.61a, 115.76a)
21. Termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse with a resident at the SACDC.
(PREA 115.76(b))
22. All staff in the Sheriff Al Cannon Detention Center have a continuing affirmative duty to disclose any such misconduct. (PREA 115.17f)
23. Contractors and volunteers who engage in any form of sexual abuse or sexual harassment with a resident will immediately be reported to Charleston County Sheriff's Office and will be prohibited from all contact with residents. All terminations or resignations in lieu of termination for violations of the PREA standards will be reported to any relevant licensing body.
(PREA 115.76(d), 115.77a)
24. The Training Division must notify the South Carolina Criminal Justice Academy of an employee's termination upon conclusion of a sustained PREA incident.
(PREA 115.76d)

G. Disciplinary Sanctions for Residents:

1. Residents are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse.
(PREA 115.78a)
2. Sanctions will commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history and the sanctions imposed for comparable offenses by other residents with similar history. The disciplinary process will consider whether a resident's mental disabilities or mental illness contributed to his/her behavior when determining what type of sanction, if any, should be imposed.
(PREA 115.78b, c)
3. A resident may be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
(PREA 115.78e)
4. 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. If a resident is found to have falsely reported an incident, the resident will face in-house and/or criminal charges.
(PREA 115.78f, 115.76d)

H. Data Collection, Corrective Action and Storage:

1. The SACDC will collect accurate, uniform data for every allegation of sexual harassment/abuse made at the facility.
2. The PREA Coordinator will total the incident-based sexual abuse data at least annually and submit a report to the Department of Justice (DOJ) as required using the uniform data collected. 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 DOJ.
(PREA 115.87b, c)
3. The facility will maintain, review and collect data as needed from all available incident-based documents, including reports, investigation files and sexual abuse incident reviews.
(PREA 115.87d)
4. Upon request, the PREA Coordinator will provide all such data from the previous year to the DOJ no later than June 30.

(PREA 115.87f)

5. On an annual basis, the PREA Coordinator and Investigator will review the data collected as outlined above 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 finding and corrective actions for the facility. (PREA 115.88a)
 6. The report will include a comparison of the current year's data and corrective actions with those from prior years and will provide an assessment of the facility's progress in addressing sexual abuse. (PREA 115.88b)
 7. The report will be approved by the Chief Deputy and made readily available to the public through its website. (PREA 115.88c, 115.89b)
 8. The SACDC will ensure all sexual harassment/abuse data are securely retained and only shared with individuals on a "need to know basis." (PREA 115.87d, 115.89a)
 9. The only information which will be provided to the public is limited to aggregate statistics. (PREA 115.88b, c, 115.89c)
 10. The SACDC will maintain collected sexual harassment/abuse data for at least ten (10) years after the date of the initial collection unless Federal, State, or local law requires otherwise. (PREA 115.88d, 115.89d)
- I. Confidentiality:
1. Any information provided to an officer or staff concerning a resident being sexually assaulted or victimized is confidential. Information provided in confidential communications to the SACDC staff listed below will be shared consistent with and according to the standards required by state statute, professional licensure, and ethical standards;
 - a. Medical staff;

- b. Mental Health staff and
 - c. Chaplains
- (PREA 115.4ii, 115.51b,c, 115.61b, 115.81d, 115.82a)

Note: The Medical and Mental Health Staff must obtain a written consent form from all residents before reporting any information about any prior sexual victimization that did not occur while they were incarcerated in the SACDC, unless, the resident is under the age of eighteen (18).

(PREA 115.61c, 115.81e)

- 2. The SACDC will protect resident victims and reporters of sexual assault, sexual harassment, and sexual coercion from retribution.
- (PREA 115.62)

J. Victim Services:

- 1. The medical and psychological trauma of a sexual assault will be minimized as much as possible by prompt and appropriate health intervention. Medical staff does not endorse in-house examinations for sexual assault victims, however they will provide care to stabilize the resident in the event of a medical emergency until EMS arrives.
(PREA 115.21c,h, 115.82a,b, 115.83a,c)
- 2. If the resident does not need immediate medical treatment a deputy will determine any further actions.
(PREA 115.21f)
- 3. The Mental Health Counselor for the SACDC will be notified of any alleged sexual assaults as soon as possible. If the alleged sexual assault occurred after normal working hours, the Medical Department will follow the Mental Health emergency plan to notify Mobile Crisis via the Housing/Processing Lieutenant.
(PREA 115.82a,b)
- 4. Based on the Mental Health Counselor's evaluation and counseling session, they will make recommendations as to classification regarding the most appropriate placement for the resident; i.e., admission to inpatient, administrative confinement, and necessary follow-up mental care.
(PREA 115.81c)
- 5. The Mental Health Counselor will document the clinical encounter with the alleged victim of the sexual assault.
- 6. Any resident that has been a victim will be given the opportunity to

Speak with an outside victim advocate. This will assist the resident in dealing with the emotional trauma related to the sexual abuse.

(PREA 115.21d, e, 115.51b, 115.53a, 115.78d, 115.82a)

7. The Medical Department and Mental Health Counselor will cooperate fully with the investigator as well as other staff investigating the alleged sexual assault. (PREA 115.61c)
 8. At a minimum, monthly contact will be made with the victim to assure treatment needs are being met. (PREA 115.67c 115.81c, 115.83b)
 9. Resident victims of sexual abuse while incarcerated will be offered tests for sexually transmitted diseases as medically appropriate. (PREA 115.83(f))
 10. If pregnancy results from sexual abuse while incarcerated, victims receive timely and comprehensive information about, and timely access to, all lawful pregnancy-related medical services to include the termination of a pregnancy at no cost to the victim. (PREA 115.83(e) 1)
 11. Under no circumstances will treatment be denied for a victim solely because the victim will not fully disclose details to health services staff. (PREA 115.82d, 115.83g)
 12. All treatment services provided to the victim will be at no cost regardless of whether the victim names the abuser or cooperates with any investigation arising out of the investigation. (PREA 115.82(d), 115.83)
- K. Training:
1. All employees of the SACDC to include, contractor and volunteers will receive training concerning preventing sexual harassment, sexual assault, sexual coercion, and inappropriate relationships between staff and residents. In addition, they will learn their duty and how to report the allegations. (PREA 115.31a, 115.32a,b, 115.35a,d)
 2. Staff training will include but not limited to the following: (PREA 115.31a, 115.32b)
 - a. SACDC "Zero-Tolerance" policy;

- b. Staff's responsibilities to prevent, detect, report, and respond to sexual violence and staff sexual misconduct/harassment;
 - c. The residents right to be free from sexual violence, staff sexual misconduct/harassment;
 - d. The dynamics of sexual violence in a confinement setting;
 - e. Recognizing and responding to the physical, behavioral and emotional signs of sexual harassment, sexual abuse and/or assault of both male and female residents;
 - f. How to avoid inappropriate relationships with residents;
 - g. How to communicate effectively and appropriately with residents, including lesbian, gay, bi-sexual, transgender, and intersex residents (LGBTI);
 - h. SACDC frisk/strip search procedures for cross gender, LGBTI, and identified victims of sexual violence; (PREA 115.15c,f)
 - i. Disciplinary sanctions/criminal prosecution;
 - j. Staff ethics and
 - k. Applicable federal, state, and local laws.
3. All Mental Health and Medical personnel will receive training on reporting sexual abuse and sexual harassment.
 4. This training will be accomplished through classroom training, brochures, handouts, resident handbooks, SACDC policies and procedures, videos, online forums or in educational workbooks during pre-service, initial issuance, and annually thereafter during the normal training cycle.
(4-ALDF-7B-08, 10, 10-1, PREA 115.31a,115.31c, 115.33f)
 5. All employees will be required to acknowledge the training on PREA by electronic signature or by signing the Prison Rape Elimination Act Acknowledgement (SACDC-Form-516). (PREA 115.31d)

L. Audits:

The SACDC is required to verify compliance with the PREA Standards by the United States Department of Justice (USDOJ) every three years. Only

individuals certified under guidelines established by the USDOJ can conduct an audit for PREA compliance. (PREA 115.93a)

M. Sexual Abuse Data:

The SACDC sexual abuse data will be made readily available to the public at least annually through the Charleston County Sheriff's Office website. This policy is available through the Public Information Office of the Charleston County Sheriff's Office. (PREA 115.22b, 115.93a)