



**Baltimore County Sheriff's Office
Towson, Maryland**

**Sheriff
R. Jay Fisher**

General Order

Subject: PREA Standards	Effective Date 11/11/11	Number B-18
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Purpose:

The purpose of this directive is to establish procedures and policies for complying with the PREA (Prison Rape Elimination Act of 2003) which Federal legislators passed into law (P.L.108-79) on September 4, 2003.

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I. Definitions

- A. Allegation** - An oral, written, or electronic statement that sexual abuse has occurred or might occur that is provided to a staff member or outside agency.
- B. Audit** - A thorough investigatory review of information, including written records and interviews with staff and inmates, to determine whether and the extent to which an agency's and/or facility's policies, practices, and protocols comply with the PREA standards.
- C. Lockup** - A temporary holding facility of a Federal, State, or local law enforcement agency. Lockups include locked rooms, holding cells, cellblocks, transport vehicles or other secure enclosures under the control of a law enforcement agency, court, or custodial officer. Lockups are primarily used for the temporary confinement of individuals who have recently been arrested or are being transferred to or from a court, local jail, State prison, or other facility.
- D. PREA** - The Prison Rape Elimination Act of 2003 requires agencies to comply with the national standards proposed by the Commission and approved and promulgated by the Attorney General to eliminate sexual abuse in confinement. Fundamental to an agency's success will be its commitment to *zero tolerance of sexual abuse*—recognition that sexual abuse in confinement Facilities is unacceptable under any circumstances and as dangerous a threat to institutional security as an escape or homicide. Agencies must demonstrate zero tolerance not merely by words and written policy, but through their actions, including what they do to prevent sexual abuse and their response when it occurs.

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- E. PREA coordinator-** The Court Services Lieutenant will be the PREA Coordinator. The PREA coordinator's responsibilities include developing, implementing, and overseeing the agency's plan to comply with the PREA standards. He or she is also responsible for ensuring the completion of the Assessment checklists in the body of standards located at this link: (http://cybercemetery.unt.edu/archive/nprec/20090820155325/http://nprec.us/publication/standards/lockups/prevention_and_response_planning.php)

The PREA coordinator is a full-time position in all State prison systems and agencies that operate large jails (more than 500 inmates) but may be a part-time position in agencies that operate medium (101–500 inmates) and small jails (100 inmates or fewer).

- F. Sexual Abuse** – Encompasses (1) inmate-on-inmate sexual abuse, (2) inmate-on-inmate sexual harassment, (3) staff-on-inmate sexual abuse, and (4) staff-on-inmate sexual harassment.

(1) Inmate-on-inmate sexual abuse: Encompasses all incidents of inmate-on-inmate sexually abusive contact and inmate-on-inmate sexually abusive penetration.

Inmate-on-inmate sexually abusive contact: Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks without penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexual contact by threats of violence, or of an inmate who is unable to consent or refuse.

Inmate-on-inmate sexually abusive penetration: Penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexually abusive penetration by threats of violence, or of an inmate who is unable to consent or refuse. The sexual acts included are:

- Contact between the penis and the vagina or the anus;
- 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.

(2) Inmate-on-inmate sexual harassment: Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

(3) Staff-on-inmate sexual abuse: Encompasses all occurrences of staff-on-inmate sexually abusive contact, staff-on-inmate sexually abusive penetration, staff-on-inmate indecent exposure, and staff-on-inmate voyeurism. Staff Solicitations of inmates to engage in sexual contact or penetration constitute attempted staff-on-inmate sexual abuse.

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Staff-on-inmate sexually abusive contact: Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks by a staff member of an inmate with or without the latter's consent that is unrelated to official duties.

Staff-on-inmate sexually abusive penetration: Penetration by a staff member of an inmate with or without the latter's consent. The sexual acts included are:

- Contact between the penis and the vagina or the anus;
- 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.

Staff-on-inmate indecent exposure: The display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.

Staff-on-inmate voyeurism: An invasion of an inmate's privacy by staff for reasons unrelated to official duties or when otherwise not necessary for safety and security reasons, such as peering at an inmate who is using a toilet in his or her cell; 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 and distributing or publishing them.

(4) Staff-on-inmate sexual harassment: Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member. Such statements include demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

- G. Video monitoring system** - An integrated security system consisting of installed cameras monitored by Deputies, which augments and/or enhances the ability of employees to provide the sight supervision necessary to prevent, detect, contain, and respond to incidents of sexual abuse.

II. Policy

It is the policy of the Baltimore County Sheriff's Office to have a *zero tolerance of sexual abuse* and a recognition that sexual abuse in confinement facilities is unacceptable under any circumstances and as dangerous a threat to institutional security as an escape or other crime. And commits the Office to investigate *all* allegations of inmate on inmate and staff on inmate sexual abuse.

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III. PREA Procedures

- A. Arrestee Initial Screening** – At the time of arrest, each arrestee shall be screened to determine potential vulnerability such as juveniles; young detainees; women; gay, lesbian, bisexual, and transgender detainees; detainees with mental or physical disabilities; limited English proficient detainees; detainees who are physically weak or recovering from physical injuries; detainees who may be intoxicated; and detainees accused of certain crimes or tendencies of acting out with sexually aggressive behavior. When vulnerabilities are identified, ensure the arrestee is in direct sight and sound supervision or single-celled. And upon any positive responses to these tendencies or behaviors, ensure your supervisor is notified in keeping with the Arrestee Screening Form #34.
- B. In Custody Inmate** – If any time during your tour of duty, an inmate reports to you and/or you observe any sexual assault/abuse you shall immediately notify your supervisor and conduct a preliminary investigation including an incident report.
- C. Preliminary Investigation** – The importance of an accurate and complete preliminary investigation cannot be over stated. Upon notifying your supervisor be guided by his/hers direction. Each allegation from an inmate or arrestee shall be investigated on a case-by-case basis. The Internal Affairs unit shall be notified immediately if an allegation is against a member of this agency. If the allegation is made against a member of any other agency, (law enforcement agency/detention facility) that agency's command is to be verbally notified immediately. Then followed up in writing. Ensure that you record the agency, rank and name of the person notified and the date and time. If the facts of the alleged sexual assault/abuse require resources that the Baltimore County Sheriff's Office do not have, and in keeping with the Memo of Understanding, the Baltimore County Police Department is to be notified immediately. The Baltimore County Police Department will be the lead agency in the investigation and all members shall cooperate fully with their investigation.
- D. Scene of the Incident** – Secure the scene of the alleged sexual assault/abuse if it is alleged to have occurred in the Court House or sheriff's vehicle. Ensure that you (1) separate the alleged victim and abuser; (2) seal and preserve any crime scene(s); and (3) instruct the victim not to take any actions that could destroy physical evidence.
- E. Medical Treatment** – Ensure that alleged victim inmate/arrestee is transported to the appropriate medical facility in keeping with General Order B-3 "Prisoner Transportation", Section IX.
- F. Retaliation** – Retaliation against either an inmate/arrestee or member of the agency who reports the allegations of sexual assault/abuse is strictly prohibited.

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- G. Reporting** – All reports are to be completed by the end of the tour of duty to include; numbered incident reports, administrative reports and or investigate reports.
- 1. Detainee/Arrestee Reporting** – Ensure that you accept reports from detainees/arrestees, privately, and securely. You will take reports of any sexual assault/abuse. Also take any report of staff neglect or violation of responsibilities that may have contributed to an incident of sexual assault/abuse. All forms of reporting: verbal, writing, anonymous, and from third parties will immediately be put into writing. Members must keep all information related to a sexual assault/abuse reports confidential.
 - 2. Third Party Reporting** - The Internal Affairs Unit will investigate all third-party reports of sexual assault/abuse involving members of this agency. Supervisors will investigate third party complaints made against other inmates. At the conclusion of the investigation, the Internal Affairs Unit or supervisor will notify, in writing, the third-party individual who reported the abuse and the detainee named in the third-party report of the outcome of the investigation.
 - 3. Reporting to other law enforcement agency or detention center** – When an agency receives an allegation that a detainee was sexually abused, while confined at another facility or lockup, the agency where the report was made notifies in writing the facility or lockup where the alleged abuse occurred. The head of the facility or lockup where the alleged abuse occurred is responsible for the investigation.
- H. Investigations** - Each allegation from an inmate or arrestee shall be investigated on a case-by-case basis. If the facts of the alleged sexual assault/abuse require resources that the Baltimore County Sheriff's Office do not have, and in keeping with the Memo of Understanding, the Baltimore County Police Department is to be notified immediately and they will be the lead agency in the investigation. The Internal Affairs Unit will investigate all anonymous, and third party complaints of alleged sexual assault/abuse made against members of the agency. Supervisors will investigate third party and anonymous complaints made against other inmates.

IV. Data Collection and Review

- A. Sexual abuse incident reviews-** The Baltimore County Sheriff's Office will treat all instances of sexual abuse as critical incidents to be examined by the command staff, with input from line supervisors and investigators. The PREA Coordinator evaluates each incident of sexual abuse to identify any policy, training, or other issues related to the incident that indicate a need to change policy or practice to better prevent, detect, and/or respond to incidents of sexual abuse. The PREA Coordinator also considers whether incidents were motivated

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by racial or group dynamics. When incidents are determined to be motivated by racial or other group dynamics, the PREA Coordinator immediately notifies the Sheriff, via the chain of command, and begins taking steps to rectify those underlying problems. The sexual abuse incident review takes place at the conclusion of every sexual abuse investigation, unless the allegation was determined to be unfounded. The PREA Coordinator will prepare a report of the findings and recommendations for improvement and submits it to the Sheriff via the chain of command.

- B. Data collection-** The PREA Coordinator collects accurate, uniform data for every reported incident of sexual abuse using the standardized form located at this link: (<http://bjs.ojp.usdoj.gov/index.cfm?ty=dcdetail&iid=406>). A copy of this report will be provided to the Internal Affairs unit for their file. The incident-based data collected includes, at a minimum, the data necessary to answer all questions from the most recent version of the BJS Survey on Sexual Violence that will be downloaded from the above link. Data is obtained from multiple sources, including reports, investigation files, and sexual abuse incident files. This data will be aggregated annually.
- C. Data storage, publication, and destruction** – The PREA Coordinator ensures that the collected sexual abuse data are properly stored, securely retained, and protected. The data shall be retained for ten years.

V. Training

PREA Training Policy – the Office’s policy is to provide training to all members regarding the standards of The Prison Rape Elimination Act of 2003. The training will address: (1) definitions, (2) reporting requirements, (3) signs of sexual violence, and (4) access to medical health care for arrestees/detainees.

VI. Desk Sergeant’s/Supervisor’s Responsibilities

- A. In the event of a report of sexual assault/abuse** - ensure that medical attention is obtained as necessary.
- B. Ensure that the appropriate** - law enforcement agency/detention facility is advised that the individual has reported a sexual assault/abuse.
- C. In the event of a reported sexual assault/abuse** - ensure that the member follows Section III, G of this directive.
- D. In the event of a reported sexual assault/abuse** - the supervisor shall complete an administrative report outlining the directives given the investigating deputy.
- E. If a member of the agency** - is the alleged abuser, ensure the Internal Affairs Unit is immediately notified.

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VII. PREA Coordinator's Responsibilities

- A. The Court Services Lieutenant** - will be PREA Coordinator. The PREA coordinator's responsibilities include developing, implementing, and overseeing the agency's plan to comply with the PREA standards. He or she is also responsible for ensuring the completion of the Assessment checklists in the body of standards located at this link: (http://cybercemetery.unt.edu/archive/nprec/20090820155325/http://nprec.us/publication/standards/lockups/prevention_and_response_planning.php)
- B. The PREA Coordinator** - evaluates each incident of sexual abuse to identify any policy, training, or other issues related to the incident that indicate a need to change policy or practice to better prevent, detect, and/or respond to incidents of sexual abuse.
- C. Ensure a sexual abuse incident review** - takes place at the conclusion of every sexual abuse investigation, unless the allegation was determined to be unfounded. Report findings to the Sheriff via the chain of command.
- D. Ensure that every reported incident** - of sexual abuse is collected using the standardized form located at the below link and aggregate it annually. The incident-based data collected will include the data necessary to answer all questions from the most recent version of the BJS Survey on Sexual Violence located at this link: (<http://bjs.ojp.usdoj.gov/index.cfm?ty=dcdetail&iid=406>).
- E. Ensure that the collected sexual abuse data** – is properly stored, secured retained, and protected. The data shall be retained for ten years

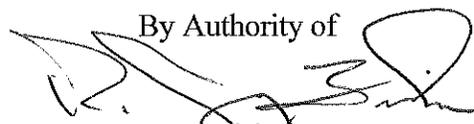
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