

**Wayne County Sheriff's Office  
Jail and Detention  
Policies and Procedures**

<b>Subject:</b> Prison Rape Elimination Act (PREA)	<b>Policy Number:</b> 15.001
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**POLICY:**

The Wayne County Sheriff's Office (WCSO) is committed to zero tolerance of any form of sexual abuse and sexual harassment in facilities it operates directly or with which it holds contracts for the confinement of inmates. Sexual abuse in correctional facilities is a public safety issue that can impact order and security.

The WCSO has mandated zero-tolerance towards all forms of sexual abuse and sexual harassment. Such conduct is prohibited by this policy and will not be tolerated; to include inmate-on-inmate sexual abuse or harassment and employee-on-inmate sexual abuse or harassment. When it is learned that an inmate is subject to substantial risk of imminent sexual abuse, immediate action shall be taken to protect the inmate. It is WCSO's policy to aggressively investigate all allegations, regardless of the source, and prosecute those who are involved in incidents of sexual abuse. Alleged victims of sexual abuse or harassment will be provided a supportive and protective environment. (§115.11, §115.62)

Sexual activity between inmates, or employees/contractors/volunteers and inmates, regardless of consensual status, is strictly prohibited and subject to administrative and criminal disciplinary sanctions.

**PURPOSE:**

The purpose of this policy is to describe the Wayne County Sheriff's Office's mandate of zero tolerance toward all forms of sexual abuse and sexual harassment; and to outline the Wayne County Sheriff's Office's approach to preventing, detecting, and responding to sexual abuse and harassment.

**DEFINITIONS:**

Bad Faith- Acting with a dishonest belief of purpose

Consent- Cooperation in act or attitude pursuant to an exercise of free will and with full understanding of the nature of the act. \*Inmates cannot consent to sexual contact with staff members, contractors or volunteers\*

Contractor- A person who provides services at the facility on a recurring basis pursuant to a contractual agreement with WCSO.

Direct Staff Supervision- Security staff in the same room, and within reasonable hearing distance of inmates.

Exigent Circumstances- Temporary, unforeseen circumstance(s) that require immediate action in order to combat a threat to security or institutional order of a facility.

First Responder- The staff person (or persons) who first arrive at the scene of an incident.

Gender Non-Conforming- A person whose appearance or manner does not conform to traditional societal gender expectations.

Incident Response Team- A team comprised of four (4) or more individuals having a primary role in responding to reported incidents of sexual abuse, victim assessment, and support needs, and ensuring policy and procedures are carried out that ensure inmate safety.

Inmate- Any person incarcerated or detained in the jail.

LGBTI- Lesbian, Gay (Homosexual), Bisexual, Transgender, or Intersex. This acronym will include the term Gender Non-Conforming.

Medical Health Practitioner- Includes physicians, physician assistants, nurse practitioners, nurses, dentists, mental health professionals, and others who, by virtue of their education, credentials, and experience are permitted by law within the scope of their professional practice to evaluate and care for patients.

Mental Health Practitioners- Includes psychiatrists, psychologists, psychiatric social workers, psychiatric nurses and others who, by virtue of their education, credentials, and experience are permitted by law to evaluate and care for the mental health needs of patients.

Miranda and Garrity Warnings- Instructions provided at the start of an interview informing the interviewee of rights and liabilities.

PREA- The Prison Rape Elimination Act.

PREA Coordinator- An upper level management WCSO employee designated to develop, implement, and oversee WCSO' company wide efforts to comply with PREA National Standards. He/she must provide supervisory oversight to the WCSO ensuring coordination in the prevention, detection, intervention, investigation, and discipline/prosecution of sexual abuse as specified in this policy. (115.11 (b))

PREA National Standards- Part 115 of Title 28 of The Code of Federal Regulations, the Prison Rape Elimination Act National Standards.

PREA Staffing Plan- An approved plan for staffing the facility in accordance with PREA guidelines developed by the facility in conjunction with the PREA Coordinator.

PREA Staffing Plan Deviation- When any position designated as part of the PREA Staffing Plan is vacant for the period of an entire shift.

Rape Crisis Center- An entity that provides intervention and related assistance to victims of sexual assault of all ages.

SAFE/SANE Provider- a sexual assault forensic examiner (SAFE) or sexual assault nurse examiner (SANE) is a specifically trained registered nurse, physician assistant, or physician who provides comprehensive care, and timely collection of forensic evidence and testimony in sexual assault cases.

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

Sexual Abuse of an Inmate by Another Inmate- Any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

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. 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.

Sexual Abuse of an Inmate by an Employee, Contractor, or Volunteer- Any of the following acts, with or without consent of the inmate, detainee, or resident:

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 contact, 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 paragraphs (a) through (e) of this section;
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; and
8. Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate 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.

Sexual Harassment- Includes any of the following acts:

1. Repeated, and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed to another inmate.
2. Repeated verbal comments or gestures of a sexual nature to an inmate by an employee, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Transgender- A person whose gender identity (i.e. internal sense of feeling male or female) is different from the person's sex at birth.

Volunteer- An individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

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

Youthful Inmate- Any person under the age of 18 who is under adult court supervision and incarcerated or detained in jail.

## Procedures Index

SECTION	SUBJECT
A	Confidentiality
B	Hiring and Promotion
C	Training and Acknowledgement
D	Staffing
E	Supervision and Monitoring
F	External Victim Advocate and Support Services
G	Inmate Screening
H	Inmate Education
I	Housing and Program Assignments
J	Youthful Inmates
K	Searches and Observation
L	Reporting Sexual Abuse and/or Sexual Harassment
M	Response Procedures
N	Sexual Abuse Incident Review
O	Administrative and Criminal Investigations
P	Incident Classification
Q	Inmate Notification
R	Disciplinary Procedures
S	Protection From Retaliation
T	Data Collection and Review
U	Auditing and Corrective Action
V	Upgrades to Facilities and Technologies
W	Contracting With Other Entities for the Confinement of Inmates

## **Procedures:**

### **A. Confidentiality (§115.41, §115.81)**

1. All information concerning an event of inmate sexual abuse or sexual harassment is to be treated as confidential. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone except as specified by the Wayne County Sheriff's Office policy. This information should never be shared with other inmates.
2. The Wayne County Sheriff's Office shall implement appropriate controls on the dissemination of responses to questions asked pursuant to *Screening for risk of Victimization and Abusiveness* in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

### **B. Hiring and Promotion (§115.17)**

1. The Wayne County Sheriff's Office shall not hire or promote anyone who may have contact with inmates, or retain 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; or
  - b. Has been convicted of, or civilly or administratively adjudicated for, engaging or attempting to engage in sexual activity in the community facilitated by force, threats of force, or coercion, or if the victim did not consent or was unable to consent.
  - c. The 115.17 *PREA Employment Questionnaire* form will be completed upon application for employment.
2. The Wayne County Sheriff's Office shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to retain the services of any contractor, who may have contact with inmates.
3. Before hiring new employees who may have contact with inmates, the Wayne County Sheriff's Office shall:
  - a. Perform a criminal background records check; and
  - b. Make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse, or any resignation during a pending investigation of an allegation of sexual abuse.
4. The Wayne County Sheriff's Office shall also perform a criminal background records check before retaining the services of any contractor who may have contact with inmates.
5. The Wayne 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, or have in place a system for otherwise capturing such information for current employees.
6. The Wayne County Sheriff's Office shall ask all applicants and employees who may have direct contact with inmates about previous misconduct described in this section, in:
  - a. Written applications and/or interviews for hiring or promotion; and

- b. Interviews or written self-evaluations conducted as part of reviews of current employees.
- 7. The Wayne County Sheriff's Office shall impose on its current employees a continuing affirmative duty to disclose any of the misconduct described in this section.
- 8. Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- 9. Unless prohibited by law, the Wayne County Sheriff's Office shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

**C. Training, Education, and Acknowledgement  
(§115.15, §115.31, §115.32, §115.34, §115.35)**

The Wayne County Sheriff's Office is committed to communicating to the inmates at its jail, to its employees, and to contractors and volunteers, the following information through the training, education and orientation programs described in this section:

- The Wayne County Sheriff's Office's zero tolerance policy;
- The Wayne County Sheriff's Office's policies to prevent, detect, and respond to sexual abuse and sexual harassment; and
- Other rights and obligations under this policy.

**1. Employees §115.31**

- a. The Wayne County Sheriff's Office shall train all employees who may have contact with inmates on:
  - i. Its zero-tolerance policy for sexual abuse, sexual harassment and retaliation;
  - ii. How to fulfill their responsibilities regarding prevention, detection, reporting, and response to sexual abuse and sexual harassment;
  - iii. Inmates' right to be free from sexual abuse and sexual harassment;
  - iv. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
  - v. The dynamics of sexual abuse and sexual harassment in confinement;
  - vi. The common reactions of sexual abuse and sexual harassment victims;
  - vii. How to detect and respond to signs of threatened and actual sexual abuse;
  - viii. How to avoid inappropriate relationships with inmates;
  - ix. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates;
  - x. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

**b. Specialized Training**

- i. Security staff employees shall be trained in how to conduct cross-gender pat-down searches, and how to conduct searches of



transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. (§115.15)

- ii. In addition to the general training provided to all employees, the Wayne County Sheriff's Office shall ensure that, to the extent it conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings. (§115.34)
  - Specialized training shall 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.
  - Documentation confirming that investigators have completed the required specialized training in conducting sexual abuse investigations shall be maintained. The 115.34 *Special Investigator Receipt of PREA* form will document such confirmation.
- iii. The Wayne County Sheriff's Office shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facility have been trained in: (§115.35)
  - How to detect and assess signs of sexual abuse and sexual harassment;
  - How to preserve physical evidence of sexual abuse;
  - How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
  - How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- c. Training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa. (§115.31)
- d. All current employees shall receive this training, and the Wayne County Sheriff's Office shall provide each employee with refresher training every year 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 Wayne County Sheriff's Office shall provide refresher information on current sexual abuse and sexual harassment policies. (§115.31)
- e. Employees shall be required to confirm their understanding of the

- received training. Signed documentation will be maintained.
- f. The 115.31 *Staff Receipt of PREA* form shall be completed by each employee serving as verification of the employee's review and understanding of the contents of this policy.
2. Volunteers and Contractors (§115.32)
- a. The Wayne County Sheriff's Office shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the Wayne County Sheriff's Office's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
  - b. The level and type of training provided to volunteers and contractors shall be based on the services they provide and the level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the Wayne County Sheriff's Office's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents.
  - c. The Wayne County Sheriff's Office shall maintain documentation confirming that volunteers and contractors understand the training they have received.
  - d. Volunteers and Contractors who have contact with inmates on a recurring basis shall be provided a copy of this policy prior to admission to the facility to begin their assignment or task.
  - e. The 115.32.1 *Volunteer and Contractor Receipt of PREA* form serves as verification of the contractor or volunteer's review and understanding of the contents of this policy and shall be completed by each volunteer and contractor who has contact with inmates on a recurring basis.

**D. Staffing (§115.13)**

- 1. In the process of creating and revising a staffing plan to provide for adequate levels of staffing and video monitoring to protect inmates against sexual abuse, the Wayne County Sheriff's Office shall ensure that the following factors are taken into consideration:
  - 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 plan;
  - f. The composition of the inmate population;
  - g. The number and placement of supervisory staff;
  - h. 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. Any other relevant factors.
2. The Wayne County Sheriff's Office shall make its best efforts to comply with the staffing and video monitoring plan and, in circumstances where it is not complied with, shall document and justify all deviations. The 115.13 *Daily Staffing Assessment* form shall document deviations from the staffing plan and show measures taken to solve any issues with staffing inadequacies.
  3. At least once every year, and in collaboration with the PREA Coordinator, the Wayne County Sheriff's Office shall conduct an assessment to determine whether adjustments are needed to the staffing plan and the deployment of video monitoring systems and other technologies.

**E. Supervision and Monitoring (§115.13, §115.81)**

1. Supervision
  - a. Supervisors shall conduct and document unannounced rounds covering all shifts, and all areas of the facility, to identify and deter staff sexual abuse or harassment. The Wayne County Sheriff's Office policy prohibits staff members who are aware of these rounds from alerting other staff as to when or where these rounds are occurring, unless related to the legitimate operational needs of the facility.
  - b. The PREA Coordinator shall determine how and when the unannounced rounds will be conducted and shall review all documentation from the rounds.
  - c. Supervisors will complete the 115.13.1 *Supervisory Monitoring Log* form to document unannounced rounds.
2. Inmate Monitoring
  - a. Inmates identified during the intake screening as high risk for sexual victimization with a history of prior sexual victimization whether it occurred in an institutional setting or the community are assessed by mental health or other qualified professional within fourteen (14) days of the intake screening. Inmates at risk for sexual victimization will be identified, monitored, and counseled.

**F. External Victim Advocates and Support Services (§115.21, §115.53)**

1. The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers, where available, of local, State, or national victim advocacy or rape crisis organizations, and for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.
2. The facility shall inform inmates, prior to giving them access to outside advocates, of the extent to which such communications shall be monitored and the

extent to which reports of abuse shall be forwarded to authorities in accordance with mandatory reporting laws.

3. The Wayne County Sheriff's Office shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.
4. The Wayne County Sheriff's Office shall attempt to make available to the victim an advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocacy services, the Wayne County Sheriff's Office shall make available a qualified staff member from a community-based organization, or a qualified agency staff member to provide these services.
5. When requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany the victim throughout the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

#### **G. Inmate Screening (§115.41, §115.42)**

##### **1. Initial**

Upon admission to the facility, inmates shall be screened by staff to perform the initial intake screening process in order to obtain information relevant to housing, cell, 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. The screening shall identify past victims and/or predators and assess vulnerability to sexual abuse victimization.

- a. Intake screening shall ordinarily take place within 72 hours of arrival at the facility.
- b. The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:
  - i. Whether the inmate has a mental, physical, or developmental disability;
  - ii. The age of the inmate;
  - iii. The physical build of the inmate;
  - iv. Whether the inmate has previously been incarcerated;
  - v. Whether the inmate's criminal history is exclusively nonviolent;
  - vi. Whether the inmate has prior convictions for sex offenses against an adult or child;
  - vii. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
  - viii. Whether the inmate has previously experienced sexual victimization;
  - ix. The inmate's perception of his or her own vulnerability to sexual abuse or sexual harassment; and
  - x. Whether the inmate is detained solely for civil immigration purposes.
- c. Screening of inmates should only be used as a guideline for determining appropriate housing and services and should never be used as the sole reason for deprivation of a program or privilege.

2. Reassessment

A reassessment of the inmate's risk level of victimization or abusiveness will be conducted by the appropriate staff member. The reassessment shall occur:

- a. Within thirty (30) days of inmate arrival at the facility. The reassessment will include any additional relevant information received by the facility since the initial intake screening; and
- b. When warranted, due to referral, request, incident of sexual abuse, or receipt of additional information that may impact the inmate's risk of victimization or abusiveness.
- c. The 115.41.1 *PREA Risk Assessment* form will be used for completing the reassessment.

3. Inmate Refusal to Disclose

Inmates may not be disciplined for refusing to answer, or for not disclosing complete information, in response to questions asked pursuant to the following:

- a. Whether the inmate has a mental, physical, or developmental disability;
- b. Whether the inmate is or is perceived to be LGBTI or Gender Non-Conforming;
- c. Whether the inmate has previously experienced sexual victimization; or
- d. The inmate's own perception of vulnerability.

**H. Inmate Orientation and Education (§115.16, §115.33)**

1. During the intake process, inmates shall receive information explaining the Wayne County Sheriff's Office's zero- tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
2. Within 30 days of intake, the Wayne County Sheriff's Office shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and the Wayne County Sheriff's Office's policies and procedures for responding to such incidents.
3. Current inmates shall be educated and receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.
4. The Wayne County Sheriff's Office shall provide inmate 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 who have limited reading skills.
  - a. The Wayne County Sheriff's Office shall take appropriate steps to ensure that inmates with disabilities have an equal opportunity to benefit from all aspects of the Wayne County Sheriff's Office's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include – when necessary to ensure effective communication with inmates who are deaf or hard of hearing – providing access to interpreters who can interpret effectively, accurately, and impartially.
  - b. The Wayne County Sheriff's Office shall take reasonable steps to ensure meaningful access to all aspects of its efforts to prevent, detect, and

respond to sexual abuse and sexual harassment to inmates who have limited English proficiency, including by providing interpreters who can interpret effectively, accurately, and impartially.

- c. The Wayne County Sheriff's Office shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise an inmate's safety, the performance of first-responder duties, or the investigation of an inmate's allegations.
- 5. The Wayne County Sheriff's Office shall maintain documentation of inmate participation in these education sessions.
- 6. In addition to providing such education, the facility shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

**I. Housing and Program Assignments (§115.42, §115.43)**

**1. LGBTI and Gender Non-Conforming**

- a. 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 facility shall consider the transgender or intersex inmate's own views with respect to his or her own safety. The agency 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.
- b. Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
- c. The Wayne County Sheriff's Office shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status unless pursuant to a legal settlement or judgment.

**2. Protective Custody**

- a. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless the Wayne County Sheriff's Office has assessed all available alternatives and has determined that there is no available alternative means of separation from likely abusers. If the facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.
- b. The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged. Such an assignment shall not ordinarily exceed a period of 30 days.
- c. If an involuntary segregated housing assignment is made pursuant to this section, the facility shall clearly document:
  - i. The basis for the facility's concern for the inmate's safety; and
  - ii. The reason why no alternative means of separation can be arranged.

- d. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the fullest extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, it shall document:
  - i. The opportunities that have been limited;
  - ii. The duration of the limitation; and
  - iii. The reasons for such limitations.
- e. Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.
- f. The 115.42 *Housing Unit Placement* form will be completed to document reasoning for certain housing placements.

**J. Youthful Inmates (§115.14)**

- 1. The Wayne County Sheriff's Office does not house youthful inmates unless exigent circumstances arise. If such circumstances arise, the WCSO will either:
  - a. Maintain sight and sound separation between youthful inmates and adult inmates, or
  - b. Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.
- 2. The WCSO will transport youthful inmates to and from their current housing facility during the trial process.

**K. Searches and Observation (§115.15, §115.42)**

- 1. Cross-Gender
  - a. The Wayne County Sheriff's Office shall not conduct cross-gender strip searches (meaning a search that requires a person to remove or arrange clothing so as to permit a visual inspection of their breasts, buttocks, or genitalia) or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
  - b. Cross-gender inmate frisk/pat searches of female inmates by male employees is prohibited except in exigent circumstances.
  - c. The facility shall document all cross-gender strip searches and body cavity searches of inmates and all cross-gender pat-down searches of female inmates. The 115.15 *Cross Gender Searches* form will be completed to document any cross-gender searches.
- 2. No staff member shall conduct a search of a transgender or intersex inmate solely for the purpose of determining genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, 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.
- 3. The facility shall enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.

4. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
5. Staff members of the opposite gender shall announce their presence when entering an inmate housing unit.

**L. Reporting Sexual Abuse And/Or Sexual Harassment  
(§115.51, §115.52, §115.54, §115.61)**

**1. Inmate Reporting**

- a. Inmates shall be encouraged to immediately report pressure, threats, or instances of sexual abuse or sexual harassment, as well as possible retaliation by other inmates or employees for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Inmates who are victims of sexual abuse have the option to report an incident in the following ways:
  - i. Tell a staff member.
  - ii. Dial 11\*75 and report.
  - iii. Report on our Kiosk.
  - iv. Have a family member call in.
- b. The Wayne County Sheriff's Office shall also provide at least one way for inmates to report abuse, harassment, retaliation, and staff neglect to a public or private entity that is not part of the Wayne County Sheriff's Office, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates may report concerns by contacting the TN Coalition to End Domestic & Sexual Violence and/or the National Sexual Assault Hotline (RAINN).
- c. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security, such as ICE ERO Detention Reporting and Information Line.

**2. Inmate Grievances**

- a. The Wayne County Sheriff's Office shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
- b. The Wayne County Sheriff's Office shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
- c. The Wayne County Sheriff's Office shall ensure that—
  - i. 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
  - ii. Such grievance is not referred to a staff member who is the subject of the complaint.
- d. The Wayne County Sheriff's Office shall issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.



- e. The Wayne 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 Wayne County Sheriff's Office shall notify the inmate in writing of any such extension and provide a date by which a decision shall be made.
- f. 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.
- g. The Wayne County Sheriff's Office may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.

### 3. Staff Reporting Duties

- a. Any staff member who has knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against inmates or staff who reported such an incident; and any staff neglect that may have contributed to such incident or retaliation, shall immediately report such incident or retaliation, in the manner specified by the Wayne County Sheriff's Office policy.
- b. Staff members who fail to report allegations may be subject to disciplinary actions, up to and including termination and/or criminal charges.
- c. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone except as specified by the Wayne County Sheriff's Office policy.
- d. The Wayne County Sheriff's Office shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.
- e. Medical and mental health practitioners shall report knowledge, suspicion, or information regarding sexual abuse, sexual harassment, retaliation, or staff neglect pursuant to this section. This information shall be provided to inmates, in writing, at the initiation of services.
- f. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.
- g. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the Wayne County Sheriff's Office shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

### 4. Third Party Reporting

- a. The Wayne County Sheriff's Office shall 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.
  - i. Staff shall accept reports made verbally, in writing, and anonymously from third parties and shall promptly document any verbal reports.
  - ii. 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.

- iii. 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. If the inmate declines to have the request processed on his or her behalf, the Wayne County Sheriff's Office shall document the inmate's decision.

**M. Response Procedures (§115.64, §115.65, §115.82, §115.83)**

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

**1. Staff and First Responders**

- a. Separate the inmate from the alleged perpetrator;
- b. Preserve and protect any crime scene until appropriate steps can be taken to collect evidence; and
- c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim—and ensure that the alleged abuser—not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
- d. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall immediately notify the appropriate medical and mental health practitioners.
- e. When the first staff responder is not a security staff member, they shall request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

**2. Medical and Mental Health Services**

**Emergency**

- a. Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- b. Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- c. Treatment services shall be provided to the victim—without financial cost to the victim—and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

**Ongoing Medical and Mental Health Care**

- a. The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been sexually abused in a prison, jail, lockup, community corrections facility, or juvenile justice facility.
- b. The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- c. The facility shall provide such victims with medical and mental health services consistent with the community level of care.
- d. Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests, as medically necessary.
- e. If pregnancy results from the conduct described in this section, victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services, such as prenatal care and access to pregnancy termination services, where available.
- f. Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections, as medically appropriate.
- g. Ongoing treatment services shall be provided to the victim without financial cost to the victim and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

**N. Sexual Abuse Incident Review (§115.86)**

- 1. The Wayne County Sheriff's Office shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded.
- 2. The review shall ordinarily occur within 30 days of the conclusion of the investigation.
- 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 shall:
  - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - b. 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;
  - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - d. Assess the adequacy of staffing levels in that area during different shifts;
  - e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - f. Prepare a report of its findings, including determinations made pursuant to this section, and any recommendations for improvement and submit the report to the facility head and the agency PREA Coordinator.
- 5. The Wayne County Sheriff's Office shall implement the review team's recommendations for improvement or document its reasons for not doing so.

6. The 115.86 *Sexual Abuse Critical Incident Review* form will be completed and follow the criteria stated in this policy.

**O. Administrative and Criminal Investigations (§115.71, §115.21, §115.22)**

The Wayne County Sheriff's Office shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. It is the Wayne County Sheriff's Office's policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The Wayne County Sheriff's Office shall document all such referrals. The Wayne County Sheriff's Office shall publish this policy on its website at [www.waynetnso.com](http://www.waynetnso.com).

1. When the Wayne County Sheriff's Office conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
2. Where sexual abuse is alleged, the Wayne County Sheriff's Office shall use investigators who have received special training in sexual abuse investigations pursuant to Section C. b. ii. (Training and Acknowledgement) of this policy.
3. Investigators shall:
  - a. Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data;
  - b. Interview alleged victims, suspected perpetrators, and witnesses; and
  - c. Review prior complaints and reports of sexual abuse involving the suspected perpetrator.
  - d. The 115.71.1 *Investigative Outcome of Allegations of Sexual Abuse and Sexual Harassment* form will aid investigators in following these protocols.
4. When the quality of evidence appears to support criminal prosecution, the Wayne County Sheriff's Office shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
5. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. The Wayne County Sheriff's Office shall not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation.
6. Administrative Investigations:
  - a. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
  - b. Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
7. Criminal Investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

8. The Wayne County Sheriff's Office shall retain all written reports required by this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
9. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
10. When other agencies investigate sexual abuse, the Wayne County Sheriff's Office shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
11. Evidence Protocol
  - a. To the extent the Wayne County Sheriff's Office is responsible for investigating allegations of sexual abuse, it shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
  - b. The Wayne 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 in administrative investigations.
12. Forensic Medical Exams
  - a. The Wayne County Sheriff's Office shall offer all victims of sexual abuse access to forensic medical examinations, without financial cost to the victim, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs), where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The Wayne County Sheriff's Office shall document its efforts to provide SAFEs or SANEs for this purpose.
13. To the extent the Wayne County Sheriff's Office is not responsible for investigating allegations of sexual abuse, it shall request that the investigating agency follow the requirements of this section.

**P. Incident Classification (§115.73)**

Following completion of the investigation, the allegation will be classified as follows:

1. Substantiated- An incident shall be classified as substantiated if the results of the investigation determine that the allegation did occur.
2. Unsubstantiated- An incident shall be classified as unsubstantiated if the results of the investigation determine that the evidence was insufficient to make a final determination of whether or not the allegation occurred.
3. Unfounded- An incident shall be classified as unfounded if the results of the investigation determine the allegations did not occur.

**Q. Inmate Notification (§115.73)**

1. Following an investigation into an inmate's allegation that he or she suffered sexual abuse, the Wayne County Sheriff's Office shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If the Wayne County Sheriff's Office did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.

2. Following an inmate's allegation that a staff member committed sexual abuse against him or her, the Wayne County Sheriff's Office shall subsequently inform the inmate whenever:
  - a. The staff member is no longer posted within the inmate's unit;
  - b. The staff member is no longer employed at the facility;
  - c. The Wayne County Sheriff's Office learns that the staff member has been charged with or indicted on a charge related to sexual abuse within the facility; or
  - d. The Wayne County Sheriff's Office learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
3. Following an inmate's allegation that he or she has been sexually abused by another inmate, the Wayne County Sheriff's Office shall subsequently inform the alleged victim whenever:
  - a. The Wayne County Sheriff's Office learns that the alleged abuser has been charged with or indicted on a charge related to sexual abuse within the facility; or
  - b. The Wayne County Sheriff's Office learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
4. All such notifications or attempted notifications shall be documented. The 115.73 *Inmate Notification of Investigative Outcome* form will be completed and serve as the notification required for each investigative outcome.
5. The Wayne County Sheriff's Office's obligation to report as outlined in this section shall terminate if the inmate is released from the agency's custody.

**R. Disciplinary Procedures (§115.66, §115.76, §115.77, §115.78)**

1. Inmates
  - a. All inmates found guilty of sexual abuse shall be institutionally disciplined in accordance with the facility disciplinary procedures.
  - b. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

**Rule Violations/Offences:**

- Indecent exposure or exposing oneself (breast, genitals, buttocks) to another.
- Consenting to sexual advances or participating in homosexual behavior with another.
- Forcible sexual advances (rape) with another. \*Criminal charges will be filed.

**Disciplinary actions include but are not limited to the following:**

- 1) Lockdown time (max of 30 days)
- 2) Loss of privileges (Phone, Recreation, Commissary, Visitation, Trustee, Program Activity, Chirp Phone, Electronic Cigarettes and/or Criminal Prosecution).
- 3) Loss of Good Behavior Credits.

Once a disciplinary action has been made a copy will be given to the inmate.

A disciplinary hearing will be held within (7) days of the write-up before an impartial officer or board, excluding holidays, weekends, and emergencies.

- c. The disciplinary process shall consider whether an inmate's mental disability or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
- d. An inmate may be disciplined for sexual conduct with an employee only upon finding that the employee did not consent to such contact.
- e. Inmates who deliberately allege false claims of sexual abuse can be disciplined.
- f. If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

## 2. Staff

- a. Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
- b. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- c. Disciplinary sanctions for violations of the Wayne County Sheriff's Office policies relating to sexual abuse or sexual harassment shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- d. All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.
- e. The Wayne County Sheriff's Office or any governmental entity responsible for collective bargaining on the Wayne County Sheriff's Office's behalf shall not enter into or renew any collective bargaining agreement or other agreement that limits the Wayne County Sheriff's Office's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or a determination of whether and to what extent discipline is warranted. Nothing in this section shall restrict the Wayne County Sheriff's Office entering into or renewing agreements that govern:
  - i. The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions in this policy relating to the standard of evidence for substantiating allegations of sexual abuse/harassment and disciplinary sanctions for staff.
  - ii. Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

## 3. Volunteers and Contractors

- a. Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
- b. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of the Wayne County Sheriff's Office sexual abuse or sexual harassment policies by a contractor or volunteer.

**S. Protection Against Retaliation (§115.43, §115.67)**

The Wayne County Sheriff's Office's policy is to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff.

1. The Wayne County Sheriff's Office shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
2. For at least 90 days following a report of sexual abuse, the Wayne County Sheriff's Office shall monitor the conduct and treatment of inmates or staff who reported sexual abuse, and of inmates who were reported to have suffered sexual abuse, to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. The 115.67 *Protections Against Retaliation* form will document measures taken to protect staff and inmates from retaliation.
3. The Wayne County Sheriff's Office shall continue such monitoring beyond 90 days if the initial monitoring indicates an ongoing need. Monitoring shall include:
  - a. Periodic in-person conversations with inmates and/or staff;
  - b. Review of disciplinary incidents involving inmates;
  - c. Review of housing or program changes; and
  - d. Review of negative performance reviews or reassignments of staff.
4. Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the same requirements that are discussed above in Section I. 2 (Housing and Program Assignments).

**T. Data Collection and Review (§115.87, §115.88, §115.89)**

**1. Data Collection**

- a. The Wayne County Sheriff's Office shall aggregate the incident-based sexual abuse data at least annually.
- b. The incident-based data collected shall include, at a minimum, the data necessary The Wayne County Sheriff's Office shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- c. to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.



- d. The Wayne 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.
  - e. The Wayne County Sheriff's Office shall also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
  - f. Upon request, the Wayne County Sheriff's Office shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.
2. Data Review for Corrective Action
- a. The Wayne County Sheriff's Office shall review data collected and aggregated pursuant to Section T. 1. (Data Collection) above in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
    - i. Identifying problem areas;
    - ii. Taking corrective action on an ongoing basis; and
    - iii. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
  - b. 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 Wayne County Sheriff's Office's progress in addressing sexual abuse.
  - c. The Wayne County Sheriff's Office's report shall be approved by the Wayne County Sheriff's Office's head and made readily available to the public through its website.
  - d. The Wayne 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 shall indicate the nature of the material redacted.
3. Data Storage, Publication, and Destruction
- a. The Wayne County Sheriff's Office shall ensure that data collected pursuant to Section T. 1. are securely retained.
  - b. The Wayne County Sheriff's Office shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.
  - c. Before making aggregated sexual abuse data publicly available, the Wayne County Sheriff's Office shall remove all personal identifiers.
  - d. The Wayne County Sheriff's Office shall maintain sexual abuse data collected pursuant to Section T.1. for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

**U. Auditing and Corrective Action**

**(§115.401, §115.402, §115.403, §115.404, §115.405)**

**1. Frequency and Scope of Audits**

- a. During the three-year period starting on May 1, 2017, and during each three-year period thereafter, the Wayne County Sheriff's Office shall ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once.
- b. During each one-year period starting on May 1, 2017, the Wayne County Sheriff's Office shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.
- c. The Wayne County Sheriff's Office shall bear the burden of demonstrating compliance with the standards.
- d. The Wayne County Sheriff's Office shall permit the auditor to:
  - i. Review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility;
  - ii. Request and receive copies of any relevant documents (including electronically stored information).
  - iii. Conduct private interviews with inmates.
- e. The Wayne County Sheriff's Office shall make available to the auditor, at a minimum:
  - i. A sampling of relevant documents and other records and information for the most recent one-year period;
  - ii. A sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
- f. The Wayne County Sheriff's Office shall ensure the auditor has access to all areas of the audited facilities.
- g. The Wayne County Sheriff's Office shall cooperate with the auditor to ensure a representative sample of inmates and of staff, supervisors, and administrators can be interviewed by the auditor.
- h. The Wayne County Sheriff's Office shall ensure at least one way for inmates to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

## 2. Auditor Qualifications

- a. The Wayne County Sheriff's Office shall ensure that audits are conducted by a qualified auditor, which includes:
  - i. A member of a correctional monitoring body that is not part of, or under the authority of, the Wayne County Sheriff's Office;
  - ii. A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or
  - iii. Other outside individuals with relevant experience.
- b. All auditors shall be certified by the Department of Justice.
- c. No audit shall be conducted by an auditor who has received financial compensation from The Wayne County Sheriff's Office, except for compensation received for conducting prior PREA audits, within the three years prior to the agency's retention of the auditor.
- d. The Wayne County Sheriff's Office shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to

the Wayne County Sheriff's Office's retention of the auditor, with the exception of contracting for subsequent PREA audits.

3. Audit Contents and Findings
  - a. Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.
  - b. Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.
  - c. For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings:
    - i. Exceeds Standard (substantially exceeds requirement of standard);
    - ii. Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period);
    - iii. Does Not Meet Standard (requires corrective action)
  - d. The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.
  - e. Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility, and shall include recommendations for any required corrective action.
  - f. The Wayne County Sheriff's Office shall ensure that the auditor's final report is published on The Wayne County Sheriff's Office's website.
4. Audit Corrective Action Plan
  - a. A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.
  - b. The auditor and the Wayne County Sheriff's Office shall jointly develop a corrective action plan to achieve compliance.
  - c. The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or re-inspecting portions of a facility.
  - d. After the 180-day corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.
  - e. If the Wayne County Sheriff's Office does not achieve compliance with each standard, it may request a subsequent audit once it believes that it has achieved compliance.
5. Audit Appeals
  - a. The Wayne County Sheriff's Office may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be lodged within 90 days of the auditor's final determination.
  - b. If the Department determines that the Wayne County Sheriff's Office has stated good cause for a re-evaluation, the Wayne County Sheriff's Office may commission a re-audit by an auditor mutually agreed upon by the Department and the agency. The Wayne County Sheriff's Office shall bear the costs of this re-audit.

- c. The findings of the re-audit shall be considered final.

**V. Upgrades to Facilities and Technologies (§115.18)**

1. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Wayne County Sheriff's Office shall consider the effect of the design, acquisition, expansion, or modification on its ability to protect inmates from sexual abuse.
2. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Wayne County Sheriff's Office shall consider how such technology may enhance its ability to protect inmates from sexual abuse.

**W. Contracting With Other Entities for the Confinement of Inmates (§115.12)**

1. When the Wayne County Sheriff's Office contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, it shall include in any new contract or contract renewal the entity's obligation to adopt and comply with PREA standards.
2. Any new contract or contract renewal shall provide for agency contract monitoring to ensure the contractor is complying with the PREA standards.