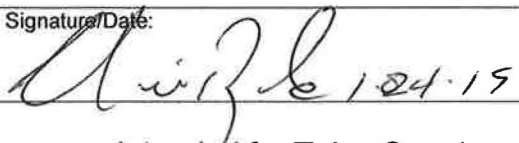




TULSA COUNTY SHERIFF'S OFFICE

Policy

Chapter: 300-Detention		Policy Number: 301.06 – Prison Rape Elimination Act (PREA)	Effective Date: 01/25/2019
Supersedes Policy No: 20-12, Prison Rape Elimination Act		Issued: 10/02/2013	Page: 1 of
REVISIONS	SECTION	References: ACA: 4-ALDF-2A-29, 4-ALDF-4D-11-1 thru 4d-22-8 PREA	
Issuing Authority: Sheriff Vic Regalado		Signature/Date:  1-24-19	

This policy statement and the following procedures are intended for Tulsa County Sheriff's Office use only. The policies, procedures, and post orders are for internal administrative purposes. They are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Sheriff's Office policies, procedures, and post orders form the basis for disciplinary action by the Sheriff's Office.

1.0 Summary

The Tulsa County Sheriff's Office has a zero tolerance standard for the incidence of inmate rape and sex-related offenses and attempts thereof and will make every effort to prevent these incidents. The Sheriff's Office will strictly enforce all federal and state laws regarding inmate sexual misconduct, threats of sexual assault or intimidation by providing clear definitions of prohibited conduct, establishing uniform methods of the prompt reporting and investigation of allegations of sex-related offenses or threats, identification of predators, protection of victims and prescribing sanctions for substantiated sexual offenses as well as false allegations.

2.0 Definitions

2.1 Agency

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

2.2 Agency head

The principal official of an agency.

2.3 Contractor

A person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

2.4 Direct staff supervision

Security staff is in the same room with, and within reasonable hearing distance of the inmate.

2.5 Employee

A person who works directly for the agency or facility.

2.6 Exigent circumstances

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

2.7 Facility

A place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

2.8 Facility head

The principal official of a facility.

2.9 Full compliance

Compliance with all material requirements of each standard except for minimal violations, or discrete and temporary violations during otherwise sustained periods of compliance.

2.10 Gender nonconforming

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

2.11 Inmate

Any person incarcerated or detained in a prison or jail.

2.12 Intersex

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

2.13 Jail

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

2.14 Juvenile

Any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

2.15 Juvenile facility

A facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

2.16 Law enforcement staff

Employees responsible for the supervision and control of inmates in lockups.

2.17 Lockup

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

- A. Under the control of a law enforcement, court, or custodial officer; and
- B. Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

2.18 Medical practitioner

A health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner"

refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

2.19 Mental health practitioner

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

2.20 Pat search

A physical search for contraband and weapons by a deputy or other officer conducted without removing the clothing, although shoes and socks may be removed.

2.21 Prison

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

2.22 Secure juvenile facility

A juvenile facility in which the movements and activities of individual inmates may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows inmate's access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

2.23 Security staff

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

2.24 Staff

Employees.

2.25 Strip search

A visual examination of the unclothed body for contraband. This search may include the examination of the clothes while removed.

2.26 Substantiated allegation

An allegation that was investigated and determined to have occurred.

2.27 Transgender

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

2.28 Unfounded allegation

An allegation that was investigated and determined not to have occurred.

2.29 Unsubstantiated allegation

An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

2.30 Volunteer

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

2.31 Youthful Inmate/Juvenile Inmate

Any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

2.32 Youthful Inmate/Juvenile Inmate

Any person under the age of 18 who is under adult court supervision and detained in a lockup.

3.0 Procedures**3.1 Sexual abuse includes:**

- A.** Sexual abuse of an inmate by another inmate; and
- B.** Sexual abuse of an inmate by a staff member, contractor, or volunteer.

3.2 Sexual abuse of an inmate, by another inmate, or includes 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:

- A. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- B. Contact between the mouth and the penis, vulva, or anus;
- C. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- D. 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.

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

- A. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- B. Contact between the mouth and the penis, vulva, or anus;
- C. 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;
- D. 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;
- E. 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;
- F. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (a.) - (e.) of this section;
- G. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.

3.4 Voyeurism. 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.

3.5 Sexual harassment includes:

- A. 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 toward another; and
- B. Repeated verbal comments or gestures of a sexual nature to an inmate, by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

3.6 Prevention and Planning.

- A. **Zero tolerance of sexual abuse and sexual harassment.** Tulsa County Sheriff's Office and all employees, contractors, volunteers and inmates will adhere to a zero tolerance policy toward all forms of sexual abuse and sexual harassment of inmates. TCSO has established through this policy our approach to preventing, detecting and responding to such conduct.
- B. **PREA Coordinator.** Tulsa County Sheriff's Office will designate an upper-level, agency-wide PREA coordinator, with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities. (See Policy 5-07 Compliance)
- C. **Contracting with other entities for the confinement of inmates.** Tulsa County Sheriff's Office will ensure that all contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, will include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards and that any new contract or contract renewal will provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. Only in emergency circumstances in which all reasonable attempts to find a private agency or other entity in compliance with the PREA standards have failed, may the TCSO enter into a contract with an entity that fails to comply with these standards. In such a case, TCSO will document its unsuccessful attempts to find an entity in compliance with the standards. (See Policy 2-01 Contractual Agreements)
- D. **Supervision and monitoring.** The Jail Administrator or designee will develop and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels

and determining the need for video monitoring, agencies will take into consideration. (See Policy 17-05 Annual Reports and Reviews)

1. The physical layout of each facility;
2. The composition of the inmate population;
3. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
4. Generally accepted detention and correctional practices;
5. Any judiciary findings of inadequacy;
6. Any findings of from Federal investigative agencies;
7. Any findings of inadequacy from internal or external oversight bodies;
8. All components of the physical facilities layout including "blind-spots" or isolation locations;
9. The number and placement of supervisory staff;
10. Programs, program locations, and shift hours;
11. Any applicable local, state, regulations, standards, or laws;
12. Any findings from PREA review committee meetings;
13. Any other relevant factors.

E. In circumstances where the staffing plan is not complied with. Jail Administrator will document and justify all deviations from the plan. Whenever necessary, but no less frequently than once each year, TCSO will assess, determine, and document whether adjustments are needed to:

1. The staffing plan established pursuant to paragraph (a) of this section;
2. Prevailing staffing patterns;
3. The facility's deployment of video monitoring systems and other monitoring technologies; and
4. The resources the facility has available to commit to ensure adequate staffing levels.

- F. Unannounced reviews.** Housing Sergeants on each shift will conduct unannounced reviews to deter staff sexual abuse and mistreatment. Staff and employees will not announce the reviews unless such an announcement is related to legitimate operational functions. (See Policies: [23-10 Housing Sergeant](#), [20-01 Housing Unit Supervision](#), [20-02 Segregation and Special Housing](#))
1. Unannounced reviews will be conducted on a random basis, on random pods, including the kitchen and laundry areas. Unannounced reviews will be documented in the SAR report. A copy will be sent to the PREA Coordinator at the end of each shift.
 2. The Life Safety Officer will conduct reviews of areas to include, but not limited to, janitorial closets, inmate dressing rooms, and the property room.
- G. Juvenile Inmates.** Juvenile inmates will not be placed in any location in which the juvenile inmate will have sight, sound, or physical contact with any adult inmate. TCSO will make best efforts to avoid placing juvenile inmates in isolation to comply with this provision. Absent exigent circumstances, TCSO will not deny juvenile inmates daily large-muscle exercise and any legally required special education services. Juvenile inmates will also have access to other programs and work opportunities to the extent possible. (See Policy [20-14 Youthful Offenders](#))
1. Classification will ensure that juvenile inmates are assigned to the juvenile pod or medical.
 2. Escort officers will ensure that male, female, and juvenile inmates are not permitted contact with one another during movement. Escort officers will clear all hallways before juveniles are moved to or from any location inside the facility. Incidental contact will not be accepted. (See Policy [23-21 Escort Officer](#))
 3. Juvenile inmates will be allowed exercise yard time daily, absent exigent circumstances, or discipline.

- H. **Limits to cross-gender viewing and searches.** TCSO employees will not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except by court order or when performed by medical practitioners. TCSO will document all cross-gender strip searches and cross-gender visual body cavity searches. Cross-gender pat searches of female inmates, absent exigent circumstances is prohibited, and any cross-gender pat searches of female inmates performed due to exigent circumstances will be documented. (See SOP [9-02 Physical Searches](#))
- I. **Limited Viewing.** TCSO will ensure that inmates are able 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. Upon arrival of any person of the opposite gender, employees will announce their presence when entering an area where inmates are likely to be showering, performing bodily functions, or changing clothing. (See Policies [20-01 Housing Unit Supervision](#), [20-02 Segregation and Special Housing](#))
- J. **Transgender searches for purpose of genital status.** TCSO employees will not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's 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. Inmates of unknown genital status will be reviewed by medical personal for a determination. (See Policy [09-02 Physical Searches](#))
- K. **Pat down searches of transgender and intersex persons.** TCSO will train officers and staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. (See Policies [09-02 Physical Searches](#), [04-04 Training Program](#))
- L. **Inmates with disabilities and Inmates who are limited English proficient.**
 - 1. TCSO will ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the TCSO's

efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps will include:

- a. Providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
 - b. That written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision.
 - c. The Program's Officer will ensure that disabled inmates have access to these materials and programs.
 - d. TCSO is not required to take actions that it can demonstrate or would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.
2. TCSO will ensure that reasonable step(s) are taken to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Officers will use Language Line Services for interpretation. Inmate services will not be used.
- a. Officers will call 1-866-874-3972.
 - (1) Enter on key pad – the client code- 534178;
 - (2) Press 1 for Spanish, 2 for all other languages;
 - (3) Brief the interpreter and summarize what you wish to accomplish;
 - (4) Add the limited English speaker to the line.
 - b. The agency will 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 the inmate's safety, the performance of first-response duties under Staff first responder duties, or the investigation of the inmate's allegations.

M. Hiring and promotion decisions. TCSO will not hire or promote anyone who may have contact with inmates, and will not enlist the services of any contractor, who may have contact with inmates, who:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. § 1997);
2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a) of this section. (See Policies 04-02 Application Selection, 04-08 Promotion)

N. Background Checks. TCSO will consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.

1. Before hiring new employees who may have contact with inmates, TCSO Human Resources will:
 - a. Perform a criminal background records check; and
 - b. Consistent with Federal, State, and local law, 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.
2. TCSO will also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.
 - a. All contractors will provide a state issued identification card for a background search. Contractors who do not have an issued state ID card will not be allowed inside the facility.

- b. Background check forms can be located at the second floor administrative offices.
 - c. Background checks will be completed by the Jail Investigations unit prior to the contractor entering the facility or beginning any work, except in emergency circumstances.
 - d. Background checks will be reviewed by the Jail Administrator for approval or denial. All background check forms will be maintained by Jail Investigations.
- 3. The Jail Administrator will ensure the a criminal background records check is conducted at least every five years of current employees and contractors.
- 4. TCSO will also ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (A.12) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. TCSO will also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- 5. Material omissions regarding such misconduct, or the provision of materially false information, will be grounds for termination.
- 6. Unless prohibited by law, TCSO will 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. (See Policies [04-02 Application Selection](#), [04-08 Promotions](#), [03-09 Performance Evaluation](#))
- O. **Upgrades to facilities and technologies.** When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, TCSO will consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, TCSO will consider how such technology may enhance the agency's ability to protect inmates from sexual abuse. (Policy [17-07 Physical Plant](#))

3.7 Responsive Planning.

A. Evidence protocol and forensic medical examinations.

1. To the extent TCSO is responsible for investigating allegations of sexual abuse; TCSO will follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. (See Policy [20-12 Inmate Sexual Assault and Prevention](#), [08-05 Collection and Preservation of Evidence](#)) Jail Investigators will use Chapter 8 section C for collection of evidence.
2. The protocol will be developmentally appropriate for youth where applicable, and, as appropriate, will be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
3. TCSO will offer all victims of sexual abuse access to forensic medical examinations without financial cost, where evidentiary or medically appropriate. Such examinations will 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. TCSO will document its efforts to provide exams.
4. TCSO will attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, TCSO will make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member. TCSO will document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

5. As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member will accompany and support the victim through the forensic medical examination process and investigatory interviews and will provide emotional support, crisis intervention, information, and referrals.
6. To the extent TCSO itself is not responsible for investigating allegations of sexual abuse; the agency will request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.

B. Ensuring referrals of allegations for investigations.

1. TCSO will ensure that an administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
2. TCSO will ensure that all allegations of sexual abuse or sexual harassment are referred for investigation to a shift deputy, the PREA Coordinator or Jail Investigations.
 - a. The deputy, the PREA Coordinator or Jail Investigations will ensure that there is a complete tracking system from the initial request through the final disposition.
 - b. The PREA Coordinator will retain statistical data to include:
 - (1) Number of allegations of sexual abuse and sexual harassment received.
 - (2) Number of allegations resulting in an administrative investigation.
 - (3) Number of allegations referred for criminal investigation.
 - (4) Number of investigations completed.
3. TCSO will publish such policy on its website.
4. TCSO will document all such referrals.
5. If a separate entity is responsible for conducting criminal investigations, the web site will describe the responsibilities of both the agency and the investigating entity.

3.8 Training and Education.

A. Employee training.

- 1.** TCSO will train all employees who may have contact with inmates on:
 - a.** The zero tolerance policy for sexual abuse and sexual harassment;
 - b.** How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - c.** Inmates right to be free from sexual abuse and sexual harassment;
 - d.** The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - e.** The dynamics of sexual abuse and sexual harassment in confinement;
 - f.** The common reactions of sexual abuse and sexual harassment victims;
 - g.** How to detect and respond to signs of threatened and actual sexual abuse;
 - h.** How to avoid inappropriate relationships with inmates;
 - i.** How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
 - j.** How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
 - k.** Employees are advised that sexual conduct between staff and inmates, volunteers or contractors regardless of consensual status, is prohibited and subject to administrative and disciplinary sanctions including termination.
- 2.** All current employees who have not received such training will be trained within one year of the effective date of the PREA standards, and the agency will provide each employee with

refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, TCSO will provide refresher information on current sexual abuse and sexual harassment policies. The training unit will retain a video and ensure that all employees have viewed the video.

3. The training unit will document, through employee signature or electronic verification that employees understands the training they have received.

B. Temporary contractor(s), regular contractor(s) and volunteer(s) training.

1. TCSO will ensure that all volunteers and contractors who have contact with inmates (or enter the secure portion of the facility) have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
2. The level and type of training provided to volunteers and contractors will be based on the services they provide and level of contact they have with inmates, all volunteers and contractors who have contact with inmates will be notified of the agency's zero tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.
 - a. Temporary Contractors will receive training via written form (attachment A). The written form will be provided by the operations desk after a full background has been completed. The Programs officer will ensure that all temporary contractors have signed the form and will work with Jail Investigations to ensure compliance with the background check standard.
 - b. Regular Contractors will receive training via written form (attachment A), the written form will be provided after a full background check has been completed, and after watching the video called "PREA for the C.O."
 - c. Volunteers will receive training via written form (attachment A), the written form will be provided after a full background check has been completed, and after watching the video called "PREA for the C.O."

3. TCSO will maintain documentation confirming that temporary contractors, regular contractors and volunteers understand the training they have received.

C. Inmate education.

1. During the intake process, inmates will receive information explaining the TCSO's zero tolerance policy regarding sexual abuse and sexual harassment, how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. This information is communicated orally and in writing in a language clearly understood by the inmate, prior to assignment to a housing unit.
 - a. In booking, all inmates will sign a form acknowledging the zero tolerance policy on sexual misconduct.
 - b. All inmates (including juveniles) will view the videos. The booking officer will ensure that inmates who view the videos (additional in-depth training) will sign a classification for inclusion into the inmate file.
 - c. Any inmate who does not view the video because of classification level, medical emergency or other issue, will be provided access to watch the video in all pods near the end of day shift and the end of evening shift on the pod television system.
 - d. The programs officer will work in conjunction with the disciplinary hearing officer, classification and PREA coordinator to ensure that inmates in segregation units have viewed the video within 14 days of arrival.
 - e. If the video is not working, the officer will contact Maintenance. If it is after hours the on-call Maintenance staff will be contacted by chain of command.
2. TCSO will provide refresher information whenever an inmate is transferred to a different facility.
3. TCSO will 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 inmates who have limited reading skills. Inmates identified in

this category will be referred to programs for specialized training.

4. TCSO will maintain documentation of inmate participation in these education sessions.
 - a. Documentation of the training will include several forms, video, and documents. They include:
 - (1) Inmate handbook acknowledgment form;
 - (2) Inmate Zero Tolerance Sexual Misconduct form;
 - (3) Inmate grievance process attachment;
 - (4) Inmate handbook.
 - b. The Inmate handbook acknowledgement form and the inmate Zero Tolerance Sexual Misconduct form will be retained in the inmates file and are available for viewing in the kiosk..
 - c. Video observation will be documented on the Inmate Zero Tolerance Sexual Misconduct form.
 - d. In addition to providing such education, the TCSO Life Safety Officer will ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats. (See Policies 18-02 Educational Programs, 23-18 Life Safety Officer)
5. **Specialized training: Investigations.**
 - a. In addition to the training provided to all employees, TCSO will ensure that, to the extent it conducts sexual abuse investigations; its investigators have received training in conducting investigations in confinement settings.
 - b. Specialized training will include:
 - (1) Techniques for interviewing sexual abuse victims;
 - (2) Proper use of Miranda and Garrity warnings;

- (3) Sexual abuse evidence collection in confinement settings;
- (4) Criteria and evidence required to substantiate a case for administrative action or prosecution referral;
- (5) The TCSO training unit will maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.
- (6) Investigators, Deputies, and Supervisors will attend National Institute on Corrections training:
 - (a) PREA: Investigating Sexual Abuse in a Confinement Setting,
 - (b) PREA: Investigating Sexual Abuse in a Confinement Setting: Advanced Investigations,
 - (c) PREA: Your Role in Responding to Sexual Abuse.

6. Specialized training: Medical and mental health care.

- a. The TCSO's programs officer will ensure that all full and part-time medical and mental health care practitioners who work in its facilities have been trained in:
 - (1) How to detect and assess signs of sexual abuse and sexual harassment;
 - (2) How to preserve physical evidence of sexual abuse;
 - (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
 - (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

- b. The TCSO's programs officer will maintain documentation that medical and mental health practitioners have received the training.
- c. Medical and mental health care practitioners will also receive the training mandated for employees under training for (temporary) contractors and volunteers depending upon the practitioner's status.

3.9 Screening for Risk of Sexual Victimization and Abusiveness.

A. Screening for risk of victimization and abusiveness:

- 1. All inmates will be assessed during an intake screening and upon transfer from another outside facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
- 2. Intake screening will take place within 24 hours of arrival at the facility.
- 3. Such assessments will be conducted using both the existing digital classification system and paper systems.
- 4. The intake screening will consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:
 - a. Whether the inmate has a mental, physical, or developmental disability;
 - b. The age of the inmate;
 - c. The physical build of the inmate;
 - d. Whether the inmate has previously been incarcerated;
 - e. Whether the inmate's criminal history is exclusively nonviolent;
 - f. Whether the inmate has prior convictions for sex offenses against an adult or child;
 - g. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - h. Whether the inmate has previously experienced sexual victimization; and

- i. The inmates own perception of vulnerability;
 - j. The inmate's detainment status for civil immigration purposes.
- 5. The intake screening will consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.
- 6. Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the Classification Officer in conjunction with the PREA coordinator will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.
- 7. An inmate's risk level will be reassessed by the Classification Officer when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
- 8. Inmates will not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked about mental, physical, or developmental disability, perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming, has previously experienced sexual victimization, or inmates own perception of vulnerability.
- 9. TCSO will control the dissemination within the facility of responses to questions asked in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.
 - a. Classification officers and supervisors may obtain access to this controlled information.

B. Use of screening information.

- 1. TCSO will use information from the risk screening form to notify housing, bed, work, education, and program assignments. TCSO will keep separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.
- 2. TCSO will make individualized determinations about how to ensure the safety of each inmate.

3. In deciding whether to assign a transgender or intersex inmate to housing and programming assignments, classification will consider on a case-by-case basis whether a placement would ensure the inmates health and safety, and whether the placement would present management or security problems.
4. Placement and programming assignments for each transgender or intersex inmate will be reassessed by the Classification Officer at least twice each year to review any threats to safety experienced by the inmate. The Classification Officer will document the reviews.
5. A transgender or intersex inmates own views with respect to his or her own safety will be given serious consideration.
6. Transgender and intersex inmates will be given the opportunity to shower separately from other inmates. All transgender and intersex inmates will be housed in medical, unless another safe and secure option is available. A medical classification is not a punishment. All other options for safety and security of the inmate will be researched.
7. TCSO will 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 such placement is in a dedicated facility unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

C. Protective Custody.

1. Inmates at high risk for sexual victimization will not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If classification cannot conduct such an assessment immediately, classification may hold the inmate in involuntary segregated housing (medical) for less than 24 hours while completing the assessment.
2. Inmates placed in segregated housing for this purpose will have access to programs, privileges, education, and work opportunities to the extent possible. If classification restricts access to programs, privileges, education, or work opportunities, classification will document:
 - a. The opportunities that have been limited;

- b. The duration of the limitation; and
 - c. The reasons for such limitations.
 - 3. Classification will assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment will not exceed a period of 30 days.
 - 4. If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, classification will clearly document:
 - a. The basis for classifications concern for the inmate's safety; and
 - b. The reason why no alternative means of separation can be arranged.
 - 5. Every 30 days, the Classification officer in conjunction with the PREA coordinator will afford each inmate a review to determine whether there is a continuing need for separation from the general population.

3.10 Reporting.

A. Inmate reporting:

- 1. TCSO will provide internal and external ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Reporting may occur via:
 - a. Inmate request via the kiosk;
 - b. Inmate Grievance process to the Jail Administrator;
 - c. Verbally speaking with officers or supervisors;
 - d. Handwritten inmate request;
 - e. Handwritten note to officers or staff;
 - f. During inmate evaluations;
 - g. Reporting to another inmate;

- [illegible]

- a. To any officer or employee;
- b. To call rape at 1-918-743-5763.
- c. To PREA Reporting line 1-918-245-8777.

B. Exhaustion of Administrative Remedies.

1. TCSO will not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
 - a. Employees will not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
 - b. Nothing in this section will restrict TCSO, Tulsa County Board of County Commissioners or the Criminal Justice Authority the ability to defend against a lawsuit filed by an inmate or former inmate on the ground(s) that the applicable statute of limitations has expired.
2. TCSO will ensure that:
 - a. An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and
 - b. Such grievance is not referred to a staff member who is the subject of the complaint.
3. TCSO will issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 30 days of the initial filing of the grievance. Computation of the 30-day time period will not include time consumed by inmate in preparing any administrative appeal.
 - a. TCSO may claim an extension of time to respond, of up to 30 days (not to exceed 160 days), if the normal time period for response is insufficient to make an appropriate decision. TCSO will notify the inmate in writing of any such extension and provide a date by which a decision will be made.
 - b. 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.

4. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, will be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and will also be permitted to file such requests on behalf of inmates.
 - a. If a third party files such a request on behalf of an inmate, TCSO will 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.
 - b. If the inmate declines to have the request processed on his or her behalf, the TCSO will document the inmate's decision.
5. TCSO has established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.
 - a. Inmates who have an emergency grievance will report to the officer on shift. Inmate grievances of an emergent manor will be reviewed by the on shift sergeants.
 - b. After receiving an emergency grievance alleging and determining that the inmate is subject to a substantial risk of imminent sexual abuse, TCSO will immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a supervisor and jail investigations. Jail investigations will provide an initial response within 48 hours, and will issue a final agency decision within 5 calendar days. The initial response and final decision will document the determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
6. TCSO may discipline an inmate for filing a grievance related to alleged sexual abuse only where TCSO demonstrates that the inmate filed the grievance in bad faith.

C. Inmate access to outside confidential support services.

1. TCSO will 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 by enabling reasonable communication between inmates and these organizations, in as confidential a manner as possible.
 - a. DVIS: Tulsa Call Rape #59, 918-743-5763, 918-HELPME, 4300 S Harvard Ave, Tulsa Ok. 74135
 - b. RAINN: Rape, Abuse & Incest National Network 1-800-656-4673 1-800-656-HOPE.
2. TCSO will inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
 - a. TCSO has an audio recording that plays for each inmates phone calls.
 - (1) All phone calls are recorded and or monitored;
 - (2) There is not a pin;
 - (3) Calls are limited to 60 minutes.
3. TCSO will 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. TCSO will maintain copies of agreements or documentation showing attempts to enter into such agreements.
 - a. TCSO has established an MOU with Tulsa Domestic Violence Services (CALL RAPE).
 - b. The MOU will be maintained at Office of the Undersheriff.

D. Third-party reporting.

TCSO will establish a method to receive third-party reports of sexual abuse and sexual harassment and will distribute publicly information

on how to report sexual abuse and sexual harassment on behalf of an inmate.

1. TCSO will have one way of receiving third party reports.
 - a. Inmates may report through DVIS call rape
 - b. Citizens may report through:
 - (1) Jail Investigations;
 - (2) DVIS Call Rape.
2. TCSO will provide information on its website on all forms of reporting.

3.11 Official Response Following an Inmate Report.

A. Staff and agency reporting duties:

1. TCSO employees, temporary contractors, regular contractors and volunteers will report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation to their immediate supervisor.
2. Apart from initial reporting to supervisor(s) or Jail Investigations, staff will not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, to make treatment, investigation, and other security and management decisions.
3. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners will be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
4. If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, TCSO will report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

5. TCSO supervisors will report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to Jail investigators.
- B. Agency protection duties.** When TCSO learns that an inmate is subject to a substantial risk of imminent sexual abuse, it will take immediate action to protect the inmate.
1. Section C.2 d. of this policy, investigating personnel will remove the suspected victim for interviewing in an area away from possible perpetrators by calling the inmate out of the housing unit to the Operations Desk.
 2. The Shift Supervisor will document these events in the unusual events section of the Watch Commanders log.
- C. Reporting to other confinement facilities.**
1. Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Jail Administrator that received the allegation will notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
 2. Such notification will be provided as soon as possible, but no later than 72 hours after receiving the allegation.
 3. The TCSO Jail Administrator will document that they have provided such notification.
 4. The TCSO Jail Administrator that receives such notification will ensure that the allegation is investigated in accordance with these standards.
- D. Staff first responder duties.**
1. Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report will be required to:
 - a. Separate the alleged victim and abuser;
 - b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could

destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating unless medically required; inmates who have pre-existing conditions will be sent to Medical for a medical review; and

- d. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
 2. If the first staff responder is not a detention officer, the responder will request that the alleged victim not take any actions that could destroy physical evidence and then notify the detention officer or supervisor.
 3. First responders will use the form "sexual misconduct/PREA checklist" and ensure that a copy is attached to the watch commander log and delivered to PREA Coordinator.
- E. Coordinated response.** TCSO will institute the written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among first responders, medical and mental health practitioners, investigators, and Jail Supervisors.
1. The Shift Supervisor will lead a coordinated response which includes:
 - a. A deputy will take the initial report and begin the investigation.
 - b. If the response involves inmate and employee rape allegations, Jail Investigations will coordinate with Internal Affairs;
 - c. Jail Investigations will also coordinate with Crime Scene Units for proper evidence collection;
 - d. Jail investigations will coordinate with domestic violence intervention services (Call RAPE) for SANE exam and other investigative information.

F. Agency protection against retaliation.

1. TCSO will 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. The PREA coordinator will monitor, in writing that all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations are protected from retaliation by other inmates or staff.
2. TCSO will utilize 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.
 - a. Classification will determine a secure location for inmate victims. Classification may use all areas of the facility and will document all transfers or movements.
 - b. Internal Affairs and jail investigators will ensure that inmate victims are removed from allegations involving volunteers, regular contractors, temporary contractors or any other abuser.
 - c. Inmate victims will be allowed access to emotional support services through DVIS (Call Rape).
3. For at least 90 days following a report of sexual abuse, the PREA coordinator will monitor the conduct and treatment of inmates or staff who reported the 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 will act promptly to remedy any such retaliation. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, negative performance reviews or reassignments of staff. The classification officer will continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
4. In the case of inmates, such monitoring will also include periodic status checks.
5. If any other individual who cooperates with an investigation expresses a fear of retaliation, the classification officer will

take appropriate measures to protect that individual against retaliation.

6. TCSO's obligation to monitor will terminate if the investigation determines that the allegation is unfounded.

3.12 Investigations.

A. Criminal and administrative agency investigations:

1. When the TCSO conducts its own investigations into allegations of sexual abuse and sexual harassment, it will do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
2. Where sexual abuse is alleged, the agency will use investigators who have received special training in sexual abuse investigations pursuant to section C.4 of this policy.
3. Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; will interview alleged victims, suspected perpetrators, and witnesses; and will review prior complaints and reports of sexual abuse involving the suspected perpetrator.
4. When the quality of evidence appears to support criminal prosecution, the investigator will 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 will be assessed on an individual basis and will not be determined by the person's status as inmate or staff. No investigator will require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
6. Administrative investigations:
 - a. Will include an effort to determine whether staff actions or failures to act contributed to the abuse; and
 - b. Will 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 will 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. Substantiated allegations of conduct that appears to be criminal will be referred for prosecution.
9. TCSO will retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the TCSO, plus five years.
10. The departure of the alleged abuser or victim from the employment or control of the facility or agency will not provide a basis for terminating an investigation.
11. When outside agencies investigate sexual abuse, the facility will cooperate with outside investigators and will endeavor to remain informed about the progress of the investigation. A jail investigator will be assigned to investigations outside of TCSO. After the conclusion of the other agencies investigation, the Investigator will provide a written summary to the Jail Administrator.

B. Evidentiary standard for administrative investigations. TCSO investigators will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

C. Reporting to inmates.

1. Following an investigation into an inmate's allegation of sexual abuse the investigator will inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
2. If TCSO did not conduct the investigation, the jail investigator will request the relevant information from the investigative agency in order to inform the inmate.
3. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, TCSO will subsequently inform the inmate (unless TCSO has determined that the allegation is unfounded) whenever:

- a. The staff member is no longer posted within the inmates unit;
 - b. The staff member is no longer employed;
 - c. The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - d. TCSO learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
4. Following an inmate's allegation that he or she has been sexually abused by another inmate, TCSO will subsequently inform the alleged victim whenever:
 - a. TCSO learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. TCSO learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
5. All such notifications or attempted notifications will be documented.
6. TCSO's obligation to report under this standard will terminate if the inmate is released from the agency's custody.

3.13 Discipline.

A. Disciplinary sanctions for staff:

1. All employees will be subject to disciplinary sanctions up to and including termination, and criminal prosecution for violating agency sexual abuse or sexual harassment policies.
2. Termination will be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
3. Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) will 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.

4. 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, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

B. Corrective action for contractors and volunteers.

1. Any temporary contractor, regular contractor, or volunteer who engages in sexual abuse will be prohibited from contact with inmates and will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
2. TCSO will take immediate remedial measures, and will prohibit further contact with inmates.

3. Disciplinary sanctions for Inmates.

1. Inmates will be subject to disciplinary sanctions pursuant to the formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse, as defined in TCSO policy and the Inmate Handbook. (See Policy [19-03 Inmate Rules and Discipline](#))
2. Sanctions will 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.
3. The disciplinary process will consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.
4. TCSO offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the TCSO hearing officer will consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.
5. The hearing officer will discipline any inmate for sexual contact with staff.

6. For the purpose of disciplinary action, any report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
7. TCSO prohibits any and all sexual activity between inmates and will discipline inmates for such activity.

3.14 Medical and Mental Care.

A. Medical and mental health screenings; history of sexual abuse:

1. If the medical screening indicates that a person has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, who will ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. All documents pertaining to this section will be retained by records and/or medical.
2. If the screening indicates that a person has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, medical staff will ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.
3. If the screening indicates that a person has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, medical staff will ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
4. Any information related to sexual victimization or abusiveness that occurred in an institutional setting will be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
5. Medical and mental health practitioners will 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.

B. Access to emergency medical and mental health services.

1. Inmate victims of sexual abuse will 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.
2. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, first responders will take preliminary steps to protect the victim and will immediately notify the appropriate medical and mental health practitioners.
3. Inmate victims of sexual abuse while incarcerated will 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.
4. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

C. Ongoing medical and mental health care for sexual abuse victims and abusers.

1. TCSO, through the Health Services provider, will offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
2. The evaluation and treatment of such victims will include, as appropriate,
 - a. Follow-up services;
 - b. Treatment plans; and
 - c. When necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
3. TCSO will provide such victims with medical and mental health services consistent with the community level of care.

4. Inmate victims of sexually abusive vaginal penetration while incarcerated will be offered pregnancy tests.
5. If pregnancy results from conduct specified in paragraph (d) of this section, such victims will receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
6. Inmate victims of sexual abuse while incarcerated will be offered tests for sexually transmitted infections as medically appropriate.
7. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
8. The Health Services personnel will ensure that medical conducts a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

3.15 Data Collection and Review.

A. Sexual abuse incident reviews:

1. The facility will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
2. Such review will ordinarily occur within 30 days of the conclusion of the investigation.
3. The review team will include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
4. The review team, led by the PREA Coordinator will:
 - 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 but not necessarily limited to determinations made pursuant to paragraphs (d.1)-(d.5) of this section, and any recommendations for improvement, and submit such report to the facility head and PREA coordinator.
5. TCSO will implement the recommendations for improvement, or will document its reasons for not doing so.

B. Data collection.

1. TCSO will collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
2. The agency will aggregate the incident-based sexual abuse data at least annually.
3. The incident-based data collected will include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
4. TCSO will maintain, review, and collect data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews.
5. TCSO also will obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.

6. Upon request, TCSO will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

C. Data review for corrective action.

1. TCSO will review the data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:
 - a. Identifying problem areas;
 - b. Taking corrective action on an ongoing basis; and
 - c. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.
2. Such 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 agency's progress in addressing sexual abuse.
3. The report will be approved by the Jail Administrator and made readily available to the public through its website or, if it does not have one, through other means.
4. TCSO may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.
5. A second report containing only ICE Detainee data will be approved by the Jail Administrator and emailed to the ICE/ERO annually by the ICE Supervisor of the PRA Coordinator. (Attachment D)

D. Data storage, publication, and destruction.

1. TCSO will ensure that data collected are securely retained.
2. TCSO will 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.

3. Before making aggregated sexual abuse data publicly available, TCSO will remove all personal identifiers.
4. The agency will maintain sexual abuse data collected for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

3.16 Audits.

A. Audits of standards.

1. TCSO will conduct audits pursuant to section L.

3.17 Auditing and Corrective Action.

A. Frequency and scope of audits:

1. During the three-year period starting on August 20, 2013, and during each three-year period thereafter, TCSO will ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once.
2. During each one-year period starting on August 20, 2013, TCSO will 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.
3. The Department of Justice may send a recommendation to the jail administrator for an expedited audit if the Department has reason to believe that a particular facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the agency with PREA-related issues.
4. The Department of Justice will develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.
5. TCSO will bear the burden of demonstrating compliance with the standards.
6. The auditor will review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility type.

7. The audits will review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
8. The auditor will have access to, and will observe, all areas of the audited facilities.
9. The auditor will be permitted to request and receive copies of any relevant documents (including electronically stored information).
10. The auditor will retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation will be provided to the Department of Justice upon request.
11. The auditor will interview a representative sample of inmates, and of staff, supervisors, and administrators.
12. The auditor will review a sampling of any available videotapes and other electronically available data (e.g., Watchtour) that may be relevant to the provisions being audited.
13. The auditor will be permitted to conduct private interviews with inmates.
14. Inmates will be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
15. Auditors will attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.
16. The PREA Coordinator will prepare any pre-audit documents and will work in conjunction with the Detention Major to ensure the facility is prepared for the audit.

B. Auditor qualifications.

1. An audit will be conducted by:
 - a. A member of a correctional monitoring body that is not part of, or under the authority of, TCSO (but may be part of, or authorized by, the relevant State or local government);

- b. A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or
 - c. Other outside individuals with relevant experience.
- 2. All auditors will be certified by the Department of Justice. The Department of Justice will develop and issue procedures regarding the certification process, which will include training requirements.
- 3. No audit may be conducted by an auditor who has received financial compensation from the agency being audited (except for compensation received for conducting prior PREA audits) within the three years prior to the agency's retention of the auditor.
- 4. The agency will not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the agency's retention of the auditor, with the exception of contracting for subsequent PREA audits.

C. Audit contents and findings.

- 1. Each audit will 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.
- 2. Audit reports will state whether agency-wide policies and procedures comply with relevant PREA standards.
- 3. For each PREA standard, the auditor will determine whether the audited facility reaches one of the following findings: Exceeds Standard (substantially exceeds requirement of standard); Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period); Does Not Meet Standard (requires corrective action). The audit summary will indicate, among other things, the number of provisions the facility has achieved at each grade level.
- 4. Audit reports will describe the methodology, sampling sizes, and basis for the auditor's conclusions with regard to each standard provision for each audited facility, and will include recommendations for any required corrective action.

5. Auditors will redact any personally identifiable inmate or staff information from their reports, but will provide such information to the agency upon request, and may provide such information to the Department of Justice.
6. The agency will ensure that the auditor's final report is published on the agency's website if it has one, or is otherwise made readily available to the public.

D. Audit corrective action plan.

1. A finding of "Does Not Meet Standard" with one or more standards will trigger a 180-day corrective action period.
2. The auditor and the agency will jointly develop a corrective action plan to achieve compliance.
3. The auditor will 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.
4. After the 180-day corrective action period ends, the auditor will issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.
5. If the agency does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that it has achieved compliance.

E. Audit appeals.

1. An agency 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.
2. If the Department determines that the agency has stated good cause for a re-evaluation, the agency may commission a re-audit by an auditor mutually agreed upon by the Department and the agency. The agency will bear the costs of this re-audit.
3. The findings of the re-audit will be considered final.

3.18 All case records associated with claims of sexual abuse or sexual harassment including incident reports, investigative reports, offender

information, case disposition, medical and counseling evaluation findings, and recommendations for post-release and/or counseling are retained in accordance with this policy, policy 02-04 Records Administration, and CHC Policy, NCCHC J-B-04.

4.0 Attachments/Forms

Zero Tolerance Sexual Misconduct Form (Front)	Attachment A
Zero Tolerance Sexual Misconduct Form (Back)	Attachment B
Sexual Misconduct / PREA Investigation Checklist	Attachment C
ICE Annual Sexual Abuse and Assault Prevention and Intervention Incident Tracking Log	Attachment D

Attachment A

ZERO TOLERANCE SEXUAL MISCONDUCT

Tulsa County Sheriff's Office prohibits and does not tolerate sexual abuse in this facility or in any organization related activity. Tulsa County Sheriff's Office provides procedures for employees, inmates, volunteers, regular contractors and temporary contractors, or others to report sexual abuse and disciplinary penalties for those who commit such acts. No employee, volunteer, inmate or third party, no matter his or her title or position has the authority to commit or allow sexual abuse.

Tulsa County Sheriff's Office has Zero- Tolerance policy for any sexual abuse committed by an employee, volunteer, inmate, third party, regular contractor or temporary contractor. Upon completion of the investigation, disciplinary action up to and including termination of employment and criminal prosecution may ensue.

Sexual abuse includes—

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes 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, detainee, or resident by a staff member, contractor, or volunteer includes 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 (1)-(5) 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, detainee, or resident, 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, detainee, or resident 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—

- (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, detainee, or resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Any incidents of sexual misconduct reasonably believed to have occurred will be reported to any officer.

Physical and behavioral evidence or signs that someone is being sexually abused are listed below.

Attachment A (Back of Form)

Physical evidence of abuse:

Difficulty in walking
Torn, stained or bloody underwear
Pain or itching in genital area
Bruises or bleeding of the external genitalia
Sexually transmitted diseases

Behavior signs of sexual abuse:

Reluctance to be left alone with a particular person
Wearing lots of clothing especially in bed
Fear of touch
Nightmares or fear of night
Apprehension when sex is brought up in conversation

Reporting Procedure

If you are aware of or suspect abuse taking place, you must immediately report it to any officer.

Anti-retaliation

Tulsa County Sheriff's Office prohibits retaliation made against any employees, inmates, volunteers, regular contractors and temporary contractors who reports a good faith complaint of sexual misconduct or who participates in any related investigation. Making false accusations of sexual misconduct in bad faith can have serious consequences for those who wrongly accused. Tulsa County Sheriff's Office prohibits making false and/or malicious sexual misconduct allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to the including termination and or criminal charges.

Investigation and Follow up

Tulsa County Sheriff's Office will take all allegations of sexual misconduct seriously and will promptly and thoroughly investigate whether sexual misconduct has taken place. Tulsa County Sheriff's Office provides notice that it has the option of placing the accused on leave of absence or on reassignment to non-inmate contact. Tulsa County Sheriff's Office will make every reasonable effort to keep the matters involved in the allegation as confidential as possible while still, allowing for a prompt and thorough investigation.

I acknowledge that I have received and read this sexual misconduct policy and training and/or have had it explained to me. I understand that the Tulsa County Sheriff's Office will not tolerate any employees, inmates, volunteers, regular contractors and temporary contractors or third party who commits sexual misconduct. Disciplinary actions will be taken against those who are found to have committed sexual misconduct.

I understand that it is my responsibility to abide by all rules contained in this policy and training. I also understand how to report incidents of sexual abuse as set forth in this document, including retaliating against any employees, inmates, volunteers, regular contractors and temporary contractors exercising his or her rights under the policy.

Employee/inmate/volunteer Date
regular contractor/temporary
contractor – printed name

Employee/inmate/volunteer/regular contractor
temporary contractor - signature

I have watched the video on jail rape.

(signature) (date)

I have not watched the video on jail rape.

(signature) (date)

Attachment C

Sexual Misconduct/PREA Investigation Checklist		
Date:		
Type of Complaint:		
<u>Complaint Information</u>		
Victim Name		Supplied written statement Yes/No (attached)
Subjects Name		Supplied written statement Yes/No (attached)
Investigator		
Allegation		
Location of Allegation		
Source of Allegation		
Date of Incident		
Housing Unit Detention Officer/Deputy		
Shift		
Witness		Supplied written statement Yes/No (attached)
Witness		Supplied written statement Yes/No (attached)
Witness		Supplied written statement Yes/No (attached)
<u>Investigation Information</u>		
Evidence Collected	YES/NO	
Subject and Victim separated	YES/NO	
Disciplinary Action	YES/NO	
Did Medical Section assess victim?	YES/NO	
Notified Inmate Hearing Officer?	YES/NO	
Notified Inmate Programs?	YES/NO	
Notified DVIS (Call Rape)?	YES/NO	
Mental Health Notified	YES/NO	
Classification/hearing officer notified of need of follow up?	YES/NO	
<u>Investigation Outcome:</u>		
<u>Addition notes or comments:</u>		

Attachment D

ICE ANNUAL SEXUAL ABUSE AND ASSAULT PREVENTION AND INTERVENTION INCIDENT TRACKING LOG**Year:****DATE:**

NUMBER OF DISCIPLINARY/GRIEVANCE REPORTS RECEIVED RELATED TO WILLING SEXUAL ACTIVITY THIS YEAR:
NUMBER SUSTAINED:
NUMBER DISMISSED:
NUMBER PENDING:
NUMBER OF SEXUAL ABUSE OR SEXUAL ACTIVITY REPORTED:
NUMBER SUBSTANTIATED:
NUMBER UNSUBSTANTIATED:
NUMBER PENDING:
NUMBER OF ALLEGATIONS RECEIVED THIS YEAR REGARDING SEXUAL ABUSE AT ANOTHER FACILITY:
NUMBER REFERRED TO OTHER FACILITY:

Submitted by: _____

Title: PREA Compliance Manager**Note: Compliance Manger shall securely retain copies of all written documentation listed on this page.****This form shall be emailed ICE/ERO annually.**