



WASHOE COUNTY SHERIFF'S OFFICE

STANDARD OPERATING PROCEDURE TITLE: **PRISON RAPE ELIMINATION ACT**

EFFECTIVE DATE: 05/14/2020

POLICY NO.:

SOP NO.: 715.325

REVISION NO.: 1

APPLIES TO: All Detention personnel

REVIEWED BY:

APPROVED BY: CAPTAIN P. PETZING w1645

715.325.1 Introduction

The Washoe County Sheriff's Office has zero tolerance for the incidence of sexual abuse and sexual harassment between personnel, contractor, or volunteer-on-inmate and inmate-on-inmate. The Washoe County Sheriff's Office will not tolerate retaliation against any person who reports or cooperates with a sexual abuse or sexual harassment investigation.

715.325.2 Purpose

This policy provides an overview of the facilities Prison Rape Elimination Act procedures.

715.325.3 Scope

All Detention Personnel.

715.325.4 Definitions

Sexual Abuse

1. Sexual abuse includes:
 - a. Sexual abuse of an inmate by another inmate; and
 - b. Sexual abuse of an inmate by a personnel member, contractor, or volunteer.
2. Sexual abuse of an inmate by another inmate includes any of the following acts, if the victim does not consent, is coerced into such an 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. Sexual abuse of an inmate by a personnel 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 personnel 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 personnel 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 personnel member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - f. Any attempt, threat, or request by a personnel member, contractor, or volunteer to engage in the activities described in paragraphs (a) through (e) of this section;
 - g. Any display by a personnel member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
 - h. Voyeurism by a personnel member, contractor, or volunteer. Voyeurism means an invasion of privacy of an inmate 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

4. Sexual harassment includes:
 - a. Sexual harassment of an inmate by another inmate; and
 - b. Sexual harassment of an inmate by a personnel member, contractor, or volunteer.

5. Sexual harassment of an inmate by another inmate includes: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an inmate directed toward another.
6. Sexual harassment of an inmate by a personnel member, contractor, or volunteer includes: Repeated verbal comments or gestures of a sexual nature to an inmate by a personnel member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

715.325.5 Procedure

A. Prohibited Behaviors

1. The WCSO prohibits and will not tolerate any fraternization or sexual misconduct between personnel, contractors, volunteers and inmates, or between inmates as defined in this policy.
2. Any behavior of sexual nature between employees and inmates is prohibited. Employees are subject to disciplinary action up to and including dismissal and may be prosecuted under NRS 212.188 Sexual abuse of prisoner or unauthorized custodial conduct by employee of, or contractor, or volunteer, for prison and/or 200.366 Sexual Assault.
3. All personnel, contractors and volunteers are required to report any suspicion of fraternization or sexual behavior between personnel, contractors, volunteers and inmates. Personnel are not only required to report, but also may be subjected to disciplinary action if they do not.
4. Any behavior of sexual nature by incarcerated inmates is prohibited and subject to disciplinary action in accordance with S.O.P. 705.050 Inmate Disciplinary Procedure and the Inmate Handbook and may result in criminal charges.
5. Consensual sexual activity among inmates will not be permitted. Inmates engaging in this activity are prohibited by S.O.P. 705.052 Reporting and Recording of Major Rule Violations or Violations of Law, the Inmate Handbook: Rules and Regulations, and NRS 212.187 Voluntary sexual conduct between prisoner and another person.
6. A criminal history record investigation will be conducted on prospective employees, volunteers and contractors to ensure against the hiring of any person who may have a history of perpetrating sexual assault, abuse, misconduct, or harassment.

7. A criminal history will be conducted on all employees, volunteers, and contractors at a minimum, every five years.

B. Inmate Screening

1. All inmates will be screened to identify individuals who are at risk of sexual victimization or sexual assaultive behavior during initial arrival, within 30 days of arrival, and when warranted by new circumstances.
 - a. The initial screening will occur in Intake during the initial Classification process.
 - b. A second risk assessment will be conducted, not to exceed, 30 days from the inmate's arrival at the facility.
 - c. Additional risk assessments will be conducted when warranted due to incidents of sexual abuse or upon receiving new and relevant information.
 - d. Transgender, Gender-Variant, and Intersex inmates will be reassessed semi-annually.
 - e. Inmates who fail to answer the PREA Risk Assessment questions will not be subject to any type of administrative disciplinary actions.
2. Personnel will not disseminate any of the PREA Risk screening to ensure sensitive information is not exploited to the inmate's detriment by personnel or other inmates.
3. Inmates who have been considered as "Known Victims," by the PREA Risk Assessment, will be moved to the Infirmary as a "Class Hold" and a CMS Report must be written.
4. Inmates who have been considered as "Known Aggressors," by the PREA Risk Assessment, will be placed on Administrative Status and a CMS Report must be written.
5. IMU personnel members should attempt to identify sexually assaultive inmates by reviewing their documented history. Care must be taken to identify and document any history of sexually assaultive behavior. IMU personnel shall review the Classification File for any documentation that an inmate has a history of sexually aggressive behavior.

C. Reporting

1. WCSO Personnel Members, Volunteers, Contractors
 - a. WCSO Personnel members, commissioned and civilian, volunteers, and contractors must immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse, sexual harassment, or

retaliation against inmates or personnel who reported such an incident; and any personnel neglect or violation of responsibilities that may have contributed to an incident or retaliation.

- b. Commissioned personnel members shall report to their chain of command or Office of Personal Integrity. Civilian personnel members shall report to any commissioned personnel, chain of command, or Office of Personal Integrity. Contractors and volunteers shall report to any commissioned personnel.
- c. Apart from reporting to designated supervisors or officials, personnel shall not reveal any information related to a sexual abuse report to anyone except as specified by Washoe County Sheriff's Office policy.

2. Inmates

- a. Inmates can verbally report to any personnel member, contractor, or volunteer. They may file a written report on the kiosk or in the PREA/Grievance box or call the Crime Tip Hotline or Las Vegas Metropolitan Police Department PREA Hotline. Inmates can also report to a third party (family, friends, another inmate, attorney, outside advocates, etc.). Inmates detained for civil immigration purposed can contact relevant consular officials and officials at the Department of Homeland Security. Inmate reports can be made anonymously.

3. First Responder Responsibilities

- a. The first responder can be a commissioned personnel member, a civilian personnel member, a volunteer, or a contractor, all of which MUST report PREA related allegations. The following defines your responsibility as a WCSO personnel member, volunteer, or contractor:

4. Commissioned Personnel

- a. Separate the parties
- b. Notify your Sergeant
- c. Sergeant shall notify the Watch Commander
- d. Open the initial CMS and/or ARS report
 - The first responding personnel member MUST open the initial CMS report and document their interaction with the reporting person
- e. Establish a crime scene to preserve and protect any evidence.
- f. Identify and secure witnesses until steps can be taken to collect any evidence.

g. Physical Evidence

- If the abuse occurred within 72 hours to 96 hours
 - i. Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking or eating.
 - ii. 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, drinking or eating.
- h. If an investigation concluded that the sexual assault was fabricated or that the inmate inflicted or attempted self-injury, detention personnel may recommend disciplinary action against the inmate. An assessment of the inmate's role and degree of culpability is necessary. Inmates who report an assault shall be informed that such inquiries are routine.
- i. If the abuse occurred after the 72-hour to 96-hour mark, but within seven days, the exams will be forensic exams only.
 - Seven-day delays are only for sexual assault victims who delay reporting the assault.
- j. Detention personnel or medical personnel will not be involved in the collection of evidence in sexual assault cases nor attempt an examination to determine the extent of assault.
- k. Ensure the victim is taken to the Infirmary for a cursory medical and mental health evaluation per NaphCare PREA Policy. *NaphCare does not perform SART Exams*.
- l. All alleged victims will be housed in the Infirmary as "Class Hold" until appropriate housing is determined by IMU.
- m. All alleged abusers will be placed on administrative status for disciplinary procedures.
- n. If needed, contact WCSO Victim Advocate
- o. Notification must be made to the Mandatory Contacts: PREA, IMU, Watch Commander.

5. Civilian Personnel, Volunteers, and Contractors

- a. Request the alleged victim not take any actions that could destroy physical evidence.
 - b. Notify any commissioned personnel member.
6. Investigator
- a. The Watch Commander or their designee may investigate.
 - i.e. Line Deputy, Housing Unit Sergeant, Watch Commander, Detectives.
 - b. Any allegation against personnel, which appears that it may be sustained, the investigation will stop and a memo will be sent to the Watch Commander.
 - If directed by the Watch Commander, the investigation may be referred to supervisor or OPI per policy.
 - c. If applicable, contact SASS Dispatch to schedule a SART Exam.
 - d. If the victim declines the referral for a SART Exam, the refusal must be documented as a "Refusal of Medical Care" with the inmates signature.
 - e. Refer to Washoe County Policy 904.5 Prison Rape Elimination Act for Investigator Responsibilities.
 - f. The Investigating Officer will include his/her findings as a Supplement to the original CMS report.
 - g. Notification must be made to the Mandatory Contacts: PREA, IMU, Watch Commander.

D. Inmate on Inmate Consensual Sexual Acts

Inmate on Inmate **consensual** sexual acts are **NOT** PREA violations.

1. If the investigator has determined the allegation is consensual, the involved inmate(s) maybe in violation of NRS, WCSO Policy, and/or Inmate Rule Violation and can be criminally charged and face disciplinary actions.
2. The investigating officer MUST complete a supplemental report to the original CMS documenting his/her investigation and disposition. You MUST include in your statement that you deemed this a consensual act. The CMS report will be used for IMU disciplinary and facility statistic purposes.
3. Involved inmate(s) can be moved to administrative status
4. If incident is pending investigation and there is a possible victim, the victim will be housed in the Infirmary as "*Class Hold – Pending Investigation*" until the investigation is complete. Once the investigation is completed appropriate housing will be determined by IMU.

5. Email notification must be sent to IMU (SO-CLASS@washoecounty.us).

E. Training and Education

1. Personnel Education

- a. Washoe County Sheriff's Office shall provide each employee with 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 training, the employee will be required to review and sign the PREA Acknowledgement Form which serves as refresher information on the agencies sexual abuse and sexual harassment policies.

2. Volunteer and Contractor Training

- a. Washoe County Sheriff's Office shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under Washoe County Sheriff's Office PREA policy. 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 Washoe County Sheriff's Office zero-tolerance policy regarding sexual abuse and sexual harassment and how to report such incidents. Washoe County Sheriff's Office shall maintain documentation confirming that volunteers and contractors understand the training they have received.

3. Inmate Education

- a. Inmate education will include, at minimum, an initial education during the Intake process and a comprehensive review within 30 days of intake. Inmates shall be educated on the facilities Zero-Tolerance Policy and Prohibited Behaviors. Inmates shall be educated on their right to be free from sexual abuse, sexual harassment, sexual misconduct, and retaliation. Inmates shall be educated on how to prevent and report incidents or suspicions of sexual assaults, harassment, and retaliation.
- b. Education materials shall be provided 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.

F. Data Collection and Publication

1. Washoe County Sheriff's Office shall collect accurate, uniform data for every allegation of sexual abuse using a standardized instrument and set of definitions.
2. Washoe County Sheriff's Office shall aggregate the incident-based sexual abuse data at least annually.
3. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions on the Survey of Sexual Violence conducted annually by the Department of Justice no later than June 30.
4. Washoe 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.
5. Washoe County Sheriff's Office shall make all aggregated sexual abuse data, readily available to the public at least annually through its website and must remove all personal identifiers prior to posting.

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Reference:
S.O.P. 710.050 Contraband Control
S.O.P. 720.075 Inmate Mail